

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council held at
Council Chamber, 15 Stead Street, Ballan on
Wednesday 05 June 2019, at 6:00 p.m.

Members:

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

Officers:

Mr. Derek Madden	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Community Assets and Infrastructure
Mr. Satwinder Sandhu	General Manager Community Planning
Ms. Sally Jones	General Manager Community Development

Derek Madden
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council recorded this meeting.

Item 13.1 - Cr. Keogh N.O.M: No. 280 – Providing Transfer Station Vouchers with the Annual Rate Notice was withdrawn by the Mayor at the request Cr. Keogh.

Item 13.2 - Cr. Keogh N.O.M: No. 281 – Notice of Rescission was withdrawn by the Mayor at the request Cr. Keogh.

4. PRESENT

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

Officers:

<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Ms. Sally Jones</i>	<i>General Manager Community Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Community Assets and Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Community Planning</i>
<i>Ms. Yvonne Hansen</i>	<i>Manager Governance, Risk and Corporate Planning</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

5. APOLOGIES

<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
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6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council – Wednesday 01 May 2019

Resolution:

Crs. Keogh/Bingham

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 01 May 2019.

CARRIED.

7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

8. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

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

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

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

Ms. Kristy Homburg submitted the following questions:

Question 1: Are you aware the 14 residences in Dodemaide Circuit– whose only entry and exit is Bences Road – have lived in their homes for; 23, 25, 18, 2, 26, 11, 17, 16, 11, 28, 29, 1, 24 and 15 years, long before the conception of a proposed arterial road on Bences Road?

Question 2: Did you know all residences of Dodemaide Circuit DON'T support Study Area C or Study Area D BUT we ALL support Study Area B (yellow) as this road would service both the new Bences Road Precinct and the Urban Growth Infrastructure Arterial Road– for Bacchus Marsh Eastern Link additionally Study Area B (yellow) would also have less impact on wildlife, the environment, waterways and the long term residences of Dodemaide Circuit.

Question 3: Will you, our Councillors support Option B (yellow) for the Bacchus Marsh Eastern Link if asked by Vicroads?



Response:

The Eastern Link Road planning study is being managed by Regional Roads Victoria. The study has explored a number of road corridor options taking into account the many site constraints that exist. Although Council supports the creation of a link road, it has not formed a view on the initial options presented to the community. The next phase of the project will involve a multi criteria assessment to help inform a preferred route option for the road. We will wait until that assessment is completed which will better inform the pros and cons of the routes that have been developed.

Mr. Robbie Seamons submitted the following question:

Question 1: When can I move the skatepark?

Response:

Due to this question having been submitted to Council after the deadline of 5.00pm the day before the Council meeting, the question will be taken on notice and a written response provided.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Nil.

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

Nil.

11.2 COMMUNITY PLANNING

11.2.1 Tourism Events Grants Program 2018-19

Introduction

Author: Andy Waugh
General Manager: Satwinder Sandhu

Background

The purpose of this report is to present Council with an assessment of the applications received for the Tourism Events Grants program 2018-19.

The Moorabool Shire Council Tourism Events Grants program is designed to support the planning and delivery of tourism event initiatives with the expectation to significantly increase visitation to Moorabool Shire and levels of economic activity.

Opening on 1 March 2019 and closing on 31 March 2019, a total of \$12,400 was allocated to the community. Applicants could apply for any amount between the minimum of \$100.00 up to \$3,000.00.

Information on the program was available on Council's website with the use of social media and the distribution of flyers to inform the community of the opportunity.

The Tourism Events Grants program assessment is a competitive, and merit-based process. To be considered, applications had to meet the eligibility criteria as outlined in the program guidelines.

The program's key objectives are to:

- Support local tourism initiatives;
- Attract visitation and increased economic activity into Moorabool Shire;
- Increase yield per visitor or participant;
- Encourage initiatives to have a greater brand match (alignment with the Shire's key themes e.g. food and wine, natural produce, heritage, nature, adventure, townships).

