



MINUTES

Ordinary Council Meeting Wednesday, 4 September 2019

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

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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 OF 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 will be recording this meeting.

4. PRESENT

Cr Paul Tatchell (Mayor)	Central Moorabool Ward
Cr John Keogh (Deputy Mayor)	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr David Edwards	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 & Infrastructure
Ms Sally Jones	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Mr Rob Fillisch	Manager Statutory Planning & Building Services
Ms Yvonne Hansen	Manager Governance & Risk
Ms Michelle Morrow	Coordinator Governance

5. APOLOGIES

An apology was received by:

Cr Pat Toohey	Woodlands Ward
Cr Jarrod Bingham	East Moorabool Ward

6. CONFIRMATION OF MINUTES**RESOLUTION**

Moved: Cr Sullivan

Seconded: Cr Edwards

That the minutes of the Ordinary Council Meeting held on Wednesday, 7 August 2019 be confirmed.

CARRIED

7. DISCLOSURE OF CONFLICTS OF INTEREST**7.1 Disclosure of Direct Interest – Cr. Sullivan**

Cr Sullivan declared a Direct Conflict of Interest in relation to Item 12.1 - Proposed Land Exchange - Bellevue Tops Estate, Bacchus Marsh.

The nature of the Conflict of Interest is due to Cr Sullivan acting as a surveyor carrying out work on behalf of Bellevue Tops Pty Ltd.

8. PUBLIC QUESTION TIME

Nil.

9. PETITIONS**9.1 Pedestrian Crossing, Griffin Street, Maddingley**

Cr Keogh presented a petition signed by 284 individuals requesting a Pedestrian Crossing on Griffith Street, Maddingley and a bus stop shelter on the northern side of the road opposite the southern shelter, so they may safely cross this busy street.

Whilst the petition does not state this, the petition is also seeking that the roundabout at the corner of Griffith and Grant Street be modified so as to be accessible to take ride on scooters across Griffith Street to Grant Street. At present, the entry and exit of the pedestrian track does not align for safe movement between the two roads.

Ms Sylvia Merry spoke in support of the petition lodged with Council.

RESOLUTION

Moved: Cr Edwards

Seconded: Cr Keogh

That Council:

1. Receive the petition containing 284 signatures in relation to the installation of a pedestrian crossing and other related works requested in Griffith Street, Maddingley.
2. Refer the request for the installation of a pedestrian crossing and other related works in Griffith Street, Maddingley, for a report or appropriate action as required to the next appropriate meeting of the Council.

CARRIED

10. PRESENTATIONS/DEPUTATIONS

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

Item No	Description	Name	Position
9.0	Petition	Sylvia Merry	Petitioner
12.1	Proposed Land Exchange – Bellevue Tops Estate, Bacchus Marsh	Hugh McMaster	Applicant
12.2	Proposed Discontinuance of a Portion of Government Road - Howards Road, Navigators	Blair Mather	Applicant

11. CHIEF EXECUTIVE OFFICER REPORTS**11.1 ADOPTION "IN PRINCIPLE" OF THE 2018/19 FINANCIAL STATEMENTS FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION****PURPOSE**

To present the 2018/19 Financial Statements to Council for adoption "in principle" and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements, before being submitted to the Auditor-General for certification.

EXECUTIVE SUMMARY

The following report presents the 2018/19 Financial Statements for adoption "in principle" by Council for submission to the Auditor-General for certification.

RESOLUTION

Moved: Cr Keogh

Seconded: Cr Dudzik

That Council, in accordance with S. 132 of the Local Government Act (1989):

1. Adopts in principle and submit the 2018/19 Financial Statements to the Auditor-General for certification; and
2. Authorise the Council's Audit Committee Representatives, Cr. Dudzik and Cr. Keogh and, to certify the 2018/19 Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.

CARRIED

BACKGROUND

The Local Government Act 1989 requires that Council complete the following at the end of each financial year with respect to producing an Annual Report.

S. 131 Annual report

- (1) A Council must prepare an annual report in respect of each financial year
- (2) An annual report must contain the following, in respect of the financial year reported on—
 - (a) a report of operations of the Council;
 - (b) an audited performance statement;
 - (c) audited financial statements;
 - (d) a copy of the auditor's report on the performance statement, prepared under section 132;
 - (e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;
 - (f) any other matter required by the regulations.

- (3) The financial statements in the annual report must—
- (a) include any other information required by the regulations; and
 - (b) be prepared in accordance with the regulations.

S. 132 Annual Report - Preparation

- (1) A Council must submit the performance statement and financial statements in their finalised form to the auditor for auditing as soon as possible after the end of the financial year.
- (2) The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.
- (3) The auditor must prepare a report on the performance statement.

Note: The auditor is required under Part 3 of the Audit Act 1994 to prepare a report on the financial statements.

- (4) The auditor must not sign a report under subsection (3) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (5).
- (5) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by—
- (a) 2 Councillors authorised by the Council for the purposes of this subsection; and
 - (b) any other prescribed persons.
- (6) The auditor must provide the Minister and the Council with a copy of the report on the performance statement as soon as is reasonably practicable.

PROPOSAL

The 2018/19 Financial Statements have been prepared in accordance with the requirements of the Local Government Act, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

In accordance with Council's Governance protocols, the reports will be presented to Council's Audit Committee for review and recommendation to Council for adoption "in principle" and authorisation of two Councillors, being the Councillor members of the Audit Committee, to sign the audited statements.

In summary, the statements indicate the following results for 2018/19:

1. Financial Statements: reflect the comparative performance to the previous financial year.
 - Comprehensive Income Statement – The result reflects a total comprehensive gain of \$82.147 million. Included within this result are the following significant items:
 - \$4.124 million increase in 'Contributions - Monetary' due to the timing of significant developer contributions received in 2018/19.
 - \$4.943 million increase in 'Contributions - Non-Monetary' due a substantial amount of development throughout the Shire. Assets constructed by developers and handed over to Council total \$10.443 million in 2018/19.

- \$56.613 million increase in 'Net Asset Revaluation Increment/(Decrement)' which mainly relates to the increment for Road Infrastructure (\$38.810 million). Other Infrastructure Assets revalued during 2018/19 include; Drainage, Kerbs and Footpaths.
- \$1.779 million increase in 'Rates and charges' mainly due to significant growth in rating assessments during the 2018/19 financial year.

- Balance Sheet – The movement in net assets reflects the total operating gain of \$82.147 million. Included within this result are the following significant items:
 - \$75.649 million increase in 'Property, Infrastructure, Plant and Equipment' mainly due to the Capital Improvement Program and Asset Revaluations.
 - \$5.712 million increase in 'Cash and cash equivalents' mainly due Councils improvement in recent years in reducing underlying deficits. Also, the impact of some Capital Works being deferred to the 2019/20 financial year.
 - A net \$1.121 million decrease in 'Interest-Bearing Loans and Borrowings' which reflects principal repayments in 2018/19, and the deferral of new borrowings to the 2019/20 financial year.

- Cash Flow Statement – The movement in cash held at the end of the year is an increase of \$5.711 million. Included within this result are the following significant items:
 - Net cash flows from operating activities increased by \$3.711 million from last year to \$22.591 million. This is mainly due to Council receiving a significant amount of cash developer contributions in 2018/19.
 - Net cash used in investing activities has increased by \$3.846 million to \$15.176 million. This is due to the 2018/19 financial year containing a significantly larger Capital Improvement Program.

- Statement of Capital Works – In comparison to the 2017/18 financial year, overall capital expenditure for 2018/19 is \$3.957 million more than the previous year, made up of the following items;
 - Capital expenditure on 'Roads' in 2018/19 was \$1.321 million more than 2017/18 mainly due to substantial works on Bacchus Marsh-Balliang Road and Ormond Road.
 - Expenditure on 'Footpaths and Cycleways' was \$0.702 million more than the previous year due to the continuation of works at Inglis Street, Ballan.
 - Expenditure on 'Recreational, Leisure and Community Facilities' was \$1.880 million more than 2017/18, mainly due to the continuation of works at Bacchus Marsh Racecourse and Recreation Reserve.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership**Context 1C: Our Business and Systems**

The 2018/19 financial statements are consistent with the 2017-2021 Council Plan.

FINANCIAL IMPLICATIONS

The financial statements detail Council's financial performance and position for 2018/19. They demonstrate that over time Council has steadily improved its financial position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**COMMUNICATIONS & CONSULTATION STRATEGY**

The Annual Financial Statements and Performance Statements are reported to Council to adopt "in principle" for submission to the Auditor-General for certification. Audited Statements are then incorporated into Council's Annual Report, which is completed by Council by 30 September each year.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 General Manager, I have no interests to disclose in this report.

Author – Steve Ivelja

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

CONCLUSION

The attached Financial Statements for 2018/19 have been prepared in accordance with the requirements of the Local Government Act. Council's Audit Committee have reviewed the statements and recommended that Council adopt the statements "in principle". The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

It is practice for the Councillor members of the Audit Committee to sign the certified statements on behalf of Council.

11.2 ADOPTION “IN PRINCIPLE” OF THE 2018/19 PERFORMANCE STATEMENT FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION

PURPOSE

The purpose of this report is to present to Council the 2018/19 Performance Statement for “in principle” adoption and submission to the Auditor-General for certification.

EXECUTIVE SUMMARY

- The 2018/19 Performance Statement has been prepared to meet the requirements of the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014.

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Keogh

That Council, in accordance with section 132 of the Local Government Act 1989:

1. Adopts ‘in principle’ the 2018/19 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor General for certification.
2. Authorises Council’s Audit and Risk Advisory Committee representatives, Cr. Dudzik and Cr. Keogh, to certify the 2018/19 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.

CARRIED

BACKGROUND

Since 2014, Councils have been required to report on their performance through their Annual Report to their community.

Pursuant to Section 131(4) of the Local Government Act 1989, the Performance Statement in the Annual Report must –

- a) Contain the following:
 - i) for the services funded in the budget for the financial year reported on, the prescribed indicators of service performance required by the regulations to be reported against in the performance statement and the prescribed measures relating to those indicators;
 - ii) the prescribed indicators of financial performance and the prescribed measures relating to those indicators;
 - iii) the prescribed indicators of sustainable capacity performance and the prescribed measures relating to those indicators;
 - iv) results achieved for that financial year in relation to those performance indicators and measures referred to in subparagraphs (i), (ii) and (iii);
 - v) any other information required by the regulations; and
- b) Be prepared in accordance with the regulations.

PROPOSAL

In accordance with Council's governance practices, the Performance Statement as attached to this report, will have been presented to Council's Audit and Risk Advisory Committee on Tuesday 3 September 2019 for review and recommendation to Council for "in principle" adoption and authorisation by two Audit and Risk Advisory Committee Councillor members, and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2018/19 year.

