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| **MINUTES**  **Ordinary Council Meeting**  **Wednesday, 3 February 2021** | |
| **Date:** | **Wednesday, 3 February 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **The Pavilion Room, Darley Civic Hub** |

**Order of Business**

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[10 Presentations/Deputations 6](#_Toc63437024)

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[11 Chief Executive Officer Reports 6](#_Toc63437026)

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1 Opening of Meeting and Prayer

The Mayor opened the meeting with the Council Prayer at 6.01pm.

2 Acknowledgement of Country

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting is livestreamed.

4 Present

Cr Tom Sullivan, Mayor West Moorabool Ward

Cr Rod Ward, Deputy Mayor East Moorabool Ward

Cr Moira Berry East Moorabool Ward

Cr Tonia Dudzik East Moorabool Ward

Cr David Edwards East Moorabool Ward

Cr Ally Munari Woodlands Ward

Cr Paul Tatchell Central Moorabool Ward

**Officers:**

Mr Derek Madden Chief Executive Officer

Ms Caroline Buisson General Manager Customer Care & Advocacy

Mr Phil Jeffrey General Manager Community Assets and Infrastructure

Ms Sally Jones General Manager Community Strengthening

Mr Henry Bezuidenhout Executive Manager Community Planning & Economic Development

Mr Anthony Smith Manager Governance, Risk & Corporate Planning

Mr Steve Ivelja Chief Financial Officer

Mr Troy Delia Coordinator Governance and Risk

Ms Sarah Kernohan Coordinator Strategic Planning

5 Apologies

Nil

6 Confirmation of Minutes

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| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Rod Ward  That the minutes of the Ordinary Council Meeting held on Wednesday 2 December 2020 and the Special Council Meeting held on Wednesday 16 December 2020 be confirmed.  **Carried** |

7 Disclosure of Conflicts of Interest

Nil.

8 Public Question Time

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| **Name** | **Question/Response** |
| Mr. John Kowarsky  Ballan | Question:  Can Council please provide an update of progress made on its Ballan Library Major Project since its December 2020 meeting? |
| Response:  Response: The Draft Ballan Library Infrastructure Review (previously referred to as the Ballan Library Feasibility Report) presents options for the location and scale of a new Ballan Library. The Draft report will be presented to a Council briefing in March. |
| Mr. John Kowarsky  Ballan | Question:  Can Council please confirm that the Developer of 22 Fisken Street Ballan is required to construct a footpath along Steiglitz Street from Fisken Street to the Public Car Park about 85 m east, and that this is required to take place in February 2021? |
| Response:  The developer is required to construct a footpath along Steiglitz Street from Fisken Street to the public car park about 85m east, prior to Statement of Compliance being issued.  The applicant has recently been contacted and advised this work is programmed to be completed in February.  This work will include the missing pram crossing at Fisken Street.  It should be noted that individual Titles for the development cannot be issued before Statement of Compliance is achieved. |

9 Petitions

Nil.

10 Presentations/Deputations

Nil.

11 Chief Executive Officer Reports

Nil.

12 Community Planning and Economic Development Reports

12.1 Planning for Melbournes Green Wedges and Agricultural Land - Submission

**Author: Sarah Kernohan, Co-ordinator Strategic Planning**

**Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**

**Attachments: 1. Council's Submission (under separate cover)**

Purpose

The purpose of this report is to inform Council of the Planning for Melbourne’s Green Wedges and Agricultural Land consultation paper released by the Department of Environment, Water, Land and Planning for consultation, and seek endorsement of Councils submission.

Executive Summary

 The Department of Environment, Land, Water and Planning has released the Planning for Melbourne’s Green Wedges and Agricultural Land consultation for comment.

 The consultation paper presents planning options for the protection of green wedges and agricultural land within 100km of Melbourne. All Farming Zone land within Moorabool Shire is located within the 100km study area.

 A number of significant options are proposed including, legislation to limit subdivision, a proposed irrigation district overlay, and removing dwellings as an ‘as of right’ land use.

 The submission to the consultation paper provides general support for the intent of the project which seeks to protect agricultural land, however, raises concerns with several of the options proposed and seeks clarification or changes to a number of the options.

 The submission also raises concerns about the blanket approach of applying the reform options to all agricultural land within 100km of Melbourne, the ‘Melbourne centric’ focus on the consultation paper, lack of options to support to needs of agricultural landowners, and the lack of direction notification of landowners.

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Rod Ward  That Council forwards a submission to the Department of Environment, Land, Water and Planning outlining the matters discussed in this report and further expressed in Attachment 1 to this report.  **Carried** |

Background

Plan Melbourne is the metropolitan planning strategy that seeks to guide the growth and development of Melbourne. Whilst Plan Melbourne focuses predominately on Melbourne, it includes some direction on regional and peri urban areas of Victoria. Plan Melbourne policy 1.4.1 seeks to “Protect Agricultural Land and Support Agricultural Production”. Plan Melbourne identifies agricultural production in green wedges and peri urban areas as being vital to Melbourne’s long-term food security due to its proximity to markets, access to infrastructure and labour, and quality soils. Plan Melbourne states that agricultural land in green wedges and peri-urban areas should be retained for productive use so it is not permanently lost.

Plan Melbourne ‘Implementation Plan’ includes ‘Action 17: Support strategic planning for agriculture’. This action states;

*“Improve planning decision-making to support sustainable agriculture by identifying areas of strategic agricultural land in Melbourne’s green wedges and peri-urban areas. This will give consideration to climate change, soils and landscape, access to water, integration with industry and significant government investment in agricultural infrastructure. It will also protect the right to farm in key locations within green wedges and peri-urban areas”.*

The Department of Environment, Land, Water and Planning (the Department) commenced the Planning for Melbourne's Green Wedges and Agricultural Land project in 2018. This project seeks to implement Action 17 of the Plan Melbourne implementation plan by providing increased protection for agricultural land in close proximity to Melbourne.

The project consists of five phases. Phase one consisted of background and technical research and was completed in 2018. Phase two consisted of engagement with a number of stakeholders including Councils, water authorities, government agencies, industry, community groups and the public in early 2019. Council made a submission to the Department in May 2019 as part of Phase two of the project. In its submission Council provided general support for the identification and protection of strategic agricultural land but raised a number of concerns, including a lack of targeted engagement between the Department and Council, the poor quality of mapping which prevented Council from reviewing the accuracy of the land within the Shire identified as ‘Strategic Agricultural Land’, and the projects failure to acknowledge the important strategic planning work that the Council is undertaking, in particular the structure plans being prepared for Bacchus Marsh, and Bungaree and Wallace. The submission also expressed concerns as to whether identification of the strategic agricultural land will place additional controls and restrictions on the land which may impact on the continued viability of existing and future farming operations.