Policy assessment criteria

The applications were considered against the criteria outlined in the guidelines (see **Attachment 11.2.1**) contributing to an overall percentage score (100%).

- Initiative description and why the applicant wants to do the project – 10%.
- What will this initiative achieve? – 20%.
- Why is this initiative needed in your community? – 20%.
- Who will be involved in the initiative? – 15%.
- How will you carry out your initiative (including risk management)? – 15%.
- Initiative budget and explanation of how the group arrived at the costs – 20%.

Number of applications and amount requested

In total, three applications were received. A total of \$8,064 was requested with \$12,400 available. The total project value for all submissions was \$40,399.

The following is a summary of submissions received:

- Rotary Club of Bacchus Marsh: Vintage Trucks and Trades Show.
 - Provide support for two-day event in Bacchus Marsh showcasing activities pre-1960s.
- Blackwood Progress Association: Blackwood Woodchop and Easter Carnival.
 - Provide support for event which has been held since 1902 and in 2018 attracted over 2500 visitors to Blackwood.
- Lal Lal Soldiers Memorial Hall Committee: Lal Lal Makers and Growers Market.
 - Provide support for event which brings visitors to Lal Lal.

Assessment

Assessment of applications was conducted by a panel of Council officers according to the extent to which the application addressed Council's policy assessment criteria.

Figure 1 provides a summary of the applications received with a detailed description of the assessment provided.

Tourism Events Grants Applications:

Organisation Name	Initiative Name	Initiative Description	Amount Requested	Total Initiative Value
*Rotary Club of Bacchus Marsh	Vintage Trucks and Trades Show	Provide support for two-day event in Bacchus Marsh showcasing activities pre-1960s	\$3,000	\$25,800
**Blackwood Progress Association	Blackwood Woodchop and Easter Carnival	Provide support for event which has been held since 1902 and in 2018 attracted over 2500 visitors to Blackwood.	\$3,000	\$11,025
***Lal Lal Soldiers Memorial Hall Committee	Lal Lal Makers and Growers Market	Provide support for event which brings visitors to Lal Lal.	\$2,064	\$3,574
Tourism Events Grants Totals			\$8,064	\$40,399

Figure 1: Tourism Events Grants 2018-19 totals

*Rotary Club of Bacchus Marsh's project is compliant. The budget for the initiative showed a net neutral balance. This is a new initiative for the Shire and explores a theme which hasn't been seen in the Shire before.

**Blackwood Progress Association's project budget outlined a \$33,240 profit. As per the application and guidelines, a requirement is that the initiative income and expenditure must equal the same and balance to net neutral. As a result, this application is non-compliant.

Council officers will continue to support this event through operational in-kind support (i.e. printing banners etc).

***Lal Lal Soldiers Memorial Hall Committee is a S86 Committee of Council. The public liability insurance provided for the application is Council's public liability insurance. Council's public liability insurance does not cover activities outside the allocated delegated functions of a S86 Committee. Running an event is not listed as a delegated function. However, in this instance, the recommendation is to approve to grant with the understanding that Council's insurance will extend to cover the event.

Based on the assessment of the criteria it is proposed that funding of \$3000 be provided to the Rotary Club of Bacchus Marsh and \$2,064 to the Lal Lal Soldiers Memorial Hall Committee.

Whilst funding is not proposed to be provided to the Blackwood Progress Association, the economic development team will provide administrative support to ensure the continued success of this event.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic objective 3 Stimulating Economic Development

Context 3b Investment and Employment

The proposed allocation of grants under the Tourism Events Grants program 2018-19 is consistent with the 2017-2021 Council Plan.

Financial Implications

The total of grants being recommended for allocation in this round is \$5,064.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk rating	Control/s
Initiative timelines	Grant recipient exceeding prescribed timelines	Medium	Terms and conditions agreements required to be signed by grant recipients and scheduled monitoring of initiatives.
Financial	Grant recipient appropriate expenditure of Council funds	Medium	Terms and conditions agreements required to be signed by grant recipients and grant acquittal required upon completion of initiative.

