

## ORDINARY MEETING OF COUNCIL

**Minutes** of the Ordinary Meeting of Council  
held at the Council Chamber, 15 Stead Street, Ballan on  
Wednesday 03 April 2019 at 6:00 p.m.

### Members:

Cr. Paul Tatchell (Mayor)	Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

### Officers:

Mr. Derek Madden	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Community Assets and Infrastructure
Mr. Satwinder Sandhu	General Manager Community Planning
Mr. Danny Colgan	General Manager Community Development

***Derek Madden***  
***Chief Executive Officer***

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**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Tatchell opened the meeting with the Council Prayer at 6.00pm*

**2. ACKNOWLEDGEMENT TO COUNTRY**

*We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.*

**3. RECORDING OF MEETING**

*In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council recording this meeting. The following organisations were granted permission to make an audio recording also:*

- *The Moorabool News; and*
- *The Star Weekly*

**4. PRESENT**

<i>Cr. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. John Keogh (Deputy Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

**Officers:**

<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Community Assets and Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Community Planning</i>
<i>Ms. Sharon McArthur</i>	<i>Manager Child, Youth &amp; Family</i>
<i>Mr. Ewen Nevett</i>	<i>Manager Engineering Services</i>
<i>Ms. Sarah Kernohan</i>	<i>Coordinator Strategic Planning</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

**5. APOLOGIES**

*Nil.*

**6. CONFIRMATION OF MINUTES**

**6.1 Ordinary Meeting of Council – Wednesday 06 March 2019**

**Resolution:**

**Crs. Keogh/Toohey**

***That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 06 March 2019.***

**CARRIED.**

## 7. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
  - (section 77A, 77B)
- an indirect interest (see below)
  - indirect interest by close association (section 78)
  - indirect financial interest (section 78A)
  - indirect interest because of conflicting duty (section 78B)
  - indirect interest because of receipt of gift(s) (section 78C)
  - indirect interest through civil proceedings (section 78D)
  - indirect interest because of impact on residential amenity (section 78E)

### Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

#### **7.1 Disclosure of Direct Interest – Cr. Sullivan**

***Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 11.2.3 – Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook. The nature of the Conflict of Interest is due to Cr. Sullivan being an adjoining land owner and having also lodged an objection to this application.***

## 8. PUBLIC QUESTION TIME

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with Section 6.9 of the Council's Meeting Procedure Local Law No. 9.

Questions must be in writing on the form provided by the Council and submitted by 5.00pm on the day before the meeting. Members of the public can contact a Councillor and raise a question which the Councillor will submit on their behalf.

A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that:

- i) the person directing the question is present in the gallery;
- ii) the question does not relate to a matter of the type described in section 89(2) of the Act (for confidential matters);
- iii) the question does not relate to a matter in respect of which Council has no power to act;
- iv) the question is not defamatory, indecent, abusive or objectionable in language or substance;
- v) the question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
- vi) the question is not asked to embarrass a Councillor, member of Council staff or member of the public.

A Councillor or Council officer may:

- i) immediately answer the question asked; or
- ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
- iii) elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

Public Question Time does not substitute for other forms of communication with or other formal business procedures of the Council.

***Nil.***



## **9. PETITIONS**

### **9.1 Request for Bus Shelter – Fisken Street, Ballan**

Council has received a petition containing 284 signatures from the community of Ballan, and surrounding areas.

Their petition states:

*'We the constituents of Ballan and District, petition the Moorabool Shire/Education Department of Victoria for a bus shelter to be built at the bus interchange in Fisken Street, for the local school students, travelling out of Ballan to Ballarat, Daylesford and Bacchus Marsh. The students have, up until now, utilised an existing roadside building as shelter. However, the building has recently been demolished.'*

The petition meets the requirements under Part 6 - Clause 6.7 of Council's Meeting Procedure Local Law No. 9.

#### **Resolution:**

#### **Crs. Sullivan/Toohey**

- 1. That the petition containing 284 signatures in relation to the construction of a bus shelter in Fisken Street, Ballan be received by Council.**
- 2. That a report be prepared by officers for Council's consideration pertaining to the construction of a bus shelter in Fisken Street, Ballan.**

**CARRIED.**

## 10. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

### List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

Item No	Description	Name	Position
11.2.1	Moorabool Shire Community Local Law 2019	Gavin Jamieson	Speaker

### List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/ Objector
11.2.3	Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook	Edmond Sullivan	Objector

## **11. OFFICER'S REPORTS**

### **11.1 CHIEF EXECUTIVE OFFICER**

#### **11.1.1 Rural Councils Transformation Program**

##### **Introduction**

Author: Derek Madden

##### **Background**

At the Ordinary Meeting of Council on 7 November, 2018 a report was presented providing information on Local Government Victoria's (LGV) \$20M Rural Councils Transformation Program (RCTP).

An expression of interest was submitted to participate in the program, which was successful. A full business case is now being developed in partnership with the participating Councils and EY (previously known as Ernst Young), consultants that the Victorian Government have contracted. The funding requested through the program is \$5.5 million and if successful the project will provide significant savings and service improvements

As a result of the resolution of Council from 7 November, a further report is now presented providing more detail on the program.

The Victorian Government through its Rural Councils Transformation Program has committed \$20 million of funding in the 2018-19 financial year for the implementation of large-scale transformation projects at a regional level. The program aims to improve the sustainability of rural and regional Councils who would otherwise not be able to invest in large-scale transformative projects.

The project will assist in the delivery of shared service models throughout the Central Highlands region underpinned by a new digital platform. The program will benefit our regional communities through improving the financial sustainability of its Councils by reducing duplication of service functions across the region and embedding savings into improving service delivery. Through collaboration and innovation, Councils will work together to redesign our services to meet our communities needs and expectations, and provide a new digital platform, focusing on the needs of our customers by being able to transact with Councils online at any time.

##### **Proposal**

Rural and regional Councils are facing the challenge of growing asset renewal costs, service funding gaps, increasing community expectations and increasing difficulties in attracting specialised workforces. Central Highlands Councils Victoria has been working to formulate a program of transformation to improve the underlying sustainability of our Councils and communities, and to look beyond municipal boundaries to take a regional approach to delivering local services to our communities of over 230,000 people.

Central Highlands Councils Victoria members have been investigating a range of opportunities for transformative collaborations for the previous four years, alongside a history of regional collaboration and procurement for over a decade.

The costs associated with contracting EY have been borne by the Victorian Government. If successful, the funding will provide numerous benefits to our communities, including but not limited to:

- Improving the financial sustainability of the Central Highlands Victoria Councils members;
- Improving service delivery and better meeting our communities needs and expectations through new digital transaction channels, giving customers visibility of their interactions with Council, and streamlined service delivery through consistent processes and service models across the region;
- Reducing risk to the Central Highlands Victoria Councils members by utilising specialist skills and market leading digital solutions;
- Enhancing the attractiveness of working within the Central Highlands region, attracting specialised workforces, and increasing the reach of utilising specialised resources using cloud technologies available anywhere, anytime; and
- Enhancing career and skill development opportunities for our regional workforces.

The delivery of shared services has been identified as a strategy through previous service reviews in facing the challenges identified by Central Highlands Councils. Shared services models will vary depending on the service to be shared throughout the region. Models of delivery include sharing of resources, seeking joint tenders and contracts for works and services, combining resources to provide joint provision of services, and managing services via a separate authority.

It is proposed that services identified to be shared by the Central Highlands Councils will be delivered on market leading shared cloud technology solutions. Utilising these solutions allows our workforce to work from anywhere within the region, enhancing the potential for the workforce of any one Council to live and work within another in the region. Integration of workforces across the region are a key enabler of collaboration and innovation, as well as career development for our staff. The cloud solution will also allow Councils to access numerous delivery partners, which can lead to reduced support and delivery costs.

Through the adoption of this shared cloud technology, Central Highlands Councils will be able to reduce the duplication of processes in service delivery, and reduce the ever-increasing risks associated with cyber security and compliance. Cloud enterprise solutions will also support collaboration and innovation throughout the Central Highlands region, resulting in a better and more efficient experience for our communities.

The Central Highlands Council members are committed to delivering better experiences for our communities through a shared services program, and the Rural Councils Transformation Program allows the opportunity to formally progress initiatives resulting in these benefits to our communities.

At this stage of the project there is no investment from Council.

### **Policy Implications**

The Council Plan 2017-2021 provides as follows:

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

**Context 1B and 1C:** Our People and Our Business & Systems

## **Financial Implications**

Funding has been requested through the Rural Councils Transformation Program. This funding will deliver a program over five years. Ongoing costs after the delivery of this program are to be provided in subsequent Council budgets. There is no requirement for Council to co-contribute to this project or funding application.

## **Risk & Occupational Health & Safety Issues**

A detailed risk and mitigation strategy has been developed as part of the Central Highlands Councils business case being developed by the City of Ballarat.

## **Community Engagement Strategy**

A community engagement strategy will need to be developed as part of the development of the full business case.

## **Communications and Consultation Strategy**

A communication and consultation strategy will need to be developed as part of the development of the full business case.

## **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

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

## **Conclusion**

The Victorian Government through its Rural Councils Transformation Program has committed \$20 million of funding in the 2018-19 financial year for the implementation of large-scale transformation projects at a regional level. The program aims to improve the sustainability of rural and regional councils who would otherwise not be able to invest in large-scale transformative projects.

**Resolution:**

**Crs. Toohey/Edwards**

***That Council:***

- 1. *Notes the business case being developed for the Central Highlands Councils Victoria Regional Shared Services project.***
- 2. *Requests a further report once the business case has been finalised on the involvement of Moorabool Shire in the project.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**



**Name:**

Derek Madden

**Title:**

Chief Executive Officer

**Date:**

Wednesday 13 March 2019

## 11.2 COMMUNITY PLANNING

***Mr Gavin Jamieson addressed Council as a speaker to Item 11.2.1 - Moorabool Shire Community Local Law 2019***

### 11.2.1 Moorabool Shire Community Local Law 2019

#### Introduction

Author: Andy Gaze  
General Manager: Satwinder Sandhu

The review process of the Local Laws is coming to an end. This report details the process to date and seeks Council's adoption of a new Community Local Law 2019 to commence on 1 July 2019.

#### Background

The current Moorabool Shire Council General Local Law expires on 6 October, 2020. A review of the current Local Law commenced in 2017 with two (2) rounds of public consultation taking place. The Community Local Law 2019 (**Attachment 11.2.1a**) is the result of this review process.

The Community Local Law 2019 has been prepared with reference to the State Government Guidelines for the Local Laws and a review of best practice approach across Victoria. This report details the review process, details the major changes via the Community Impact Statement December 2018 (**Attachment 11.2.1b**) and recommends the future way forward. The Community Local Law 2019 has been reviewed by solicitors to ensure that it meets the drafting guidelines and does not breach the requirements of the *Local Government Act 1989*.

The Community Local Law was advertised through the 'Have Your Say' portal, by direct mail to key stakeholders and through the local press in July and August, 2018. Feedback obtained through this process and further internal feedback led to the amended Community Local Law being presented to Council at an Assembly of Councillors (AOC) on 3 October, 2018. At this AOC, full details of all the external comments were provided to Councillors. Further amendments were requested by Councillors which were made however this resulted in a further round of public consultation occurring between 18 December 2018 and 2 February 2019. This last round of consultation did not result in any community feedback or comments being received.

The Local Law Community Impact Statement December 2019 (**Attachment 11.2.1b**) has not been amended as no changes were made to the Local Law after the last round of public consultation.

The process to date has allowed considerable ability for the public and stakeholders to comment on the proposed Community Local Law.

The process from this stage forward is for Council to now consider the Community Local Law and if satisfied, can resolve to make the new Community Local Law 2019, revoke the existing Local Law, give public notice and a notice in the Victorian Government Gazette as well as sending a copy to the Minister for Local Government.

The Community Local Law will require a number of internal processes to be implemented prior to its introduction principally in regard to setting:

- Standards for permit applications and assessments;
- Standards with regard to compliance functions; and
- New fees and charges for new permits.

It is not proposed to implement the Community Local Law 2019 with immediate effect but look for adoption on 1 July, 2019 in line with the new budget, fees and charges provisions.

This will also allow time for Council to ensure that the community and all stakeholders are fully aware of the new provisions, provide time for them to implement any actions needed, and prepare to apply for any required permits.

### **Proposal**

It is proposed that Council resolve to:

- Note that no submissions were received as part of the community consultation on the Community Local Law 2019 undertaken between 18 December, 2018 and 2 February, 2019;
- Implement and make the Community Local Law 2019 as shown in **Attachment 11.2.1a** to come into effect on 1 July, 2019;
- Revoke the Moorabool Shire Council General Local Law 2010 on 1 July, 2019;
- Give public notice and notice in the Victorian Government Gazette to this effect; and
- Send a copy of the Community Local Law to the Minister for Local Government.

### **Policy Implications**

The Council Plan 2017-2021 provides as follows:

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

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

The proposal to review the Local Law is consistent with the Council Plan 2017 – 2021.

### **Financial Implications**

The Community Local Law 2019 contains a number of requirements for people to obtain a permit to undertake specific activities. The provision of these permits will take up resources and as such appropriate fees will need to be levied to ensure that they are provided on a cost neutral setting. It also places numerous requirements over certain activities which have to be monitored by Council staff and action taken for non-compliance. Compliance and enforcement action are by their very nature resource intensive and the introduction of these Local Laws may place additional burdens upon the Council in ensuring that the requirements are met.

### **Risk & Occupational Health & Safety Issues**

The Community Local Law 2019 sets policy for the way forward to ensure local community and environmental wellbeing and liveability of the area over the next 10 years. If the Local Law is either too onerous, not specific enough or does not have community and business support activities can be allowed that will be detrimental to the local community, environment and the areas liveability.



To ensure that the requirements of the Local Law are able to be successfully implemented it is essential that adequate resourcing be given to ensure that all residents and stakeholders are aware of the requirements and that as required action can be initiated to ensure compliance.

### **Communications and Consultation Strategy**

The community, stakeholders and internal staff have been consulted during the formulation of the Community Local Law 2019. Full community consultation was undertaken in July and August, 2018 through Council's 'Have Your Say' portal. The consultation process was advertised on Council's website, within the local press media and by direct mail to major stakeholders. Further consultation occurred between 18 December, 2018 and 2 February, 2019 through the Council's have your say portal and was advertised in the local press media. All submissions received have been considered and amendments made as considered appropriate by Council staff and Councillors.

### **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

#### *General Manager – Satwinder Sandhu*

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

#### *Author – Andy Gaze*

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

### **Conclusion**

The Community Local Law 2019 has undergone a full review process and is designed to meet the current and future needs of the Moorabool Shire. To ensure that the public can be fully informed of the new Local Law requirements and allow them time to either comply or prepare to submit applications for permits, it is deemed reasonable that the Community Local Law 2019 not be adopted till 1 July, 2019. This will also allow time for Council Offices to prepare internal working documents to ensure that all permits can be applied for, assessed and as required approved or rejected in an informed and transparent fashion.

