

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Supper Room,
Main Street, Bacchus Marsh on
Wednesday 5 July 2017,
at 5:00 p.m.

Members:

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

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social and Organisational Development

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Edwards, opened the meeting with the Council Prayer at 5.02 pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. RECORDING OF MEETING

As well as the Council for its minute taking purposes, the following organisations have been granted permission to make an audio recording of this meeting of Council:

- The Moorabool News; and
- The Star Weekly

4. PRESENT

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

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Strategic and Sustainable Development</i>
<i>Mr. Ian Waugh</i>	<i>Manager Community and Recreation Development</i>
<i>Ms. Corinne Jacobson</i>	<i>Capital Works Coordinator</i>
<i>Mr. Rob Fillisch</i>	<i>Manager Statutory Planning & Community Safety</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

5. APOLOGIES

Nil.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council – Wednesday 7 June 2017

Resolution:

Crs. Tatchell/Bingham

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 7 June 2017.

CARRIED.

6.2 Special Meeting of Council – Wednesday 14 June 2017

Resolution:

Crs Toohey/Dudzik

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 14 June 2017.

CARRIED.

6.3 Special Meeting of Council – Wednesday 21 June 2017

Resolution:

Crs. Keogh/Dudzik

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 21 June 2017.

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. Kathy Whye submitted the following question.

Question:

Recommendation 3 on page 459 states the gym will be open from 8am to 4pm. What is the usage data that backs this up? If there is no usage data what is the basis for proposing such opening times?

Response:

The opening times of 8.00am to 4.00pm are indicative times only for the purpose of determining operating costs for the number of hours the gym opens. Final operating times will be confirmed once Council has determined the actual operating model.

It has been difficult for officers to provide conclusive information to members as Council has not yet confirmed its 2017/18 Budget. Funding allocated by Council in the 2017/18 budget will determine the final operating parameters for the BMLC gym and fitness program, and allow Officers to confirm the operating model, opening times, membership arrangements and programs offered.

Cr. Sullivan entered the meeting 5.09pm***Mr. Kevin Pickin submitted the following question.*****Question:**

If the purpose of closing the gym is to economise on providing equipment (through Belgravia?), why does the Council also wish to close the Tuesday morning aerobic type session which take place in the basketball area downstairs? This involves only floor space, wall space, a few benches and weights for our very professional instructor, Rick. This activity usually involves about 15 participants paying \$5.00 a session.

Response:

The session on a Tuesday morning is part of the Older Adults Living Longer Living Stronger Program within the Centre Group Fitness Program. The cost of \$5-20 per session casual, \$5 per session for multi visit (10 or 20 pass) is a concessional rate for participants in the program. Centre members can attend as part of their \$40 month membership. This gives them access to the classes and the gym.

The Tuesday session is held on the basketball court with the Thursday session held in the gym.

The operation of the Living Longer Living Stronger program is linked to the overall operation of the Health Club. As such it is not seen in isolation but as part of the overall management and operation of the Centre.

Ms Bronwyn Doyle submitted the following question.**Question:**

Have Council contacted any Group Fitness (in particular Les Mills) Instructors, either current staff or anyone else?

Response:

No. At this stage we have not contacted any of the Group Fitness Instructors directly. We have contacted Les Mills Asia Pacific to confirm what the license fees to operate Les Mills classes at the Centre will be. Council will adopt it's 2017/18 Budget at the meeting on 5th July. The final operational arrangements for the Centre cannot be finalised until Council adopts the budget.

Ms Chris Kiss submitted the following question.**Question:**

What action has Council taken:

- a) To advise members that they are taking over the running of the gym;
- b) To set up a membership system; or
- c) To collect any direct debit information from members

Response:

- a) Members will be advised of the outcome of the Council meeting held on the 5th July. It has not been possible to confirm operational arrangements at the centre until Council confirms which operating model it will operate and confirms the budget.
- b) Officers have been investigating suitable membership systems which will be confirmed when Council determines the operating model and budget for the Centre.
- c) We have not collected any direct debit information from members at this stage. A short survey was distributed to members asking them about their membership and payment preferences. Members were advised by Belgravia Leisure that their membership would end on 30th July, 2017.