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Event Groups	Meetings with applicant groups	Various	1 March – 31 March 2019	Applicant groups supported to submit application.

Communications and Consultation Strategy

Applicants for the Tourism Events Grants program have been advised they will be notified of the outcome of their grant application in June 2019.

Economic Development officers will provide feedback to unsuccessful applicant groups. Feedback will include:

- Advice to applicant groups of the relative strengths and areas for improvement in their application;
- Options for alternative funding (if applicable); and
- Supporting a group to re-lodge their application in the next appropriate round of the Tourism Events Grants program.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

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

Author – Andy Waugh

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

Conclusion

Applications received under the 2018-19 Tourism Events Grants program are designed to support the planning and delivery of tourism event initiatives with the expectation to significantly increase visitation to Moorabool Shire and levels of economic activity. In total, three applications were received. It is recommended that two events be funded through this grants process (Rotary Club of Bacchus Marsh and Lal Lal Soldiers Memorial Hall Committee). It should be noted that the application from the Lal Lal Soldiers Memorial Hall Committee is recommended for approval, with the knowledge that Councils insurance will extend to cover the event.

Resolution:**Crs. Dudzik/Sullivan*****That Council:*****1. *Allocates the following grants:***

<i>Organisation</i>	<i>Initiative</i>	<i>Amount</i>
<i>Rotary Club of Bacchus Marsh</i>	<i>Vintage Trucks and Trades Show</i>	<i>\$3,000</i>
<i>Lal Lal Soldiers Memorial Hall Committee</i>	<i>Lal Lal Makers and Growers Market</i>	<i>\$2,064</i>

2. *Notify all applicants in writing of the outcome of their application.***3. *Provide feedback to unsuccessful groups and provide suggestions for alternative funding (if applicable) or how the group may choose to improve and re-develop their application for submission to the Tourism Events Grants program 2019-20.*****CARRIED.****Report Authorisation****Authorised by:**

Name: Satwinder Sandhu
Title: General Manager Community Planning
Date: Thursday 09 May 2019



11.2.2 Draft Community Local Law Review

Introduction

Author: Andy Gaze
General Manager: Satwinder Sandhu

Due to a procedural error in the community consultation process for the making of a new Community Local Law, Council is required to publish a notice in the Government Gazette and a public notice to meet its statutory obligations under s119(2) of the *Local Government Act 1989* ("the Act").

Background

In accordance with s119(2) of the Act before a Council makes a local law it must comply with the following procedure:

- (2) *The Council must give a notice in the Government Gazette and a public notice stating—*
 - (a) *the purpose and general purport of the proposed local law; and*
 - (b) *that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and*
 - (c) *that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.*

On 3 April 2019, Council resolved to make the Moorabool Shire Council Community Local Law 2019.

The 6 part decision is recorded in the minutes of the meeting as follows:

Item No. 11.2.1 Moorabool Shire Council Community Local Law 2019

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

and requests that it comes into effect 1 July 2019;

3. *Revokes Moorabool Shire Council General Local Law 2010, effective date midnight 30 June 2019;*
4. *Gives public notice and notice in the Victorian Government Gazette of the making of the Moorabool Shire Council Community Local Law 2019 and the effective date;*

5. *Adopts the Local Law Community Impact Statement December 2018; and*
6. *Sends a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.*

Council officers have subsequently become aware that prior to Council making the Local Law on 3 April 2019, notice was not given in the Government Gazette advising of the proposed Local Law which is a mandatory requirement.

Thus, Council must comply with this provision of the Act to enable the proposed Moorabool Shire Council Community Local Law 2019 to be valid.

It is noted that Council followed the process laid out by its solicitors, however when officers proceeded to finalise the process the solicitors advised that an error had been made.