**Recommendation:****That Council:**

- 1. Notes that no submissions were received as part of the community consultation on the Community Local Law 2019 undertaken between 18 December 2018 and 2 February, 2019;**
- 2. Adopts the Moorabool Shire council Community Local Law 2019 as shown in attachment 11.2.1a, and requests that it comes into effect 1 July, 2019;**
- 3. Revoke Moorabool Shire Council General Local Law 2010, effective date midnight 30 June, 2019;**
- 4. Give public notice, and notice in the Victorian Government gazette, of the making of the Moorabool Shire Community Local Law 2019 and the effective date;**
- 5. Adopt the Local Law Community Impact Statement December 2018; and**
- 6. Send a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.**

**Resolution:****Crs. Toohey/Dudzik****That Council:**

1. **Notes that one submission was received as part of the community consultation on the Community Local Law 2019 undertaken between 18 December 2018 and 2 February 2019;**
2. **Adopts the Moorabool Shire Council Community Local Law 2019 as shown in attachment 11.2.1a, with the following amendments within the definitions section:**
  - a) **Animal has the same meaning as in the Summary Offences Act 1966 and includes insects and fish but excludes honey bees.**
  - b) **Honey Bee *Apis Mellifera* – European Honey Bee**
  - c) **Livestock has the same meaning as in the Impounding of Livestock Act 1994 but excludes honey bees.**


**and requests that it comes into effect 1 July 2019;**
3. **Revokes Moorabool Shire Council General Local Law 2010, effective date midnight 30 June 2019;**
4. **Gives public notice and notice in the Victorian Government Gazette of the making of the Moorabool Shire Community Local Law 2019 and the effective date;**
5. **Adopts the Local Law Community Impact Statement December 2018; and**
6. **Sends a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.**

**CARRIED.**

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**Report Authorisation****Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Community Planning  
**Date:** Wednesday 13 March 2019



## 11.2.2 Moorabool Planning Scheme Amendment C86 – Errors, Anomalies and Minor Rezoning corrections - Consideration of Submissions and Adoption

### Introduction

Author: Ana Mitrov  
General Manager: Satwinder Sandhu

### Purpose

This report considers the submissions made in response to the public exhibition of Moorabool Planning Scheme Amendment C86 (the Amendment).

Council received four (4) submissions during the exhibition period, including two (2) submissions which objected to the Amendment. Council was able to resolve all the objections.

It is recommended that Council adopts the Amendment.

### Background

#### *Authorisation of the Amendment C86*

At its Ordinary Meeting on 7 March 2018, Council resolved to seek authorisation from the Minister of Planning to prepare and exhibit Amendment C86 to the Moorabool Planning Scheme. On 9 April, 2018 Council was granted conditional authorisation by the Minister to prepare and exhibit the Amendment. All conditions of the authorisation were met prior to the Amendment being exhibited.

#### *Formal Public Exhibition Process*

Amendment C86 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 21 June, 2018 to 23 July, 2018. Notice was provided to all prescribed Ministers, relevant departments, agencies and affected landowners/occupiers. There was an administrative error in the original mailout resulting in five (5) landowners/occupiers not being notified. A further mailout to these landowners/occupiers was undertaken on 30 July 2018. This closing date for submissions for the further mailout was 5 September, 2018.

The Amendment received four (4) submissions. Two (2) of the submissions supported the Amendment, and two (2) of the submissions objected to the Amendment. Both objections related to application of Heritage Overlay mapping to the property at 140 Inglis Street, Ballan, and requested changes to the mapping and the heritage statement of significance. These two (2) objections, and the changes requested are discussed in further detail in Consideration of Submissions section.

### The Amendment

The Amendment seeks to correct several zoning and overlay mapping errors, such as heritage overlay mapping located on the wrong property, and residential or plantation properties which are incorrectly zoned for public land use. The Amendment also proposes to rezone a number of Central Highlands Water owned properties to Public Use Zone 1 to reflect the ownership and use of these sites. **Attachment 11.2.2a** contains a table outlining all land affected by the Amendment, and reasons for the corrections.

Specifically, the Amendment proposes to:

- Rezone 249 Long Forest Road, Long Forest from the Public Conservation and Resource Zone (PCRZ) to the Rural Conservation Zone (RCZ).
- Apply the Heritage Overlay mapping for HO24 to 140 Inglis Street, Ballan.
- Delete the Heritage Overlay mapping for HO24 from 114, 116, 116A and 1/116B Inglis Street, Ballan.
- Amend the Heritage Overlay mapping for HO197 to apply it to the correct location of the heritage site within 70 Nerowie Road, Parwan.
- Amend the Heritage Overlay mapping for HO45 to apply it to the correct location of the heritage site within 4662 Geelong-Ballan Road, Fiskville.
- Rezone part of 19 Gisborne Road, Bacchus Marsh from the Commercial 1 Zone (C1Z) to the General Residential Zone 1 (GRZ1).
- Rezone part of 47, 49, 51, 53 and 55 Atkinson Street, Ballan from the Public Use Zone 4 (PUZ4) to the General Residential Zone 1 (GRZ1).
- Rezone part of 1a Simpson Street, Bacchus Marsh from the Public Park and Recreation Zone (PPRZ) to the General Residential Zone 1 (GRZ1).
- Rezone land (as specified below) from the Public Conservation and Resource Zone (PCRZ) to the Farming Zone (FZ).
  - Parish of Borhoneyghurk, CA 21e;
  - Parish of Korweinguboora, CA 12a of A, CA 12b of A, CA 16c of A, CA 19a of A;
  - Parish of Moorabool West, CA 3 of 14.

Note: The proposed rezoning's below have been requested by Central Highlands Water

- Rezone part of 23 Water Tank Road, Mt Egerton from the Township Zone (TZ) to the Public Use Zone 1 (PUZ1).
- Rezone Lot 1 TP247038 Ralstons Road, Pootilla from the Public Use Zone 1 (PUZ1) to the Farming Zone (FZ).
- Rezone the Water Treatment Plant site at Barrys Reef (known as Crown Allotment 1 Section 11a) from the Rural Conservation Zone (RCZ) to the Public Use Zone 1 (PUZ1).
- Rezone the Gordon Wastewater Treatment Plant site (known as reserve 1 PS704622Q) from the Farming Zone (FZ) to the Public Use Zone 1 (PUZ1).
- Rezone the Steiglitz Water Basin site (known as Lot 1 PS 8070654D), located off Blakeville Road, Ballan from the Farming Zone (FZ) to the Public Use Zone 1.
- Rezone the former Steiglitz Water Basin site, located off Blakeville Road, Ballan (known as Lot 1 PS 328933S) from the Public Use Zone 1 (PUZ1) to the Farming Zone (FZ).
- Rezone the Gordon Water Booster Station (known as Reserve 1 PS416990) from the Rural Living Zone (RLZ) to the Public Use Zone 1 (PUZ1).
- Rezone the Clarkes Hill Water Storage Tank site (known as Reserve 1 PS603823S) from the Farming Zone (FZ) to the Public Use Zone 1 (PUZ1).
- Rezone a Ground Water Bores site in Gordon (known as Reserve 1 PS328846) from the Farming Zone (FZ) to the Public Use Zone 1 (PUZ1).
- Rezone a Water Tank site along Old Melbourne Road, Gordon (known as Lot 1 TP 19275R) from the Farming Zone (FZ) to the Public Use Zone 1 (PUZ1).

## Consideration of Submissions

### *Submission 1 HVP Plantations*

HVP plantations lodged a submission in regard to their plantations located at Parish of Borhoneyghurk, Parish of Korweinguboora and Parish of Moorabool West.

The land is proposed to be rezoned to Farming Zone. Their submission states that they support the Amendment and note that there have been a number of similar rezonings relating to planation land within Victoria.

*Officer Response to Submission 1*

The supporting submission is noted.

*Submission 2 DELWP*

DELWP's submission advised that they were supportive of the Amendment.

*Officer Response to Submission 2*

The supporting submission is noted.

*Submission 3 Ballan Shire Historical Society (BSHS)*

The submitter requested several corrections to the heritage citation for HO24 (Dwelling located at 140 Inglis Street, Ballan). These changes including correcting references to the Ballan Shire Historical Society, the location of the new post office, and the construction date of the building referenced in the citation, the Commercial Hotel.

*Officer Response to Submission 3*

In preparing the Amendment, Officers noted that no heritage citation existed for HO24. In accordance with Planning Practice Note 1 a heritage place cannot be included in a heritage overlay without a heritage citation that contains a statement of significance. This statement of significance outlines, what is significant, how is it significant, and why is it significant. The heritage citation also contains other information such as whether paint, internal alteration, tree, fence or outbuilding controls apply. A heritage consultant was engaged to prepare a heritage citation for property. Submitter 3 requested several changes to the heritage citation, as outlined above. All changes were agreed to by the heritage consultant. The submitter has advised that they support the changes made and do not request any further changes. A copy of the revised citation is provided at **Attachment 11.2.2b**.

*Submission 4 Ballan Resident/Land Owner*

The submitter requested that the heritage overlay applies to the building only, rather than the entire site at 140 Inglis Street, Ballan. The submission stated that they did not believe that the outbuildings were of heritage value and indicated that they may want to make future changes to the outbuildings.

*Officer Response to Submission 4*

The property at 140 Inglis Street, Ballan is listed in the Schedule to Clause 43.01 Heritage Overlay in the Moorabool Planning Scheme as 'HO24 Dwelling - 140 Inglis Street'. However, the heritage overlay mapping HO24 incorrectly applies to several properties at 114, 116, 116A and 1/116B Inglis Street, Ballan.

The Amendment seeks to apply the heritage overlay mapping HO24 to the correct property at 140 Inglis Street, and remove the heritage overlay mapping HO24 from the properties at 114, 116, 116A and 1/116B Inglis Street, Ballan.

The Amendment was exhibited with the heritage overlay mapping HO24 applying to the entire site at 140 Inglis Street, Ballan. This was consistent with the recommendations of the heritage consultant who prepared the heritage citation, and with best practice contained within Planning Practice Note 1.

Planning Practice Note 1 notes that heritage overlay mappings should apply to both the listed heritage item and its associated land. It is important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and is shown on the Heritage Overlay map. In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment). However, there will be occasions where the curtilage should be reduced in size where a portion of the land is of no significance.

In response to this submission, and concerns regarding the extent of the heritage overlay mapping, Officers discussed the submission with the heritage consultant. As a result of that discussion, the heritage consultant advised that they whilst they did not support the application of the heritage overlay mapping to the building only, they supported a reduction in the application of the heritage overlay mapping to the front half of the site (Lot 1 TP620887). As a result the heritage overlay would not apply to the rear parcel (Lot 2 TP620887).

Figure 1 shows the extent of the property as a blue hatched line, while the blue shaded area shows the proposed new extent of the heritage overlay mapping.

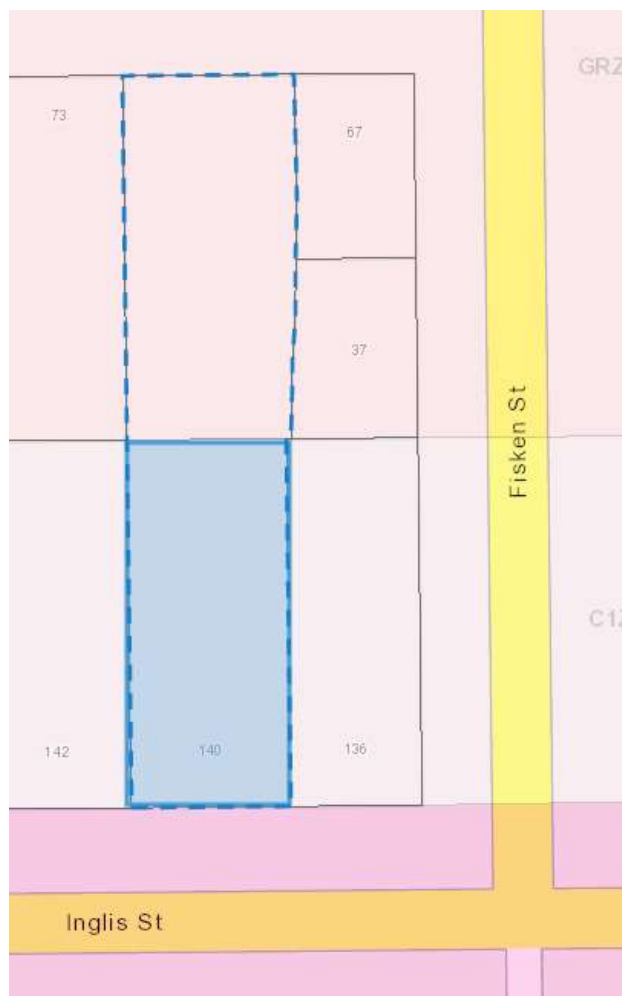


Figure 1: Extent of HO24 proposed to be applied to 140 Inglis Street, Ballan

Officers wrote to the submitter advising that it supported a reduction to the extent of the heritage overlay mapping to the front parcel (Lot 1 TP620887) but didn't support reducing the heritage overlay mapping to the building only.

The submitter has advised in writing that they are satisfied with the changes proposed, and that their submission has been resolved.

### Options

Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment.

### Stage in the Amendment Process

The Flow Charts below are from the DELWP guide "Using Victoria's Planning System 2015" and depict where the amendment is at in terms of the amendment approval process (circled in green).

Figure 2.1: Outline of the planning scheme amendment process

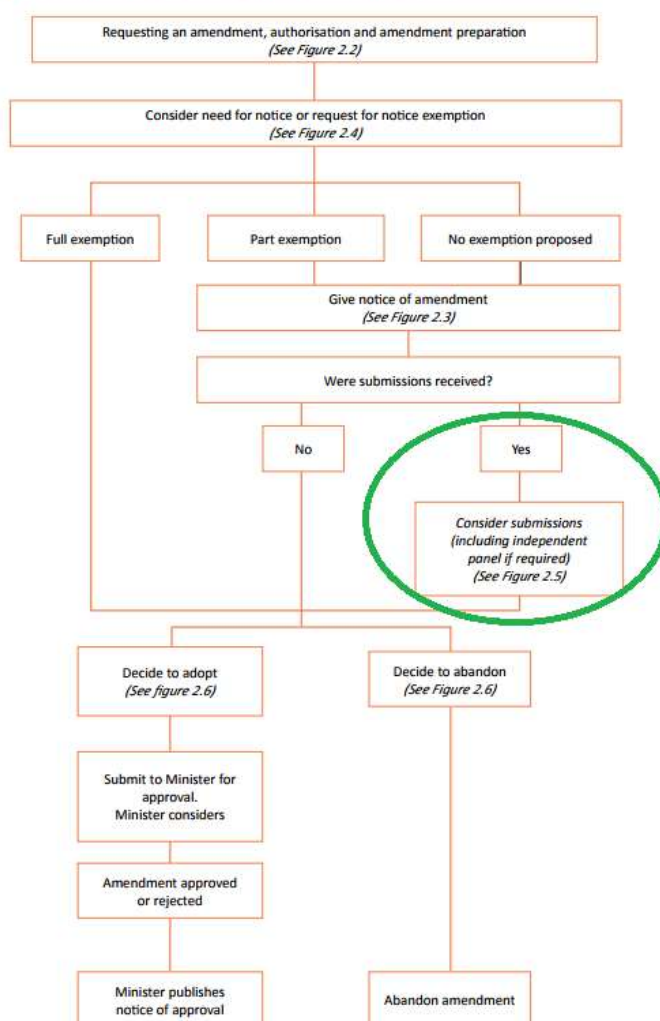
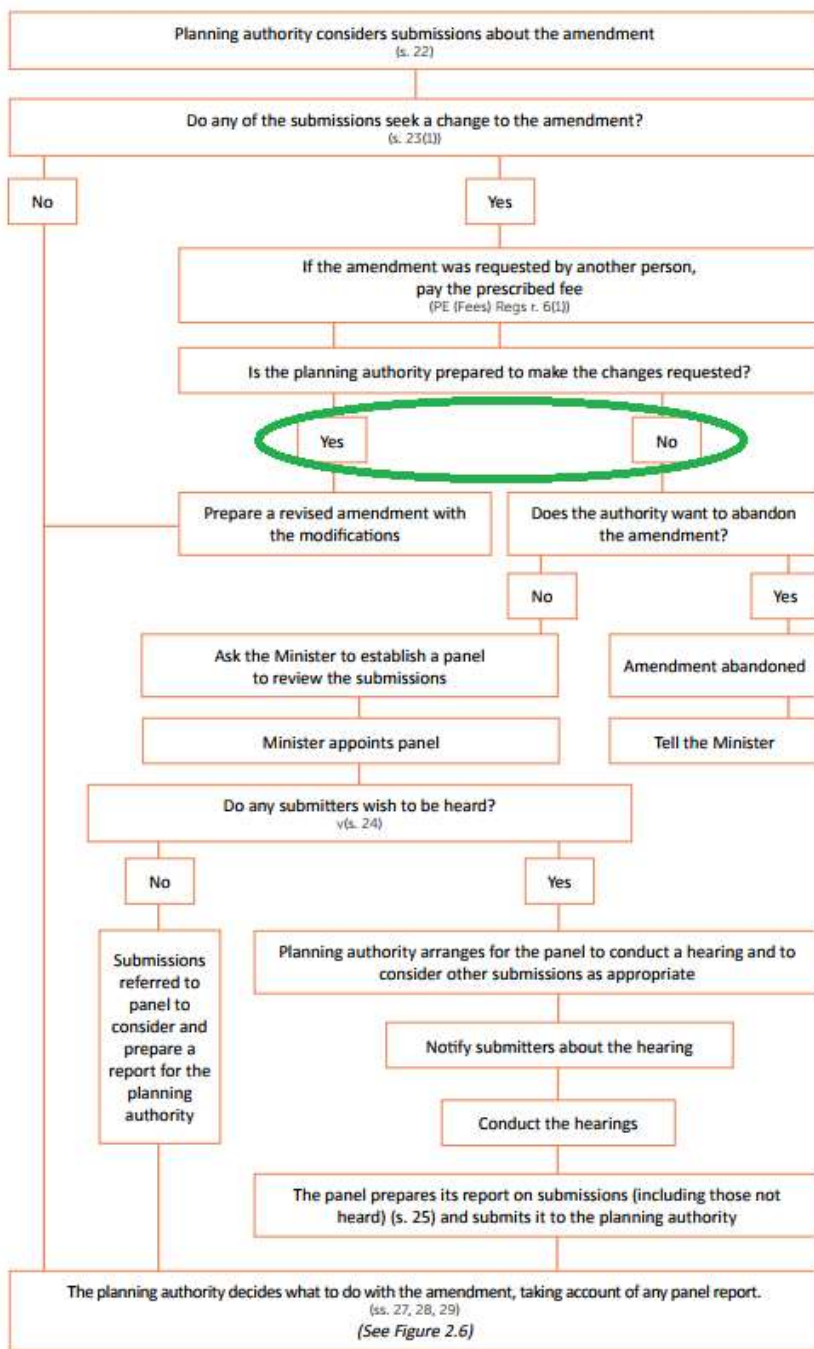




Figure 2.5: Considering submissions about an amendment



## Proposal

As outlined above, Officers have resolved both objections to the Amendment. As no submissions remain outstanding it is proposed that Council adopts the Amendment in the form at **Attachment 11.2.2b** and **11.2.2c** and submit the Amendment to the Minister for Planning for approval.

## Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3:** Stimulating Economic Development

**Context 3A:** Land Use Planning

The Amendment isn't listed as a specific action within the Council Plan 2017-2021. Amendments to correct planning scheme anomalies, errors and undertake minor corrective rezoning's are routinely undertaken as matters arise and are consistent with Council's legislative obligation to regularly review and maintain a planning scheme that is up to date and accurate. Amendment C86 is considered consistent with the Council Plan 2017 – 2021.

## Financial Implications

The processing of the Amendment has been undertaken by Council officers and only limited costs to date have been generated. The engagement of a heritage consultation has resulted in minor costs which are allocated for within the 2018/19 budget.

## Risk & Occupational Health & Safety Issues

There are no identified risks associated with the Amendment.

## Community Engagement Strategy

Amendment C86 was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 21 June 2018 to 23 July 2018, with further consultation to five landowners/occupiers from 30 July 2018 to 5 September 2018, due to an administrative error. Notice was provided to all prescribed Ministers, relevant departments, agencies and affected landowners/occupiers.

## Communications and Consultation Strategy

As noted above, the Amendment was exhibited in accordance with the requirements of the *Planning and Environment Act 1987*. Post exhibition, Officers have undertaken further communication with objecting submitters and were able to resolve these submissions.

## Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Satwinder Sandhu*

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

*Author – Ana Mitrov*

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

## **Conclusion**

The Amendment seeks to correct errors and anomalies in the Moorabool Planning Scheme, along with undertaking minor map changes and corrective rezoning's of land to reflect ownership and land use. The Amendment seeks to implement the objectives of planning as set out in the *Planning and Environment Act 1987*, by supporting changes to the planning scheme that provide for the fair, orderly, economic and sustainable use and development of land.

## **Recommendation:**

### **That Council:**

- 1. Pursuant to Section 29 of the *Planning and Environment Act 1987*, adopt Amendment C86 in the form provided at Attachment 11.2.2b and 11.2.2c.**
- 2. Pursuant to Section 31 of the *Planning and Environment Act 1987*, submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.**

## **Resolution:**

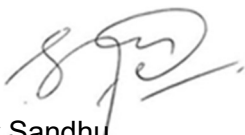
**Crs. Toohey/Edwards**

### ***That Council:***

- 1. Pursuant to Section 29 of the *Planning and Environment Act 1987*, adopt Amendment C86 in the form provided at Attachment 11.2.2b and 11.2.2c.***
- 2. Pursuant to Section 31 of the *Planning and Environment Act 1987*, submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.***
- 3. That Heritage Overlay number H024 apply only to the building (140 Inglis St), rather than the whole site.***

**CARRIED.**

**Report Authorisation**



**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Community Planning  
**Date:** Wednesday 13 March 2019

***Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 11.2.3 – Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook. The nature of the Conflict of Interest is due to Cr. Sullivan being an adjoining land owner and having also lodged an objection to this application***

***Cr. Sullivan adjourned from the Meeting at 6.22pm and did not participate in voting on the Item.***

***Mr. Edmond Sullivan addressed Council as an objector to the recommendation in relation to Item 11.2.3 - Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook.***

***The business of the meeting then returned to the agenda.***

### **11.2.3 Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook**

#### **Introduction**

Author: Vanessa Osborn  
General Manager: Satwinder Sandhu

#### **Executive Summary**

At the Moorabool Shire Council Ordinary Meeting of Council on 7 November, 2018 a motion was carried:

*Item 13.1 Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower Resolution: Crs. Bingham/Keogh 1. Write to the Minister for Planning regarding amending Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria. 2. Write to the applicant Vodafone and the landowner Victorian Rail Authority to question whether the proposed tower could be shifted at least 150m away from the closest dwelling. 3. That an investigation be carried out and a report be prepared detailing the information supplied by the applicant compared to the as constructed tower CARRIED.*

This report is to confirm the Officers actions/findings to date.

#### **Background**

In 2017, Moorabool Shire Council received a permit application for the development of a telecommunication facility on VicTrack land off Sullivans Road in Millbrook, Victoria. The telecommunication facility is part of the Victorian State Government Regional Rail Connectivity Project (RRCP). The application included the installation of a 30m high monopole, turret, antennas, outdoor unit and associated works.

On Wednesday 18 April, 2018 Council resolved to issue Planning Permit PA2017273 at its S86 Development Assessment Committee. See Council's resolutions in **Attachment 11.2.3a**.

**Item 1: Write to the Minister for Planning**

A letter was written to the Minister for Planning on 16 January 2016 from the CEO of Moorabool Shire Council. In the letter, the CEO urged the State Government to review the planning considerations for telecommunication facilities and develop a method for tighter planning controls to protect the rights of community members.

Council received a response from The Minister for Planning on 1 March, 2019. The Ministers response is as follows:

*"I acknowledge your advice about the frustration of some community members resulting from the construction of telecommunications facilities close to dwellings. I am satisfied that the planning provisions are operating appropriately by enabling Victorian communities to benefit from a faster rollout of improved mobile phone coverage and by ensuring councils can assess the design and siting of facilities through the planning permit process.*

*Through Plan Melbourne 2017-2050, the Victorian Government has committed to reviewing the Code by 2021. I have asked the Department of Planning, Environment, Land, Water and Planning (DELWP) to also review the operation of Clause 52.19, including the notice and review exemptions, as part of the future Code review."*

**Item 2: Write to Vodafone and Victorian Rail Authority**

The CEO sent letters to both Vodafone and the Victorian Rail Authority on 16 January, 2019. These letters requested that the tower is relocated to a more suitable setback distance.

No response has been received to date.

**Item 3: Investigation**

The permit application proposed to develop a telecommunications facility comprising a 30m high monopole containing the following:

- Three (3) antennas mounted on a turret at a centre line position of 31.7m height, resulting in an overall height of 33.25m.
- One (1) 1.2m diameter parabolic antenna mounted at a centre line of 27.5m height.
- A two-bay outdoor unit at the base of the pole on a concrete slab.
- Associated works and minor earthworks.
- A 2.4m high security compound fence and 3.0m access gates surrounding the proposed 8.4m x 12.4m compound area.
- 5.0m wide proposed access track between the site and the Sullivans Road carriageway to the south.

The planning permit was issued and plans were endorsed by Council on 18 April, 2018. The endorsed plans were compared to the 'For Construction plans' as part of the investigation. From a planning perspective, the 'For Construction plans' are in accordance with the Endorsed Plans. The applicant advised that the 'As built' plans are produced once the site is complete and handed to the client. At the time of this report (29 January, 2019) Service Stream Network Construction had not yet integrated the site to the network.

A site visit was carried out by the Council Building Inspector on 24 January, 2019. The inspector concluded that the facility was located in the proposed location and consisted of the abovementioned proposed components.

The tower constructed with steel (not specified what type). At the time of the inspection, the sun was shining on to the tower, however it was concluded that the material would not be categorised as glaring or reflective.

Based on the limited investigations carried out, it is proposed that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the endorsed site layout plan.

A copy of the endorsed plans and the 'For Construction plans' are attached (**Attachments 11.2.3a and 11.2.3b**).

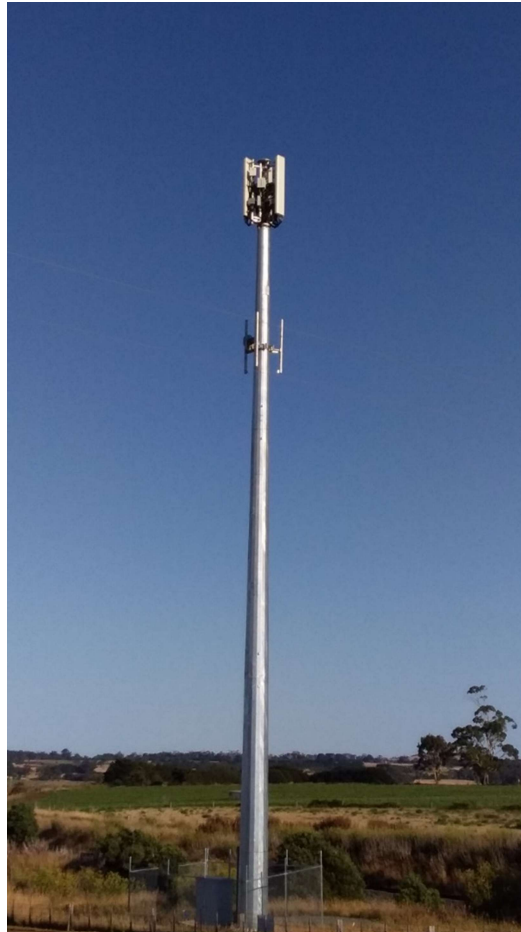


Photo: The telecommunication tower off Sullivans Road in Millbrook, Victoria

### **Financial Implications**

Nil.

### **Risk & Occupational Health & Safety Issues**

Nil.

### **Community Engagement Strategy**

Community engagement for planning matters are undertaken in accordance with the *Planning & Environment Act 1987*. As previously indicated notice was exempt for this application.

## **Communications and Consultation Strategy**

Nil.

## **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Satwinder Sandhu*

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

*Author – Vanessa Osborn*

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

## **Conclusion**

In response to the three (3) points in Council's resolution dated 7 November, 2018:

- 1) A letter was sent to the Minister for Planning requesting a review of Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria.
- 2) A letter was sent to the applicant Vodafone and the landowner Victorian Rail Authority to request the proposed tower to be shifted at least 150m away from the closest dwelling.
- 3) An investigation was undertaken as stipulated above, based on the 'For Construction plans' provided by the applicant and the site inspection by the Council Building Inspector, it is concluded that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the planning permit and endorsed site plans.

## **Recommendation:**

**That Council receives this investigative report as a response to Action 3 of Item 13.1 of the November 2018 Ordinary Meeting of Council resolution.**



**Resolution:****Crs. Dudzik/Toohey**

- ***That consideration of the Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook report be deferred pending further information that gives a full briefing on the VCAT implications and the process in relation to the development of a Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook***
- ***That further discussions be held with Minister Richard Wynne and Visionstream, to gain further advice on the implications of the Victorian Charter of Human Rights with regards to the project, and Council's responsibilities under the Victorian Charter of Human Rights Act 2006.***

**CARRIED.**

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**Report Authorisation****Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Community Planning  
**Date:** Wednesday 13 March 2019



***Cr. Sullivan returned to the Meeting at 6.48pm.***

## **11.3 COMMUNITY DEVELOPMENT**

### **11.3.1 Appointment of community members to the Positive Ageing Advisory Committee**

#### **Introduction**

Author: Claire Conlon  
General Manager: Danny Colgan

The purpose of the report is to recommend that the Council appoint community members to the Positive Ageing Advisory Committee.

#### **Background**

At the Ordinary Meeting of Council held on the 7 November 2018, the Council resolved to establish a Positive Ageing Advisory Committee and invite nominations for membership.

The purpose of the Positive Ageing Advisory Committee (“advisory committee”) is to provide an opportunity for informed discussion on issues impacting upon older members of the Shire and increase community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The Advisory Committee will assist in shaping and creating inclusive communities for older people in the Shire by utilising the experience and expertise of older members in bringing new perspectives to both existing and emerging issues. This process will reinforce the regard Council has for the contribution of older members of the community and will raise awareness of the valued role that older people play.

In December 2018, an advertisement process and nomination period initially resulted in one (1) application and the nomination process was subsequently extended until 20 January 2019. The extended nomination process resulted in an additional eight (8) community members nominate for the advisory committee.

#### **Proposal**

At the close of nominations on the 20 January a total of nine (9) nominations from people that originate from different parts of the municipality was received. Officers undertook a preliminary assessment of all nominations based on the information provided against the criteria set out in the Committee Terms of Reference. From this assessment, officers determined that the nine (9) nominees were all suitable to undertake an interview with officers to further determine the most suitable nominees for recommendation to the Council for appointment.

A group interview was conducted on 11 February 2019 and included all nominees and Council Staff. Each of the nominees were asked to speak to their applications to further explore their commitment to shaping and creating inclusive communities for older people in the Moorabool Shire.

Following this interview process it is recommended that the following community nominees be presented to Council for appointment to the advisory committee:

<b>Applicant Name</b>	<b>Recommendation</b>
Adrian Rowell	<b>Appoint to Advisory Committee</b>
Sheila Freeman	<b>Appoint to Advisory Committee</b>
Anneli Rickards	<b>Appoint to Advisory Committee</b>
Robyn Youl	<b>Appoint to Advisory Committee</b>
Nola Kersley	<b>Appoint to Advisory Committee</b>
Mike Allen	<b>Appoint to Advisory Committee</b>
Joan Addison	<b>Appoint to Advisory Committee</b>
June Fryer	<b>Appoint to Advisory Committee</b>
Graeme Germaine	<b>Appoint to Advisory Committee</b>

In addition, the Chairperson is to be appointed by Council and reviewed each year at the Statutory and Annual Appointments Meeting of Council.

Council staff members will attend to resource the advisory committee with administrative support and technical expertise.

### **Policy Implications**

The 2017–2021 Council Plan provides as follows:

**Strategic Objective**            Improving Social Outcomes

**Context**                            Health and Wellbeing

The development of a Positive Ageing Advisory Committee is consistent with the Council Plan 2017-2021.

### **Financial Implications**

The support and resourcing of the advisory committee will be undertaken within existing budget resources. It is however recognised that the advisory committee may make recommendations to Council that have financial implications or require additional resources and will be subject to the annual Council budget process.

### **Risk & Occupational Health & Safety Issues**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Budget	Lack of resources to implement actions.	Medium	Annual review process to determine priorities within existing resource capacity.
Advisory committee members not reflecting the perspectives of the community served by Council.	Advisory members lack of a broad community perspective on issues arising for comment for older people.	Medium	Exploration of personal motivations and links with community groups of each nominee through the recruitment process.