Proposal

The Department considered all submissions and feedback from Phase two and based on the results of the engagement, have recommended that all Melbourne’s agricultural land needs to be protected and supported, land use conflicts need to be minimised and the ‘right to farm’ needs to be protected. The engagement also emphasised the importance of access to water to support and sustain agriculture.

The Department used the results of the engagement to refine the project and develop planning options (Phase three). As part of this refinement the Department is proposing options that seek to strengthen legislation, policy and agricultural zones to protect and support all agricultural land, not just in ‘strategic’ areas. This is a significant change from the previous consultation which sought only to strengthen protections for land that was specifically identified as being ‘strategic agricultural land’. As a result of this change the options proposed as part of Phase four would apply to all agricultural land within 100km of Melbourne. This includes all agricultural land in Moorabool Shire.

The Department has released the Planning for Melbourne Green Wedges and Agricultural Land consultation paper for comment. This consultation paper is Phase four of the project.

The consultation paper proposes approximately 50 proposed ‘options’ for reform to the planning system, including legislative, policy and planning control changes. Some of the more significant options proposed include;

 Legislation to limit subdivision and protect the ‘right to farm’

 A planning overlay to protect food-producing areas with access to secure water supply and irrigation infrastructure

 Removing dwellings as an ‘as of right’ land use

 Strengthening notice and referral requirements for irrigation districts

 Changes to land use definitions to allow for more agricultural diversification, including value-adding land uses

Several options are proposed for green wedge land. Green wedge land is identified as land within the Green Wedge Zone. There is no green wedge land within Moorabool Shire, and as such the submission does not address any of the proposed options for green wedge land. Where the consultation paper refers to ‘agricultural land’ it is referring to the rural suite of zones that provide for agricultural land uses, however the majority of the options proposed relate to the either the Green Wedge or Farming Zones.

Submission

A submission on the Planning for Melbourne’s Green Wedges and Agricultural Land consultation paper is provided at Attachment 1. The submission provides general support for the intent of the project which seeks to protect agricultural land, however, raises concerns with several of the options proposed and seeks clarification or changes to a number of the options. It also raises concerns at the ‘Melbourne centric’ focus on the consultation paper, and lack of options to support to needs of agricultural landowners. Key aspects of the submission are outlined below.

*Blanket application of reform options*

The submission raises concerns about the blanket approach of applying the reform options to all agricultural land within 100km of Melbourne. The submission does not support the decision to protect all agricultural land, noting that not all land currently zoned Farming Zone, is considered to be good quality agricultural land. Whilst the importance of protecting agricultural land within 100km of Melbourne is acknowledged and supported, it is submitted that it is of no value to apply blanket protections to land that is not able to be productively used for agricultural purposes. It would also place unrealistic expectations of landowners to farmland that is not viable for farming, and effectively quarantine their land if other non-farming land uses are not supported. The submission requests that the policy should reinforce areas of high value agricultural land based on specific criteria and be supported by technical studies that identify productive agricultural land. The submission also notes that some of this ‘agricultural’ land has already been identified for growth through both State and local policy and should not be subject to any of the proposed options. The areas of Bungaree, Wallace, Ballan, Merrimu, and Parwan have all been identified in both State and local policy for further development which will be facilitated by the preparation of structure plans. Any proposed changes to policy or planning controls through this project must recognise the existing strategic direction for these areas, and not seek to remove the development opportunities already identified for these areas.

*Irrigation District Overlay*

The submission supports the option to apply a planning overlay to land within declared irrigation districts to protect food producing areas with access to secure water supply and irrigation infrastructure, however, cautions against the application of any overlay to the proposed Western Irrigation Network, prior to the confirmation of this land as being part of an irrigation district. The submission also identifies that not all land currently within the declared Bacchus Marsh Irrigation District is productive agricultural land, and that some areas of the irrigation district have been rezoned and/or developed for other purposes. For example, parts of the Underbank Estate have since been rezoned and developed for residential purposes, and parts Merrimu Precinct Structure Plan are located within the irrigation district. The submission notes that Council is aware of these and a number of other discrepancies with the declared irrigation district and is currently reviewing this boundary through the Bacchus Marsh Irrigation District Planning Study.

The consultation paper contains an option to apply a 500m buffer to land around the irrigation district. The consultation paper provides little information on the buffer and what controls it would apply, other than to state that the buffer wouldn’t be applied to areas ‘already built up’. The submission requests further information and clarification on this proposed buffer.

The submission requests that the Department consult further with Council on the draft overlay, including the proposed boundary for the overlay, and any controls for the proposed 500m buffer.

*Subdivision and Dwellings*

The submission provides conditional support for the option to requireparliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme, provided that this restriction is not applied to land that has is not considered to be good quality agricultural land, or land that has already been identified for State or local policy for growth or development.

The submission does not support the option to remove dwellings as an as-of-right use in the Farming Zone within 100 km of Melbourne. The submission suggests that dwellings be retained as an as-of-right use in conjunction with the proposed option to not allow subdivision for existing dwellings on lots less that the minimum lot size. This will encourage the consolidation of lots.

*Impact on Landowners*

The submission raises the Melbourne-centric’ focus of the consultation paper, including reference to ‘Melbourne’s food bowl’. Whilst it is recognised that the majority of Victoria’s population is located within metropolitan Melbourne, it is concerned at the continued focus of the State Government on Melbourne’s needs, and lack of importance placed on the needs of agricultural landowners.

The submission raises concerns about the impacts that the proposed options will have on landowners, stating that it is unclear how the proposed options, particularly the planning controls will benefit the agricultural landowners. The protection of agricultural land is of little value, if the protections do not allow for the continued viability of existing and future farming operations.

The submission requests the State Government propose options that will provide support for landowners to continue to farm their land.

*Planning for future infrastructure needs*

The consultation paper provides no options for future infrastructure on agricultural land. Given the importance that the consultation paper places on the protection of agricultural land, it is unclear why no options have been proposed. It is considered essential that the issue of infrastructure projects within agricultural land be addressed, and options be included.

The submission raises concern with the number of large-scale infrastructure projects being proposed within the Shire and draws attention to the conflict between the consultation paper and the infrastructure projects that are proposed on or nearby agricultural land, specifically the West Gate Tunnel Spoil, transmission lines and a proposed Eastern Link Road bypass.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is a State Government project and is not specifically identified the Council Plan 2017 – 2021.

Financial Implications

Council has invested Council Officer time and resources into the preparation of the submission for the Department. The changes if proposed, will result in a reduction in subdivision applications, however this may be offset by an increase in dwelling applications (if dwellings are moved to a Section 2 use).