Mr Chris Sharkey submitted the following question.**Question:**

Why is the Ballan depot so expensive? Does Council agree this is a high priority? If so, why?

Response:**Why is the depot so expensive?**

The scope of the project allows for full relocation of the depot and operations staff from the existing Ballan office site to the new site. The project incorporates:

- Office accommodation including workspace for 10 full time staff, foyer with counter, meeting space, storage, staff room, training/conference room and toilet/shower amenities.
- Visitor/staff car parking
- Workshop with storage rooms, welding area and office
- Large vehicle store
- Refuelling area
- Fuel store
- Chemical store
- Wash bay
- Emulsion tank
- Materials bunkers
- Ute store
- Water tanks

These inclusions are considered the minimum requirements for a municipal depot and address Occupational Health and Safety requirements which must be adhered to with respect to operation of the depot. The budget estimate is based on commercial/industrial rates for similar types of construction.

Does Council agree this is a high priority project? If so, why?

The project has been identified as a major project within Council's Strategic Financial Plan and provides \$3M over two years. The current depot location poses a number of constraints and risks including, but not limited to, the following:

- The site is located within a residential area in the centre of Ballan township
- The space is not sufficient for the storage of all plant and equipment
- The space is not sufficient for the movement of articulated and large machinery in/out of existing workshops

- The space is not sufficient to accommodate staff numbers for training, toolbox meetings etc.
- The configuration of the site is inefficient due to size constraints of the lot
- Significant Occupational Health & Safety risks associated with the site size and layout

Relocation of the depot will address these issues and provide a safer working environment with opportunities for improved efficiency of Operations Unit work procedures. These improvements will ultimately provide better service and value for money to ratepayers.

Ms Kate Sharkey submitted the following question.

Question:

Where in the budget does Council address the issues of the agricultural industry and what plans do they have in place for supporting it?

Response:

Council is currently in the process of preparing a Framework Plan for Bacchus Marsh in which agriculture protection is identified as key theme. There is no specific item in the budget as such, other than the work we do on weed and rabbit management.

Mr. Scott Young submitted the following question.

Question:

Why has Council said they have done the review (of the Rating Strategy) when they didn't?

Response:

The table within the Measuring and Reporting on Progress section of the proposed Council Plan contains ticks that represent the year that the actions are proposed to be undertaken, rather than indicating that they are complete. As such, the draft Plan proposes to undertake a review of the Rating Strategy commencing in 2017/18.

Mr. Andrew Kerr submitted the following question.

Question:

In the Budget in the Introduction (on page 5) it talks about Performance Measures and recurrent grants per head of municipal population. Why in 2015/16 was MSC \$268.03 and other similar Councils \$400.13?

Response:

The information provided on page 5 is taken directly from the 'Know Your Council' website. The website provides an opportunity for the community and Council to access consistent information in regard to the performance of local Councils across Victoria.

Know Your Council and the Local Government Performance Reporting Framework have been developed by Local Government Victoria within the Department of Environment, Land, Water and Planning. Mandatory performance reporting became a requirement for local government from the 2014-15 local government annual budgeting and reporting cycle onwards.

Based on the results of the 2015/16 annual reporting cycle, with respect to key financial performance and sustainable capacity indicators, Moorabool Shire faces a number of challenges when compared to similar sized Councils and Councils across Victoria. The report findings indicate that Moorabool Shire is significantly disadvantaged on a number of fronts as compared to other Councils as indicated by low levels of financial support from State and Federal Governments.

Moorabool Shire receives significantly less in recurrent grants per head of population than other Victorian Councils. On average, Moorabool Shire receives \$132.10 less per head of population than similar sized Councils and \$86.86 less per head of population than the Victorian average. In absolute dollar terms and based on a reported population of 31,469 as at 30 June 2016, Moorabool Shire receives between \$2.733m to \$4.158m less in recurrent grants on an annual basis.

Ms Marg Scarff submitted the following question.

Question:

Why hasn't the software been implemented?
(Recreation Reserve bookings software)

Response:

A budget was allocated by the Council in the 2016-2017 for the purchase of a reserve booking system. Subsequent to the allocation of the budget, the Council's website was moved to an open source digital platform. The possibility of creating a booking system through the new web product was examined to ensure that any new system was compatible with other Council systems. This process has taken considerably longer than anticipated. Combined with the departure of the previous Recreation staff it has led to a delay in progressing the securing of the system. The budget allocation for purchase of the system has been carried over into the 2017/18 year. Following resolution of the IT issues a suitable system will be implemented as soon as practicable.