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Communication of key issues with community	Misrepresentation of key issues to the community.	Medium	Ensure key messages are communicated as part of the minutes of the meetings and further verified at the conclusion of meetings.

### **Communications and Consultation Strategy**

Nominations for membership of the advisory committee were sought through a public advertisement process and subsequent group interview. Successful nominees will be notified in writing upon appointment by Council.

### **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Claire Conlon*

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

### **Conclusion**

The nomination process for the advisory committee has been completed following a public advertising and recruitment campaign and recommendations for appointment to the advisory committee are being presented to Council.

**Recommendation:****That Council:**

1. **Appoints the following community representatives to the Positive Ageing Advisory Committee for a period of 2 years:**
  - **Adrian Rowell**
  - **Sheila Freeman**
  - **Anneli Rickards**
  - **Robyn Youl**
  - **Nola Kersley**
  - **Mike Allen**
  - **Joan Addison**
  - **June Fryer**
  - **Graeme Germaine**
  
2. **Appoints Councillor \_\_\_\_\_ as Chairperson of the Positive Ageing Advisory Committee.**

**Resolution:****Crs. Sullivan/Edwards*****That Council:***

1. ***Appoints the following community representatives to the Positive Ageing Advisory Committee for a period of 2 years:***
  - ***Adrian Rowell***
  - ***Sheila Freeman***
  - ***Anneli Rickards***
  - ***Robyn Youl***
  - ***Nola Kersley***
  - ***Mike Allen***
  - ***Joan Addison***
  - ***June Fryer***
  - ***Graeme Germaine***
  
2. ***Appoints Councillor Paul Tatchell as Chairperson of the Positive Ageing Advisory Committee.***

**CARRIED.****Report Authorisation****Authorised by:****Name:****Title:**Danny Colgan  
General Manager Community Development**Date:**

Monday, 25 February 2019

## 11.3.2 Strategic Risk Profile

### Introduction

Author: Michelle Morrow  
General Manager: Danny Colgan

The purpose of the report is to present the Strategic Risk Profile (April 2019) to the Council for endorsement.

### Background

The Council Plan 2017-2021 identifies two action items within the strategic objective of 'Providing Good Governance and Leadership under 'Our People' to revise the Risk Management Strategy and Framework as well as to identify our corporate, strategic and operational risks.

### Moorabool's Risk Management Framework

Moorabool Shire Council's Risk Management Framework has been developed using the ISO 31000:2018 framework as a guide. It is intended to assist Council to deliver the best possible outcomes for the organisation ensuring that risk issues are considered to minimise harm to the community and the organisation.

Moorabool's Risk Management Framework includes the:

- Risk Management Policy
- Fraud Management Policy
- Corporate Risk Register
- Operational Risk Registers
- Business Continuity Plan
- Occupational Health & Safety Policy
- Occupational Health & Safety Strategy
- Strategic Risk Profile

### Proposal

The Strategic Risk Profile identifies, assesses and provides a framework for managing risks and uncertainties, affected by internal and external events, potential scenarios and risks that could impede the Council's ability to achieve its Council Plan and therefore its strategic objectives.

As part of the process, a risk appetite has been developed, which is defined as the amount and type of risk that Council is prepared to pursue, retain or tolerate. It is expressed in the form of a Risk Appetite Statement which covers several critical risk categories as described in the Risk Matrix contained in the Strategic Risk Profile.

The risk appetite is the amount of risk exposure, or potential adverse impact from an event, that the Council is willing to accept in pursuit of its objectives.

The Risk Appetite states that:

“Moorabool Shire Council has a low to medium appetite for risk related to service delivery, finance, health and safety, environment, reputation and legal/regulatory, where effective controls are in place. Where the level of risk cannot be reduced below a rating of high, close monitoring of risk controls is required to ensure that controls continue to be effective.

- Council accepts that strategic risks are often difficult to mitigate, and control and as far as practicable Council will commit to actions which reduce the risk rating to medium;
- Council has zero tolerance for harm or injury to its employees or visitors and these harms will be mitigated and controlled down to a low risk;
- Council has zero tolerance for internal/external fraud or deception activities;
- Council has a low tolerance for operational risk. These risks will be mitigated and controlled to where the cost of control is equal to the marginal cost of the risk;
- Council has a low tolerance for information technology outages. There is no tolerance for outages that exceed three hours”.

The table below outlines each of the strategic risks and the primary impact to the strategic objectives of Council. The risk rating (see legend below) may alter where circumstances or actions to mitigate the risk results in a higher or lower level of risk. Where this occurs the Strategic Risk Profile will be updated to reflect the status of the risk and this change will be reported twice per year to the Audit & Risk Advisory Committee and annually to Council.

No	Strategic Risk	Primary impact
1	Financial stability of Council	Providing Good Governance & Leadership
2	Failure to appropriately plan and respond to changes in natural environment	Minimising Environmental Impact
3	Lack of flexibility, functionality and adaptability of IT systems	Providing Good Governance & Leadership
4	Inability to manage growth (population)	Minimising Environmental Impact
5	Inability to address asset renewal gap	Providing Good Governance & Leadership
6	Inadequate human resources planning and strategy	Providing Good Governance & Leadership
7	Misalignment between Council imperatives and community needs	Improving Social Outcomes
8	Failure to respond to changes in regulation and government funding	Stimulating Economic Development
9	Impact of workplace culture to successfully implement the strategy	Providing Good Governance & Leadership

<b>Extreme</b>	<b>Extreme risk:</b> Actions will seek to eliminate or mitigate nominated risks within the Council Plan's 1 <sup>st</sup> year.
<b>High</b>	<b>High risk:</b> Actions to mitigate will be given high priority for resourcing within the current Council plan.
<b>Medium</b>	<b>Medium risk:</b> Actions will be undertaken within the current Council Plan where resourcing permits.
<b>Low</b>	<b>Low risk:</b> Action not required.

## Policy Implications

The Council Plan 2017-2021 provides as follows:

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

**Context 1B:** Our People

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

The Strategic Risk Profile is consistent with the Council Plan 2017 – 2021.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Failure to manage and monitor identified risks	Lack of focus on risks that have been identified by management as being potentially damaging to the achievement of the organisation's objectives	High	Risk management is embedded in the corporate culture and integrated into MSC's processes such as internal and external audits, business continuity management and enforcement of key legislations and/or Act requirements.

## Communications and Consultation Strategy

The Strategic Risk Profile Action Plan will be reviewed every 6 months and the Strategic Risk Profile updated formally every 4 years following the development of the new Council Plan.

As part of the review process, the Strategic Risk Profile and action plan will be communicated to all staff to build upon the understanding of the risks and confirm accountability for their management.

Training will be provided to all employees to ensure they have the necessary knowledge, skills, information, and authority to establish, operate, and monitor the system of internal control within their sphere of responsibility. Employees must have an understanding of organisational objectives and the environment in which the organisation operates as well as the risks it faces.



## **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Michelle Morrow*

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

### **Conclusion**

As discussed earlier in this report, the Strategic Risk Profile identifies, assesses and provides a framework for managing risks and uncertainties, affected by internal and external events, potential scenarios and risks that could impede the Council's ability to achieve its Council Plan and therefore its strategic objectives.

The Strategic Risk Profile is being presented to Council for review and endorsement. It is recommended that Council consider the risk appetite, which is defined as the amount and type of risk that Council is prepared to pursue, retain or tolerate.

### **Resolution:**

**Crs. Bingham/Dudzik**

***That Council endorses the Strategic Risk Profile (April 2019).***

**CARRIED.**

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### **Report Authorisation**

**Authorised by:**



**Name:** Danny Colgan  
**Title:** General Manager Community Development  
**Date:** Wednesday 13 March 2019

### 11.3.3 Greendale Reserves Committee of Management – Egans Reserve Master Plan

#### Introduction

Author: Ian Waugh  
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council adopts the Egans Reserve, Greendale Master Plan.

#### Background

The preparation of the Egans Reserve Master Plan (the plan) has been developed by the Greendale Reserves Committee of Management (“the Committee”) and submitted to Council for consideration.

The draft Egans Reserve Master Plan was presented at the Ordinary Meeting of Council held on 7 November 2018 where the Council resolved to: “endorse the draft Egans Reserve Master Plan for the purposes of public exhibition for a period of four weeks; and receive a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Egans Reserve Master Plan”.

The plan aims to provide a strategic basis to guide future planning and development of the public park over the next five (5) years. The priorities outlined within the master plan have been identified to ensure that the reserve continues to meet the needs of the Greendale community. The plan is contained in **Attachment 11.3.3**

The reserve is utilised as a central meeting place for the community which includes facilities such as:

- Rotunda
- BBQ Facilities
- Children’s playground
- Tennis/Netball/Basketball Court
- Football/cricket oval
- Toilet block
- Fitness circuit/walking track

Key themes and directions identified within the plan include:

#### Improve/replace existing structures and facilities

- Feasibility study into the viability of a community centre/bushfire shelter including consideration of:
  - Public toilet block needing replacing to cater for growing use of the reserve;
  - Secure storage facility;
  - Design considerations related to the reserve being a designated Neighbourhood Safe Place
  - Environmentally Sustainable Design (ESD) principles
  - BBQ & shelter facilities
  - Water storage including location of CFA tanks

- Water reticulation system for the oval and garden beds to assist in fire prevention;
- Basketball/tennis court facilities upgrade;
- Cricket pitch completion;
- Solar panels and battery storage for existing rotunda;
- Additional exercise equipment to complete the exercise circuit;
- Notice board relocation

#### Vehicle and Pedestrian Management

- Investigation of dedicated formal parking areas around the reserve.

#### Increased passive recreation opportunities

- Shading over children's playground area;
- Complete fitness circuit;

As part of the consultation on the plan, the plan has been developed by the reserve Committee of Management via:

- Meetings with the Greendale Reserves Committee of Management with Council officers;
- Initial community consultation completed by the Committee of Management in 2016;
- Public exhibition of the draft master plan for a period of over (10) weeks to allow significant time for community promotion with submissions received via Council's 'Have Your Say' online engagement portal.

The draft master plan was viewed 108 times during the public exhibition period with five (5) submissions received which have been summarised below. The feedback received from the public exhibition period has informed the final master plan which has been refined in partnership with the Committee of Management and presented to the Council for adoption.

No.	Feedback Summary	Response
1	Add a BMX track and skateboard park for the children	Council's Community Infrastructure Framework indicates that the current provision of skate and BMX facilities in Moorabool (located in Bacchus Marsh and Ballan) is adequate to service community needs
2	Positive feedback to the Committee of Management and Council's Parks & Gardens service unit for their work at the reserve. Drainage issue identified at the east end of the reserve and enquiry around trimming of bushes and shrubs near walking track.	Positive feedback has been provided to the Committee of Management and Parks & Gardens team. Enquiries around drainage and tree trimming will be referred to appropriate service units for inspection and action as required.
3	Not supportive of proposed community centre at the reserve as a large structure may detract from the wide-open space, attract vandalism and disrupt clear sight lines at the reserve. Supportive of a better car park and road surface in Bradys Lane. Suggested potential re-use of the old Greendale school building and Greendale CFA building as community spaces instead.	Feasibility of the community centre, including further community consultation, will be explored as part of the Greendale Township Improvement Plan. This should consider the role of the reserve, as well other community spaces within the broader planning context for the Greendale area.
4	Supportive of proposed community centre at the reserve to provide a central meeting place for the community in a family friendly setting.	Feasibility of the community centre, including further community consultation, will be explored as part of the Greendale Township Improvement Plan.

5	Not supportive of proposed community centre at the reserve as there are other community halls within the district which are underutilised, and a large structure would impact on the size of the playing areas and surrounding gardens.	Feasibility of the community centre, including further community consultation, will be explored as part of the Greendale Township Improvement Plan.
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## Proposal

It is proposed that the Council adopt the Egans Reserve, Greendale Master Plan.

It is also proposed that the Egans Reserve, Greendale Master Plan be referred to upcoming Council strategic documents including the Greendale Township Improvement Plan and the Open Space Framework to assist and inform them. This will ensure that the future of the reserve, and any community infrastructure proposed to be developed on it, will be considered in the planning context for the broader catchment area.

## Policy Implications

The 2017– 2021 Council Plan provides as follows:

**Strategic Objective 2** Minimising Environmental Impact

**Context 2a** Built Environment

Prepare and revise a rolling cycle of Reserve Master Plans

The *Egans Reserve Master Plan* is consistent with the 2017-2021 Council Plan.

## Financial Implications

The master plan has identified a range of priorities for development at the reserve over the next five years. These priorities will require the need for financial investment in infrastructure at the reserve, however it is noted that several priorities identified are relatively low-cost items which may be able to be progressively implemented in partnership between the Committee of Management and Council. The proposed improvements have cost estimates provided against each priority item which will be required to be refined prior to delivery. A number of the priorities identified could be addressed as part of the concept design for the proposed community centre/bushfire shelter at the reserve.

Recommendation	Priority	Indicative Cost	Lead	Partner
Develop Community Centre preliminary concept design incorporating public toilet facilities, storage, BBQ and shelter and ESD principles. The concept design will form the basis of a funding application to the State Government under the neighbourhood safe places program.	High	\$50,000	Council (MSC)	Committee of Management (COM)
Water reticulation system to assist with fire prevention and watering of garden beds	High	\$50,000	CoM	MSC
Solar panels and battery storage located on existing rotunda	High	\$5,000	CoM	MSC

Tennis/Basketball court works including line marking, new basketball rings, landscaping and drainage to be included in the 2019/20 capital improvement program.	Medium	\$5,000	CoM	MSC
Review and plan improved vehicle parking facilities and pedestrian access	Medium	\$10,000	MSC	CoM
Extra outdoor exercise equipment. Committee of management to submit community grants application to Council.	Medium	\$2,000	CoM	MSC
Re-laying and marking of cricket pitch (subject to need)	Low	\$1,000	CoM	MSC
Installation of shade structure over playground	Medium	\$15,000	CoM	MSC

A strategic approach towards project funding will be required in partnership with the Greendale Reserve Committee of Management who have driven this planning process on behalf of the community. The priority projects will need to be considered in Council's Strategic Financial Plan, Capital Improvement Program, Maintenance Program and operational plans as part of discussions with the Committee around their own fundraising initiatives and project delivery methods. This will also allow for external grant funding programs and opportunities to be identified and applications prepared to help plan and deliver projects. +

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	As the main developed reserve in the township, it needs to be ensured that the site infrastructure is planned to meet the needs of the community to provide access to recreation opportunities	Medium	Council to endorse a master plan for the reserve with priorities outlined that provide strategic direction to meet the communities long term needs for the reserve. Council to assist in investigating the feasibility of the community centre/bushfire shelter as part of the Greendale Township Improvement Plan.
Financial	Funding required to implement any of the infrastructure priorities outlined within the master plan	Medium	Council to partner with the Committee of Management to outline which priority items identified are within the capabilities of the Committee of Management to fund and deliver and which items require Council financial resources (Capital Improvement Program or operational budgets) to deliver and/or require planning expertise and support (community centre/bushfire shelter feasibility).

## Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework:

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Outcome</b>
Consult	Community members	Committee of Management placed the initial draft master plan out for public comment in 2016	One (1) submission was received
Collaborate	Reserve Committee of Management	Committee of Management provided the initial draft master plan to Council for review and comment	Input was provided by Council officers on the draft master plan which was refined for public exhibition
Consult	Council service units	Council staff workshop held to provide feedback to the Committee of Management	Feedback from various service units compiled and provided to the Committee of Management and further work completed to refine the draft master plan
Consult	Community members	Public exhibition of draft master plan for comment for a period of more than ten (10) weeks via Council's online community engagement portal 'Have Your Say'	Five (5) submissions were received during the public exhibition period and helped inform the final master plan. The key theme from the submissions was relating to the proposed community centre at the reserve. It is proposed that the feasibility of this is explored as part of the Greendale Township Improvement Plan which would consider the need and role of such a facility in the broader planning context for the Greendale catchment area and include further community consultation.
Collaborate	Reserve Committee of Management & Council service units	Following public exhibition of the draft master plan the submissions were reviewed by the Committee of Management and Council officers, and additions made to the master plan to finalise it	Final master plan was developed for presentation to Council for endorsement

## **Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### **Conclusion**

The Egans Reserve, Greendale Master Plan will provide a framework and strategic approach for the future provision, development and usage of the reserve to meet the long term needs of the community. The plan has been developed by the Greendale Reserves Committee of Management and following the draft being on public exhibition, the feedback received has informed the final master plan for Council endorsement.