Risk & Occupational Health & Safety Issues

There are unlikely to be any risk and occupational health and safety implications for Council.

Communications & Consultation Strategy

The Planning for Melbourne’s Green Wedges and Agricultural Land is being undertaken by the Department, who are responsible for the communication and consultation in relation to the project. The consultation on the options (Phase four) commenced on 3 June 2020 with the first 10 weeks limited to key stakeholders, including councils. For the first ten weeks of consultation we talked with State Government agencies, councils and key industry stakeholders. On 26 November 2020, consultation was opened to the public and stakeholder organisations for another ten weeks. The same documents, information and submission forms will be available during both stages of the consultation. Submissions close on 5 February 2021.

The Department conducted a number of virtual workshops with Councils in the study area to discuss the options presented in the paper. Officers from Strategic Planning attended a workshop on 14 July 2020 and were provided with the opportunity to engage directly with the project team.

DELWP have advised that they will be advertising the consultation via letters to landowners within existing and emerging irrigation districts, media release, email mailout to those involved in the 2019 consultation and those subscribed for project updates, and via a print, social media, digital and radio media campaign. Three online community information sessions were held in December and January.

It should be noted that DELWP are not directly notifying all landowners of the consultation paper, only those within the existing and emerging irrigation networks. In the case of Moorabool that is landowners within the Bacchus Marsh Irrigation District and the proposed Western Irrigation District (located in the Parwan/Balliang area). The submission raises concerns with the absence of direct notification of all landowners noting the significant nature of some of the options proposed.

DELWP encouraged Council’s to assist with advertising the consultation paper. Council advertised that consultation to the community via a social media post on 2 December 2020 and in Moorabool News on 15 December 2020.

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Henry Bezuidenhout*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Sarah Kernohan*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The identification and protection of agricultural land in close proximity to Melbourne is supported, however the blanket approach of applying the reform options on all agricultural land within 100km of Melbourne is not supported. The submission raises concerns with several of the options proposed and seeks clarification or changes to a number of the options.

13 Community Strengthening Reports

Nil.

14 Customer Care and Advocacy Reports

14.1 Consideration of intent to seek a rate cap variation for 2021/22

**Author: Steve Ivelja, Chief Financial Officer**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: Nil**

Purpose

The purpose of this report is for Council to resolve the matter of whether it seeks to apply for a rate cap variation for the 2021/22 budgeting and planning cycle.

Executive Summary

 In the 2016/17 financial year, Moorabool Shire Council successfully applied to the Essential Services Commission (the ESC) for a rate cap variation.

 For each of the last 4 financial years, Council elected not to apply for further rate cap variations. The decision to not apply for a rate cap variation reflects the Council’s desire to work within the rate cap.

 There is a necessity for Council to resolve the matter of whether it plans to apply for a rate cap variation to enable adequate lead time for Officers to develop a project plan if necessary.

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| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Tonia Dudzik  That Council resolves to not apply for a rate cap variation for the 2021/22 financial year.  **Carried** |

Background

In the 2016/17 financial year, Moorabool Shire Council successfully applied to the Essential Services Commission (the ESC) for a rate cap variation. For each of the last 4 financial years, Council has elected to not apply for further rate cap variations. The decision to not apply for a rate cap variation reflects the Council’s desire to work within the established rate cap.

On the 21st December 2020, the Minister for Local Government announced that the Fair Go Rates Cap for 2021/22 will be set at 1.5%. Whilst the rate cap increase is lower than the 2.0% estimated in our Strategic Financial Plan, the lower rate cap reflects a low inflation environment as a result of the coronavirus pandemic. With the continuing impact of the Coronavirus pandemic and the ongoing economic recovery currently underway, it is recommended that Council do not seek a rate cap variation for the 2021/22 financial year.

Proposal

That Council resolve the matter of whether it seeks to apply for a rate cap variation for the 2021/22 budgeting and planning cycle.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

Depending on whether Council elects to apply for a rate cap variation for the 2021/22 year and beyond, there will a disparity in the level of funds it will have at its disposal to invest for the benefit of the community.

Risk & Occupational Health & Safety Issues

The financial stability of Council is identified in Councils Strategic Risk profile. Based on Council rates being capped at 1.50% in 2021/22 and projected CPI for future years, Council has currently assessed its ongoing financial sustainability as a medium risk. Several controls are in place to manage the ongoing financial sustainability of Council.

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Financial stability of Council | Limited funding or significant changes in funding sources limiting ability to deliver on Council’s objectives. | Medium | Long term financial plan in place to document and review Council’s financial position and assist with strategic management of Council’s finances.  Regular financial reporting to Audit & Risk Advisory Committee aligns with Council reporting.  Adherence to financial metrics as identified by VAGO and the LGPRF.  Focus on advocacy to support achievement of identified community needs.  External audits of financial accounts undertaken on annual basis for annual  report and received an unqualified audit result.  Service Review and Planning Policy and Framework implementation.  Each service undertaking a review of their services every three to five years.  Linking asset plans, community infrastructure plans and service plans to  Council’s Long-Term Financial Plan.  Borrowing funds within a sound financial management framework as a mechanism to finance major projects, as it spreads the payments for such assets across the generations who benefit.  Cost control and identifying opportunities to increase revenue streams.  Applying for a rate cap variation where required. |

Communications & Consultation Strategy

The communication and consultation strategy are contingent upon Council’s decision as to whether it resolves to apply for a variation.

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Steven Ivelja*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

The rate cap for the 2021/22 financial year has been set 1.5%. In the context of the current coronavirus pandemic, it is recommended that Council do not seek a rate cap variation over the established rate cap of 1.5%.

Whilst working within the confines of the rate cap continues to present challenges, Moorabool Shire has managed to gradually stabilise and improve its finances in a difficult environment. In the intervening years since Council originally applied for a rate cap variation, the previous Council has indicated a desire to not seek a further rate cap variation.

Council may need to consider or re-assess its position in future years especially where the continued maturity in Council’s Asset Management Systems indicate the existence of assets backlogs and/or insufficient funding to satisfy asset renewal demand.

Equally, if the Council wishes to expand or increase its levels of services and infrastructure beyond the constraints of the current strategic financial plan, it may need to consider the option of applying for a rate cap variation in future years, especially if external funding is not available.

15 Community Assets & Infrastructure Reports

15.1 Cathcart Street, Clarendon

**Author: Lace Daniel, Coordinator Asset Management**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: Nil**

Purpose

Council has received numerous requests in relation to the management and maintenance of Cathcart Street, Clarendon, currently unconstructed and considered a ‘paper road’ in accordance with Council’s Road Management Plan.