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:

Item No	Description	Name	Position
11.1.2	<i>Consideration for the Proposed 2017/18 Annual Budget</i>	Dean Cowan	Objector
11.1.2	<i>Consideration for the Proposed 2017/18 Annual Budget</i>	Michael Kennedy	Objector
11.1.2	<i>Consideration for the Proposed 2017/18 Annual Budget</i>	Nathan Doughney	Objector
11.3.5	<i>Darley Civic Hub Indoor Sports Stadium Use Agreement – Acrofun Gymnastics Club</i>	Bree Mort	Supporter
11.3.6	<i>Bacchus Marsh Leisure Centre Gym and Fitness Services</i>	Faye Tandy	Objector

11.3.6	<i>Bacchus Marsh Leisure Centre Gym and Fitness Services</i>	Geoff McKay	Objector
11.3.6	<i>Bacchus Marsh Leisure Centre Gym and Fitness Services</i>	Chris Kiss	Objector
11.3.6	<i>Bacchus Marsh Leisure Centre Gym and Fitness Services</i>	John Spain	Objector

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

Nil.

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 Adoption of the Council Plan 2017-2021 inclusive of Strategic Resource Plan

Introduction

File No.: 02/02/002
Author: John Whitfield
Chief Executive Officer: Rob Croxford

The following report is presented to Council for consideration to adopt the Council Plan 2017-2021 inclusive of the Strategic Resource Plan.

Background

Part 6, Section 125 (1) of the Local Government Act 1989 (the Act) says that a Council must prepare and adopt a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is the later. This year the Department of Environment, Land, Water and Planning using its powers under Section 125(4) of the Act have extended that deadline to 31 August 2017.

On Wednesday 3 May 2017, Council resolved to place the proposed Council Plan 2017-2021 inclusive of the Strategic Resource Plan, on public exhibition, seeking submissions in accordance with Section 223 of the *Local Government Act* 1989.

Notices to advertise the public exhibition period were placed with the regional newspaper, the Ballarat Courier, the local newspaper on Council's weekly page in the Moorabool News and via Council's *Have Your Say* online community engagement forum.

A Special Meeting of Council was held on Wednesday 21 June 2017 for Council to consider submissions to the draft plan. One submission was received and Council resolved that having considered the public submission, the adoption of the Council Plan 2017-2021, including any amendments required, is referred to the Ordinary Meeting of Council to be held Wednesday 5 July 2017.

Proposal

Submissions to the 2017/18 Annual Budget were also considered at the Special Meeting of Council held on Wednesday 21 June 2017.

Further, Council is to consider the adoption of the Annual Budget in Agenda item 11.1.2. Any changes to the budget as resolved by the Council at this meeting will be incorporated into the Strategic Resource Plan section of the adopted Council Plan.

In reviewing the Draft Council Plan 2017-2021 during the public consultation period a few amendments to the Plan have been identified. These are as follows and these have already been incorporated into the Council Plan 2017-2021 attached to this report:

Page	Item	Amendment	Reason
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 6 – Youth Strategy	Remove the Action <i>“Investigate the provision of an interim youth space at the Darley Civic Precinct”</i> .	This matter has already been investigated and completed
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 6 – Youth Strategy	Adjust timeframe for <i>“Support a Moorabool “Learning Matters” initiative place based collaborative initiative focussed on improving engagement and retention in education in the Bacchus Marsh area”</i> from 2018-2021 to 2018-2019	Correction of timeframe.
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 – Library Strategic Plan	Adjust timeframe for <i>“undertaking a feasibility study to inform the future provision of library services in Ballan”</i> from 2018-2019 to 2017-2018	Correction of timeframe.
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 – Library Strategic Plan	Transfer the Action <i>“Conduct a trial period of extended opening hours for the Lerderderg Library”</i> to a new Action 8	To be placed as a separate action from the Library Strategic Plan – better presentation

The amendments to the Plan in the table below are recommended for adoption by the Council. The reasons for each amendment are set out in the table. These changes have NOT been made to the Plan attached to this report.