Overall there are 30 performance indicators that have been mandated for an independent audit. Of these indicators six (6) relate to sustainable capacity, twelve (12) relate to service performance and twelve (12) relate to financial performance.

The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the Performance Statement. The performance indicator results for 2018/19 will be compared to the results for the previous three financial years.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan at an Ordinary Meeting of Council on 3 July 2019 and which forms part of the 2019/20 Annual Budget and the Council Plan 2017-2021. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

In relation to the Financial Performance and Sustainable Capacity indicators, some of the major trends include;

1. **E1 Average residential rates per property assessment** – In 2018/19, average residential rates per residential property assessments amounted to \$1,580.05. Average residential rates are forecast to increase at an annual rate of approximately 2.5% per annum in line with Council's projected increase in the rate cap. Average residential rates in Moorabool Shire are significantly lower compared to similar Councils and the state average.
2. **E2 Expenses per property assessment** – In 2018/19, expenses per property assessment were \$2,876.48. Expenses per property assessment are predicted to marginally increase over the next 4 years. In comparative terms, expenses per property assessment are significantly lower in Moorabool Shire than both the state average and that of similar Councils. This reflects a high degree of resource efficiency and responsible financial stewardship over Council resources, but also reflects the ongoing challenge that Moorabool Shire faces in receiving its fair share of recurrent funding from state and federal governments. It is currently noted that Moorabool Shire receives significantly less in recurrent grants than the state average which in turn, reduces the level of investment and expenditure that Council can put back in the community. On top of this, average residential rates in Moorabool Shire are low compared to the state average (and are also subject to the rate cap) and Moorabool Shire has limited sources of other revenue streams. As a result, Moorabool Shire is compelled to manage resources efficiently in the face of these strategic challenges.
3. **E3 Workforce turnover** – In 2018/19, workforce turnover was 10.20%. There was a lower level of workforce turnover in 2018/19 compared to the 2017/18 year (12.90%) and the 2016/17 year (14.98%).

4. **L1 Working Capital** – In 2018/19, Council’s working capital ratio of 226.49% was higher compared to previous years. The ratio was favourably impacted by the receipt of significant levels of Developer Contributions as compared to the 2017/18 year. In addition to this, Council had higher cash levels due to capital works being carried over to the 2019/20 financial year.
5. **L2 Unrestricted cash** – Unrestricted cash levels are at 91.13% as at 30 June 2019, which is a significant improvement from the 2017/18 reporting year. The improvement in this ratio over the last 4 financial years is consistent with Councils Strategic Financial Plan and this ratio is expected to improve and stabilise in future years. In addition to this, Council received significant levels of developer contributions for projects that were funded in prior years resulting in an improvement in this measure. Whilst the ratio was also favourably impacted by the early payment of Financial Assistance Grants in the 2018/19 year, it is noted that Council deferred \$5.966m in loan borrowings which unfavourably impacted this measure.
6. **O1 Asset renewal** – Asset renewal compared to depreciation was 124.41%. The improved result is due to a substantial Capital Improvement Program compared to the prior year. The overall increase in asset renewal spend compared to 2017/18 is \$3.549 million. The outlook for asset renewal expenditure is strong and is indicative of a robust asset management plan and an effective strategic financial plan.
7. **O2 Loans and Borrowings** – As at 30 June 2019, loans and borrowings were 32.59% of rate revenue. This ratio was favourably impacted by the deferral of \$5.966m in loan borrowings to the 2019/20 financial year. Notwithstanding, the level of loan borrowings is forecast to increase in the medium term. In comparative terms, Moorabool Shire has higher loan borrowings than the state average and that of similar size Councils. This is driven by a couple of factors. Firstly, rapid population growth is fuelling community demand for investment in infrastructure. In addition to this, Moorabool Shire receives significantly less in government grants than other Victorian Councils. As a result, it has a higher reliance on loan borrowings than most other Victorian Councils.
8. **OP1 Adjusted underlying result** – As at 30 June 2019, the adjusted underlying surplus was 7.96% of adjusted underlying revenue. The improvement in this ratio is consistent with the Strategic Financial Plan and demonstrates a continued improvement in the financial sustainability of Moorabool Shire. Moorabool Shires strategic financial plan is forecasting a strong underlying surplus in future years. Moorabool Shire continues to outperform the state average in this measure which is a significant achievement considering it has lower average residential rates and receives lower levels of grant funding than the state average, whilst having to service higher levels of debt in comparative terms to other Victorian Councils.
9. **C4 Own-source revenue per head of municipal population** – As at 30 June 2019 this amounted to \$1,230.74. Own source revenue per head of municipal population has increased by 13.0% over the last 3 reporting years. Notwithstanding this, Moorabool Shire generates significantly lower levels of own source revenue per head of municipal population than the Victorian average and similar sized Councils. Own source revenue can come in a variety of forms and can include Council rates, user fees, statutory fees, fees from significant Council businesses (caravan parks, holiday parks, recreation facilities), parking fees and other activities.

It is noted that due to a several factors (for e.g. such as geographic factors and low population density) Moorabool Shire does not currently have the same capacity to generate significant revenue from non-rate revenue sources compared to other Victorian Councils. As a result, it has a low level of own source revenue per head of municipal population as compared to the Victorian average and similar sized Councils. In other instances, where Moorabool Shire has attempted to broaden its revenue base it has been significantly restricted by other legislation from doing so. The most significant example of this has come about with the construction of 3 new windfarms in Moorabool Shire. In each instance, the revenue payable to Moorabool Shire by the windfarms will be governed by the Electricity Act 2000 which has the impact of significantly reducing the revenue that would otherwise be payable to Council. For Moorabool Shire, the annual revenue loss from windfarms due to the Electricity Act is estimated to exceed \$3.0m per annum.

10. **C5 Recurrent grants per head of municipal population** – As at 30 June 2019, this amounted to \$301.76. Moorabool Shire receives significantly less grants per head of municipal population than similar Councils and the Victorian average. To overcome this structural disadvantage, Moorabool Shire has a higher reliance on other sources of funding such as loan borrowings as compared to other Victorian Councils. According to the audited results of the 2017/18 Local Government performance reporting, Moorabool Shire receives on average \$3.99m less on an annual basis compared to other Victorian Councils, and \$5.94m less annually than similar size Councils.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal to present the 2018/19 Performance Statement to Council is consistent with the Council Plan 2017-2021.

FINANCIAL IMPLICATIONS

There are no financial implications from this report. The preparation and presentation of the 2018/19 Performance Statement has been performed within the allocated budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Inadequate performance by Council	Inability to meet attainable levels of performance	Medium	Systems, processes and measures to provide comprehensive performance information that meets the needs of a number of audiences

COMMUNICATIONS & CONSULTATION STRATEGY

The Performance Statement will be presented to the Victorian Auditor General's Office for review and certification. The Performance Statement will form part of the Council's Annual Report which will be lodged with the Minister for Local Government prior to 30 September 2019. The Annual

Report will be made publicly available on Council's website and at all office locations early in October 2019.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 – Sally Jones

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

Author – Yvonne Hansen

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

CONCLUSION

The 2018/19 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 for adoption "in principle" by Council for submission to the Auditor-General for certification.

At the time of printing this document, Council's Performance Statement was included on the Agenda for consideration at the Audit and Risk Advisory Committee Meeting on Tuesday 3 September 2019, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement "in principle".

Following a resolution, the Performance Statement will then be submitted to the Auditor General for certification. Council is also required to authorise two Councillors to sign the Performance Statement on behalf of Council, as required under the *Local Government Act 1989*.

It is practice for the Councillor members of the Audit and Risk Advisory Committee to sign the certified statements on behalf of Council.

11.3 2018/2019 GOVERNANCE & MANAGEMENT CHECKLIST

PURPOSE

The purpose of this report is to present the 2018/19 Governance and Management Checklist (Checklist) for Council adoption.

EXECUTIVE SUMMARY

- The Governance and Management Checklist is a component of the Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 131(3) of the *Local Government Act 1989* (the Act) and Regulation 12 of the Local Government (Planning and Reporting) Regulations 2014.

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Sullivan

That Council adopts the 2018/19 Governance and Management Checklist for submission to the 2018/19 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.

CARRIED

BACKGROUND

Section 131(3)(ii) of the Act provides that Council must contain in its report of operations the results, in the prescribed form, of the Council’s assessment against the prescribed governance and management checklist and indicators. The checklist is then certified by the Mayor and Chief Executive Officer.

PROPOSAL

The Governance and Management Checklist contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council’s 2018/19 Annual Report and submission to Local Government Victoria and published on the ‘Know your Council’ website.

Overall, from the 24 listed items on the Checklist, 23 items are established and in operation, with the remaining 1 item in progress. A Disaster Recovery Plan is currently being developed, and procedures are in place for recovery of business systems and data in the event of a disaster.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal 2018/2019 Governance & Management Checklist is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the 2018/2019 Governance and Management Checklist.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no Occupational Health and Safety issues in relation to this report. In relation to the component of the Governance and Management Checklist pertaining to development of the Disaster Recovery Plan, procedures are in place for recovery of business systems and data in the event of a disaster.

COMMUNICATIONS & CONSULTATION STRATEGY

The Governance and Management Checklist will be published in Council's Annual Report and available for review on the Local Government Victoria "Know Your Council" website.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 – Sally Jones

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

Author – Yvonne Hansen

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

CONCLUSION

The Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 1989*.

Council's Audit and Risk Committee has reviewed the Checklist and recommends that Council adopts the Governance and Management Checklist, prior to its submission to the 2018/2019 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.

11.4 APPOINTMENT OF ACTING CEO

PURPOSE

This report requests approval for the CEO to appoint an Acting CEO while travelling overseas.

RESOLUTION

Moved: Cr Sullivan

Seconded: Cr Keogh

That Council approves the CEO to appoint Mr Phil Jeffrey as Acting CEO for the period 16 September to 23 September while Mr Madden is overseas.

CARRIED

BACKGROUND

An opportunity has arisen for the CEO to travel overseas for economic development and potential investment opportunities.

PROPOSAL

Council Officers have been developing relationships with the owners of the Lal Lal Estate which include the development of a tourism based product, farm educational components, a wool museum and further development and expansion of a working merino farm.

The overseas owner of the estate has graciously extended an invitation to the CEO to attend various events and meetings to strengthen Council's ties with the owners of the estate. It also provides opportunities to meet with local government representatives which may yield further positive outcomes.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3B: Investment & Employment

The proposal for the CEO to appoint an Acting CEO whilst overseas is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

The CEO will be self-financing flights, accommodation and other internal travel costs.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risks identified in this report.