The purpose of this report is to provide an overview of the history in relation to the creation of the road, the development of the area and discuss the options for its management into the future.

Executive Summary

 Council has received numerous requests in relation to the management and maintenance of Cathcart Street, Clarendon, currently considered a ‘paper road’ in accordance with Council’s Road Management Plan.

 Although there is a designated road reservation in place, this road, as well as other adjoining roads, are not constructed and as such, are not managed or maintained by Council.

 Land parcels are being sold along the paper road and houses are subsequently being constructed with no formal road in place.

 The land is within a Township Zone under the planning scheme negating the need for planning permits and thus affecting Council’s ability to place conditions on any development.

 There are a number of management options moving forward, as discussed in this report, and it is recommended that Council commence consultation with the effected residents in relation to the potential implementation of a Special Charge Scheme for the construction and improvement of a number of ‘paper’ and other roads in Clarendon. The results of the consultation would be presented to Council in a future report, help inform the decision in relation to implementing any scheme.

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Rod Ward  That Council:  1. Notes the information provided in this report and endorses that officers proceed with preliminary consultation with residents to gauge the level of support for the implementation of a Special Charge Scheme for road construction and improvement in Clarendon.  2. Requests that a further report be presented to Council outlining the results of that consultation for further consideration.  **Carried** |

Background

A number of ongoing enquiries from residents along Cathcart Street in Clarendon are being received, requesting that maintenance and/or upgrade of the road be undertaken by Council. Residents have raised concerns in relation to the current condition, safety, and the ability to ensure ongoing access (including for emergency services), particularly as further development in this area occurs.

The issue has evolved in recent years through the sale of land parcels and subsequent construction of several new houses in the area. These new residents are reasonably expecting a constructed road at the front of their property, that is not currently in place. In many cases, the adjoining road has been shaped informally by landowners or builders to facilitate house construction. The roads have not been constructed to any typical Council standard and are not in a state that is considered satisfactory.

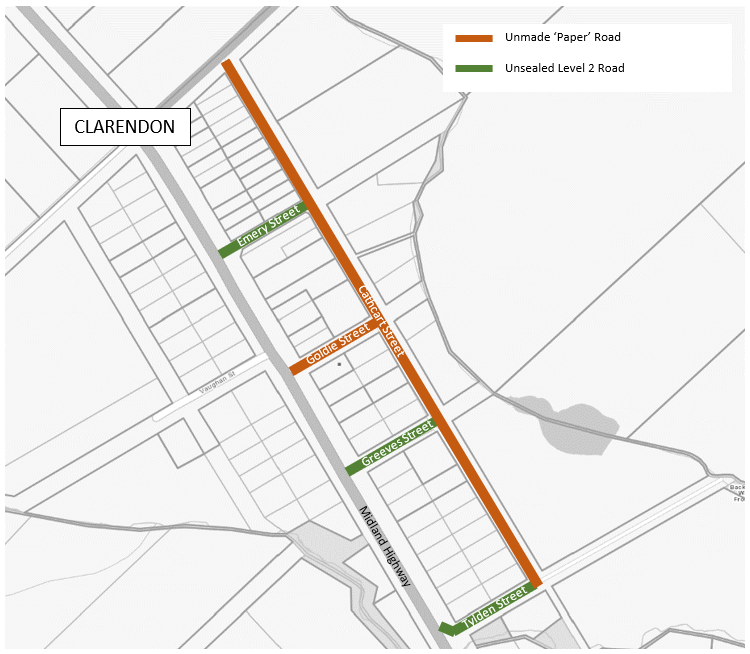
The various roads in the Clarendon township were created historically as ‘government roads’ on the Parish Plan (Parish of Clarendon) and although unconstructed, they are still considered to be ‘public highways’, meaning they are roads over which the public may lawfully pass as a right.

Many of the properties in this area are made up of multiple parcels, each with individual titles, and as such, each parcel is able to be separately sold off by the respective property owner. Additionally, as this area is within a ‘Township Zone’ under the Moorabool Planning Scheme, development of these allotments is able to occur without the need for planning approvals and therefore Council has no effective mechanism to require the upgrade of these roads to an acceptable standard.

There are many unconstructed roads within the Shire that are considered ‘paper roads’ and Council has no obligation to include these in its Register of Public Roads. Some of these ‘paper roads’ provide direct access to developed properties.

**Site Assessment**

The Cathcart Street road reservation is 1.0km in length and runs between Clarendon-Lal Lal Road and Tylden Street as shown in the image below. The road has a natural surface with a worn vehicle path due to usage over time. A number of adjacent through roads also connect Cathcart Street with the Midland Highway including Emery Street, Goldie Street, Greeves Street and Tylden Street. The status of these roads is also shown in the image and table below.



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| **Street** | **Length** | **Management** | **Hierarchy** |
| Clarendon-Lal Lal Road | - | Moorabool Shire | Access Level 1 |
| Midland Highway | - | Regional Roads Vic | - |
| Emery Street | 150m | Moorabool Shire | Unsealed Level 2 |
| Goldie Street | 150m | Moorabool Shire | Paper Road |
| Greeves Street | 150m | Moorabool Shire | Unsealed Level 2 |
| Tylden Street | 175m | Moorabool Shire | Unsealed Level 2 |
| Cathcart Street | 1,000m | Moorabool Shire | Paper Road |

Land use in this area is a combination of township and farming and although there are currently only 4 developed properties that directly access Cathcart Street, given many remaining allotments have multiple titles, there is potential for further blocks to be sold and/or developed in the future, subject to land capability for the installation of septic systems.

The condition of the unmade roads will continue to deteriorate as use increases and without regular maintenance, it can be expected that requests to Council will also continue to increase. The image below provides an aerial image indicating where development has occurred along with the land zones in the area (township zone highlighted light pink).



Currently waste collection vehicles cannot access the frontages of Cathcart Street properties due to its condition and this requires that bins are located along connecting roads to ensure that a collection can be achieved.

Cathcart Street and Goldie Street have also been assessed against the criteria outlined in Council’s Maintenance of Unmade ‘Paper Roads’ Policy whereby a road may be considered for adding to the Register of Public Roads, and these roads do not meet that minimum criteria at present.

**Management Options**

There are several options for the future management of Cathcart Street and the through roads adjoining the Midland Highway which are summarised below. Each have different implications in relation to finance, timeframe, and community satisfaction. The options developed have considered that no physical road existed in Cathcart Street prior to the construction of recent houses.