### **Resolution:**

**Crs. Toohey/Edwards**

***That Council:***

- 1. Adopts the Egans Reserve, Greendale Master Plan***
- 2. Refers the findings of the Egans Reserve Master Plan to the Capital Improvement Program and Reserve Maintenance Program as part of the 2019/20 Council Budget Process.***

**CARRIED.**

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### **Report Authorisation**

**Authorised by:**



**Name:** Danny Colgan  
**Title:** General Manager Community Development  
**Date:** Wednesday 13 March 2019

### 11.3.4 Instrument of Delegation - Council to Members of Council Staff (other than the CEO)

#### Introduction

Author: Michelle Morrow  
General Manager: Danny Colgan

#### Background

In accordance with section 98(1) of the *Local Government Act 1989* (the Act), a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act* or any other Act, with limitations. Councils should review and update their delegations when:

- there are changes to the structure of a council and position titles change; and
- when there are changes to the relevant legislation.

Councils have wide-ranging responsibilities and have been given many powers, duties and functions under different pieces of legislation. It would be impossible for a council to exercise all of these powers, duties and functions itself because it would need to pass a council resolution each time it wished to act. For day to day operations, councils need others to make decisions and act on their behalf.

Delegating a council's powers, duties and functions is essential to fulfilling the responsibilities of local government. When a council delegates a power, duty or function to a member of staff or to a committee ("the delegate"), the decision of the delegate is deemed to be a decision of the council.

Finally, councils may also be the subject of legal scrutiny in tribunals and courts. It is important that the person who made a decision had the power to do so on behalf of the council.

#### Proposal

Through Council's Delegations software and service provided by its Lawyers, updates are received twice yearly which affects Councils' powers, functions and duties.

It is timely that the Instrument of Delegation from Council to Members of Council staff be reviewed at this time due to the following:

- Updates since the adoption of the Instrument of Delegation from Council to Members of Council staff in 2017 have been applied;
- Changes to position titles;
- Ensuring Council is compliant should it be the subject of legal scrutiny in tribunals and courts; and
- Ensuring staff are informed of their legislative responsibilities.

A summary of amendments has been provided as **Attachment 11.3.4a** to this report to assist with interpreting the legislative changes to this Instrument of Delegation.



The Instrument of Delegation from Council to Members of Council staff being presented to Council for adoption is inclusive of all amendments. **(Attachment 11.3.4b)**.

It is proposed that the Instrument of Delegation be granted to the positions of members of Council staff rather than to the individual staff members. This means that the delegation will still apply to the incumbent of the position should there be a change in personnel or any staff acting in the role. It is imperative that Council staff have the correct delegation for dealing with matters under the various Acts and Regulations of Parliament.

### Consideration

In accordance with section 98 of the *Local Government Act 1989* the Instrument of Delegation – Council to Members of Council Staff is placed before Council for consideration to grant by instrument of delegation to members of its staff any power, duty or function of the Council under the various Acts and Regulations.

### Policy Implications

The 2017 – 2021 Council Plan provides as follows:

**Strategic Objective 1:** Providing good governance and leadership

**Context 1C:** Our business and systems

The proposal to grant by Instrument of Delegation from Council to members of Council staff is consistent with the 2017-2021 Council Plan.

### Financial Implications

There are no financial implications to Council in preparing this report.

### Risk & Occupational Health & Safety Issues

No Risk or Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate delegations from Council.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Public Liability	Professional indemnity	High	Insurance cover for staff

### Communications Strategy

During the course of the preparation of the Instrument of Delegation from Council to Members of Council Staff, all relevant Council departmental managers were involved in reviewing the relevant Acts of Parliament obligations associated with their daily tasks and submitted for inclusion into the Instrument of Delegation document. Instruments of Delegations are considered as Prescribed documents under the Act which are available for inspection upon written application to the Chief Executive Officer.

## **Victorian Charter of Human Rights and 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 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Michelle Morrow*

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

### **Conclusion**

In accordance with section 98 of the *Local Government Act 1989*, the Instrument of Delegation from Council to Members of Council Staff is placed before Council for its consideration. This Instrument grants delegated powers, duties and functions for and on behalf of Council under various Acts and Regulations of Parliament.

It is recommended that Council approve and adopt the Instrument of Delegation to Members of Council Staff.

**Resolution:****Crs. Edwards/Bingham**

***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Council resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 3. On the coming into force of the Instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

**CARRIED.**

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**Report Authorisation****Authorised by:**

**Name:** Danny Colgan  
**Title:** General Manager Community Development  
**Date:** Wednesday 13 March 2019

### **11.3.5 Moorabool Health and Wellbeing Plan 2017-2021 – Year One Review Report**

#### **Introduction**

File No.: 12/01/001  
Author: Ian Waugh  
General Manager: Danny Colgan

#### **Background**

The purpose of this report is to recommend that the Council endorse the status report on the review of the first year of the Moorabool Health and Wellbeing Plan 2017 - 2021.

The Victorian Public Health and Wellbeing Act 2008 requires that the Council conducts an annual review of the Municipal Public Health Plan, which is the Moorabool Health and Wellbeing Plan 2017 - 2021. The Department of Health has developed a guide for Councils in undertaking the annual review process. The guide specifies that conducting an annual review entails making sure that the actions identified in the plan are being implemented satisfactorily and that they remain the best way for Council to invest in health and wellbeing over the life of the plan.

The Moorabool Health and Wellbeing Plan 2017-2021 is a four-year plan for enhancing the health and wellbeing of our residents. The plan captures the health and wellbeing status of our communities and presents a plan in partnership with local health providers and community organisations to improve the health and wellbeing of the Moorabool community.

Under section 26 of the Public Health and Wellbeing Act 2008, the Council is required to develop a Health and Wellbeing Plan within 12 months of a Council election. The Health and Wellbeing Plan must be consistent with the Council Plan and the Municipal Strategic Statement and be reviewed annually and evaluated at the end of the four-year period. The Plan was adopted by the Council at the Ordinary Meeting of Council on 6 December 2017.

The review and development of this report was undertaken through the following:

- Review of Council's Health and Wellbeing Committee meetings for the past 12 months;
- Review of the first-year action plan;
- Workshops with the Health and Wellbeing Committee members;
- Analysis of the Department of Health annual review guidelines;
- Benchmarking against other council review processes.

The outcomes of the first year of the 2017 – 2021 HWB Plan are as follows:

- 42 actions were completed;
- 3 actions are in progress;
- 7 actions were deferred.

The following actions from the 2013-2017 MHWP are in progress and will be carried over into year 2 of the 2017-2021 MHWP for finalisation:

- Adopt a leadership statement on the issues of violence against women to increase community awareness and demonstrate Council's commitment to the issue;
- Promote opportunities for families to access existing physical activity programs in the community i.e. community sporting clubs.

The following actions carried over from the 2013-2017 MHWP are now completed:

- Promote existing walking trails through an online guidebook or 'app';
- Increase support available to residents by advocating for religious groups to continue to provide pastoral care to the community

The following actions from year 1 of the 2017-2021 MHWP are in progress and will be carried over into year 2 of the plan:

- Council to develop a healthy catering policy for meetings and events, based on the traffic light system;
- Engage with local growers regarding opportunities to provide fruit/veg into areas of disadvantage;
- Sexual and Reproductive Health – scope existing services – identify baseline, gaps and opportunities.

The following actions from year 1 of the 2017-2021 MHWP are deferred until year 2 of the plan:

- Cooking sessions with nutritious, cheap and easy to prepare recipes- including shared meal-cooking mentors
- Audit of recreation facilities and streets at night is conducted to assess safer access for women;
- Council develop a position statement around cultural diversity;
- Investigate Moorabool becoming a Refugee Welcome Zone;
- Participate and promote national AOD (Alcohol and Other Drugs) campaigns;
- Consult with youth regarding what other physical activity they would like to participate in (social sports);
- Determine number of current audits (lighting, design principles, risk) and facilitate a night walk to identify safety concerns.

## **Health Profile**

Overall the data included in the health profile is considered relevant and current.

## **Proposal**

It is proposed that the Council adopt the report on the review of the first year of the Moorabool Health and Wellbeing Plan 2017-2021

## Policy Implications

The 2017 - 2021 Council Plan provides as follows:

**Strategic Objective 4** Improving Social Outcomes

**Context 4A** Health and Wellbeing

**Action** Adopt a revised Health and Wellbeing Plan

The proposed Moorabool Health and Wellbeing Plan 2017-2021 Year One review report is consistent with the 2017-2021 Council Plan.

## Financial Implications

There are no financial implications from the recommendations proposed.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Health and Wellbeing Plan	Council is required to review the Health and Wellbeing Plan annually under the Public Health and Wellbeing Act 2008	Low	Council to review the Health and Wellbeing Plan annually

## Communications and Consultation Strategy

The following community engagement activities have been undertaken, in accordance with the Council's Community Engagement Policy and Framework:

Level of Engagement	Stakeholder	Activities	Outcome
Involve	Health and Wellbeing Committee	Review / Workshop Submissions on draft report	Committee provided feedback and endorsed recommendations

## Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Ian Waugh*

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

### Conclusion

The review determined that the first year of the Moorabool Health and Wellbeing Plan 2017 - 2021 was successfully implemented.

### Resolution:

**Crs. Dudzik/Bingham**


***That the Council endorse the report on the review of the first year of the Moorabool Health and Wellbeing Plan 2017 - 2021.***

**CARRIED.**

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### Report Authorisation

Authorised by:

  
**Name:** Danny Colgan  
**Title:** General Manager Community Development  
**Date:** Wednesday 13 March 2019

### 11.3.6 Video Streaming of Council Meetings

#### Introduction

Author: Michelle Morrow  
General Manager: Danny Colgan

The purpose of the report is to provide Council with options and the financial impact of implementing live streaming of the Ordinary and Special Meetings of Council.

#### Background

At the Ordinary Meeting of Council held on the 5<sup>th</sup> December 2018, Council resolved that a report be prepared exploring options and any financial impact to Council to implement live streaming of the Ordinary and Special Meetings of Council.

Council's Meeting Procedure Local Law No. 9 contains provisions to record council meetings. The local law provides for:

- a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct electronic broadcasting by any means of the proceedings of the Council Meeting.
- b) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Special Committee Meeting using a suitable electronic recording device.
- c) Recordings will be retained and available to the public for viewing or listening for a period of three (3) months from the date of the meeting.
- d) Media representatives may, with the consent of Council or the Special Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Special Committee Meeting. The consent of Council or the Special Committee must not be unreasonably withheld but may be revoked at any time during the course of the relevant meeting.
- e) Members of the public must not operate recording equipment at any Council or Special Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by Council or the Special Committee as the case may be.

Consistent with Council's commitment to increasing transparency in the decision-making process, the Victorian Ombudsman (Ms Debra Glass) tabled a report 'Investigation into the Transparency of Local Government Decision Making' in the Victorian Parliament on Thursday 15 December 2016.

The Ombudsman's investigation centred around whether decision making processes of Councils are transparent and accountable, balanced against the need and obligation to maintain confidentiality in certain matters and to ensure efficiency in Council administration.

The Ombudsman's report contains several recommendations, including the recording of Council Meetings (wherever practicable) and posting of same on Council websites. The report also refers to the fact that some Councils had embraced innovations such as live streaming (web-casting) of Council meetings as a means of enhancing transparency processes around decision making.



A limited number of Victorian Councils have been streaming video of Council meetings for several years however research undertaken by Council Officers, whilst preparing this report, demonstrates that many other councils are in the process of considering this option for their communities.

### **Definitions:**

Streaming (webcasting) is the process of delivering multimedia content via the internet, in audio and/or video format from a single content source to multiple listeners/viewers.

Streamed content may be delivered by two methods:

1. Live, via the internet to the viewing platform, whilst a meeting or event is happening. Live streamed content does not require downloading and saving, and is available once only, i.e. at the time of the meeting or event, or
2. On demand - whereby content is accessible from the internet for viewing later, i.e. content can be downloaded and viewed after the meeting or event has concluded.

### **Proposal**

The report considers the potential benefits and risks of 'live' streaming versus delayed streaming and outlines a range of possible platforms and the equipment and resourcing required.

### **Key Benefits of Steaming (Webcasting):**

The potential benefits from the introduction of streaming include:

- Enhanced community access to participation in, and understanding of local government decision making processes
- Equality of access (for isolated or mobility restricted viewers)
- Transparency in decision making, on the basis of potentially providing access to a wider audience; thereby perhaps resulting in greater community confidence in the integrity and accountability of meeting processes

### **Risk Management and Insurance Implications:**

Council meetings are an open forum of statements, questions, and answers. Occasionally, some things are said which may be regarded as offensive, defamatory, or contrary to law.

Local Government Council decision making, unlike State and Federal Government, does not afford Councillors the benefit of parliamentary privilege and hence, all associated laws apply. When negative statements occur during a meeting that is not recorded, the potential for reputational damage is generally confined to the audience in attendance. However, in contrast, when a recording of a meeting is published publicly the audience is potentially far greater, increasing the likelihood and/or severity of potential liability.

Whilst a Council may not be liable for any defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

The delayed publishing of the audio allows for the editing or removal of statements which may be considered defamatory. Live streaming removes this opportunity.

## **Video Streaming options:**

### ***Option 1 – Self-Managed Solution, externally hosted***

There are two main Australian companies with expertise in Local Government webcasting solutions, Interstream and apStream. Both require initial set up costs for hardware, software and other equipment and ongoing costs for live streaming services, streaming set up and archive storage.

The service providers have been engaged by these Councils:

InterStream – Wellington, Kingston, Bayside, plus Children’s Court of Victoria, 9 NSW Councils, 2 Queensland Councils

apStream – Greater Dandenong, Darebin, plus 2 NSW Councils

The advantages of these system include:

- Short set up time – 4-6 weeks to select and purchase equipment
- Risk reduction – tried and tested solutions
- Broadcast quality HD Cameras
- Full control over data content, which is hosted on contractor’s server
- Archive available within 48hrs, with data storage residing within Australia
- Provision for indexing/bookmarking of archived meetings to provide ease of navigation for viewers of agenda items considered during meetings
- Free editing of archive after meetings if necessary, in the event of objectional language or acts of an individual, which may have been recorded – perhaps just immediately prior to streaming being stopped at the direction of Meeting Chair or CEO

Disadvantages:

- Ongoing costs– approximately \$1,300 per month (see below)

### ***Option 2 - Self-managed solution, hosted on Shire's website***

As per above but hosted and managed internally. Similar initial set up costs but no ongoing costs. No ability to index video and no ongoing technical support. Can use three cameras or one fish-eye camera.

### ***Option 3 – Self-Managed ‘in-house’ Solution, using YouTube or Facebook live:***

YouTube is a free livestreaming service very familiar to users and is capable of streaming to all mobile and hand-held devices.

Alpine Shire Council and the Rural City of Wangaratta are streaming meetings directly on their YouTube channels, following which the recordings are published via links on the Council’s website.

Greater Shepparton is live streaming on its Facebook page for Ordinary and Special Council meetings, following which the recordings are published via links on the Council’s website. Wangaratta is using 1 x iPad and Shepparton is using 1x iPhone 6 (with a fisheye lens) with an app to record and stream to YouTube.

Advantages:

- Cost effective software and free archiving
- Easy to use for the viewer and accessible on mobile and hand held devices
- Allows comments and interactions from the community during the streaming.