Page	Item	Amendment	Reason
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health and Wellbeing Action 6 - Youth Strategy	Adjust timeframe for the Action: <i>“Undertake a Master Plan including concept and cost plan for Rotary Park, including the Andy Arnold Facility”</i> from 2017-2021 to 2018-2019	Adjustment of timeframe – there is no budget for the project in the draft 2017-2018 budget
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health and Wellbeing Action 6 - Youth Strategy	Adjust timeframe for the Action: <i>“Prepare a concept plan and costing for Youth Space/s at the Andy Arnold Centre/Rotary Park precinct”</i> from 2018-2019 to 2019-2020	Adjustment of timeframe based on adjusting the timeframe for the item above. The Council has allocated space at the Darley Civic and Community Hub for use as an interim youth space.
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 – Library Strategic Plan	Change Action to read: <i>“Revise and adopt the Library Strategic Plan inclusive of undertaking a feasibility study to inform the future provision of library services in Ballan”</i>	Better wording to describe the Action.
24	Strategic Objective 4: Improving Social Outcomes Context 4B: Community Connectedness and Capacity Action 1 - Community Development and Volunteer Strategies	Adjust timeframe for Action: <i>“Develop and deliver a community group capacity building and sustainability program”</i> from 2017-2018 to 2018-2019.	Adjustment of timeframe - there is no budget for the project in the draft 2017-2018 budget

With the incorporation of the adopted Strategic Resource Plan and having completed all statutory requirements, it is now recommended that Council adopts the Council Plan 2017-2021 and gives public notice as required under the Local Government Act 1989 that the Council Plan 2017-2021 has been adopted.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business & Systems

Action: Legislative and Regulatory

The proposal to adopt the proposed Council Plan 2017-2021 is consistent with the Council Plan 2017-2021.

Financial Implications

In accordance with Section 126 of the Local Government Act 1989, Council has prepared the Strategic Resource Plan that details the resources required to achieve the objectives and strategies outlined in the Council Plan 2017-2021.

The Strategic Resource Plan includes the following information in respect of the next four year period that concludes 30 June 2021.

- the standard statements describing the required financial resources in the form and containing the information required by the regulations as amended by the adoption of the 2017/18 Annual Budget; and
- statements describing the required non-financial resources, including human resources, in the form and containing the information required by the regulations.

The figures as presented in the Strategic Resource Plan section of the Council Plan 2017-2021 attached to this report are the budget figures as approved by Council for community consultation at its meeting on 3 May 2017. The figures will be amended to reflect any budget changes resolved by the Council in the Adoption of the 2017/18 Annual Budget report presented immediately after this report in the Agenda.

Communications Strategy

In accordance with the *Local Government Act 1989* the Council Plan 2017-2021 will progress through the final adoption process.

Timetable for the Adoption of the Council Plan 2017-2021 inclusive of the Strategic Resource Plan	
Formally adopt the Council Plan 2017-2021 and Strategic Resource Plan	Wednesday, 5 July
Public Notice of Adoption of Council Plan and Strategic Resource Plan	Saturday 8 July
Submit Council Plan 2017-2021 and Strategic Resource Plan to Minister for Local Government by:	Monday 31 July

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 – Rob Croxford

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

Author – John Whitfield

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

Conclusion

Having completed all statutory requirements in accordance with Part 6 Section 125 and Section 223 of the *Local Government Act 1989*, the Council Plan 2017-2021 inclusive of the Strategic Resource Plan, as amended at this meeting, is now presented to Council for adoption and for its placement on public notice as required under the *Act*.

Resolution:**Crs. Dudzik/Tatchell**

That Council, having advertised the proposed Council Plan 2017-2021 inclusive of the Strategic Resource Plan, resolves to:

- 1. *adopt the Council Plan 2017-2021 inclusive of the Strategic Resource Plan ensuring it is in accordance with the adopted 2017/18 Annual Budget and also inclusive of the following amendments:***