Proposal

To remedy this circumstance, it is proposed that Council revoke parts 2 and 3 **only** of the 3 April 2019 decision to enable:

- a) Notice to be given in the Government Gazette and a public notice of the proposed local law; and
- b) *Moorabool Shire Council General Local Law 2010* to continue to operate beyond 30 June 2019 in the meantime.

The proposed draft Moorabool Shire Council Community Local Law 2019 (**Attachment 11.2.2**) to be referred to in the Government Gazette notice and the public notice will be the document included in the officers' report presented to Council on 3 April 2019, as amended by Council at that meeting with regard to submissions received in relation to Honey Bees.

Following the giving of the Government Gazette notice, the public notice and the required waiting period of at least 28 days to comply with s223 of the Act. A further report will be presented to Council where any further comments will be received and a recommendation to make the Moorabool Shire Council Community Local Law 2019.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

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

Financial Implications

This proposal will have minimal financial implications, however new permits that are required under the new Local Law will not come into force until the Community Local Law 2019 comes into force.

Risk & Occupational Health & Safety Issues

Identification of this error before the commencement of the new Moorabool Shire Council Community Local Law 2019 has allowed us to mitigate the risk of adopting and then enforcing an invalid Local Law.

Communications and Consultation Strategy

Extensive community consultation has already been undertaken on the proposed Draft Moorabool Shire Council Community Local Law 2019. However, due to a procedural error the consultation process has not been completed fully as it was not advertised in the Government Gazette.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

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

Author – Andy Gaze

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

Conclusion

Due to a procedural error in the community consultation process for the making of a new Community Local Law, it is necessary for Council to publish a public notice in the Victorian Government Gazette and a public notice to meet its statutory obligations under s119(2) of the *Local Government Act 1989* ("the Act"). As such it is deemed appropriate for Council to revoke certain resolutions made by Council on the 3 April 2019, to ensure that the current Local Law remains in force whilst the proposed draft Moorabool Shire Council Community Local Law 2019 is advertised appropriately.

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

1. **Revoke parts 2 and 3 of its decision made on 3 April 2019 relating to the Moorabool Shire Community Local Law 2019 (Report 11.2.1), where Council resolved:**

“2. Adopts the Moorabool Shire Council Community Local Law 2019 as shown in attachment 11.2.1a, with the following amendments within the definitions section:

- a) **Animal has the same meaning as in the Summary Offences Act 1966 and includes insects and fish but excludes honey bees.**
- b) **Honey Bee *Apis Mellifera* – European Honey Bee**
- c) **Livestock has the same meaning as in the Impounding of Livestock Act 1994 but excludes honey bees**

and requests that it comes into effect 1 July 2019.

3. **Revokes Moorabool Shire Council General Local Law 2010, effective date midnight 30 June 2019.”**
2. **Approves the draft Moorabool Shire Council Community Local Law 2019 attached to this report (including the changes Councillors requested at its Ordinary meeting on 3 April 2019) as Attachment 1 for the purposes of inviting submissions under 119(2) of the Local Government Act 1989.**
3. **Authorise the Chief Executive Officer to give notice in the Government Gazette and a public notice of the exhibition of the proposed Moorabool Shire Council Community Local Law 2019 and invites public submissions under section 223 of the Local Government Act 1989.**
4. **Notes that any submission received in response to previous invitations for submissions in relation to the draft Moorabool Shire Community Local Law 2019 will be considered to be received in response to the notice published under paragraph 3 of this resolution.**
5. **Will consider all submissions received in relation to the draft Moorabool Shire Council Community Local Law 2019 at a subsequent meeting of Council.**

CARRIED.

Report Authorisation**Authorised by:****Name:**
Satwinder Sandhu**Title:****General Manager, Community Planning****Date:****28 May 2019**

11.3 COMMUNITY DEVELOPMENT

11.3.1 Instrument of Appointment and Authorisation of Council Officers under Section 147(4) of the *Planning and Environment Act 1987*

Introduction

Author: Michelle Morrow
CEO: Derek Madden

Under section 147(4) of the *Planning and Environment Act 1987* (the Act), Council must appoint authorised officers for the purposes and regulations made under the Act.