**Disadvantages:**

- Picture quality is low
- One 'fish eye' view of the meeting (no ability to include multiple cameras)
- Residents must 'like' or 'follow' Council's Facebook page or YouTube channel to access live stream
- Data content is in a public domain over which Council has no control
- No provision for indexing/bookmarking of archived meetings, thereby making it more difficult for viewers to navigate agenda items considered at meetings during playback after the meeting
- Facebook Live app requires booking time for each individual event

***Option 4 – Contracted service on a 'per meeting' basis:***

Council could contract a provider on a 'per meeting' basis, using either one fixed camera; three fixed cameras, or three switchable cameras (panel operator).

**Advantages:**

- Can be implemented immediately.
- Equipment maintenance and upgrade at the cost of the provider.
- Technical support and assistance.

**Disadvantages:**

- Council will not own the equipment.

***Option 5 – Microsoft Office 365 – Stream***

The cost of the streaming service is already included in our current Microsoft Office 365 subscriptions, but we would need to purchase hardware. It will also involve the purchase of Wirecast at a minimal price (approximately \$300).

Microsoft Stream is an Enterprise Video service where people in an organization can upload, view, and share videos securely. Organisations can share recordings of meetings, presentations, training sessions, or other videos that aid collaboration.

Secure application access is enabled by Azure Active Directory, a recognized leader in identity management systems, to protect sensitive corporate content.

***Option 6 – Podcast***

The Council could continue to record the Council meetings and make the recording available as a podcast.

***Option 7 – Continue with current recording arrangements***

Do not invest in video streaming of Council meetings and continue with Council's current practice of recording Council meetings as provided for under Council's Meeting Procedure Local Law No. 9.

## Policy Implications

If Council determines to proceed with video streaming of Council meetings, a detailed operational policy and procedures document will be developed to provide technical guidance for managing a webcast and processes for reducing the associated risks, including:

- Placement of signage at the entrance to the Council Chamber advising that the meeting is being recorded and that the gallery will not be visible during the recording, only Councillors and Council employees
- The meeting Chair making a statement to the gallery at the commencement of each meeting to ensure all attendees are aware that the meeting is being recorded
- A similar statement being included in the meeting agenda
- Posting a disclaimer on Council's website to address any potential defamation and privacy concerns
- The meeting Chair or Chief Executive Officer also having the ability at any time during a meeting to request that a live stream and/or recording be terminated

The Council Plan 2017-2021 provides as follows:

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

**Context 1B:** Our People

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

The proposal for the streaming of Ordinary and Special Meetings of Council is not specifically mentioned in the Council Plan 2017 – 2021 however is consistent with providing good governance and leadership and community connectedness and capacity.

## Financial Implications

The current budget does not make provision for the costs associated with some of the streaming options outlined in the report. If an option is agreed that has financial implications, it could be referred to the 2019/2020 budget for consideration.

Each of the video streaming options as outlined in this report will also require Council's consideration of upgrades to address the sound and lighting systems in the Council Chamber.

A concept plan was presented to Councillors at an Assembly of Councillors in February 2018, which provided Councillors with several recommendations inclusive of lighting improvements which would address the level of light required to effectively video stream meeting proceedings. The current ineffective acoustics within the Chamber have also been identified with members of the gallery finding it difficult to hear the proceedings. At the time of preparing the brief in February 2018, the cost estimate was \$25,000 without the provision of suitable microphones and an upgraded hearing loop. A separate proposal is being prepared to enhance the network links at the Ballan Offices which is likely to be required to enable high definition streaming.

- **Option 1:** An initial set-up cost of approx. \$25,000 - \$30,000 to purchase and install three High Definition, 4K cameras; dedicated Personal Computer and streaming box. Ongoing costs of approx. \$1,300 per month for archiving and indexing of video to Shire website. No ongoing resource implications.
- **Option 2:** An initial set up cost of approx. \$25,000 - \$30,000 to purchase and install three High Definition, 4k cameras, dedicated Personal Computer and streaming box, or approximately \$7,000-\$10,000 for one camera. No ongoing cost but staff resources required for editing and uploading to Shire website (est. 2 hours per meeting).
- **Option 3:** An initial set-up cost of approx. \$1,000 - \$1,500 to purchase an iPad or iPhone and relevant editing software. No ongoing costs but staff resourcing required to attend meetings, and for editing and uploading to Shire website (estimated at 4 hours per meeting).
- **Option 4:** No initial set up cost. Per meeting cost of \$1,414 (One fixed camera); \$1,648 (three fixed cameras) or \$1,674 (three switchable cameras).
- **Option 5:** The initial set up cost with the purchase of a personal computer, microphones and cameras would be approximately \$15,000.
- **Option 6:** Making the current recording of the meetings available as a podcast will be at a minimal cost.
- **Option 7:** Do not invest in video streaming of Council meetings and continue with Council's current practice of recording Council meetings as provided for under Council's Meeting Procedure Local Law No. 9.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational	Content which may be considered offensive, defamatory, or contrary to law.	Minor/Moderate	Consideration given under the options provided in this report to be able to edit footage after meetings if considered necessary

### Communications and Consultation Strategy

The concept of video streaming Council meetings will require a communications plan to be prepared prior to commencement. Consultation will provide the community with an opportunity to provide feedback to Council's proposal and address any concerns that may be raised. Forms of notification to the community would see the use of media releases, Council's weekly advertisement in the local paper, Council's website, social media channels and information flyers posted at each of the Council's offices.

### Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Danny Colgan*

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

*Author – Michelle Morrow*

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

## Conclusion

Council's commitment to increasing transparency and accountability in the decision-making process will be in line with the recommendation from the Victorian Ombudsman's investigation in relation to the recording of Council Meetings (wherever practicable).

The options listed under financial implications have been prepared to explore the possibilities available to Council and the financial impact to Council to implement video streaming of the Ordinary and Special Meetings of Council.

Video streaming allows members of the public who are otherwise unable to attend Council meetings direct access to the decision making process of Council.

## Resolution:

**Crs. Bingham/Dudzik**

***That Council endorse the establishment of a working group of officers to develop a solution to video streaming.***

**LOST.**

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## Report Authorisation

Authorised by:

Name:

Danny Colgan

Title:

General Manager Community Development

Date:

Wednesday 20 March 2019

## 11.4 COMMUNITY ASSETS AND INFRASTRUCTURE

### 11.4.1 Review of Procurement Policy

#### Introduction

Author: Jacinta Erdody  
General Manager: Phil Jeffrey

#### Background

Council previously considered this item at the Ordinary Meeting of Council on Wednesday 6 February 2019, where it was resolved to lay the Procurement Policy on the table for further consideration at the next meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects. In accordance with the resolution of Council on Wednesday 6 February 2019, the Procurement Policy is now presented to Council for adoption.

On 12 December 2017, an exposure draft of the Local Government Bill was released, giving community members, councils, and peak bodies the opportunity to provide feedback before the Bill was introduced into Parliament. The exposure draft proposes a number of changes to the current Local Government Act as it pertains to procurement with a focus on a more principles based procurement approach. The proposed reforms aim to encourage innovation, collaboration and achieve back of house efficiencies.

The current exposure draft proposes a number of changes to the current Local Government Act including;

1. Removal of the requirement to adopt a procurement policy annually. Under the new provisions Council will be required to review the Procurement policy at least once during the 4 year term of the Council.
2. Removal of tendering thresholds of \$150k (for goods and services) and \$200k (for works) that are contained within the Local Government Act. This will be decided by individual Councils within their respective Procurement policy.
3. A requirement that all procurement agreements give due consideration to any opportunities for collaboration with other Councils or public bodies.

Once the proposed changes to the Local Government Act come into force (date yet to be determined) it is likely there will significant changes to the Moorabool Shire procurement policy and associated procedures.

#### Proposal

With impending reforms to the Local Government Act likely to occur in the next 12 months, there are only minor changes being proposed to the existing policy. Once the new legislation is passed, a major review of the Policy will be conducted to ensure that the Policy continues to align with the new Local Government Act.

The only changes to the existing policy, are as follows:

- Expansion of the policy scope to make provisions binding to all Councillors, Council Staff, Temporary employees, Contractors and Consultants whilst engaged by Council. The rationale for this is to ensure that authorised Council representatives take responsibility for the spend incurred at a Council level and ensure accountability to our community;
- Within clause 4.5.3 Exceptions to Requirement to Obtain Quotations have defined an expanded process is to be followed if the provisions of this clause are being utilised. For these instances, a prescribed form has been developed for Officers to complete. The rationale for this is to ensure a more clear and compliant process for authorised Officers;
- The Inclusion of Clause 4.6 Compliance and Continuous Improvement – this clause has been inserted to provide assurance that regular audits are being undertaken by Council to ensure compliance with existing Procurement Policy and Legislative requirements and aims to strengthen the policy through the reinforcement of good governance. The insertion of this clause formalises existing operational processes.

The policy and all associated provisions will continue to be reviewed into the future in accordance with legislative requirements and to ensure that Moorabool Shire Council is providing a value for money procurement function for the benefit of the community.

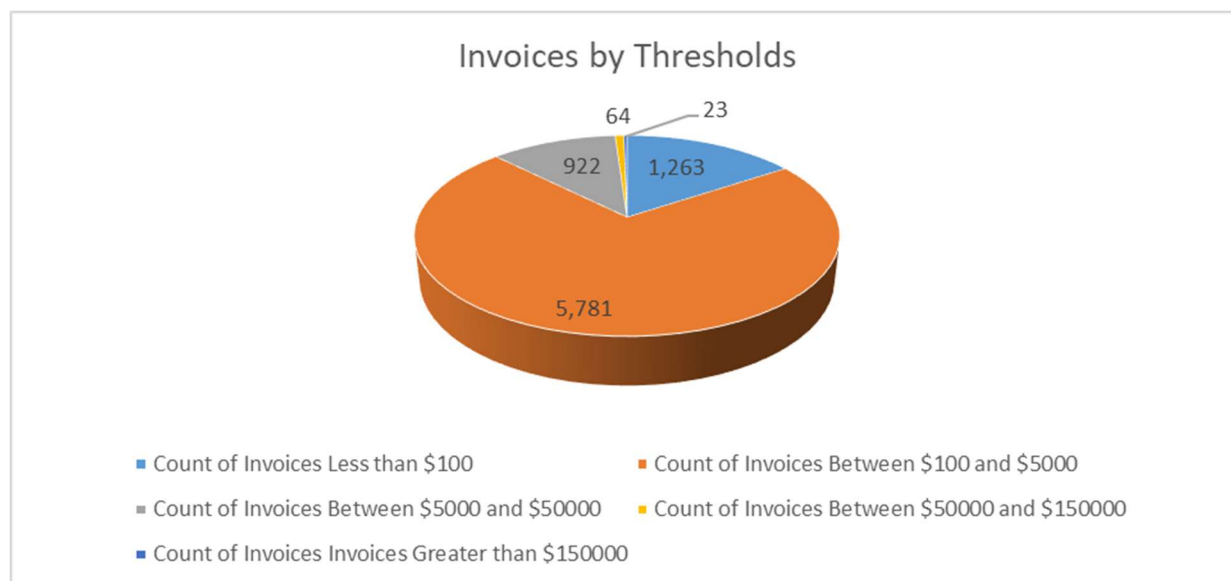
### Procurement Thresholds

In the 2016/17 financial year, Council made significant changes to the procurement thresholds resulting in the current established threshold categories. The revised thresholds aim to balance efficiency, compliance and value for money.

A review of accounts payable transactions for the 2017/2018 financial year based on the current procurement thresholds indicates that the majority of our transactions (88%) are within the spend range that either does not require any quotes or only requires one verbal quote – however these transactions only form 20.7% of the total spend for the same period. 56.4% of spend is within procurement thresholds which requires three quotes, whilst the remaining spend (22.9%) is within public tender thresholds. Based on this analysis we are confident that procurement thresholds continue to allow for efficient operation whilst ensuring value for money outcomes. As a result, there are no changes recommended to the current established procurement thresholds.

Procurement Threshold Reuirements		Transaction Volumes		Total spend by Threshold	
Threshold	Requirement	No. Transactions	% of overall	Value of Transactions	% of overall spend
> \$0 <\$100	No quotation required	1,263	16%	67,156	0.2%
>= \$100 <\$5,000	1 verbal quotation	5,781	72%	6,806,817	20.5%
>=\$5000 < \$50000	3 written quotations	922	11%	13,709,359	41.4%
>=\$50000 <\$150000	Project Brief and 3 written quotations	64	1%	4,962,390	15.0%
>\$150000	Public tender	23	0%	7,587,906	22.9%
		8,053	100%	33,133,628	100.0%





### Policy Implications

The Council Plan 2017-2021 provides as follows:

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

**Context 1C:** Our Business Systems

The proposed changes to the Procurement Policy are consistent with the Council Plan 2017 – 2021.

### Financial Implications

The adoption of the revised Procurement Policy has no additional known financial implications to Council.

### Risk & Occupational Health & Safety Issues

As the annual review of this policy is legislated, there is a risk of non-compliance with the Local Government Act if this policy is not reviewed annually.

### Communications and Consultation Strategy

Once Council has adopted the revised Procurement Policy, the updated document will be communicated to all staff, committees required to adhere to provisions of the policy and placed on Council's website.

### Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (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 – Jacinta Erdody*

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

### Conclusion

Having resolved on the 6 February 2019 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Procurement Policy is now placed before the Council for adoption.

### Resolution:

**Crs. Sullivan/Toohey**

***That Council, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which Affect Beyond the Current Year, now adopts the revised Procurement Policy (IS014/Version 009).***

**CARRIED.**

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### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey  
**Title:** General Community Assets and Infrastructure  
**Date:** Thursday, 7 February 2019

## 11.4.2 Providing Transfer Station Vouchers with Annual Rates Notices

### Introduction

Author: Daniel Smith  
General Manager: Phil Jeffrey

### Background

At the 2 May 2018 Ordinary Meeting of Council, officers presented a report to determine if Council should implement a Hard Waste collection. Council resolved not to proceed with the implementation of a full hard waste service at that time and continue the practice of enabling residents to dispose of their hard waste at its transfer stations for prescribed gate fees. It was requested as a part of this resolution, that a further report be prepared to investigate the merits of introducing transfer station vouchers with rates notices prior to the consideration of the 2019/20 budget.

Currently, transfer station vouchers are available for residents, who are not eligible for garbage services, to purchase and for use at any of the three transfer stations within the Shire. These vouchers can be purchased from Council's three customer service offices. A sheet of 26 vouchers cost residents \$82.00, as per the 2018/2019 adopted budget. One voucher equals a 240L bin.

### Transfer Station Vouchers

Moorabool Waste Management & Resource Recovery Strategy outlines different approaches to hard waste recovery including issuing transfer station vouchers. Under such an approach, all or some eligible (e.g. pensioners, unemployed) ratepayers will receive annual free hard waste vouchers.

Advantages of this approach:

- Avoids any public safety issues associated with kerbside set out, and that conditions could be placed on use of the vouchers (for example, only loads separated for recycling are free of charge).
- Potential increase of satisfaction levels of property owners within the Shire, based on receiving a greater level of service from Council for the rates that they currently pay
- Potential decrease in illegal dumping

Disadvantage of such an approach are:

- Users still have to have access to a trailer to take materials to the transfer stations;
- The vouchers will reduce revenue from those who are currently willing to use and pay at the transfer stations;
- Provision of vouchers may 'create' demand and increase the quantities of waste managed through council facilities because people using mini-skip services may use council facilities instead;
- Potentially a 'black market' trading of vouchers may occur, by those who do not need them selling on to those who currently pay to use transfer station services - higher administration costs will be incurred if users have to provide identification to ensure the voucher they use is the one allocated to them;
- Voucher goes to property owner, not the resident;
- Possible increase in the Waste Management Charge to recover costs of the program

There are currently approximately 17,100 rateable properties within the Shire. A cost analysis has been undertaken to investigate the options of providing a 1m<sup>3</sup> voucher with each annual rates notice. It was important to consider the following items within the cost analysis:

- Waste disposal and transportation costs
- Uptake rate
- Waste composition
- Increase in Waste Management Charge to fund the program
- Possible reduction in transfer station revenue
- Printing and insertion of vouchers

### Cost Analysis and Benchmarking

The disposal costs have been calculated using the per cubic metre volumes of each load, converted into tonnes and multiplied by the current number of rateable properties within the Shire. A gate fee per tonne at the processing facilities (Maddingley Brown Coal – Maddingley and Pinegro – Mt Wallace) has been applied. The transportation costs have been calculated using the per tonne fee charged by the transfer station operators, to transport the waste/greenwaste to the processing facilities.