COMMUNICATIONS & CONSULTATION STRATEGY

There are no communication or consultation identified in this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 CEO, I have no interests to disclose in this report.

Author – Dianne Elshaug

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

CONCLUSION

The CEO will be out of the country for a period of 10 days on self-funded Council business. The appointment of an Acting CEO is required.

11.5 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE CEO)

PURPOSE

The purpose of this report is to present for Council adoption, a revised Instrument of Delegation to delegate Council powers, duties and functions to members of Council staff.

EXECUTIVE SUMMARY

- An Instrument of Delegation is a formal document that allows for certain duties, functions and decision-making powers to be delegated to a Council officer or a Special Committee, as a means of reducing the operational and decision making workload upon the Council.
- Council's Instruments of Delegation are routinely reviewed and updated to incorporate other legislative changes that occur from time to time.
- Due to a restructure of the Moorabool Shire Council management structure, Council is required to review its Instrument of Delegation to ensure relevant changes to position titles and appropriate allocation of delegation in alignment with the new structure.
- A summary of amendments is provided as Attachment 1.

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Keogh

That Council, having undertaken a review of its delegations in accordance with Section 98 of the Local Government Act 1989, 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 Instrument of Delegation to Members of Council staff (provided as Attachment 2), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
2. The Instrument of Delegation to Members of Council Staff (provided as Attachment 2) comes into force immediately upon the common seal of Council is affixed to the Instrument.
3. On the coming into force of the Instrument of Delegation to Members of Council Staff, 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

BACKGROUND

Councils have wide-ranging responsibilities and have been given many powers, duties and functions under various legislation. It is impossible for a Council to exercise all of these powers, duties and functions itself as Council would require passing 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.

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.

PROPOSAL

A recent restructure of the Moorabool Shire Council management structure has initiated a review of Council's current Instrument of Delegation from Council to Members of Council staff.

The reviewed Instrument of Delegation from Council to Members of Council staff (provided as Attachment 2) being presented to Council for adoption includes:

- relevant changes to position titles; and
- appropriate allocation of delegation in alignment with the new structure.

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.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal 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.

COMMUNICATIONS & CONSULTATION STRATEGY

The nature of this report does not necessitate any community consultation.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 Chief Executive Officer, I have no interests to disclose in this report.

Author – Yvonne Hansen

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

CONCLUSION

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.

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

12. COMMUNITY DEVELOPMENT REPORTS

Having declared a Conflict of Interest in relation to Item 12.1, Cr Sullivan left the meeting at 6.12pm.

12.1 PROPOSED LAND EXCHANGE - BELLEVUE TOPS ESTATE, BACCHUS MARSH

PURPOSE

This report seeks Council's authority to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act), to enter into a proposed land exchange with Bellevue Tops Pty Ltd., (the Developer) the developer of the Bellevue Tops Estate (the Estate) in Bacchus Marsh.

EXECUTIVE SUMMARY

- Council intends to transfer to Bellevue Tops Pty Ltd part of a Council reserve within the Estate, which resulted from an agreement under section 173 of the *Planning and Environment Act 1987*.
- Council requires to commence the statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* (the Act).

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Edwards

That Council defer the Proposed Land Exchange - Bellevue Tops Estate, Bacchus Marsh to the next meeting of Council.

CARRIED

BACKGROUND

The Developer of the Estate in Bacchus Marsh has approached Council regarding a proposed land exchange as part of the on-going development of the Estate.

The proposed land exchange arose from an agreement under section 173 of the *Planning and Environment Act 1987* which had been entered into between the parties at the time to give effect to the construction of Halletts Way and other ancillary issues associated with the development of the Estate, in accordance with previous decisions made by Council.

PROPOSAL

Under the terms of the proposed exchange:

- Council intends to transfer to the Developer part of a Council reserve within the Estate, shown hatched on the Overall Plan attached to this report, and more particularly known as Lot 1 on Plan of Subdivision PS818729K.

In exchange the Developer has:

- Previously transferred/vested in Council the land known as Road R2 and Reserve No.1 in Plan of Subdivision PS731412Y (Stage 2), as shown stippled and cross-hatched respectively, on the Overall Plan attached to this report.
- Agreed to create a walkway providing pedestrian access between Holman Crescent and Gothic Drive and to extend Holman Crescent, as shown coloured yellow on the Overall Plan and in more detail on the Enlarged Plan attached to this report.

The section of reserve which Council intends to transfer to the Developer (shown hatched on the Overall Plan) is no longer considered to be required for use as a Reserve and can more appropriately, and practically, be utilised as part of a future subdivision within the Estate by the Developer.

The acquisition of this land by the Developer will, in time, facilitate the proposed extension of Holman Crescent and the creation of a walkway from Gothic Drive through to Holman Crescent.

The land from the Road and Reserve, shown stippled and cross hatched respectively on the Overall Plan, has previously been vested in Council by the Developer, and provided for the extension of Halletts Way through a large tract of land in the middle of the Estate (this work has been completed).

The proposed walkway and extension to Holman Crescent will be transferred/vested in Council by the Developer upon the registration of PS827216Q as part of a future stage of the subdivision of the Estate.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to enter into a proposed land exchange is consistent with the Council Plan 2017 – 2021.

FINANCIAL IMPLICATIONS

The proposed land exchange is being undertaken on the understanding that it will involve no financial compensation by either the Developer or Council for the parcels of land forming the exchange.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk and occupational health and safety issues identified in relation to this report. with the proposed land exchange.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions	General public	Public notice in newspapers and Council website	Moorabool district	August/Sept	General public supported to submit submissions

Under section 189 of the Act, a person has the right to make a submission under section 223 of the Act in relation to Council’s intention to exchange land with the Bellevue Tops Estate, Bacchus Marsh.

Section 223 of the Act requires Council to publish a public notice inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice. A person making a submission is entitled to request in the submission that the person wishes to appear in person, at a meeting, to be heard in support of the submission. Council must then consider any submissions received in accordance with the Act.

Public notice will be provided in the regional and local newspaper and on Council’s corporate website (section 82A) to provide an opportunity for the community and neighbouring landholders to support, object or make comment.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues.

It is considered the recommendation contained in this report does not in any way limit, restrict or interfere with any human right established by the Victorian Charter of Human Rights.

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 – Sally Jones

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

Section 189 of the Act stipulates that before exchanging the land, the Council must ensure that public notice of its intention to do so is given at least 4 weeks prior to exchanging the land. Furthermore, in accordance with section 189(3), a person has a right to make a submission under section 223 of the Act on the proposed exchange.

Cr Sullivan returned to the meeting at 6.15pm.

Mr Blair Mather addressed Council as a supporter of the recommendation to Item 12.2.

12.2 PROPOSED DISCONTINUANCE OF A PORTION OF GOVERNMENT ROAD - HOWARDS ROAD, NAVIGATORS

PURPOSE

This report seeks Council's consideration to discontinue a portion of road reserve identified as an unsealed government road situated to the south of property, 144 Dunnstown-Yendon Road, Dunnstown and north of property 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.

EXECUTIVE SUMMARY

- Acting under sections 207A and 223 of the LGA, public notice of the proposed discontinuance of the portion of government road (Howards Road, Navigators) was conducted.
- Three submissions received by Council raised issues with regard to fire escape routes to and from properties near the site; emergency vehicle access to properties near the site; Howards Road is used as an access road to share farming properties to the west; closure of Ditchfield Road North and alternative roads to be constructed.
- Agreement has been reached between Boral Quarries Dunnstown (Boral), the submitter who provided a verbal submission to Council and the CFA addressing principle concerns regarding safety and access.
- Boral Quarries Dunnstown (Boral) have made provision for two alternative private access roads on Boral owned land. One access road will be subject to a land access agreement with local farmers. The other will be a fire access escape route in the event of a fire emergency for local residents and the general public.
- Boral Quarries Dunnstown (Boral) has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road. Boral has subsequently acquired this property along with the following neighbouring properties 200 Navigators Dunnstown Road, Yendon and 62 Hewittsons Road, Navigators.
- There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. All other routes are generally considered to be unaltered by the proposal to discontinue this portion of Howards Road.

RESOLUTION

Moved: Cr Sullivan

Seconded: Cr Keogh

That Council defer the Proposed Discontinuance of a Portion of Government Road - Howards Road, Navigators to a future meeting of Council.

CARRIED

BACKGROUND

Boral Quarries Dunnstown (Boral), acting on behalf of Boral Land and Property Group, are seeking Councils consent for the discontinuation of a portion of government road identified as Howards Road, Navigators.

On Wednesday 1 May 2019, Council resolved for officers to give public notice of its intention to discontinue a portion of road reserve identified as Howards Road, Navigators and to seek public submissions under section 207A of the LGA.

In accordance with Council's resolution from its Ordinary Meeting of Council on Wednesday 1 May 2019, officers undertook the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA in relation to this matter.

Acting under sections 207A and 223 of the LGA, public notice of the proposed discontinuance of the portion of government road (Howards Road, Navigators) was conducted. The public submission period closed at 5.00pm on Monday 17 June 2019 with Council receiving 3 submissions. One of the three submitters requested to be heard in support of their submission at the Ordinary Meeting of Council held on Wednesday 7 August 2019.

At this meeting, Council resolved:

That Council:

- 1. Receive the submissions as presented in this report as a result of undertaking the statutory public submission process in accordance with sections 207A and 223 of the Local Government Act 1989 pertaining to Council's intention to discontinue a portion of government road identified Howards Road, Navigators.*
- 2. Receive a further report at its Ordinary Meeting of Council to be held 4 September 2019 to consider the discontinuation of a portion of government road identified as Howards Road, Navigators.*

PROPOSAL

The submissions received by Council at the Ordinary Meeting of Wednesday 7 August 2019 in response to the proposed discontinuance covered similar issues with a summary provided below:

- Fire escape routes to and from properties near the site
- Emergency vehicle access to properties near the site
- Howards Road is used as an access road to share farming properties to the west
- If Council are intending to also close Ditchfield Road North - suggestion of an alternative road to be constructed.

In relation to the concern regarding the closure of Ditchfield Road North, officers can confirm there is no intention to close this road.

There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. These are:

- Dunnstown-Yendon Road for vehicle access to/from the north
- Navigators Road for vehicle access to/from the west.

All other routes are generally considered to be unaltered by the proposal to discontinue this portion of Howards Road.

Since the Ordinary Meeting of Council held on Wednesday 7 August 2019, discussions between Boral Quarries Dunnstown (Boral) and the submitter who addressed Council in support of their submission have been undertaken. As a result of these discussions, Boral have reviewed alternative access options and identified the following options that have been agreed upon by the submitter to address their principle concerns regarding safety and access.