1. Maintain the current situation

Under this option, Cathcart Street and Goldie Street would continue to be considered ‘paper roads’ not included on the Register of Public Roads and not actively inspected or maintained by Council. Emery Street, Greeves Street and Tylden Street would remain Unsealed Level 2 roads and be managed and maintained in accordance with Council’s Road Management Plan.

In the event that this approach is adopted, Council could reasonably expect that the unmade road surface would continue to deteriorate, access to properties would remain challenging and requests to Council would be ongoing. As such, this is not presently a recommended approach.

2. Council constructs the road (via the Capital Improvement Program)

Under this option, Council would formally construct the five streets north of the Midland Highway identified above and these works would be funded in full via a future Capital Improvement Program.

Given the residential development that is able to occur within the township, it is viewed that construction of the five streets including sealing would provide the best outcome for residents and best suit the density of the area into the future. However, if such a project was to be funded by ratepayers, a gravel construction would be recommended to limit costs. The preliminary cost estimates for both options are outlined below, however funding via Council’s Capital Improvement Program is not presently a recommended approach.

|  |  |  |
| --- | --- | --- |
| **Roads to be Constructed** | **Construction Option** | **Cost Estimate** |
| Cathcart, Tylden, Greeves, Goldie, Emery Streets | Unsealed (5.5m wide pavement and drainage) | $460,000 |
| Cathcart, Tylden, Greeves, Goldie, Emery Streets | Sealed (6.2m wide seal, shoulders and drainage) | $1.2M |

3. Council constructs the road (via a Special Rates & Charges Scheme)

In this instance, a charge could be implemented to construct the roads with contributions from adjoining landowners. The Local Government Act 2020 provides Council with the ability to introduce a Special Rate or Charge Scheme seeking contributions toward infrastructure projects such as roads from property owners who receive a special benefit.

Council has an adopted Special Rates & Charges Policy which outlines the processes associated with such a scheme. The policy acknowledges that Council does not necessarily have the financial resources to meet all of the infrastructure demands in the municipality and that where it can be demonstrated that properties will receive a direct benefit from implementing necessary infrastructure work, Council may implement a Special Rate or Charge to provide some or all the necessary funds. The required contributions from benefitting landowners become a charge over the property and is able to be repaid in instalments over a ten-year period.

In terms of the apportionment of the total project cost across the benefiting landowners and Council, this is governed by the Ministerial Guidelines and there are a number of complex formulae that assist in determining these amounts. Council also has the option to contribute more towards the project costs than the minimum requirement, thus reducing the contributions payable by landowners. The calculations take into account factors such as level of benefit (benefit units), property frontage/side frontage and property area.

These calculations are currently being worked through and detailed scenarios will be presented to Council as part of the proposed next report, in which Council (depending on preliminary resident consultation as outlined within this report) may be invited to commence the statutory procedures to declare a Special Charge.

Based on initial investigations however there are 24 rateable properties that could be considered as deriving a benefit from the construction of these roads and on this basis, a number of scenarios are outlined below for both sealed and unsealed construction options, noting that some properties would derive a higher benefit and therefore may have a higher contribution to pay, whilst other would receive less benefit and attract a lower contribution. At this early point in the process, it is stressed that these amounts are indicative figures only.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Construction Option** | **Total Cost Estimate** | **Council Contribution** | **Resident Contribution (total)** | **Average Contribution per Property** |
| Unsealed (5.5m wide pavement and drainage) | $460,000 | 25% ($115,000) | 75% (345,000) | $14,375  *($1,437/year over ten years)* |
| Unsealed (5.5m wide pavement and drainage) | $460,000 | 50% ($230,000) | 50% ($230,000) | $9,583  *($958/year over ten years)* |
| Unsealed (5.5m wide pavement and drainage) | $460,000 | 75% ($345,000) | 25% (115,000) | $4,791  *($479/year over ten years)* |
| Sealed (6.2m wide seal, shoulders and drainage) | $1.2M | 25% ($300,000) | 75% (900,000) | $37,500  *($3,750/year over ten years)* |
| Sealed (6.2m wide seal, shoulders and drainage) | $1.2M | 50% ($600,000) | 50% ($600,000) | $25,000  *($2,500/year over ten years)* |
| Sealed (6.2m wide seal, shoulders and drainage) | $1.2M | 75% ($900,000) | 25% ($300,000) | $12,500  *($1,250/year over ten years)* |

It is noted that the implementation of a Special Charge Scheme is complex and guided by legislation and additional costs for the management of a scheme would be incurred. The implementation of a scheme is also subject to an appeals process including written submissions to Council as well as further appeals to the Victorian Civil Administrative Tribunal (VCAT).

Given this, should a Special Charge Scheme be supported, it would be prudent to engage specialist assistance to coordinate the process to ensure that all of Council’s obligations are met and there is a reduced risk that the scheme could be challenged.

The implementation of a Special Charge Scheme is the recommended approach.

Proposal

The process of implementing a Special Charge Scheme generally includes the following steps in accordance with Council’s Policy and the Local Government Act:

1. Identification of a potential scheme; a report is presented to Council providing the background to the issue and an overview of the proposal and seeking endorsement to undertake preliminary consultation to gauge the level of community support.

2. Preliminary consultation; engagement with all likely benefiting property owners, including a formal survey, to gauge the level of support for the proposal.

3. Determine degree of direct benefit and Council contribution in accordance with the Special Rates & Charges Ministerial Guidelines. Formalise the proposed works.

4. Outcomes of initial engagement; a further report is presented to Council on the outcome of the consultation and providing all of the detail around the proposed scheme with a recommendation. Council will be required at this point to resolve to abandon, alter or give public notice of its intention to enter into a scheme.

5. Public exhibition period; if the proposed scheme is endorsed to proceed, public notice is given as required under Sections 163B and 223 of the Local Government Act 2020, for a period of at least 28 days. During this time, the public have the opportunity to lodge formal objections against or submissions for the proposed scheme for Council’s consideration.

6. Final report to Council; a final report is presented outlining any objections/submissions received during the exhibition period.

7. Implement the scheme; procure and manage the works in accordance with the adopted scheme and relevant policies and procedures. Implement the payment arrangements for the benefiting properties.

To gauge the level of community support for the implementation of such a scheme, it is proposed that officers undertake preliminary consultation with residents (step 2 above) and present the proposed works, outline the project benefits to property owners, and the steps involved in a Special Charge Scheme.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal to proceed with consultation in relation to the potential special charge is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications associated with the recommendation within this report.

Should there be support for the implementation of a Special Charge Scheme, further work on determining the degree of benefit and scenarios for the apportionment of costs (including Council and individual property owners) will be undertaken to inform the second report to Council (step 4 above).