It is not possible to estimate the types of waste that will be deposited using the vouchers, therefore assumptions have been made in the modelling that 75% of the waste deposited will be putrescible or mixed waste and 25% will be greenwaste. The modelling shows a range of costs depending on the percent of uptake from residents.

<b>Charge per Rate of Uptake</b>			
<b>Uptake Rate</b>	<b>Tonnages</b>	<b>Annual Total Cost</b>	<b>Per Tenement Charge</b>
<b>100%</b>	12,165.2	\$1,427,140.73	\$83.51
<b>80%</b>	9,732.96	\$1,141,712.59	\$66.81
<b>60%</b>	7,300.32	\$856,284.44	\$50.11
<b>40%</b>	4,867.28	\$570,856.29	\$33.40
<b>30%</b>	3,650.76	\$428,142.52	\$25.05
<b>20%</b>	2,434.04	\$285,428.55	\$16.70

Annually Ballarat City Council issue two transfer station vouchers to each rateable property, however only 22% of the vouchers are utilised each year. Similarly, Melton offers the same with a 25% uptake.

Currently Council's transfer stations generate approximately 3,500 tonnes of materials per financial year. If the uptake level was 30%, the overall volumes received at the transfer stations would increase and would result in a revenue loss through gate takings. However, Council could recoup these costs from property owners via the Waste Management Charge on the annual rates notice. This would mean a possible increase in the charge ranging from \$16.70 to \$83.51 depending on the uptake rate, as depicted in the table above.

Given there are a large number of unknowns in modelling for such a service, a take up rate of 30% has been assumed which would equate to a \$25 increase in the waste management charge. If the proposal is supported, this would need to be monitored in year 1 and adjusted accordingly for future budgets.

## Printing and Insertion Costs

Many options have been considered when determining a cost-effective method of issuing the transfer stations vouchers to residents. These include inserting a voucher into the envelope with the rate notices, to attaching a perforated voucher to the bottom of the notice. These costs ranged from \$1,200 to \$5,000. To determine these costs, quotes were sought from the suppliers who provide both Councils transfer station vouchers and who print and issue the rates notices.

## Proposal

It is recommended that a 1m<sup>3</sup> waste voucher to be used at Council's transfer stations be issued with annual rates notices commencing from 2019/20 and that the proposal be included in the draft budget to allow submissions prior to final adoption.

The costs involved in providing property owners with transfer station vouchers alongside their rates notices would result in cost increases that would need to be passed onto ratepayers through the Waste Management Charge.

However, the increase in resident satisfaction and potential decrease in illegal dumping offset these costs. If Moorabool Shire was to provide this service, it would align with services provided to residents of neighbouring Councils.

## Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 2:** Minimising environmental impact

**Context 2B:** Natural Environment

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

## Communications and Consultation Strategy

A community survey was undertaken in 2016 to investigate options for greenwaste and hard waste collection services. This survey was available for completion online and was mailed to each rateable property within the Shire. There were 494 responses to this survey with 69% of responses received from residents living in an urban township (Bacchus Marsh or Ballan).

The survey stated that if a hard waste service was introduced, it would be on a full cost recovery basis. Survey takers were asked to indicate their interest in the option of transfer station vouchers being issued with rates notices, with an increase in rates of \$10-\$20 per property. 173 respondents indicated that they would be interested in being issued annual transfer station vouchers even if it resulted in an increase to their annual rates charges.

If the proposal is supported, further opportunity to comment would occur as part of the budget exhibition process.

## Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (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 – Daniel Smith*

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

## **Conclusion**

This report provides an analysis of providing transfer station vouchers with annual rates notices. The costs of providing this service to property owners would result in cost increases that would need to be recovered in the Waste Management Charge. There are pros and cons for providing such a service and on balance, it is being recommended that it be implemented.

### **Resolution:**

**Crs. Dudzik/Edwards**

***That Council:***

- 1. Endorses, in principle, issuing of one 1m3 transfer station voucher with each annual rates notice from the 2019/2020 financial year.***
- 2. Includes a \$25 increase of the Waste Management Charge in the 2019/20 draft budget to allow feedback as part of the budget process.***
- 3. Incorporates the final decision on issuing of transfer station vouchers as part of final adoption of the 2019/2020 Budget.***

**LOST.**

***Councillor Edwards called for a Division.***

***Councillors voting for the resolution:***

***Cr. Edwards***

***Cr. Dudzik***

***Cr. Bingham***

***Councillors voting against the resolution;***

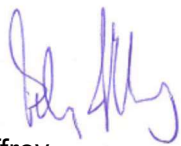
***Cr. Sullivan***

***Cr. Toohey***

***Cr. Keogh***

***Cr. Tatchell***

**Report Authorisation**



**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Community Assets and Infrastructure  
**Date:** Wednesday 06 March 2019

### 11.4.3 Bacchus Marsh Local Area Traffic Management Plan; Stage 2

#### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

#### Background

The Bacchus Marsh Integrated Transport Strategy (BMITS) presents the vision for the transport network for Bacchus Marsh. One of the key recommendations of the strategy is to *'introduce the use of Local Area Traffic Management (LATM) studies and refer recommendations to Council's Capital Improvement Program'*.

The preparation of Local Area Traffic Management (LATM) studies within precincts of Bacchus Marsh aims to improve traffic management and road safety within the individual area. The Stage 2 LATM study, funded in the 2018/19 budget, seeks to view traffic management and associated treatments on a precinct basis rather than by individual streets.

At present, Council receives a high volume of traffic related customer enquiries from the community that, due to the lack of such a precinct plan, are considered in isolation. This creates an ad hoc approach to traffic issues and the implementation of traffic management solutions.

The development of the further LATM study will assist in providing a consistent approach to traffic related issues in the local area and also supports key infrastructure objectives from the 2017-21 Council Plan.

The study area for Stage 2 is bound by Main and Fiskens Streets and the Werribee River and Korkuperrimul Creek, as further detailed below.

#### The Study Objectives

The preparation of a LATM study considers both the technical and community aspects and is intended to meet a number of key objectives, with consideration to the likely impact on the surrounding network:

- Provide an integrated approach to managing traffic in local areas across all transport modes, through:
  - Investigating and addressing connectivity and safety along local travel routes;
  - Consideration and integration of local land uses and their specific needs;
  - Use of appropriate and effective traffic calming measures;
  - Making efficient and appropriate use of local on-street car parking provisions;
  - Ensuring that future population growth and transport demand are understood and accounted for; and
  - Defining the function of local streets as appropriate to their surrounding land uses, pedestrian, cycling and traffic volumes, natural features, and connectivity to surrounding areas.
- Reduce traffic volumes and speeds in local streets;
- Increase amenity and improve safety and access for residents, especially pedestrians and cyclists;



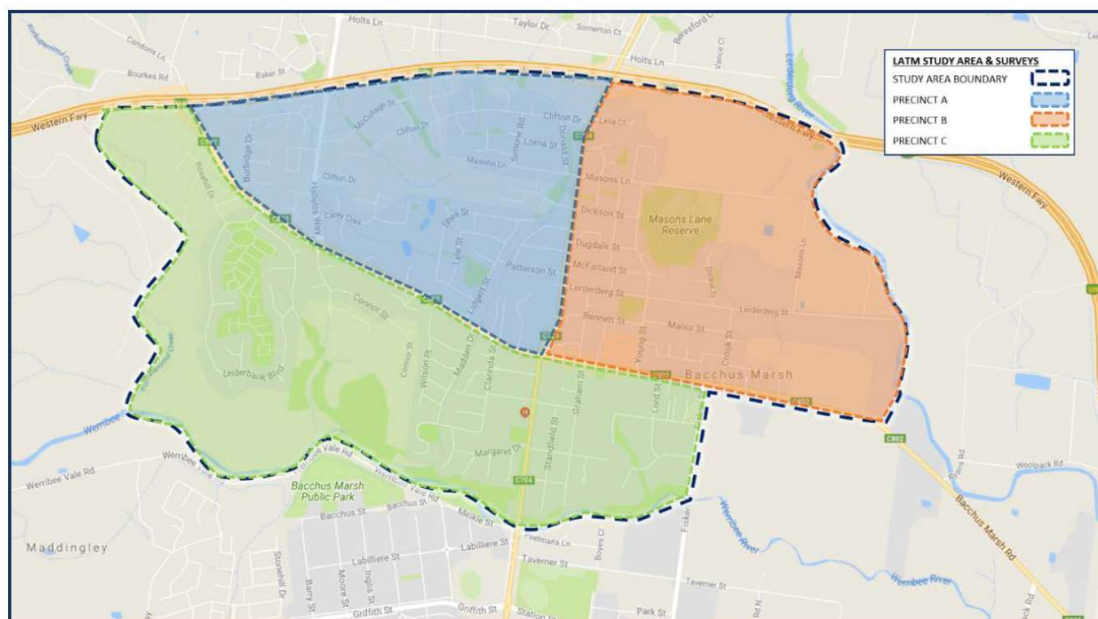
- Provide guidance for planners and engineers associated with the design, development and management of residential precincts;
- Ensure that transport issues are addressed in a manner that balances amenity, safety and mobility for all transport modes;
- Improve the environment, economic and social outcomes of the area;
- Identifying future priority projects to be considered for inclusion in Council’s Capital Improvement Program; and
- Ensure the local community are engaged and consulted in the identification of issues and the development of treatments to mitigate these issues.

The LATM Area

The township has been divided into three key areas for the purpose of undertaking LATM studies over the coming years.

LATM Area 1	Darley
LATM Area 2	Bacchus Marsh
LATM Area 3	Maddingley

Area 2 (Bacchus Marsh) will form the focus area for the first LATM studies to be developed and individual precincts have been recommended in order to further stage the development of the studies. Precincts A and B (blue and orange areas below) formed part of the Stage 1 project adopted by Council in August 2018, and Precinct C (green area below) forms part of the current LATM study.



The LATM Process

The following key activities will be undertaken as part of the development of the LATM study:

<b>1. Existing Conditions Assessment</b>	
Initial works: Review of background information pertaining to the study area and other documents that may have an impact on key decisions Preparation of a Project Management Plan and Community Engagement Plan On-site inspections of the study areas to gain a thorough understanding of the existing conditions	Complete
Community consultation letter sent to all households within the study area (1,358) and online survey (electronic and print distribution and use of interactive mapping) relating to traffic issues in the local area. Total responses received 210.	Complete
Collection and analysis of traffic data	Complete
Preparation of an Existing Conditions Assessment Report	Complete
<b>2. Development of Draft LATM Plan</b>	
Preparation of draft concept plans and proposed LATM treatments	Complete
Preparation of draft LATM plan	Complete
Community consultation letter and web survey (electronic and print distribution, and interactive map)	Complete
Community engagement workshops (2) at Bacchus Marsh	Complete
<b>3. Finalisation of LATM Plan</b>	
Collation of results of community engagement	Complete
Final LATM Study Report and Plan	Complete
Presentation to Council for endorsement	April 2019
Final community consultation letter	April 2019

At the December Special Meeting of Council, the draft plan was endorsed for phase 2 of the community consultation.

### Community Consultation & Feedback

Phase 2 of the community consultation was undertaken between Wednesday 19 December 2018 and Tuesday 5 February 2019.

In addition to the use of the interactive map and survey, two drop-in community consultation sessions were undertaken in Bacchus Marsh during this period. Both were well attended by residents who were able to discuss and express their views on the treatments proposed in the draft plan and provide further feedback. Feedback including support (or otherwise for treatments, further comments or survey responses) was submitted in relation to the plan during this stage of consultation.

### Issues Outside of the Project Scope

Although the study articulated that the scope did not include roads outside of Council's control, feedback relating to roads under VicRoads control was received. As VicRoads was not directly involved in the consultation, officers will now advocate on the community's behalf for the priority outcomes from the consultation.

A copy of the final plan is attached for Councillors information.

## **Proposal**

The objective of this study was to prepare a Local Area Traffic Management (LATM) plan for the Bacchus Marsh area, which addresses the main traffic issues in the area and reflects the requirements and expectations of the local community.

The LATM Study involved extensive consultation with the local community to identify local traffic issues and possible improvements, in conjunction with engineering investigations. Other components of the study have included the collection of traffic volume and speed information, as well as investigation of publicly available crash data.

The community consultation component of the study included two (2) rounds of community engagement via letter drop surveys, an online interactive map and two community workshops, in order to understand the community's thoughts regarding necessary areas for improvement, as well as the suitability of proposed treatments.

Information collected from the various consultation methods was used in conjunction with data obtained from surveys and bodies such as VicRoads to provide the basis for formulating traffic management recommendations for Bacchus Marsh.

The key issues identified in the study generally related to traffic concerns such as heavy vehicle volumes, pedestrian and cyclist safety, traffic speed, irresponsible driving and traffic volumes.

Based on the preceding assessment undertaken by Cardno and community feedback on the proposed LATM Plan, the following list of treatments was developed.

Treatment ID	Treatment	Location	Cost (Estimate Only)	Importance
T001	Footpath	Underbank Boulevard	\$ 170,000.00	4.0
T002	Shared Path	Gothic Drive to Halletts Way	\$ 37,000.00	2.0
T003	Shared Path	Halletts Way (North)	\$ 71,000.00	3.0
T004	Threshold Treatments (x5)	Tulloch Court, Peter Pan Place, Gunsynd Court, Earl Street, Cosgrove Street	\$ 35,000.00	1.0
T005	Threshold Treatment & Shared Path Marking	O'Hagan Place	\$ 10,000.00	2.0
T006	Splitter Island	Gothic Drive	\$ 4,000.00	2.0
T007	Splitter Island	Connor Street	\$ 4,000.00	3.0
T008	Pedestrian Refuge Crossing	Main Street / Water Channel	\$ 5,000.00	3.0
T009	Shared Path	Water Channel	\$ 140,000.00	4.0
T010	Threshold Treatments (x6)	Watson Street, Muir Street, McBride Street, Wilson Place, Queens Court, King Street	\$ 40,000.00	2.0
T011	Centre Blisters	Madden Drive (x2)	\$ 24,000.00	4.0
T012	Modified T-Intersection	Margaret Drive	\$ 15,000.00	3.0
T013	Centre Blister	Margaret Drive	\$ 12,000.00	3.0
T014*	Parking	Bacchus Marsh Hospital	-	4.0
T015	Raised Pedestrian Crossing	Clarinda Street	\$ 15,000.00	4.0
T016	Line Marking & No Standing Signage	Clarinda Street	\$ 1,600.00	4.0
T017	Keep Clear Line Marking	Main Street	\$ 2,500.00	4.0
T018	Threshold Treatments (x5)	Millbank Street, Turner Street, Waddell Street, Pilmer Street, Sydney Street	\$ 35,000.00	2.0
T019	Raised Intersection	Waddell Street / Standfield Street	\$ 18,000.00	3.0
T020	Raised Intersection	Pilmer Street / Standfield Street	\$ 18,000.00	3.0
T021	Raised Intersection	Sydney Street / Standfield Street	\$ 18,000.00	3.0
T022	Centre Blisters	Graham Street (x2)	\$ 24,000.00	3.0
T023	Modified T-Intersection	Waddell Street	\$ 15,000.00	4.0
T024	Footpath	Simpson Street, Lord Street, McGrath Street	\$ 63,000.00	3.0
T025	Threshold Treatments (x2)	Simpson Street, McGrath Street	\$ 14,000.00	2.0
T026	Signalised Intersection	Main Street / Pilmer Street	\$ 500,000.00	2.0
T027 (LATM Stage 1)	Signalised Intersection	Main Street / Grant Street	\$ 1,500,000.00	4.0
T028 (LATM Stage 1)	Signalised Intersection	Main Street / Young Street	\$ 500,000.00	3.0
TOTAL			\$ 577,000.00	
TOTAL (Excl. VicRoads Project)			\$ 2,000,000.00	
TOTAL (VicRoads Projects)			\$ 500,000.00	

Following the LATM process undertaken as outlined above, it is now recommended that Councillors endorse the Bacchus Marsh Local Area Traffic Management Plan (Stage 2).