The proposal comprises two components, which are detailed on the map provided as **Attachment E**. They are:

- a north-south access road from the western end of Ditchfield Road N to Navigator-Dunnstown Road in the north, and
- a 50 m fire access track from the northern end of Ditchfield Road N connecting to the internal quarry haul road to be used in the event of a fire.

It is proposed that Howards Road would remain open until such time as Boral have constructed both alternative access roads. The access roads will have a pavement width of 5.0 metres, a 300 mm caprock sub-base and a 100mm NDCR road topping. This is considered equal or better than the existing standard of Howards Road, Navigators.

The author of this report also arranged an on-site meeting between the Country Fire Authority (CFA) and Boral Quarries Dunnstown (Boral) on Monday 26 August 2019. The objective of this meeting was to alleviate concerns initially raised by the CFA whereby the CFA considered it is feasible that Howards Road Navigators could be required as an "escape route" in the event of an approaching fire. Given the construction of the road and the potential for a fire to approach from a South West direction, Howards Road could in this instance provide an avenue for escape for either residents or workers / contractors working in this area.

As a result of this meeting held on Monday 26 August 2019, the CFA are satisfied with the alternative access options put forward by Boral Quarries Dunnstown (Boral) subject to the following conditions reflecting the agreed outcomes of the meeting:

Prior to closing off Howards Road, Navigators, the applicant must submit a fire emergency response plan to the Responsible Authority for approval. The plan must be to the satisfaction of the Country Fire Authority (CFA) and include the following:

- *A plan detailing the location of the proposed fire escape route.*
- *A community engagement strategy detailing how local residents will obtain access to the fire escape route in the event of a fire emergency; and*
- *Management practices detailing how local residents and the general public will obtain access to the fire escape route in the event of a fire emergency.*

Access to the fire escape route cannot be altered or modified unless agreed to by the Responsible Authority.

Boral has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road and a copy of the Original Plan OP124701 is contained in **Attachment A**.

Boral also provided that the application to purchase the road was publicly notified by DELWP and only one objection was received - being from the owner of 57 Ditchfield Road. Boral has subsequently acquired this property along with the following neighbouring properties:

- 200 Navigators Dunnstown Road, Yendon
- 62 Hewittsons Road, Navigators

A map of the Boral landholding is contained in **Attachment B**. Boral has also provided a Work Authority over the parcels of land to the south of the road proposed to be discontinued to indicate the extension of the activities being undertaken by the bluestone quarry. (**Attachment C**)

As shown on the plan contained in **Attachment D**, the subject section of government road (Howards Road) proposed to be discontinued is highlighted in red. The length of this unsealed road is approximately 920 metres and interconnects properties owned by Boral to the north and to the south.

Should Council resolve to discontinue this portion of Howards Road, Navigators, Council would not be in a position to provide an alternative access road as suggested in the submissions to allow residents to traverse from the south east through to the north west through potentially privately owned land.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to consider submissions in relation to Council’s intention to discontinue a portion of government road identified as Howards Road, Navigators is not consistent with the Council Plan 2017 – 2021 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There have been no financial implications identified as a result of the submissions received by Council. Purchase of the discontinued road would be undertaken through the Department Environment, Land, Water and Planning.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no perceived risks or occupational health and safety issues related to this proposal.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions – Statutory process	General public and property owners	Public notice in newspaper and Council website	Moorabool district	May/June 2019	General public supported to submit submissions

The proposed discontinuance of government road (Howards Road, Navigators) as set out earlier in this report has involved a public submission process through section 223 of the LGA

The public submission period was conducted for no less than 28 days; from Saturday 18 May and on Tuesday 21 May 2019 closing on Monday 17 June 2019. A public notice was placed in the regional newspaper, the Ballarat Courier and in the local newspaper, the Moorabool News and listed on Council's website inviting public submissions on the proposed road discontinuance being considered.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer has considered whether the subject matter raised any human rights issues.

It is considered the recommendation contained in this report does not in any way limit, restrict or interfere with any of the human rights established by the Victorian Charter of Human Rights.

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 – Sally Jones

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 has carried out its functions under section 223 of the Act in relation to this matter in presenting each submission to Council.

The three public submissions received have been presented to Council for consideration. Council has heard from 1 of the submitters in support of their submission and from a representative from Boral Quarries Dunnstow (Boral), acting on behalf of Boral Land and Property Group. Boral Quarries Dunnstow have made arrangements for alternative access routes and identified the conditions that have been agreed upon by the submitter who provided a verbal submission to Council, along with the CFA addressing principle concerns regarding safety and access.

12.3 SECTION 86 - DELEGATED COMMITTEES OF COUNCIL - REPORTS

PURPOSE

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.

EXECUTIVE SUMMARY

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
Section 86 Development Assessment Committee Meeting Minutes 170719	Wednesday 17 July 2019	Cr. Paul Tatchell Cr. John Keogh Cr. Jarrod Bingham Cr. Tonia Dudzik Cr. David Edwards

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Keogh

That Council receives the report of the Section 86 Development Assessment Committee Meeting of Wednesday 17 July 2019.

CARRIED

13. COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

Nil.

14. COMMUNITY PLANNING REPORTS**14.1 PLANNING SCHEME AMENDMENT C91 - FLOOD CONTROLS - AUTHORISATION****PURPOSE**

This report recommends that Council resolve to seek authorisation from the Minister of Planning under section 8A (3) of the *Planning and Environment Act 1987*, to prepare and exhibit Moorabool Planning Scheme Amendment C91 (the Amendment) to introduce new flood controls.

EXECUTIVE SUMMARY

- Melbourne Water, as floodplain management authority for the Port Phillip and Westernport catchment areas, has requested an amendment to the Moorabool Planning Scheme.
- The Amendment seeks to apply the Land Subject to Inundation Overlay (LSIO) and Special Building Overlay (SBO) to land affected by a 1% annual exceedance probability (AEP) flood event (also referred to as a 1 in 100 year flood event), within the catchments of Werribee River, Lerderderg River and Little River in the eastern portion of Moorabool Shire.
- By introducing appropriate flood controls into the Moorabool Planning Scheme, Council will ensure that flood risk is considered in land development decisions, thereby implementing the objectives of planning in Victoria.

RESOLUTION

Moved: Cr Sullivan

Seconded: Cr Keogh

That Council resolves to:

1. Request authorisation from the Minister for Planning to prepare and exhibit Moorabool Planning Scheme Amendment C91 (to introduce new flood controls as per Attachment 3), in accordance with section 8A(2) of the *Planning and Environment Act 1987*.
2. Exhibit Amendment C91, in accordance with the *Planning and Environment Act 1987*, for a period of 8 weeks following authorisation from the Minister for Planning.

CARRIED

BACKGROUND

The Moorabool Planning Scheme does not currently contain any overlays to identify land affected by a 1% AEP flood event.

In Victoria, effective floodplain management is a responsibility of Melbourne Water and catchment management authorities (CMAs) in partnership with local government. Clause 13.2 of the Victorian Floodplain Management Strategy (2016) outlines this partnership stating that *“the CMAs and Melbourne Water will work with LGAs to ensure that planning schemes use the planning controls that align with their flood risks”*. For Moorabool Shire, the floodplain management authorities are Melbourne Water for the Port Phillip catchment area in the eastern half of the Shire, and Corangamite Catchment Management Authority for the western half of the Shire.

It is important that planning decisions are based on all available information. Given that flood extent mapping has been undertaken by Melbourne Water as the relevant floodplain management authority, Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner. The usual controls to identify land affected by a 1% AEP flood event are the Flood Overlay (FO), the Land Subject to Inundation Overlay (LSIO), or the Special Building Overlay (SBO).

Planning Practice Note 12 - Applying the flood provisions in planning schemes (DELWP, June 2015) notes the following:

“Flooding is a natural hazard but, unlike most other natural hazards, floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.

Section 6 (2) (e) of the Planning and Environment Act 1987 enables planning schemes to ‘regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous’. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.

The statutory authorities responsible for the collection of flood information and for land use planning in flood-affected areas are councils and floodplain management authorities (i.e. Melbourne Water and Catchment Management Authorities).”

Council proposed to apply flood controls within the Moorabool Planning Scheme on two occasions through Amendment C14 and Amendment C73.

Amendment C14:

In 2005, Council commissioned consultants to prepare the Bacchus Marsh Flood Risk Study, to identify areas at risk of flooding and provide recommendations for mitigating that risk. The study identified and mapped areas subject to inundation during a 1% AEP flood event.

Amendment C14 was subsequently prepared, with the aim of applying the LSIO and FO to affected land. Amendment C14 was publicly exhibited in 2008, and Council received submissions which questioned the data/methodology used in preparing the flood risk study.

Amendment C14 lapsed in 2010 after a review of submissions and further analysis determined that the study methodology did not provide sufficient strategic justification to support the implementation of the LSIO and FO as exhibited.

Amendment C73:

In 2010/11, Melbourne Water undertook a review of the flood extent mapping that was used as the basis for Amendment C14, to enable the preparation of a new planning scheme amendment (Amendment C73). The following flood studies were prepared, improved high-resolution topographic mapping (based on LiDAR data):

- Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);
- Lower Lerderderg Catchments Flood Mapping Report (Engeny Water Management, December 2011);
- Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).

In addition, Melbourne Water prepared flood extent mapping for rural areas within the catchments of the Werribee River, Lerderderg River and Little River, based on flood modelling work that was undertaken over a number of years. These projects are collectively referred to as the *Melbourne Water Planning Investigations Models*.

These flood studies formed the basis for Amendment C73, which was authorised on 21 August 2015. Amendment C73 was exhibited for six weeks, from 28 January to 11 March 2016. A total of 67 submissions were received, including 59 submissions which objected or sought changes. Council considered the submissions at its meeting on 22 June 2016. A number of submitters spoke at the Council meeting, some of whom raised concern about potential inaccuracies in the flood modelling and mapping. This resulted in discussion about the need for a peer review of Melbourne Water's flood studies. Council ultimately resolved to abandon Amendment C73.

Peer Review:

In 2017, Council commissioned Cardno to undertake a peer review of the three Melbourne Water flood studies and the *Melbourne Water Planning Investigations Models*. The peer review involved a thorough examination of the modelling processes, a cross check of the methodology used to create the flood extents and assessment of the results against the community experience.