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety issues associated with the recommendation within this report.

Communications & Consultation Strategy

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| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Engage | Property Owners | Discussions with property owners to outline the proposed works and benefits, likely costs and timing. | Written and online | Early 2021 | Ascertain level of support for the Special Charge Scheme to inform the second report to Council. |
| Engage | Property Owners | Discussions with property owners to outline the proposed works and benefits, likely costs and timing. | Face to face (COVID safe format to be determined) | April/May 2021 | Ascertain level of support for the Special Charge Scheme to inform the second report to Council. |
| Consult | Councillors | Further report to Council outlining results and feedback from preliminary consultation with residents. | Ordinary Meeting of Council | June 2021 | Council decision on preferred management option for Cathcart Street. |

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Phil Jeffrey*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Lace Daniel*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Council has received numerous requests in relation to the management and maintenance of Cathcart Street, Clarendon, currently considered a ‘paper road’. Whilst there is a road reservation in place, this road, as well as other adjoining roads, are not constructed and as such, are not managed or maintained by Council.

Considering the management options discussed within this report and to provide the best outcome for the future community, it is recommended that Council commence preliminary consultation with the likely benefitting residents in relation to the potential implementation of a Special Charge Scheme for road construction.

15.2 Local Roads and Community Infrastructure Program Round 2

**Author: Lace Daniel, Coordinator Asset Management**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: Nil**

Purpose

The purpose of this report is to allocate a list of projects for delivery through the Commonwealth Local Roads and Community Infrastructure Program, Round 2. The purpose of the program is to support local Councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Executive Summary

 In May 2020 the Australian Government announced a new $500 million Local Roads and Community Infrastructure Program (LRCI Program). Moorabool was allocated $1,281,703 via the first round of LCRI funding and included a list of 13 projects in its 2020/21 budget.

 Through the 2020-21 budget, the Australian Government announced a $1 billion extension of the LRCI Program, following strong community and local government support.

 This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

 Councils will be able to access funding under the extension to the LRCI Program Extension from 1 January 2021 and projects must be completed by 31 December 2021. The funding is made available on a use it or lose it basis.

 Moorabool has been allocated $1,775,796 in round 2 of the program and five road projects and five community infrastructure projects are proposed for nomination.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Ally Munari  That Council approves the allocation of the second round of LRCI Program Grant funds to the following nominated road and community infrastructure projects:  1. Dunnstown Township Roundabout Upgrades, Dunnstown  2. Bradys Lane Carpark Formalisation, Greendale  3. Hopetoun Park Road Resurfacing, Hopetoun Park  4. Mill Park Street Road Upgrade, Ballan  5. Jonathan Drive Footpath Construction, Bacchus Marsh  6. Egans Reserve Upgrades, Greendale  7. Mill Park Reserve Upgrades, Ballan  8. Peppertree Park Reserve Upgrades, Bacchus Marsh  9. Gordon Public Park Upgrades, Gordon  10. Maddingley Park Netball Court Resurfacing, Maddingley  **Carried** |

Background

On 22 May 2020 the Australian Government announced the $500 million Local Roads and Community Infrastructure (LRCI) Program. The LRCI Program is administered by the Federal Department of Infrastructure, Transport, Regional, Development and Communications. The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia and to support them in managing the economic impacts of the COVID-19 pandemic.

The LRCI Program aims to deliver benefits to communities such as improved road safety, accessibility, and visual amenity. There are two rounds of grant funding and this report focuses specifically on round two.

LRCI funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to Council-owned assets (including natural assets) that are generally accessible to the public. As an eligible funding recipient, Moorabool Shire Council will enter into a legally binding grant agreement with the Commonwealth. Co-contributions are not required under the LRCI Program but grant money can only be used on eligible projects which meet the program requirements and deliver benefits to the community.

In the first round, Council nominated thirteen priority projects proposed to be delivered through the program and funds were made available from 1 July 2020. In the second round of funding, it is proposed to nominate a further ten projects and submit the list to the Department of Infrastructure, Transport, and Regional Development for approval.

Proposal

The allocation of this funding allows Council to bring forward a range of projects identified in the Long Term Capital Improvement Program (LTCIP) that would have otherwise been funded in later years.

The table below identifies those ‘shovel ready’ priority projects listed within the LTCIP that would see a range of community outcomes and improvements across multiple asset classes. In developing the list of projects, the main criteria were: to fund projects that replace unsuccessful grants and that Council had allocated its contribution, to bring forward projects in Council’s long term program that could be delivered within the timeframes, and to implement outcomes for recent master planning processes.

|  |  |  |  |
| --- | --- | --- | --- |
| **Project Location** | **Proposed Works** | **Background** | **Cost Estimate** |
| *Road Projects* | | | |
| Dunnstown township | Roundabout upgrades, new pedestrian connections and landscaping | Identified safety issue with significant quarry traffic and being brought forward from future programs. Upgrades are identified within the Dunnstown traffic investigation report and draft Dunnstown Township Improvement Plan. | $125,000 |
| Bradys Lane, Greendale | Carpark formalisation and new pedestrian connection | Brought forward from future programs. Upgrades are identified in the draft Township Improvement Plan and masterplan. | $100,000 |
| Hopetoun Park Road, Hopetoun Park | Road resurfacing (Western Freeway interchange to roundabout) | Brought forward from future programs and chosen because of ease of implementation given the timeframes. This section of road is currently in poor condition. | $115,000 |

|  |  |  |  |
| --- | --- | --- | --- |
| Mill Park Street, Ballan | Road widening and carpark formalisation | Project upgrades and formalises the entrance to the Mill Park Reserve and Ballan Swimming Pool, complementing masterplan works currently funded. | $171,821 |
| Jonathan Drive, Bacchus Marsh | New path construction and speed hump (2) installation | Brought forward from future programs. Path and traffic calming devices identified in the Local Area Traffic Management Plan and Integrated Transport Strategy. | $193,975 |
| *Community Infrastructure Projects* | | | |
| Egans Reserve, Greendale | Implementation of masterplan priorities (irrigation) | Brought forward from future programs. Projects identified in the reserve masterplan and included in Council’s LTCIP. Project also complements other works funded and proposed in the area. | $30,000 |
| Mill Park, Ballan | Implementation of masterplan priorities | Replacing an unsuccessful SRV grant. Projects identified in the reserve masterplan Project also complements other works funded and proposed in the area. | $465,000 |
| Peppertree Park, Bacchus Marsh | Implementation of masterplan priorities | Brought forward from future programs. Projects identified in the reserve masterplan. | $390,000 |
| Gordon Public Park, Gordon | Implementation of reserve upgrades | Replacing an unsuccessful SRV grant. Projects identified in Council’s advocacy documents. Funding allows for the delivery of upgrades at the reserve. | $150,000 |
| Maddingley Park, Maddingley | Netball court resurfacing | Brought forward from future programs. Funding allows for the delivery of the project where other grant applications have been unsuccessful. | $35,000 |
|  |  | **Total Program** | **$1,775,796** |

**COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications associated with the recommendation within this report. All the fund allocations nominated in the report are grant funds.