Background

Section 232 of the *Local Government Act 1989* authorises the relevant officers generally to institute proceedings for offences against the Acts and Regulations described within the proposed instrument of appointment and authorisation.

Proposal

In order to comply with the *Planning and Environment Act 1987* and the *Local Government Act 1989*, an Instrument of Appointment and Authorisation is now presented to the Council, as **Attachment 11.3.1**, requesting that the officers named in that Instrument be hereby appointed for the purposes of section 147(4) of the *Planning and Environment Act 1987* and the regulations made under that Act and section 232 of the *Local Government Act 1989* for the purpose generally to institute proceedings for offences against the Acts and regulations described in the instrument.

The change to this Instrument reflects the commencement of staff within the Planning and Environmental Health service units as follows:

Commencement of Narelle Sillitoe Community Safety Officer

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing good governance and leadership

Context 1C: Our business and systems

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 147(4) of the *Planning and Environment Act 1987* is consistent with the 2017 - 2021 Council Plan.

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate instrument of appointment and authorisation from Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Chief Executive Officer – Derek Madden 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 is obliged to comply with section 147(4) of the *Planning and Environment Act 1987* therefore the attached Instrument of Appointment and Authorisation is required to be approved under the Seal of Council.

Resolution:

Crs. Keogh/Sullivan

That Council approves, under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 147(4) of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation

Authorised by:

Name: Derek Madden
Title: Chief Executive Officer
Date: Wednesday 22 May 2019

11.4 COMMUNITY ASSETS AND INFRASTRUCTURE

11.4.1 Draft Graffiti Management Policy

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Background

Council previously considered this item at the Ordinary Meeting of Council on Wednesday 1 May 2019, where it was resolved to lay the Graffiti Management Policy on the table for further consideration at the next meeting of Council.

The policy protocol relating to the consideration of items which affect beyond the current year is applied for consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects.

In accordance with the resolution of Council on Wednesday 1 May 2019 the Graffiti Management Policy is now presented to Council for adoption.

The draft Graffiti Management Policy has been developed to outline Council's approach to the management of illegal graffiti in line with Moorabool Shire Council's Community Local Law No. 1 (2018) and the Graffiti Prevention Act 2007 (Vic).

Proposal

In accordance with the resolution of Council on Wednesday 1 May 2019 the Graffiti Management Policy is now presented to Council for adoption.

To further assist in Council's management of graffiti, the development of a Graffiti Prevention Strategy is recommended to be undertaken as a future action.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and infrastructure

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Place a copy of the adopted Policy on Council's website	N/A	June 2019	Policy accessible to wider community

Communications and Consultation Strategy

There is no formal requirement for a communications strategy as a result of the development or adoption of the draft Graffiti Management Policy, however following adoption, a copy of the policy will be placed on Council's website as well as provided internally to Council staff.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Phil Jeffrey

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

Author – John Miller

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

Conclusion

Council is responsible to ensure that a safe, clean and welcoming environment is available to all residents within the Shire and has developed a draft Graffiti Management Policy to formalise the approach to the effective management of illegal graffiti.

Having resolved on the 1 May 2019 that the policy lay on the table for further consideration and adoption at the next Ordinary Meeting of Council, the Graffiti Management Policy is now placed before Council for adoption.

Resolution:

Crs. Sullivan/Bingham

That Council, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, now adopts the Graffiti Management Policy.

CARRIED.

Report Authorisation

Authorised by:

Name:

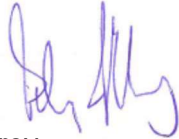
Phil Jeffrey

Title:

General Manager Community Assets and Infrastructure

Date:

Monday 06 May 2019



12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

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

Nil.