The peer review (see Attachment 1), which was presented to the Assembly of Council on 7 February 2018, concluded that:

- The flood models used have delivered results that are suitable for inclusion in the Moorabool Planning Scheme.
- With the exception of the lower Lerderderg study area, the flood extents used in the draft planning overlays are considered appropriate.
- The proposed flood extents and the resulting SBO shapes for the lower Lerderderg study area should be recreated, based on the model results using appropriate filtering techniques, such as those described in Melbourne Water's 2016 technical specifications.

The peer review recommended that, once the lower Lerderderg flood extent mapping and resultant SBO shape has been amended, the planning scheme amendment process should be recommenced. The SBO flood extent maps for the lower Lerderderg study area were subsequently revised (see Attachment 2), based on the original model results and using appropriate filtering techniques.

PROPOSAL

The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees.

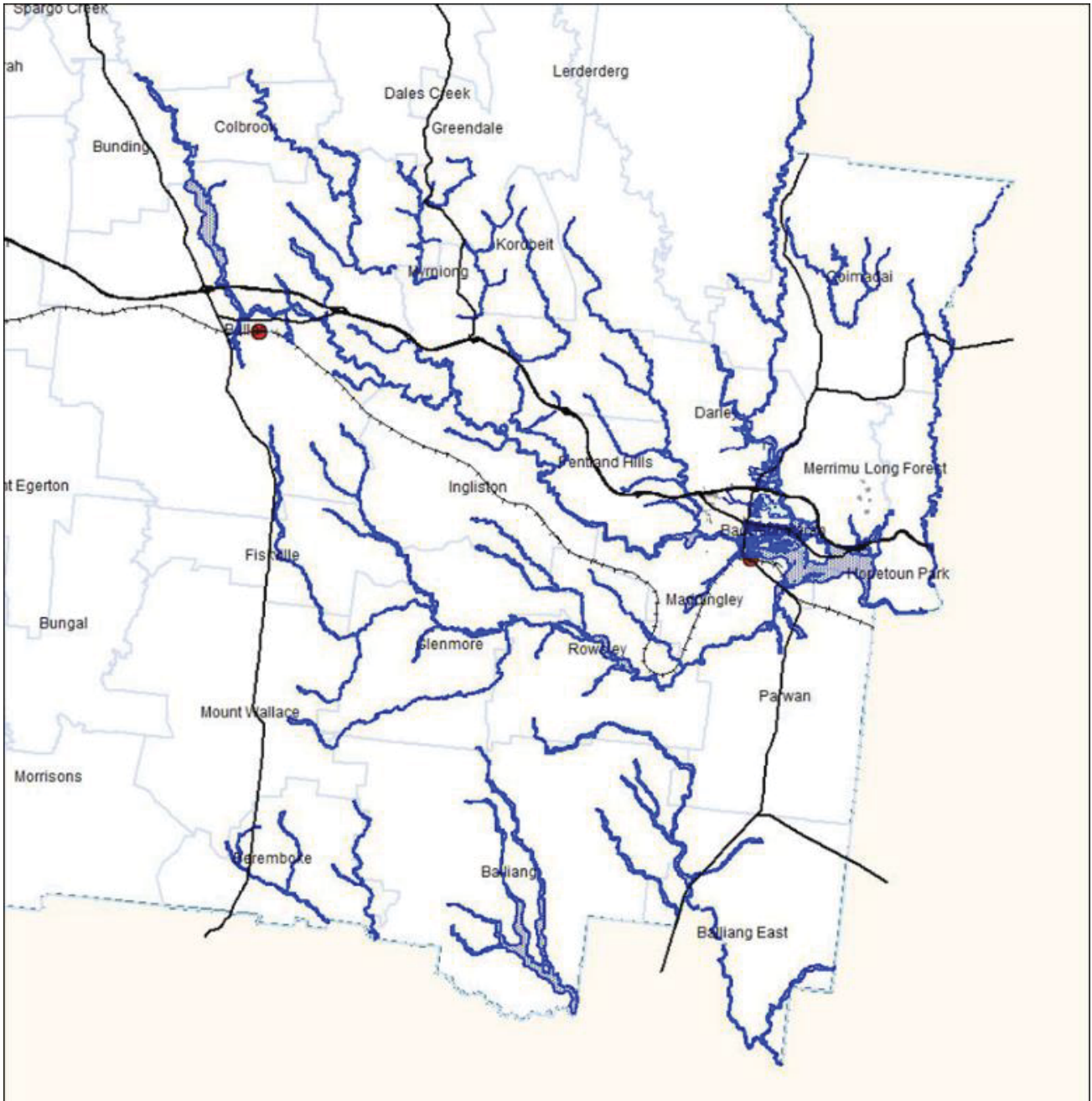


Figure 1: Areas affected by the proposed LSIO and SBO (in blue).

The LSIO and SBO maps were derived by using current best practice hydrology and hydraulic modelling techniques, and have been updated in response to the peer review.

Specifically, the Amendment proposes to make the following changes to the Moorabool Planning Scheme (see Attachment 3):

- Amends local policy Clause 21.02 'Natural Environment – Flood Management', by adding reference to the Little River catchment and the urban drainage system, and adding a new flood management objective and strategy;
- Amends local policy Clause 21.11 'Reference Documents', by adding the following reference documents:
 - o Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);
 - o Lower Lerderberg Catchments Flood Mapping Report (Engeny Water Management, December 2011); and
 - o Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).
- Inserts Clause 44.04 (LSIO) and associated Schedule 1;
- Inserts Clause 44.05 (SBO) and associated Schedule 1;
- Amends Clause 61.03, by updating the list of maps forming part of the planning scheme; and
- Inserts 39 LSIO and SBO maps.

On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works, however, some minor buildings and works will be exempt from the need for a permit. The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development. Whilst the new planning controls will increase the regulatory burden on Council and land owners, it is important to identify the flood hazard to ensure that life and property are not unduly placed at risk.

In accordance with Clause 66.03, any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as a determining referral authority.

The proposed LSIO Schedule 1 and SBO Schedule 1, which have been prepared in collaboration between Council officers and Melbourne Water, include permit exemptions for some minor buildings and works (e.g. a fence that is 50% permeable). Officers consider that this approach strikes a balance between the need to appropriately consider flood risk, whilst also minimising any unnecessary regulatory burden.

Also, VicSmart provisions will apply to certain types of permit applications under the SBO, providing that a permit is not required under any non-VicSmart provision of the planning scheme. VicSmart is a streamlined permit process designed for simple applications. A VicSmart application is exempt from advertising and a permit decision can be issued by Council within 10 business days.

The proposed application of the LSIO and the SBO is consistent with *Planning Practice Note 12 - Applying the flood provisions in planning schemes* (DELWP, June 2015). These overlays are appropriate planning tools for identifying flood risk, and have been applied in many other Victorian planning schemes, including neighbouring municipalities Ballarat, Macedon Ranges, Melton, Wyndham, Greater Geelong and Golden Plains. The flood provisions do not address the cause of flooding, but the way future land uses and developments will impact on the flooding problem or be impacted themselves by flooding.

Strategic Justification:

There is clear strategic justification for amending the planning scheme to introduce flood controls and flood extent mapping. State planning policy Clause 13.03-1S (Floodplain management) has

objectives for protecting life, property and community infrastructure, and for protecting natural flood carrying capacity, flood storage and floodplain areas of environmental significance. One of the strategies listed under Clause 13.02-1 is to *“identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes”*.

Clause 21.02-1 (Natural environment – Key issues and influences) of the Moorabool Planning Scheme notes that *“Large areas of the Moorabool Shire are prone to flooding as the Moorabool, Werribee, and Lerderderg Rivers flow through the Shire”*.

Clause 21.02-7 (Natural environment – Implementation) includes *“Apply Floodway Overlay (FO) and Land Subject to Inundation Overlays (LSIO) to reflect relevant Council flood studies”*.

To progress the Amendment, Council must seek authorisation from the Minister for Planning to prepare the Amendment, and then exhibit the Amendment in accordance with requirements of the *Planning and Environment Act, 1987*.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2: Minimising Environmental Impact

Context 2A: Built Environment

The proposal to introduce the LSIO and SBO into the Planning Scheme is consistent with the Council Plan Action *“Work with relevant authorities to ensure that flooding risks are addressed and flood mapping incorporated into the planning scheme”*.

FINANCIAL IMPLICATIONS

Melbourne Water has agreed to pay Council’s mail out costs associated with public notification of the Amendment, together with the cost of any Panel hearing. Melbourne Water will also provide planners to answer telephone enquiries on technical issues during the exhibition period, and to respond to written submissions.

The introduction of the LSIO and SBO into the Planning Scheme will limit the potential for affected property owners to seek redress against Council, in the event that their property is adversely affected by flooding.

The introduction of the LSIO and SBO will trigger the need for a planning permit for subdivisions, buildings and works on land affected by the LSIO and SBO. Currently, buildings and works do not often require a planning permit and, therefore, the introduction of these overlays will result in an increase in the number of planning permit applications.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By undertaking the planning scheme amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

In the absence of LSIO and SBO controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development under other zone or overlay controls, there is a risk that Council may grant approval without due consideration of flood risk.

COMMUNICATIONS & CONSULTATION STRATEGY

Given the extent of landowners who may be affected by the proposal, it is recognised that communications and community engagement will need to be well planned. Melbourne Water has prepared a community engagement strategy in consultation with Council officers.

The community engagement strategy proposes that:

- The Amendment will be formally exhibited for public comment, for a period of eight weeks, which is longer than the four weeks required under the *Planning and Environment Act 1987*. This will involve letters to owners and occupiers of land affected by the proposed overlays, notice in the Moorabool News and Victorian Government Gazette and the Amendment documentation being available for viewing at Council offices and on Council's website. Letters and notices will be prepared by Council, as the planning authority (using Council's letterhead/logo) and will state that the Amendment has been requested by Melbourne Water, as the relevant floodplain management authority.
- A project information leaflet (carrying Melbourne Water's logo) will be sent to affected land owners and occupiers.
- A project information webpage will be set up on Council's website. The webpage will include an interactive map, to enable people to search their property and view the extent to which the land will be affected by the proposed LSIO or SBO. The webpage will also include a 'Frequently Asked Questions' document (carrying Melbourne Water's logo).
- A 'Have your say' webpage will be set up, to enable people to lodge an online submission.
- Three community drop-in sessions will be scheduled during the exhibition period.
- People with concerns will be offered an opportunity to meet with representatives of Melbourne Water and Council.

This will allow the community substantial opportunity to be consulted and provide input, including the ability to make formal submissions to the Amendment. Following the exhibition period, Council will be presented with an officer report to enable its consideration of any submissions received. To progress the Amendment, Council must refer any outstanding submissions to an independent Planning Panel for consideration, which will afford all submitters with an opportunity to present their case to the independent Panel.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 – Rod Davison

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

CONCLUSION

The Amendment has strong strategic justification in State planning policy and Council has a responsibility to ensure that the Amendment is progressed to appropriately identify land which is flood prone.