## Policy Implications

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

The development of the LATM Plan is a funded project, included in the 2017-21 Council Plan.

The total estimated value of treatments (Council) recommended in this plan is approximately \$700,000. Implementation of minor treatments may be able to be completed within the existing minor capital works program and other major treatments will be referred to Council's long term Capital Improvement Program for consideration. Where applicable, grant funding may also be sought to assist in the implementation of treatments.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Inadequate financial management resulting in insufficient funds to complete the project	Low	Adequate project scope and budget, procurement process, ongoing supervision of project financials
Community expectation	Community expectation of key project outcomes outside of the project scope	Low	Well scoped community consultation process and documentation, clear project objectives documented

## Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult & Involve	Residents within the study area	Direct mail out, online and face to face engagement	Various	October 2018 & January/February 2019	Residents encouraged and supported to provide feedback on key issues and draft documents
Consult & Involve	Wider community	Online and face to face engagement	Various	October 2018 & January/February 2019	As above
Inform	Residents within the study area	Direct mail out, online engagement	Various	April 2019	Residents advised of the final outcome
Inform	Wider community	Online engagement	Various	April 2019	As above

## Communications and Consultation Strategy

Community participation is an important component of the study to assist in understanding the local issues. Significant community consultation will be undertaken throughout the project, including the following:

- Direct mail outs to the study area
- Community questionnaire (hard copy and electronic)
- Interactive online mapping tool
- Online engagement (Council website and social media pages)
- Community workshops (2) in Bacchus Marsh
- Reports to Council (2)

A further letter to the study area and online engagement will occur following endorsement of the final study.

## Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (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 – John Miller*

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

### Conclusion

To address the traffic impacts of growth in the Bacchus Marsh township, and help inform planning and management of road space usage, a LATM Study has been completed and draft plan developed for precinct C within the town.

### Resolution:

#### Crs. Bingham/Edwards

1. ***That Council endorses the Bacchus Marsh Local Area Traffic Management Plan (Stage 2) and requests that a copy be made available on Council's website.***
2. ***That Officers write to residents within the LATM Study area, thanking them for their input and advising of Council's decision.***
3. ***That projects within the LATM Plan be referred to Council's Long Term Capital Improvement Program.***

**CARRIED.**

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### Report Authorisatio

#### Authorised by:

**Name:** Phil Jeffrey  
**Title:** General Manager Community Assets and Infrastructure  
**Date:** Wednesday 13 March 2019

#### 11.4.4 Petition; Request for Increased Speed Limit – Flanagans Drive, Merrimu

##### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

##### Background

At the Ordinary Meeting of Council on Wednesday 6 February 2019, Council received a petition containing 50 signatures, in relation to Flanagans Drive, Merrimu. The petition stated:

***‘As a collective, the residents of Flanagans Drive, Merrimu and its attached courts and streets, would like to communicate that we do not support the construction and/or installation of speed humps along any part of Flanagans Drive. We would also like to ask Council to review the current speed limit on Flanagans Drive, Merrimu, from its current posted speed limit of 50km/h with the potential to raise it. Each person’s preference is as marked below. We would all like to be informed of any potential amendments with the option to participate in the decisions.’***

VicRoads is the delegated authority responsible for setting and approving amendments to speed limits on all roads in Victoria. On local roads, this typically follows an assessment and recommendation from Council, with any subsequent implementation being undertaken by Council.

As part of the petition, each signatory has specified their preference in terms of an increased speed limit, however it is noted that following a review of Victorian speed limits, both 70km/h and 90km/h are no longer standard limits applied to local roads.

##### Site Assessment

Flanagans Drive is a 2.76km sealed Access Level 1 Road managed by Council in accordance with its Road Management Plan. The road provides access to approximately 70 large semi-rural allotments (Rural Conservation Zone) including those within adjacent courts and provides access from Bacchus Marsh Road to Bences Road.

The road has a surface width of approximately 6.2 metres, which accommodates two-way traffic. The southern section of road has a number of bends on a vertical incline, with the northern section of the road being flatter in nature and partially built up with residential dwellings with generally adequate sight distance. There is no footpath along the road or the adjacent courts to provide separated pedestrian access.

In 2009, following requests from local residents, the speed limit was reduced to 50km/h, the current posted speed limit along the full length of Flanagans Drive. The speed limit on Bacchus Marsh Road, at the intersection of Flanagans Drive is 60km/h.



A number of traffic counts have been undertaken, which show Flanagans Drive as a lower traffic volume road, with an 85%ile speed (the speed at which at 85% of vehicles travel at or below) of between 75km/h and 80km/h over the four counter sites. Well above the posted speed limit.

Site No. (refer image above)	ADT (average daily traffic volume)	85%ile speed	Date
1	394	80	September 2015
2	319	79	September 2015
3	259	76	September 2015
4	201	75	September 2015

There have been no reported casualty accidents on Flanagans Drive within the last five years.





Following reports from local residents to both Council and Victoria Police regarding speeding, Victoria Police requested Council to install additional 50km/h signage along the road in early 2018 to facilitate enforcement in the area.

Over recent years correspondence has also been received from residents in the Merrimu area, in relation to speeding issues as well as requests for a reduction in the limit and installation of traffic calming devices. Additionally, requests for an increase in the posted speed limit have also been received from residents within the same area.

### VicRoads Speed Limit Review

VicRoads outline the process by which Council may request a review of a speed limit along a local road, which includes a formal application outlining the rationale, evidence of community support and engagement, as well as the completion of an assessment of the current limit using VLimits, VicRoads' assessment tool.

Flanagans Drive has been re-assessed in two distinct sections using VLimits, which supports an increase in the current posted speed limit along the southern section of road to 60km/h (between Bacchus Marsh Road and Streeton Drive). Due to the higher density of houses, and absence of footpaths, the assessment provides that 50km/h is an appropriate limit for the remainder of the road.

### Traffic Control Devices

Noting the recorded speeds along the road, traffic calming devices are a tool that may assist with the lowering of the 85<sup>th</sup>ile speed. There are a number of factors that require consideration prior to the installation of traffic control devices including road geometry, device location, proximity to intersections, lighting, heavy and emergency vehicle movements, and noise impacts of devices such as speed humps (due to braking and acceleration).

Prior to the installation of any traffic control devices it is recommended that updated traffic counts be undertaken, in addition to a study of the localised area in order to assess the current traffic conditions and apply a strategic approach to the implementation of any traffic calming measures. It is noted however, that the Merrimu Precinct Structure Plan is upcoming, and that strategic work will incorporate assessment of traffic and possible upgrades/treatments. Therefore, it is recommended to postpone any individual assessment of Flanagans Drive at this time.

### **Proposal**

Based on the information outlined above, it is viewed that the existing speed limit along the southern section of Flanagans Drive should be increased to 60km/h, with the northern section limit of 50km/h to be retained. Future traffic counts will continue to be monitored and alternative traffic control devices will be investigated as part of the proposed future development of the area.

### **Policy Implications**

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.

## Risk & Occupational Health & Safety Issues

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

## Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	VicRoads	Request to VicRoads for review of existing speed limit	n/a	April 2019	Decision made by VicRoads
Inform	Affected residents	Correspondence to the petition convenor	n/a	April 2019	Petitioners informed of outcome

## Victorian Charter of Human Rights and 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 80C of the Local Government Act 1989 (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 – John Miller*

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

## Conclusion

A petition containing 50 signatures in relation to Flanagans Drive, Merrimu, was received at the February Ordinary Meeting of Council, requesting a review of the current posted speed limit. Following an assessment of the road conditions, it has been determined that the existing speed limit along the southern section of Flanagans Drive should be increased to 60km/h, with the northern section limit of 50km/h to be retained.

**Resolution:**

**Crs. Dudzik/Keogh**

***That Council:***

- 1. Requests officers write to VicRoads requesting that the current posted speed limit of 50km/h be increased to 60km/h along the southern section of Flanagans Drive (Bacchus Marsh Road to Streeton Drive); and***
- 2. Supports that the existing speed limit of 50km/h is appropriate for the remainder of the Flanagans Drive (from Streeton Drive to Bences Road).***

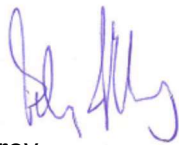
**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey  
**Title:** General Manager Community Assets and Infrastructure  
**Date:** Wednesday 13 March 2019



## 12. OTHER REPORTS

### 12.1 Assembly of Councillors

File No.: 02/01/002

Section 76(AA) of the Local Government Act 1989 defines the following to be Assemblies of Councillors; an advisory committee of the Council that includes at least one Councillor; a planned or scheduled meeting of at least half the Councillors and one member of council staff which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a Council function, power or duty by a person or committee acting under Council delegation.

It should be noted, an assembly of Councillors does not include an Ordinary Council meeting, a special committee of the Council, meetings of the Council's audit committee, a club, association, peak body or political party.

Council must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- a) reported to the next ordinary meeting of the Council; and
- b) incorporated in the minutes of that council meeting. (s. 80A(2))

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

A record of Assemblies of Councillors since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors – Wednesday 06 March 2019 – Presentation by Chair, Audit & Risk Advisory Committee
- Assembly of Councillors – Wednesday 06 March 2019 – Presentation by Djerriwarrh Health Services
- Assembly of Councillors – Wednesday 06 March 2019 – Review of Draft 2019-2020 Budget
- Assembly of Councillors – Wednesday 06 March 2019 – Review of Draft Council Plan

**Resolution:****Crs. Toohey/Sullivan*****That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 06 March 2019 – Presentation by Chair, Audit & Risk Advisory Committee***
- ***Assembly of Councillors – Wednesday 06 March 2019 – Presentation by Djerriwarrh Health Services***
- ***Assembly of Councillors – Wednesday 06 March 2019 – Review of Draft 2019-2020 Budget***
- ***Assembly of Councillors – Wednesday 06 March 2019 – Review of Draft Council Plan***

**CARRIED.**

## 12.2 Section 86 – Delegated Committees of Council – Reports

Section 86 Delegated Committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in Section 86(4) of the Act.

Section 86 Delegated Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Section 86 – Delegated Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative	Attachment Number
Section 86 Development Assessment Committee Meeting  Please click for minutes: <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019</a>	Wednesday 20 February 2019	Cr. Tatchell Cr. Keogh Ce. Bingham Cr. Dudzik Cr. Edwards	n/a
Section 86 Development Assessment Committee Meeting  Please click for minutes: <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019</a>	Wednesday 20 March 2019	Cr. Tatchell Cr. Keogh Ce. Bingham Cr. Dudzik Cr. Edwards	n/a

### Resolution:

**Crs. Dudzik/Keogh**

***That Council receives the reports of the following Section 86 - Delegated Committees of Council:***

- ***Section 86 Development Assessment Committee Meeting – Wednesday 20 February 2019***
- ***Section 86 Development Assessment Committee Meeting – Wednesday 20 March 2019***

**CARRIED.**

**13. NOTICES OF MOTION**

*Nil.*

**14. MAYOR'S REPORT**

*Since the last Ordinary Meeting of Council, the Mayor has attended the following meetings and activities:*

<b>Cr Paul Tatchell – Mayor's Report</b>	
<b>Date: 3 April, 2019</b>	
<b>14 March</b>	<ul style="list-style-type: none"> <li>• <b>Opening of the Ballan &amp; District Community House Lesley Batchelor Gallery</b></li> </ul>
<b>16 March</b>	<ul style="list-style-type: none"> <li>• <b>Opening of the Clarendon Community Hub</b></li> </ul>
<b>20 March</b>	<ul style="list-style-type: none"> <li>• <b>Councillor Briefing – Review of the OMC Agenda</b></li> <li>• <b>Councillor Briefing – Video Streaming of Council Meeting</b></li> <li>• <b>Councillor Briefing – Procurement Policy Update</b></li> <li>• <b>Councillor Briefing – Budget Meeting 2 – Review Draft 19/20 Operating Budget</b></li> <li>• <b>S86 Development Assessment Committee</b></li> </ul>
<b>3 April</b>	<ul style="list-style-type: none"> <li>• <b>Councillor Briefing – Review of Draft Council Plan</b></li> <li>• <b>Councillor Briefing – Budget Meeting 3 – Review of Draft 19/20 CIP</b></li> <li>• <b>S86 Moorabool Growth Management Committee</b></li> <li>• <b>Ordinary Meeting of Council</b></li> </ul>

**Resolution:**

**Cr. Sullivan/Keogh**

***That the Mayor's report be received.***

**CARRIED.**



**15. COUNCILLORS' REPORTS**

*Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:*

<b>Cr. Sullivan</b>	
<b>March 2019</b>	
<b>16 March</b>	<b>Opening of the Clarendon Community Hub</b>
<b>19 March</b>	<b>Triannual AGM – Clarendon Recreation Reserve</b>

<b>Cr. Edwards</b>	
<b>March 2019</b>	
<b>25 March</b>	<b>Bacchus Marsh Aerodrome Management Meeting</b>
<b>26 March</b>	<b>Blacksmith's Cottage and Forge Committee of Management Meeting</b>

<b>Cr. Bingham</b>	
<b>March 2019</b>	
<b>14 March</b>	<b>Bacchus Marsh Public Hall Committee Meeting</b>
	<b><i>In keeping with MAV guidelines, Cr. Bingham wished to publicly notify of his intention to run for Federal Government seat of Gorton</i></b>

<b>Cr. Toohey</b>	
<b>March 2019</b>	
<b>27 March</b>	<b>Strategic Agricultural Land Regional Workshop hosted by DELWP</b>
<b>31 March</b>	<b>Wallace Hall – Community Meeting - relief efforts</b>

<b>Cr. Keogh</b>	
<b>March 2019</b>	
<b>23 March</b>	<b>Lal Lal Wind Farm Community Event – Stand Underneath a Turbine</b>

**Resolution:**

**Crs. Bingham/Dudzik**

***That the Councillors' reports be received.***

**CARRIED.**

**16. URGENT BUSINESS**

**Nil.**

**ADJOURNMENT OF MEETING – 7.48 pm**

**Crs. Toohey/Bingham**

***That the meeting now stand adjourned for a period of 5 minutes.***

**CARRIED.**

**RESUMPTION OF MEETING – 7.58 pm**

**Crs. Sullivan/Edwards**

***That the meeting now be resumed.***

**CARRIED.**

**17. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

<b>17.1 2019 Youth Awards</b>	
<b>Directorate:</b>	Community Development
<b>General Manager:</b>	Danny Colgan
<b>Author:</b>	Sharon McArthur
<b><i>Section 89(2)h – any other matter which the Council or special committee considers would prejudice the Council or any person;</i></b>	

<b>17.2 Contract C25-2018/2019; Bacchus Marsh Lawn Tennis Club – Court Reconstruction and Lighting Upgrade</b>	
<b>Directorate:</b>	Community Assets and Infrastructure
<b>General Manager:</b>	Phil Jeffrey
<b>Author:</b>	Ewen Nevett
<b><i>Section 89(2)(d) - contractual matters;</i></b>	

**Resolution:**

**Crs. Sullivan/Edwards**

***That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:***

- (a) personnel matters;***
- (b) the personal hardship of any resident or ratepayer;***
- (c) industrial matters;***
- (d) contractual matters;***
- (e) proposed developments;***
- (f) legal advice;***
- (g) matters affecting the security of Council property;***
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;***
- (i) a resolution to close the meeting to members of the public.***

**CARRIED.**

Items 17.1 & 17.2 are confidential items  
and therefore not included  
as part of these Minutes.

**18. MEETING CLOSURE**

*The meeting closed at 8.15PM.*

*Confirmed.....Mayor.*