Risk & Occupational Health & Safety Issues

Individual project risks will be identified, monitored and managed through risk management plans for each nominated project.

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Delivery timeframes | Delayed completion resulting in return of grant funding | Medium | Projects selected are ‘shovel ready’ and able to be delivered within the required timeframes.  Approved program provided by contractors on each project to ensure completion by 31 December 2021.  Ongoing project supervision and reporting by Council staff. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Inform | Councillors, community and relevant user groups | Regular updates provided to stakeholders.  Required signage erected on project sites.  Ongoing progress reporting. | Various | Ongoing | Relevant stakeholders informed about scope and timing of works. |

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Phil Jeffrey*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Lace Daniel*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Council has been allocated $1,775,796 through round two of the LCRI Program. With Council endorsement, officers will submit project nominations for each of the projects listed within this report to the Department of Infrastructure, Transport and Regional Development for their review and approval.

15.3 Capital Improvement Quarterly Report - December 2020

**Author: Martin Ferguson, Acting Manager Engineering Services**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: 1. 2020 - 2021 CIP Quarterly Report December 2020 (under separate cover)**

Purpose

To provide Council with an overview of the progress of Council’s 2020-2021 Capital Improvement Program to 31 December 2020.

Executive Summary

 The delivery of the 2020-2021 Capital Improvement Program is on schedule with 63% of the projects are either underway, soon to commence, or soon to be awarded.

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| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Moira Berry  That Council resolves to receive the Capital Improvement Program quarterly report to 31 December 2020.  **Carried** |

Background

The delivery of the Capital Improvement Program (CIP) is an important function of Council’s operations and represents a significant portion of Council’s overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

Proposal

This quarterly report provides Council with an overview of the progress of Council’s 2020-2021 Capital Improvement Program to 31 December 2020.

The table below summarises the overall program status as at 31 December 2020:

|  |  |  |
| --- | --- | --- |
| **CIP Program Delivery Stage** | **Actual as of**  **31 December 2020** | |
| **No. of Projects** | **%** |
| Not Commenced (inactive/on hold) | 3 | 4 |
| Not Commenced | 4 | 5 |
| Documentation/Design Preparation | 21 | 25 |
| Tender/Quote Stage | 14 | 17 |
| Project Awarded – Waiting Commencement | 7 | 9 |
| In Progress/Under Construction | 13 | 16 |
| Complete | 20 | 24 |
| **TOTAL** | 82 | 100 |

 The attached report details the proposed timeframe and progress of each individual project. In addition, the report also provides specific comments in relation to each project and its status.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

Reporting of the Capital Improvement Program has been resourced as part of Council’s budget; accordingly, there are no additional financial implications. At this point in time, the program is within budget parameters.

Risk & Occupational Health & Safety Issues

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project

Communications & Consultation Strategy

Progress on the Capital Improvement Program will be reported in the following formats:

 Infrastructure update on active projects Weekly

 Update on major projects Monthly

 Moorabool Matters Quarterly

 Moorabool News As required

 Report to Council Quarterly

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Phil Jeffrey*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Martin Ferguson*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the first two quarters of the 2020-2021 financial year for the information of Councillors.

16 Other Reports

Nil.

17 Notices of Motion

17.1 Notice of Motion No.293 - LGBTIQA+ Inclusion for Moorabool Shire

**Attachments: Nil**

I, Councillor Tonia Dudzik, give notice that at the next Ordinary Meeting of Council to be held on 3 February 2021, I intend to move the following motion:

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| Motion  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Rod Ward  That Council officers engage with people of all genders and sexualities during the development of the Moorabool Municipal Health and Wellbeing Plan to ensure inclusion of the health and wellbeing priorities of the LGBTIQA+ community.  **LOST** |
|  |
| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  That Council receive a report on commencing flying the rainbow flag from Council buildings on the LGBTIQA+ awareness days.  **Carried** |

Rationale

Moorabool Shire Council can demonstrate leadership and acceptance of LGBTIQA+ communities by developing defined strategies to enhance the inclusion and engagement of the LGBTIQA+ community through planning, staff training, health and wellbeing initiatives and creating welcoming environments.

There are a number of initiatives that have been identified may be beneficial to acknowledge and contribute to further acceptance of LGBTIQA+ residents in our Shire. These include flying the rainbow flag on awareness days to demonstrate acceptance.

I request that Council Officers engage with residents during the Moorabool Health and Wellbeing Plan process to ensure incorporation of LGBTIQA+ priorities.

I commend this Notice of Motion to Council.

17.2 Notice of Motion No.294 - Outdoor Table Tennis in Public Parks

**Attachments: Nil**

I, Councillor Tonia Dudzik, give notice that at the next Ordinary Meeting of Council to be held on 3 February 2021, I intend to move the following motion:

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| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council officers:**  1. Prepare a report evaluating the benefits, options, cost and possible sites suitable for installing outdoor table tennis tables.  2. That the report also includes potential funding sources available for this project.  **Carried** |

Rationale

On visiting the Kyneton Botanical Gardens in Macedon Ranges Shire, I was impressed with the fitness equipment available publicly in the park, being utilised by older adults. Installed in the park is an outdoor table tennis table for public use.

On speaking to U3A members of the Macedon Ranges Shire, they explained the during the COVID-19 pandemic they were no longer permitted to exercise inside during COVID-19 restrictions. As a result, an outdoor table tennis table was installed in the park and older adults and other residents were able to continue to exercise and meet socially while still following COVID-19 restrictions. They continue to use it, as the environment is so pleasant in the park.

I would recommend to Council that they investigate the option of installing outdoor table tennis tables at locations considered suitable in Moorabool Shire such as Maddingley Park and other sites where outdoor exercise equipment has been installed or is being considered as a future option.

I would request that potential funding options be investigated for this improvement in selected Moorabool Shire public parks.

Given that people are encouraged to exercise more outdoors following the COVID-19 pandemic, this is an option which should be considered. A major benefit of this type of exercise equipment is that it can be utilised by people of all ages.

I commend this Notice of Motion to Council.