The Amendment will ensure that flood extent mapping is clearly shown in the Moorabool Planning Scheme and will result in planning decisions which are responsible, objective, transparent and consistent. Consequently, future land development will be less exposed to the risks of flooding.

The flood extent mapping depicted in the proposed LSIO and SBO is based on technically sound flood modelling which has been prepared using industry best practice methodology, under the expert supervision of Melbourne Water as the relevant floodplain management authority. Melbourne Water has successfully defended this methodology at a number of Panel hearings.

Cardo undertook a peer review of Melbourne Water's flood studies, which concluded that the flood models have delivered results that are suitable for inclusion in the Moorabool Planning Scheme, subject to the lower Lerderderg flood extent mapping and resultant SBO shape being amended. The flood extent mapping and SBO shape have subsequently been amended.

The planning scheme amendment process will allow affected parties to make a submission. Following the close of the exhibition period, Council will need to consider any unresolved submissions and decide whether to seek the appointment of an independent Planning Panel. A Planning Panel will provide all submitters an opportunity to present their case, for detailed consideration, at a public hearing.

14.2 PA2016-144 "KRYAL CASTLE" DEVELOPMENT OF A CAMPING GROUND AND CARAVAN PARK ASSOCIATED WITH A PLACE OF ASSEMBLY**APPLICATION SUMMARY**

Permit No:	PA2016144
Lodgement Date:	8 June 2016
Planning Officer:	Victoria Mack
Address of the land:	121 Forbes Road, Leigh Creek Lot 1 and Lot 2 on PS 209123L
Proposal:	Development of a Camping Ground and Caravan Park associated with a Place of Assembly
Lot size:	10.97ha
Why is a permit required?	Farming Zone – use of land for camping and caravan park; and buildings and works.

RESOLUTION

Moved: Cr Sullivan

Seconded: Cr Dudzik

That Council, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the *Development of a camping ground and caravan park associated with a Place of Assembly* at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L.

Endorsed Plans

1. Before the use and/or development starts, plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans and documents, as applicable, must be drawn to scale with dimensions and two copies must be provided as follows:
 - a) A landscape plan in accordance with condition 2.
 - b) An amended site plan being supplied to the satisfaction of Council specifying where overflow carparking for 600+ vehicles can be accommodated in accordance with PAM002/96-2.
 - c) Updated, or new, versions of the following:
 - i. Fire risk management plan.
 - ii. Emergency risk management plan.
 - iii. Waste management plan.
 - iv. Potable and non-potable water supply plan.
 - v. Policy in relation to allowing dogs within the camping park which is in a Farming Zone area. If dogs are allowed on the site the policy needs to clearly demonstrate

how dogs will be contained at all times.

- d) Elevations and floor plans with dimensions of all structures and/or buildings to be constructed within both camping areas including all ablution blocks, the self-catering and dining buildings, and the fire pit and BBQ area.
- e) Full details of any additional signage proposed on Forbes Road to the satisfaction of the responsible authority.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

Landscape Plan

- 2. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscape plan must be prepared by suitably qualified person and must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed from the site.
 - b) Details of surface finishes of pathways and driveways.
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and planting to be undertaken within all open areas of the site. All species selected must be to the satisfaction of the responsible authority.
 - e) Details of the location and type of lighting proposed around the camping sites.
 - f) The location of boom or security gates if applicable.
 - g) Details of location of the site office for the camping operations to ensure the secure management of the site at all times.

Camping Events

- 3. Any open fires on the site need to be in accordance with Country Fire Authority regulations.

Environmental Health

- 4. All proposed plumbing fixtures must be connected to reticulated sewage.
- 5. The proposed camping (glamping) and caravan park must comply with all the requirements under the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.
- 6. Prior to the use commencing an application for registration must be lodged and a certificate must be issued by Moorabool Shire Council.
- 7. The applicants must:
 - a) comply with the fire safety report provided by the country fire authority and include any schedule of works for the caravan park.
 - b) submit an emergency management plan.

Infrastructure

8. Prior to the development commencing, a “Stormwater Management Strategy” must be prepared and submitted to the responsible authority for approval, based on the objectives and standards of the Moorabool Planning Scheme. The Strategy must:
 - i. Encompass the entire area of the development.
 - ii. Detail the existing drainage system for the site.
 - iii. Propose methods to capture stormwater runoff.
 - iv. Detail measures to prevent flooding of adjoining properties.
 - v. Demonstrate how the discharge from the site will be managed in the event of severe rain events.
 - vi. Propose techniques to manage the overland flow paths within the development for the 1% AEP storm for the catchment.

Once approved, the stormwater strategy will form the basis for preparation of detail design documentation of a stormwater system for the development.

9. Storm water drainage from the proposed buildings and impervious surfaces must be retained and disposed of within the boundaries of the subject land to the satisfaction of the Responsible Authority. Overflows from on-site storage systems must be directed away from any waste water disposal areas.
10. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.
12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
13. Prior to the development commencing, a plan, drawn to scale, must be prepared and submitted to the responsible authority for approval, detailing the size of the caravan park site, the location of services, and be supported by turning templates to demonstrate that the sites can be readily accessed by a vehicle towing a caravan.
14. Prior to the use commencing, the car park areas and access roads within the caravan park area must be constructed with a sealed surface, line-marking and drainage to the satisfaction of the responsible authority, and shall incorporate the following:
 - i. Parking bays and aisle widths of the car park shall comply with Australian Standard AS 2890.1:2004 Off-Street car parking. Disabled Parking bays shall comply with Australian Standard AS2890.1:2009 Off-Street Parking for People with Disabilities.
 - ii. Designated loading areas shall be shown on layout plans.
 - iii. The parking areas shall be provided with an asphalt or concrete surface and associated drainage.

- iv. Concrete kerb of a minimum height of 150mm must be provided between landscaped areas and areas provided for parking and the passage of vehicles.
- v. The car park must provide sufficient space for a service truck to enter and exit the site in a forward direction. The service truck shall comply with the medium rigid vehicle detailed in AS2890.2 section 2.2. Turning templates shall be submitted for approval.

Central Highlands Water

Sewerage

15. A reticulated sewerage service must be provided to the property to the satisfaction of Central Highlands Water. This will include the construction of works from the Central Highlands Water sewerage network.
16. All wastewater generated on the site must be discharged to the sewerage system. This will include installing internal plumbing such that a sewer discharge point is provided to all camping sites for the discharge of wastewater from all fixed and mobile facilities.
17. The existing septic system/s must be abandoned to Council's satisfaction.

Stormwater Management

18. Prior to the issue of a building permit or the commencement of the works for the proposed Development the Applicant must submit to CHW for its approval a Stormwater Management Plan (SMP), and no works shall commence until CHW has provided its written approval of the SMP.
19. Where stormwater is to be discharged within the Drinking Water Catchment the Storm Water Management Plan must:
 - a) identify the point/s where the storm water will be discharged off the site.
 - b) identify the volume of stormwater runoff from the site and confirm that the receiving drainage system is engineered to satisfactorily accept the loads.
 - c) identify and demonstrate how risks to the quality of stormwater will be managed, including controls for managing litter, sediment and other pollutants generated from the development that may enter the stormwater system. This may include controls such as gross pollutant traps at selected locations or retarding basins with low flow Water Sensitive Urban Design treatment.

Powercor

20. The applicant shall:
 - a) Provide an electricity supply to all properties within the development in accordance with Powercor's requirements and standards, including the extension, augmentation or rearrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work may be required).
 - b) Where buildings or other installations exist on the land and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.

- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) Set aside on the property for the use of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways where an electric substation (e.g. indoor) is required to service the development.
- f) Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat.
- g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the development and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- h) Obtain for the use of Powercor Australia Ltd any other easement external to the development required to service the development.
- i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

Permit expiry

21. This permit will expire if one of the following circumstances applies:

- a) The development and the use are not started within four years of the date of this permit.
- b) The development is not completed within six years of the date of this permit.

Permit note

Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail.

Planning Permit PAM002/96-2

Planning Permit PAM002/96-2 still applies to the subject site – all conditions which make part of this permit are still applicable.

CARRIED

PUBLIC CONSULTATION	
Was the application advertised?	Yes
Notices on site:	Yes
Notice in Moorabool Newspaper:	No
Number of objections:	2
Consultation meeting:	Not held

POLICY IMPLICATIONS

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

Under section 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 – Victoria Mack

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

EXECUTIVE SUMMARY

Application referred?	Yes – Central Highlands Water, Powercor and Council’s Environmental Health and Infrastructure Departments.
Any issues raised in referral responses?	The existing waste water treatment system (WWTS) servicing Kryal Castle site is not suitable for any expansion of the use of the land until: a) the WWTS is significantly upgraded; or b) the whole of the site is connected to a reticulated sewerage system; and c) Storm water is appropriately managed from the site. Central Highlands Water and Council’s Infrastructure Department both initially requested further

	<p>information was provided.</p> <p>In the case of Environmental Health, they consented to the application with conditions including that the site must be connected to reticulated sewage.</p>
Preliminary concerns?	<p>Waste water treatment and storm water management systems are inadequate to allow for any expansion of the use and development on the site until they are addressed.</p>
Any discussions with applicant regarding concerns?	<p>Waste water management has been a protracted discussion between the Kryal Castle management, water authorities, Council Environmental Health officers and the Planning Department. They have been advised that this application cannot be progressed until the WWTS issue has been resolved.</p>
Any changes made to the application since being lodged?	<p>Additional documents and plans were provided following the Planning Department request for further information.</p>
Brief history.	<p>In 1972, Keith Ryall commenced building the castle and it commenced operating 2 years later primarily as a tourist attraction but also providing educational, conference and function facilities as well as a wedding chapel.</p> <p>The castle today offers a range of medieval activities and attractions including: an inflatable theme park, the maze, the jester’s theatre, the dragons’ labyrinth, the Castle arena, jousting, live theatre, a torture dungeon and museum and wizards work room. The castle also provides a range of accommodation and hosts weddings, conferences, children’s birthdays and private work functions and well as school camps.</p> <p>The site is owned by Castle Freehold P/L which purchased the property in January 2012. The business was leased to Castle Tourism and Entertainment P/L until November 2016. Since then the lessee has been 121KC P/L which is related to Castle Freehold.</p>
Previous applications for the site?	<p>PAM002/96 – being for <i>Place of Assembly (other than nightclub, dance parties or rave parties); camping on the grass terraces for up to 600 people for up to six events per year.</i></p> <p>This is the current permit operating on the site. It has had several amendments over recent years.</p> <p>The original permit issued in the 1970s has not been found.</p>
General summary.	<p>The application is to extend the range of Kryal Castle’s</p>

hospitality services to add a glamping and caravan park to the site.