Page	Item	Amendment
23	<i>Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 6 – Youth Strategy</i>	<i>Remove the Action “Investigate the provision of an interim youth space at the Darley Civic Precinct”.</i>
23	<i>Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 6 – Youth Strategy</i>	<i>Adjust timeframe for “Support a Moorabool “Learning Matters” initiative place based collaborative initiative focussed on improving engagement and retention in education in the Bacchus Marsh area” from 2018-2021 to 2018-2019</i>
23	<i>Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 – Library Strategic Plan</i>	<i>Adjust timeframe for “Support a Moorabool in “undertaking a feasibility study to inform the future provision of library services in Ballan” from 2018-2019 to 2017-2018</i>
23	<i>Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 – Library Strategic Plan</i>	<i>Transfer the Action “Conduct a trial period of extended opening hours for the Lerderderg Library” to a new Action 8</i>
23	<i>Strategic Objective 4: Improving Social Outcomes Context 4A: Health and Wellbeing Action 6 - Youth Strategy</i>	<i>Adjust timeframe for the Action: “Undertake a Master Plan including concept and cost plan for Rotary Park, including the Andy Arnold Facility” from 2017-2021 to 2018-2019</i>

23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health and Wellbeing Action 6 - Youth Strategy	Adjust timeframe for the Action: "Prepare a concept plan and costing for Youth Space/s at the Andy Arnold Centre/Rotary Park precinct" from 2018-2019 to 2019-2020
23	Strategic Objective 4: Improving Social Outcomes Context 4A: Health & Wellbeing Action 7 - Library Strategic Plan	Change Action to read: "Revise and adopt the Library Strategic Plan inclusive of undertaking a feasibility study to inform the future provision of library services in Ballan"
24	Strategic Objective 4: Improving Social Outcomes Context 4B: Community Connectedness and Capacity Action 1 - Community Development and Volunteer Strategies	Adjust timeframe for Action: "Develop and deliver a community group capacity building and sustainability program" from 2017-2018 to 2018-2019.

2. **notify and place on public notice its decision to adopt the Council Plan 2017-2021 inclusive of the Strategic Resource Plan in accordance with Section 125 of the Act.**
3. **submit a copy of the Council Plan 2017-2021 inclusive of the Strategic Resource Plan to the Minister for Local Government in accordance with Section 125 of the Act.**

CARRIED.

Report Authorisation

Authorised by:

Name: Rob Croxford
Title: Chief Executive Officer
Date: Tuesday 13 June 2017

Consideration of Presentation

Mr. Dean Cowan, Mr. Michael Kennedy and Mr. Nathan Doughney addressed Council as objectors to the recommendation in the Consideration for the Proposal 2017/18 Annual Budget report.

The business of the meeting then returned to the Agenda.

11.1.2 Consideration for the Proposal 2017/18 Annual Budget

Introduction

File No.: 07/01/011
Author: Steven Ivelja
General Manager: Phil Jeffrey

In accordance with Section 130 of the Local Government Act 1989 (the Act) Council is required to formally adopt the 2017/18 Annual Budget by 30 June 2017 (for 2017/18 the Minister for Local Government has extended this due date to 31 August 2017).

As resolved by Council on 3 May 2017, the proposed Budget was placed on public exhibition from Tuesday 9 May 2017 to Tuesday 6 June 2017 inclusive, calling for submissions as required under Section 223 of the Act. This was advertised in The Moorabool News on 9 May 2017 and the Ballarat Courier on 13 May 2017.

Section 223 of the Act requires Council to follow a process of enabling submissions to be received. There were 32 written submissions received by 6 June 2017. Council considered submissions at the Special Meeting of Council on 21 June 2017 and resolved as follows:

1. *That the 32 submissions be received;*
2. *That Council takes into consideration the matters raised within the submissions in consideration of the 2017/18 Annual Budget at the Special Meeting of Council on 21 June 2017; and*
3. *That following the adoption of the 2017/18 Annual Budget, responses are provided to each Submitter.*

Having completed all statutory requirements, the 2017/18 Annual Budget can now be considered for adoption.

Background

The Proposed 2017/18 Annual Budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a financial plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

The budget includes a rate increase of 2.0%. This is in line with the Fair Go Rates System (FGRS) which has capped rates increases by Victorian Councils. Despite the cap on rates, Council has been able to minimise the rate burden on residents through the use of stringent budget and fiscal controls.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area -	Continuous Improvement in Council Services
Objective -	Sound, long term financial management
Strategy -	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

The consideration of the Proposed 2017/18 Annual Budget is consistent with the 2013-2017 Council Plan.