12.2 Section 86 – Delegated Committees of Council – Reports

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

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

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

Committee	Meeting Date	Council Representative	Attachment No.
Navigator Community Centre	Monday 04 February 2019		12.2a
Gordon Public Hall Committee of Management Inc	Wednesday 6 February 2019		12.2b
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 12 March 2019	Cr. Bingham	12.2c
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Tuesday 09 April 2019	Cr. Bingham	12.2d
Lal Lal Soldiers' Memorial Hall Committee of Management	Tuesday 16 April 2019		12.2e
Section 86 Development Assesment Committee Meeting https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019	Wednesday 17 April 2019	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Dudzik Cr. Edwards	n/a
Greendale Recreation Reserves Committee of Management	Wednesday 17 April 2019	Cr. Toohey	12.2f
Blacksmith's Cottage and Forge Committee of Management	Tuesday 23 April 2019	Cr. Edwards	12.2g
Elaine Recreation Reserve Committee of Management			12.2h
Section 86 Development Assesment Committee Meeting https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019	Wednesday 15 May 2019	Cr. Tatchell Cr. Keogh Cr. Bingham Cr. Dudzik Cr. Edwards	n/a

Resolution:**Crs. Dudzik/Toohey*****That Council receives the reports of the following Section 86 - Delegated Committees of Council:***

- ***Section 86 Development Assessment Committee Meeting, Wednesday 17 April 2019***
- ***Navigator Community Centre, Monday 04 February 2019***
- ***Gordon Public Hall Committee of Management Inc, Wednesday 6 February 2019***
- ***Bacchus Marsh Racecourse and Recreation Reserve Committee of Management, Tuesday 12 March 2019***
- ***Bacchus Marsh Racecourse and Recreation Reserve Committee of Management, Tuesday 09 April 2019***
- ***Lal Lal Soldiers' Memorial Hall Committee of Management, Tuesday 16 April 2019***
- ***Greendale Recreation Reserves Committee of Management, Wednesday 17 April 2019***
- ***Blacksmith's Cottage and Forge Committee of Management, Tuesday 23 April 2019***
- ***Section 86 Development Assessment Committee Meeting, Wednesday 15 May 2019***

CARRIED.

12.3 Advisory Committees of Council - Reports

Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Advisory Committees are required to report to Council at intervals determined by the Council.

Councillors as representatives of the following Advisory Committees of Council present the reports of the Committee Meetings for Council consideration.

Committee	Meeting Date	Council Representative	Attachment No.
Economic Development Taskforce	Wednesday 01 May 2019	Cr. Tatchell Cr. Keogh Cr. Dudzik Cr. Edwards	12.3a
Audit & Risk Advisory Committee	Wednesday 13 February 2019	Cr. Tatchell Cr. Dudzik	12.3b

Resolution:

Crs. Dudzik/Keogh

That Council receives the reports of the following Advisory Committees of Council:

- ***Economic Development Advisory Committee, Wednesday 01 May 2019.***
- ***Audit & Risk Advisory Committee, Wednesday 13 February 2019***

CARRIED.

13. NOTICES OF MOTION

13.1 Cr. Dudzik N.O.M: No. 282 – Moorabool Community Groups and hire of the Lerderderg Library

Motion:

Crs. Dudzik/Bingham

That Council:

- 1) *Requests an officer to potentially review the “Lerderderg Library Meeting Rooms – Rental Agreement” to remove Casual and Regular Ongoing Hire Costs for Moorabool Community Groups.***

Cr. Bingham withdrew from his position as Secunder to the Motion.

Resolution:

Crs. Dudzik/Keogh

That Council:

- 1) *Requests an officer to potentially review the “Lerderderg Library Meeting Rooms – Rental Agreement” to remove Casual and Regular Ongoing Hire Costs for Moorabool Community Groups.***

LOST.