Council received this application in June 2016. After referral to the required authorities the poor state of the existing Waste Water Treatment System (WWTS) on the site became apparent.

The application has been on hold since that time subject to various discussions being held between the applicant, Council and water authorities. It was agreed by all relevant authorities that Castle activities could not be expanded to accommodate the proposed additional uses of glamping and caravan park until such time that the WWTS could be upgraded, or the site connected to a reticulated sewerage system.

The application was allowed to remain on hold to give the applicants time to sort out the issues raised by referral authorities.

Central Highlands Water initially requested further information regarding how waste water was to be managed onsite, however, through various facilitated discussions they have now consented to the application subject to conditions, one of which is that the site must be connected to reticulated sewerage.

Council’s Environmental Health initially requested further information but later consented to the application provided the site is connected to reticulated sewerage.

Council’s Infrastructure Department initially required a traffic management plan and details of site works and access. However, Infrastructure has now consented to the application conditioning their requirements.

Advertising the application resulted in two objections. These are discussed further in this report and related to both waste and storm water management.

It is recommended that this application is supported subject to conditions one of which requires the site must be connected to Central Highlands Water’s reticulated sewerage system.

Summary Recommendation

That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issues a Notice of Decision to Grant a Planning Permit for the *Development of a camping ground and caravan park associated with a Place of Assembly* at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L subject to conditions.

SITE DESCRIPTION

The site is 10.97ha. It contains Kryal Castle, which covers 2.26ha, and a large external car parking area accessed via a 180m long drive way from Forbes Road. The balance of the land is pasture. There are extensive buildings and operational areas within the castle walls.

The castle complex is located close to the south side boundary of the site. The land slopes from the castle site down to the entrance at Forbes Road.

There is limited native vegetation on the site but there are some exotic trees planted on formed terraces at the front of the castle site and there is extensive landscaping with trees and shrubs within the castle grounds.

The castle site is in the Farming Zone with the southern area of the site covered by the Bushfire Management Overlay (BMO). The castle complex is located within the BMO but the site for the glamping and caravan park is not within the BMO. Surrounding land is in Farming Zone.

Land to the south of the castle is in the Public Conservation and Resource Zone and includes Mount Warrenheip and the Mount Warrenheip Flora Reserve. This land is in private ownership.

The castle is located approximately 1.2kms south of the Western Freeway; approximately 11kms east of the Ballarat Central Business District; and approximately 4.4kms south-west of the Bungaree township.

Kryal Castle hosts visitors from all over the world and is a noted regional and State tourism attraction. At the time of application 80,000 visitors attended the attraction per annum. The new owners plan to extend this to 150,000 visitors per annum in the medium term.

Kryal Castle is currently serviced by an on-site waste water (septic) treatment system. The site is not provided with a reticulated water supply and drinking water is treated on the site.

Below is an aerial photo of the Kryal Castle site.



PROPOSAL

Please see the attachment for detailed plans.

It is proposed to construct glamping tents and a caravan park on the site. The development would have the following details:

- a) Twenty glamping tents would be permanently constructed on a site north north-west of the castle on the terraced land on the west side of the driveway.
- b) There would be gravel paths between the tents with solar powered bollards for lighting along the pathways. No vehicles would be allowed to access the glamping tent area.
- c) Glamping tents would be heated with purpose-built pot belly type stoves. They would have power and water.
- d) Additionally, there would be two constructed self-catering dining and communal kitchens and two constructed toilet and shower blocks.
- e) Parking to service the glamping sites would be provided in the existing car parking area.
- f) The caravan park would be located on the east side of the driveway on vacant pastured land.
- g) Forty (40) powered sites are proposed. Twenty on each side of 4 ablution blocks to be located centrally.
- h) The caravan park would also be lit by solar powered bollards across the site.
- i) Parking spaces would be located around the perimeter of the caravan sites.
- j) The caravan park site may include permanent cabins and/or permanent caravans.
- k) Operating hours proposed would be 24 hours a day seven days per week.
- l) The proposal also included reference to landscaping, signage around the site, security/boom gates on the accessway, further electrical and plumbing work and sewerage upgrades, although the sewerage upgrades were not specified.
- m) Additional staff would be employed to run the camping and caravan park operations.

The application was accompanied by the following documents:

1. Risk assessment prepared by *arris*.
2. Quotation for the Design and installation of an on-site waste water system for Kryal Castle prepared by *arris* dated June 2014.
3. Quotation to renew/commission fire services prepared by Southern Dales horizontal boring.
4. A draft Fire Risk Management Plan prepared by Peter McMahon
5. Kryal Castle promotional material including business plan (undated).
6. A Kryal Castle Camping Management Plan

When the original application was received a request for further information was sent to the applicant by the Planning Department. The information was provided in part which addressed some, but not all, of the requested information. Some of these are minor matters which have now been included in the conditions.

HISTORY

The application has been active with Council since the original lodgement in 2016 due to constraints regarding the WWTS on site and requirements not being able to be met.

The current septic system’s do not adequately service Kryal Castle’s current use. The addition of camping and caravan park to the site can only be supported if the site either has a significantly upgraded waste water treatment system or is connected to a reticulated sewerage system.

Kryal Castle commenced in 1974. No planning permit has been able to be found for the original approval of the use. The current operations on the site are covered by permit PAM002/96 which was originally issued 24 May 1996. This permit has been amended over time.

A recent amendment was to add “external camping (outside the castle building) on the grass terraces for up to 200 people for up to four events per year” approved on 22 November 2016. Additional conditions were added to the permit.

This external camping was further amended on 19 July 2017 to allow for up to 600 people for up to 6 events per year and conditions were adjusted on the permit.

These camping events were approved with a condition that portable toilets were used for all events unless Council was otherwise satisfied that the toileting and shower facilities were suitable for the number of people proposed.

An additional permit PA2013023 for the use of land as a licensed premise (General Liquor Licence) was issued on 10 May 2013.

PUBLIC NOTICE

The application was notified on 27 February 2017 to adjoining and surrounding landowners. Two objections were received.

SUMMARY OF OBJECTIONS

The objections received are detailed below with officer’s comments accompanying them:

Objection	Any Relevant Requirement
Noise and litter from additional camping and caravan park users on a regular basis, in addition to the noisy entertainment which already spasmodically disrupts a quiet “lifestyle” farm.	Permit conditions
Officer’s Response: It is considered that amenity impacts can be controlled through permit conditions.	
Campers often have dogs, which pose a significant risk to local livestock, particularly sheep and horses.	Permit conditions
Officer’s Response: Domestic pets are not permitted to chase or hassle farm livestock anywhere in Victoria. However, permit conditions would provide additional controls.	

<p>Impact of sewer disposal and surface run-off on the quality of ground water which is used for drinking and livestock from large number of visitors. Impact of the camping and caravan park on the water catchment.</p>	<p>Environment Protection Authority (EPA)</p>
<p>Officer’s Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle site.</p>	
<p>Adverse impact on quiet rural lifestyle and amenity as well as property values and rental returns.</p>	<p>Permit conditions</p>
<p>Officer’s Response: Kryal Castel was approved in 1974. It has existing use rights to operate. Additional uses, such as this application must be assessed on their merits. Additionally, VCAT has determined that the impact of a development on property values is not a planning consideration.</p>	
<p>Fire risks from wood fires, gas cylinders, open fire pits and barbeques close to agricultural properties and the Mount Warrenheip Reserve to the south. Farmers are not prepared to have Council pressure them to slash their paddocks to provide de facto fire breaks for Kryal Castle.</p>	<p>Country Fire Authority</p>
<p>Officer’s Response: Fire risk management must be addressed by Kryal Castle management as part of their current obligations. Any new use of the site will require approved fire risk management compliance.</p>	
<p>The current septic system’s location poses a severe downslope risk to our property and additional visitors will exacerbate the risk of septic overflow onto our property.</p>	<p>Environment Protection Authority (EPA)</p>
<p>Officer’s Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle facility.</p>	
<p>Storm water management of the site is already poor and needs to be addressed before any additional development is approved. Any additional hard stand areas will just make storm water management issues worse.</p>	
<p>Officer’s Response: Council’s Infrastructure Department and other authorities have addressed storm water management requirements through their permit conditions.</p>	

LOCALITY MAP

The map below indicates the location of the subject site and the zoning of the surrounding area.



PLANNING SCHEME PROVISIONS

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 12 Environmental and Landscape Values
- Clause 13-02-1S Bushfire Planning
- Clause 14.02-1S Catchment planning and management
- Clause 17.01-1R Diversified economy - Central Highlands
- Clause 17.02-2S Out-of-centre development
- Clause 17.02-1S Business
- Clause 17.04-1S Facilitating tourism
- Clause 21.04 Economic Development and Employment

The proposal complies with the relevant sections of the PPF and LPPF, with the exception of the clauses outlined in the table below:

PPF	Title	Response
14.02-1S	Catchment planning and management	The land is not within the proclaimed water catchment area according to Land Victoria’s VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located partly within the proclaimed water supply catchment, specifically for the Pincotts Reservoir.
LPPF		
22.02	Special Water Supply Catchments	The land is not within the proclaimed water catchment area according to Land Victoria’s VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located partly within the proclaimed water supply catchment, specifically for the Pincotts Reservoir.

ZONE

Farming Zone

In accordance with Clause 35.07-1, Section 2, a permit is required to use land for a camping or caravan park.

In accordance with Clause 35.07-4, a permit is required for buildings or works associated with a use in Section 2 of Clause 35.07-1.

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The proposal generally accords with the purposes of the Farming Zone except in relation to waste water treatment and storm water management.

OVERLAYS

Bushfire Management Overlay (BMO).

The subject site is partly covered (51.4%) by the Bushfire Management Overlay specifically on the southern side of the site which contains the castle. The land that would be used for the glamping tents and the caravan park is not located within the Bushfire Management Overlay. However, Clause 13.02-1S Bushfire planning would apply as the land is within a designated bushfire prone area.