18 Notices of Rescission

Nil

19 Mayor’s Report

19.1 Mayor's Report

**Author: Dianne Elshaug, Co-ordinator CEOs Office**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

Purpose

To provide details to the community on the meetings and events attended by the Mayor since the last Ordinary Meeting of Council.

Executive Summary

That the Mayor’s Report be tabled for consideration at the Ordinary Meeting of Council.

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| **Cr Tom Sullivan – Mayor’s Report** | |
| ***Date:****3 February, 2021* | |
| 2 December | * Briefing – Regional Development Victoria and Regional Development Australia * Meeting with Andy Meddick, Member for Western Victoria * Councillor Briefing – Cat Curfew * Moorabool Growth Management Committee Meeting * Ordinary Meeting of Council |
| 4 December | * Central Highlands Council Victoria Annual General Meeting |
| 9 December | * Councillor Briefings – Update from Rail Projects Victoria; Review of the DAC Agenda; Review of the SMC Agenda |
| 11 December | * Grampians Central West Local Government Waste Forum Meeting |
| 14 December | * Councillor Induction Workshop |
| 15 December | * Access and Inclusion Awards Ceremony, Bacchus Marsh |
| 16 December | * Timber Towns Victoria Annual General Meeting * Special Meeting of Council * Development Assessment Committee Meeting |
| 17 December | * MAV Mayoral Induction Day 1 |
| 18 December | * MAV Mayoral Induction Day 2 |
| **Cr Tom Sullivan – Mayor’s Report cont.** | |
| 17 January | * Book Launch of “Between Two Mountains” by Diane Cahir, Dunnstown |
| 20 January | * Councillor Briefing – Review of the draft OMC Agenda |
| 21 January | * Council Plan Engagement Workshop |
| 26 January | * Australia Day Awards and Australian Citizenship Ceremony |
| 27 January | * Councillor Briefings – Cathcart Street, Clarendon; Local Roads & Community Infrastructure Program; Moorabool Planning Scheme Review; Planning Scheme Amendment C91 Flood Overlay |
| 28 January | * Meeting with Minister Leane, Minister for Local Government; Michaela Settle, Member for Buninyong; Stephen McGhie, Member for Melton |
| 30 January | * Community Vision Reference Group Workshop |
| 3 February | * Ordinary Meeting of Council |

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| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Ally Munari  That Council resolves to receive the Mayor’s Report.  **Carried** |

20 Councillors’ Reports

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 20.1 Councillors' Reports  Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:   |  |  | | --- | --- | | **Councillor** | **Activity** | | Cr Ward | * Bacchus Marsh District Trails Advisory Committee – 2 February 2021 | | Cr Munari | * Ballan Railway Station Opening – 1 February 2021 | | Cr Tatchell | * Expressed thanks to the Mayor for performance at the Citizenship Ceremony he attended – 26 January 2021 | | Cr Berry | * Access and Inclusion Awards – 15 December 2020 * Victorian Business Charter Friendly Signing Ceremony – 16 December 2020 * Tour of Calix Ltd. Maddingley – 18 December 2020 * Australia Day Awards and Australian Citizenship Ceremony – 26 January 2021 * Meeting with Maddingley Park Committee of Management – 25 January 2021 * Bacchus Marsh Racecourse and Recreation Reserve – Several * Bacchus Marsh District Trails Advisory Committee – 2 February 2021 | | Cr Dudzik | * Audit and Risk Committee meeting – 9 December 2020 * Tour of Calix Ltd. Maddingley – 18 December 2020 * Meeting with Maddingley Park Committee of Management – 25 January 2021 * Expressed congratulations to Council staff for the preparations of Australia Day Awards and Australian Citizenship Ceremony that she attended – 26 January 2021 | | Cr Edwards | * Opening of the Tennis Club – 5 December 2020. Expressed congratulations to the team at the Tennis Club. * Australia Day Awards and Australian Citizenship Ceremony – 26 January 2021 | |
| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  That Council resolves to receive the Councillors’ Reports.  **Carried** |

21 Urgent Business

Cr Moira Berry raised an item of Urgent Business relating to the Bacchus Marsh Racecourse and Recreation Reserve.

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| 21.1 Bacchus Marsh Racecourse and Recreation Reserve |
| **Motion**  **Moved:** Cr Moira Berry  **Seconded:** Cr Tonia Dudzik  That a Committee for the Bacchus Marsh Racecourse and Recreation Reserve be reinstated as an Advisory Committee. All past members are to be notified, and Council to also advertise for any interested new members.  This matter was deferred to a further meeting of Council with the approval of the mover and seconder. |

Cr Moira Berry raised an item of Urgent Business relating to the Maddingley Park Committee.

Cr Tonia Dudzik raised an item of Urgent Business relating to Community Sports Infrastructure Stimulus Program.

Council resolved to receive these items of Urgent Business.

**CARRIED UNANIMOUSLY**

|  |
| --- |
| 21.2 Maddingley Park Committee |
| **Motion**  **Moved:** Cr Moira Berry  **Seconded:** Cr Tonia Dudzik  That Council notify the following listed user groups by sending an invitation that they can nominate a representative to participate as a member on the current Maddingley Park Committee for the 2021 – 2024 current Council period.   * Senior Bacchus March Cricket Club Representative * Junior Bacchus Marsh Football Club Representative * Bacchus Marsh Football Club, Netball Representative * Friends of Maddingley Representative   This matter was deferred to a further meeting of Council with the approval of the mover and seconder. |

|  |
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| 21.3 Community Sports Infrastructure Stimulus Program |
| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr David Edwards  That Council request Officers resubmit the Community Sports Infrastructure Stimulus Program application as a priority to ensure Moorabool Shire Council is utilising every opportunity to seek external funding for major community infrastructure projects.  **Carried** |

**Background:**

In June 2020, Moorabool Shire Council applied for funding through the Community Sports Infrastructure Stimulus Program to secure funding for the delivery of future stages of the Bacchus Marsh Racecourse Recreation Reserve Masterplan.  Council was later advised the submission was unsuccessful.

Council has further been informed by the State Government of an opportunity to resubmit the application due to the availability of stimulus funding to support further projects.

The Council budget commitment required for the initial application was endorsed in the current 20/21 budget and Council Officers have confirmed that there is no further budget commitment from Council required for this submission.  Officers have further advised a submission of $3.5 million would be appropriate for the current application.

22 Closed Session of the Meeting to the Public

This matter is considered to be confidential under Section 3(1)(g) of the *Local Government Act 2020*, and the Council is satisfied that discussion of this matter in an open meeting would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:  22.1 Contract C19/2021 - Yendon Safety Improvements  **CARRIED** |

23 Meeting Closure

The Meeting closed at 7.45pm.

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**CHAIRPERSON**