Budget Amendments and related matters

Since the Proposed Budget was presented to Council there are some suggested amendments to the Operating budget. New or updated information has become available and these amendments are highlighted below.

Indicative Financial Assistance Grant Allocations for 2017/18

On 19 May 2017, Council was advised by the Victorian Grants Commission of its indicative Financial Assistance Grants for 2017/18. As a result of this preliminary advice, it is likely that Council will receive \$134,547 less than the level estimated in the 2017/18 Proposed Budget. The decrease is made up of;

Table 1.1; Changes to Grants Commission Funding

	Proposed Budget	Indicative	
	2017/18	2017/18	Change
General Purpose Grant	4,273,001	4,185,503	(87,498)
Local Roads Grant	1,846,482	1,799,433	(47,049)
Total	6,119,483	5,984,936	(134,547)

Capital Improvement Program and Capital Grants

The Draft Budget 2017/18 included an allowance of \$1.5m toward the detailed design and construction commencement of the Ballan Depot project. The project is part of an overall commitment of \$3.15m toward the Ballan Depot relocation.

Since the Draft Budget 2017/18 was released for public consultation, it is proposed that the allowance for the Ballan Depot relocation be reduced by \$1m in 2017/18 to better reflect the likely pattern of actual expenditure that will be incurred toward the project. Under this proposal, the revised scoping will allow for detailed design, consultation and tendering to occur in 2017/18. This will also allow Council the capacity to assess the feasibility of project partnering and collaboration with other agencies or bodies which may deliver future benefits. The reduction in \$1m in 2017/18 has been deferred to later years of the Strategic Resource Plan and is a timing change only.

In addition to this, capital grants will increase by \$614,971 mainly due to new funding approved for rehabilitation works on Triggs Road, Bungaree (\$407,971). There is also an additional \$207,000 in grants budgeted for in 2016/17 that will not be received until the 2017/18 financial year. Further to this, it is estimated that the carried forward capital expenditure from the 2016/17 year will increase from \$3.608m to \$4.267m.

Overall, the changes will impact the Capital improvement by \$67k. The table below shows these amendments and the impact on the overall Capital improvement program;

Table 1.2; Changes to Statement of Capital Works

Statement of Capital Works			
	Proposed Budget	Adjusted Budget	Variance
	2017/18 \$'000	2017/18 \$'000	2017/18 \$'000
Property			
Land	0	0	0
Buildings	2,864	1,834	(1,030)
Building improvements	0	0	0
Total property	2,864	1,834	(1,030)
Plant and equipment			
Plant, machinery and equipment	1,820	2,491	671
Computers and telecommunications	0	0	0
Library books	0	0	0
Total plant and equipment	1,820	2,491	671
Infrastructure			
Roads	5,468	5,876	408
Bridges	881	881	0
Footpaths	879	879	0
Drainage	0	0	0
Recreational, leisure and community facilities	3,001	3,001	0
Parks, open space and streetscapes	0	0	0
Other infrastructure	8	26	18
Total infrastructure	10,238	10,663	425
Total capital works expenditure	14,922	14,989	67
Represented by:			
Asset renewal expenditure	9,981	11,060	1,079
New asset expenditure	3,983	3,001	(983)
Asset upgrade expenditure	958	928	(30)
Asset expansion expenditure	0	0	0
Total capital works expenditure	14,922	14,989	67

New Initiatives

The Draft 2017/18 Budget proposed an allowance of \$193k to be allocated toward strategic waste projects including an allowance of \$100k to engage suitably qualified consultants to assist with the process. This initiative was proposed to be fully funded from the Closed Landfill Rehabilitation cash reserve.

Since the draft budget was endorsed for consultation, further advice received indicates that the \$100k expenditure on consultants be deferred pending the outcome of strategic work currently happening within the waste sector which will better inform how these funds could be spent. As a result, it is recommended that \$100k proposed expenditure be deferred to a later year.