RELEVANT POLICIES

Domestic waste water management plan

Executive summary

Moorabool Shire Council (MSC) is committed to the monitoring and management of onsite wastewater systems within its boundary. Significant progress has been made since the 2006 DWMP, with over 2,800 inspections conducted on these systems, and process improvements made to ensure septic systems are installed and operated correctly. Under the provisions of the State Environment Protection Policy (Waters of Victoria) (SEPP), local Councils need to develop a Domestic Wastewater Management Plan (DWMP) in conjunction with relevant water authorities and the community. This DWMP has been prepared to ensure MSC meets the requirements of Guideline 1 - Planning permit applications in open, potable water supply catchment areas (November 2012) for domestic wastewater management; to ensure existing and future development assist in maintaining a sustainable environment. Key issues for Domestic Wastewater Management (DWM) that have been identified within MSC, include:

- There are a number of sensitive catchments within the Shire and the protection of these areas is important for the supply of potable drinking water to residents within Moorabool, Ballarat and Geelong.*
- Failing DWM systems have the potential to pollute these sensitive environments; and*
- Physical environments may limit the effectiveness of DWM systems within the Shire and therefore many systems may require a high level of design and management to ensure each DWM system is sustainable.*

Council has also commenced a journey of 'Moorabool 2014', which is a process/framework aimed at documenting the opportunities, pressures and challenges facing Moorabool. This will lead to a long-term vision to guide the development of Moorabool to retain its character and ensure change provides new services and opportunities for our residents.

This plan will continue the high level of design, treatment and management of DWM systems within the Shire. The Operational Plan in this DWMP provides measures for which management actions will be implemented to improve the effectiveness of DWM within MSC to protect public and environmental health and to ensure that future development within the Shire is sustainable and protects the sensitive waterways and potable drinking water catchments.

Particular ProvisionsClause 52.05 Signage

The application has requested only internal low level directional type signage for both the glamping area and the caravan park area. No external signage on Forbes Road has been proposed at this stage.

Clause 52.06 Car parking

52.06-6 – specifies that in the absence of the use being specified in table 1 – the subject site shall supply carparking to the satisfaction of the responsible authority. It is considered that the existing car parking area on the site would adequately service the proposed use of the glamping area.

The short stay caravan park would be constructed on a greenfield site and the caravans and cars would be provided with dedicated sites for parking, with 40 sites being provided. The caravan park area also allows for a dedicated car parking area in the north-east corner and additional car parking spaces between the driveway and the caravan and camping sites.

It is considered that should Council consent to grant this permit the other carparking requirements as specified on permit PAM002/96-2 are still applicable in addition to the approximately 65 bays proposed as part of this proposal and designated bays with caravan/camping parking.

DISCUSSION

Council has allowed this application to remain active in its system due to the understanding that this is an important tourism business within the Shire, therefore it was important to enable the applicants to resolve the waste water treatment system issues on the site.

The applicants have advised that the proposal will meet an unmet demand in the region for short stay accommodation for travellers and the recreational vehicle market. It also has a growing domestic market hosting school, education and special interest groups.

It is acknowledged that the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 applies to camping uses in addition to the Planning and Environment Act and allows for an element of permanent accommodation in addition to short stay camping and caravan usage. It is important to note that the intent of the application is for short stay accommodation to support Kryal Castle operations and this is the position that Council would take should the application be supported. Unfortunately as the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 applies Council cannot control permanent occupancy of these sites should they evolve to this.

Council has subsequently held a meeting with the owners and the relevant authorities to see if there was a way forward.

It was generally found that if a permit was able to be issued, subject to all the required conditions, that this would help the applicant to advocate for State support to fund the sewer installation whilst also navigating the complexities of applying for a reticulated sewerage connection with Central Highlands Water.

It is also noted that the owners have recently undertaken renovation of the existing septic systems on the site so that they can adequately meet existing use of the site.

It is considered that the permit for the glamping and caravan park should be issued subject to conditions. These would include that neither of these uses can commence until the site is connected to Central Highlands Water’s reticulated sewerage system.

It is also recommended that the expiry date for this permit is extended to allow the owners sufficient time for such connection to be made.

GENERAL PROVISIONS

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 – Stipulates all the relevant referral authorities to which the application must be referred.

REFERRALS

Authority	Response
Powercor	Consent with conditions
Central Highlands Water	Consent with conditions
Infrastructure	Consent with conditions
Environmental Health	Consent with conditions

COMMENT ON REFERRAL RESPONSES:

Central Highlands Water initially required a long-term sustainable waste water management plan; a response to storm water runoff and management; a response to the requirements of the Moorabool Planning Scheme; and how potable water would be supplied to the development.

However Central Highlands Water has now conditioned their requirements so that a permit can be issued.

Environmental Health initially requested further information but later consented to the application subject to conditions including: compliance with the Residential Tenancies Act 1997 and the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010; relevant registration with the Shire; compliance with fire safety report provided by the CFA; an emergency management plan; and that all proposed plumbing fixtures must be connected to reticulated sewage.

Infrastructure initially stated that they would respond to the application when the Planning Department’s Request for Further Information had been received, which included a traffic management plan and details of site works and access.

However, Council’s Infrastructure Department has now conditioned their requirements so that a permit can be issued.

FINANCIAL IMPLICATIONS

Approval of the application may result in the objectors seeking review at VCAT with associated cost to Council.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation of approval of this application does not implicate any risk or OH&S issues to Council.

COMMUNICATIONS STRATEGY

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if required.

OPTIONS

Council could consider the following options:

- Issue a notice of decision in accordance with the recommendation of this report;
- Issue a notice of decision with amendments to the recommended conditions of this report;
or
- Should Council wish to consider refusing the application, Councillors need to explore reasons based on the proposal not complying with the Moorabool Planning Scheme.

CONCLUSION

The application aims to expand Kryal Castle's service offering to include a range of accommodation options at the facility. The merits of adding glamping and a caravan park to the site would appear to compliment the Kryal Castle future business plans.

It is considered that this application should be approved subject to conditions and that the expiry dates for commencement and completion are extended beyond normal timeframes in this instance to enable the owners to undertake the extensive work required to connect the facility to Central Highlands Water's reticulated sewerage scheme.

15. OTHER REPORTS

15.1 ASSEMBLY OF COUNCILLORS

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

A record of Assemblies of Councillors is provided below for consideration:

1. Assembly of Councillors – Wednesday 7 August 2019 - Waste and Recycling Presentation by the Grampians West Waste & Resource Recovery Group

RESOLUTION

Moved: Cr Edwards

Seconded: Cr Dudzik

That Council receive the record of Assemblies of Councillors as follows:

1. Assembly of Councillors – Wednesday 7 August 2019 - Waste and Recycling Presentation by the Grampians West Waste & Resource Recovery Group

CARRIED

16. NOTICES OF MOTION

Nil.

17. NOTICES OF RESCISSION

Nil.

18. MAYOR’S REPORT

Since the last ordinary meeting of council, the mayor has attended the following meetings and activities:

Cr Paul Tatchell – Mayor’s Report	
<i>Date: 4 September, 2019</i>	
10 August	<ul style="list-style-type: none"> Ballan RSL 100th Anniversary Celebration and Wreath Laying
12 August	<ul style="list-style-type: none"> Meeting with Catherine King, Federal Member for Ballarat
19 August	<ul style="list-style-type: none"> Opening of the Makerspace, Bacchus Marsh Primary School (Pick My Project)
21 August	<ul style="list-style-type: none"> Heritage Advisory Committee Meeting Councillor Briefing – Review of the Draft OMC Agenda S86 Development Assessment Committee Meeting
22 August	<ul style="list-style-type: none"> Providence Village Rally for Pedestrian Crossing
23 August	<ul style="list-style-type: none"> Balliang East Primary School – School Musical Event
24 August	<ul style="list-style-type: none"> Lal Lal Photographic Group Judging of the Photo Exhibition
25 August	<ul style="list-style-type: none"> Lal Lal Photographic Group Award Presentations
27 August	<ul style="list-style-type: none"> Central Highlands Water 2019-20 Corporate Plan Launch Gordon Public Hall Biennial General Meeting
30 August	<ul style="list-style-type: none"> Funding Announcement at Ballan Racecourse Reserve by the Treasurer, the Hon Tim Pallas
4 September	<ul style="list-style-type: none"> Councillor Briefing – Presentation by the Chair, Audit & Risk Committee S86 Moorabool Growth Management Committee Meeting Ordinary Meeting of Council

Moved: Cr Sullivan

Seconded: Cr Dudzik

That Council receive the Mayor’s report.

CARRIED

19. COUNCILLORS' REPORTS

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

Cr. Sullivan	
8 August	<ul style="list-style-type: none"> • Chaired the Tri Annual AGM – Mt Egerton
18 August	<ul style="list-style-type: none"> • Chaired the AGM - Navigators Community Centre
26 August	<ul style="list-style-type: none"> • Attended the MAV Rural South Central Meeting • Chaired the AGM - Millbrook Community Centre
30 August	<ul style="list-style-type: none"> • Chaired the Grampians Central West Waste and Resource Recovery Local Government Forum, Creswick

Cr. Edwards	
27 August	<ul style="list-style-type: none"> • Attended the Blacksmith's Cottage and Forge Committee of Management AGM • Attended the Peri Urban Group of Rural Councils

Cr. Keogh	
11 August	<ul style="list-style-type: none"> • Attended the Ballan RSL Centenary
13 August	<ul style="list-style-type: none"> • Attended the Municipal Emergency Management Meeting
14 August	<ul style="list-style-type: none"> • Attended the Audit and Risk Advisory Committee
15 August	<ul style="list-style-type: none"> • Attended the Peri Urban Group of Rural Councils Meeting
21 August	<ul style="list-style-type: none"> • Chaired the Heritage Advisory Committee
22 August	<ul style="list-style-type: none"> • Attended the Providence Rally for a pedestrian crossing and bus shelter
3 September	<ul style="list-style-type: none"> • Attended the Special Audit and Risk Advisory Committee

Cr. Dudzik	
22 August	<ul style="list-style-type: none"> • Attended the Providence Rally for a pedestrian crossing and bus shelter
23 August	<ul style="list-style-type: none"> • Attended the Moorabool Kids Day Out, Balliang East Primary School
3 September	<ul style="list-style-type: none"> • Attended Special Audit and Risk Advisory Committee

Moved: Cr Sullivan

Seconded: Cr Dudzik

That Council receive the Councillor’s report.

CARRIED

20. URGENT BUSINESS

20.1 LANDFILL LEVY

RESOLUTION

Moved: Cr Sullivan

Seconded: Cr Dudzik

That Council write to the Minister , The Hon. Lily D'Ambrosio requesting that during the recycling crisis, that recycling deposited to landfill be exempt from the landfill levy.

CARRIED

20.2 URGENT BUSINESS - WINDFARM

RESOLUTION

Moved: Cr Dudzik

Seconded: Cr Edwards

That Council request the Chief Executive Officer to write to the EPA for the purposes of identifying the responsibility for the management of PFAS within wind farms.

CARRIED

21. CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil.

22. MEETING CLOSURE

The Meeting closed at 6.41pm.

Confirmed

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MAYOR