14. 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	
Date: 5 June, 2019	
1 May	<ul style="list-style-type: none"> • S86 Economic Development Taskforce Meeting • Councillor Briefing – Confidential Aged Care Directions Paper • Councillor Briefing – Rural Councils Transformation Program • Ordinary Meeting of Council
6 May	<ul style="list-style-type: none"> • National Road Safety Week Presentations, Ballan & Bacchus Marsh
7 May	<ul style="list-style-type: none"> • Community Meeting – Proposed Amendment to existing Maddingley Coal Landfill to include household waste
8 May	<ul style="list-style-type: none"> • Councillor Briefing – Municipal Revaluation Update • Councillor Briefing – Proposed 2019/20 Budget
10 May	<ul style="list-style-type: none"> • Mother's Day High Tea, Ballan Hospital Auxiliary, Ballan
15 May	<ul style="list-style-type: none"> • Councillor Briefing – Bacchus Marsh Golf Club • Councillor Briefing – Ballan Mechanics Institute Committee of Management • Councillor Briefing – Committees of Management Quarterly Update • Councillor Briefing – Review of Draft OMC Agenda • Special Meeting of Council • S86 Development Assessment Committee Meeting
20 May	<ul style="list-style-type: none"> • National Volunteer Week - Volunteer Night
21 May	<ul style="list-style-type: none"> • Central Highlands Water and Western Water "Choose Tap" Drinking Fountain Program Launch
24 May	<ul style="list-style-type: none"> • MSC Business Breakfast, St Anne's Winery
1 June	<ul style="list-style-type: none"> • Peter Carey Award and Moorabool Young Writers Award Ceremony
4 June	<ul style="list-style-type: none"> • Positive Ageing Advisory Committee Meeting • Australian Citizenship Ceremony
5 June	<ul style="list-style-type: none"> • Councillor Briefing – Asset Management General Update & MMS • Councillor Briefing – Presentation by the Wind Farm Commissioner • S86 Moorabool Growth Management Committee Meeting • Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Keogh

That the Mayor's report be received.

CARRIED.

15. COUNCILLORS' REPORTS

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

Cr. Sullivan	
May 2019	
31 May	Grampians Central West Waste & Recovery Group Forum Meeting

Cr. Keogh	
May/June 2019	
24 May	MSC Business Breakfast hosted by Economic Development
4 June	Australian Citizenship Ceremony

Cr. Dudzik	
May 2019	
7 May	Community Meeting – Proposed amendment to existing Maddingly Coal Landfill to include household waste

Resolution:

Crs. Bingham/Toohey

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

Nil.

ADJOURNMENT OF MEETING – 6.39 pm

Crs. Sullivan/Toohey

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

CARRIED.

RESUMPTION OF MEETING – 6.45 pm

Crs. Sullivan/Toohey

That the meeting now be resumed.

CARRIED.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC**Resolution:****Crs. Sullivan/Toohey**

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

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

CARRIED.

17.1 Confidential Aged Care Directions Paper	
Directorate:	Community Development
Chief Executive Officer:	Derek Madden
Author:	Claire Conlon
<i>Section 89(2)d – contractual matters</i>	

17.2 Contract C33–2018/2019; Darley Park, Darley – Sport Oval Lighting Upgrade Project	
Directorate:	Community Assets and Infrastructure
General Manager:	Phil Jeffrey
Author:	Ewen Nevett
<i>Section 89(2)d – contractual matters</i>	

17.3 Contract C11–2018/2019; Inglis Street, Ballan – Streetscape Upgrade, Stage 3

Directorate:	Community Assets and Infrastructure
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General Manager:	Phil Jeffrey
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Author:	Ewen Nevett
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Section 89(2)d – contractual matters

17.4 Insurance Broking & Risk Management Services 2019/20

Directorate:	Community Development
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Chief Executive Officer:	Derek Madden
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Author:	Michelle Morrow
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Section 89(2)d – contractual matters

Items 17.1 – 17.4 are confidential items
and therefore not included
as part of these Minutes.

RETURN TO OPEN SESSION – 7.44 PM

Crs. Bingham/Sullivan

That the Meeting now return to Open Session.

CARRIED.

18. MEETING CLOSURE

The meeting closed at 7.45 PM.

Confirmed.....Mayor.