Other Adjustments

Other minor adjustments include the following;

- Bridge Testing Grant (Funds provided by the State Government to undertake bridge testing on two bridges on Woolpack Road, Bacchus Marsh) – Council will receive \$20,000 in funding for this project. Overall the net cost to Council is zero.
- School Crossings – Council has been advised that there will be an increase of \$22,842 in funding to help subsidise the cost of School Crossings.
- Interest expense will be decrease by \$68,322 due to the deferral of borrowings in the 2016/17 financial year in addition to the reduction in borrowing requirements resulting from the proposed deferral of \$1.0M on the Ballan Depot relocation in 2017/18
- Salary costs have been amended to reflect any staffing movements since the early stages of the 2017/18 budget process. Overall there is a saving of \$20,614.
- Income from Road Opening Permits is expected to increase by \$6,000.

Summary of Adjustments

Overall the changes will impact the Comprehensive Income Statement by \$698k. The table below shows these amendments and the impact on the overall surplus for the 2017/18 Budget.

Table 1.3; Changes to Comprehensive Income Statement

Comprehensive Income Statement			
	Proposed Budget	Adjusted Budget	Variance
	2017/18 \$'000	2017/18 \$'000	2017/18 \$'000
Income			
Rates and charges	32,107	32,107	0
Statutory fees and fines	877	877	0
User fees	2,476	2,482	6
Contributions - monetary	2,157	2,157	0
Contributions - non-monetary assets	4,635	4,635	0
Grants - Operating (recurrent)	9,312	9,201	(112)
Grants - Operating (non-recurrent)	165	185	20
Grants - Capital (recurrent)	879	879	0
Grants - Capital (non-recurrent)	1,198	1,813	615
Other income	1,013	1,013	0
Interest received	444	444	0
Total income	55,262	55,792	529
Expenses			
Employee costs	19,173	19,152	21
Materials and services	14,637	14,557	80
Depreciation and amortisation	9,664	9,664	0
Finance costs	876	808	68
Other expenses	755	755	0
Net gain on disposal of property, infrastructure, plant and equipment	1,500	1,500	0
Total expenses	46,604	46,435	169
Surplus (deficit) for the year	8,658	9,357	698

Budget Submissions

There were 32 written submissions received by 6 June 2017. Council considered submissions at the Special Meeting of Council on 21 June 2017 and resolved as follows:

1. *That the 32 submissions be received;*
2. *That Council takes into consideration the matters raised within the submissions in consideration of the 2017/18 Annual Budget at the Special Meeting of Council on 21 June 2017; and*
3. *That following the adoption of the 2017/18 Annual Budget, responses are provided to each Submitter.*

In addition to the high number of budget submissions, a petition was received in relation to safety and traffic issues related to Gordon Primary School. Further to the Special Meeting of Council on the 21 June 2017 and receipt of the petition, it is recommended that a detailed report be brought to Council in the coming months to assess a number of potential options to address the current problems at the school. The report will also contain a number of accelerated funding options if Council decide to prioritise the project as part of the 2017/18 financial year.

Financial Implications

The 2017/18 Annual Budget has been prepared within the adopted five year Strategic Financial Plan. This will allow Council to improve its financial sustainability and balance the building of new infrastructure with maintaining our existing infrastructure.

Communications Strategy

In accordance with Section 223 of the Act, Council considered submissions on 21 June 2017. Council received 32 written submissions, with the following people requesting to speak to their submission:

- Tanya Bostock - on behalf of Gordon Primary joint submission
- Allison Giofches - on behalf of Gordon Primary joint submission
- Russel Cowan - on behalf of Gordon Primary joint submission
- Kate Sharkey/Chris Sharkey - Sharkey Road, Balliang East
- Scott Graham - Gordon Main Street Reference Group

The following outlines the timetable for the communication and adoption of the 2017/18 Annual Budget:

Timetable for the Proposal and Adoption of the 2017/18 Annual Budget	
Proposed 2017/18 Annual Budget presented for Council adoption and Public Notification	3 May 2017
Advertise Proposed 2017/18 Annual Budget, inviting public inspection and submissions according to Section 223 of the Local Government Act 1989, in Council's nominated newspapers	9 May to 6 June 2017
Consider public submissions per Section 223(1)(b) of the Local Government Act 1989 for the Proposed 2017/18 Annual Budget	21 June 2017
Formally adopt 2017/18 Annual Budget	05 July 2017
Submit 2017/18 Budget to the Minister for Local Government	06 July 2017
Public Notice – Adoption of 2017/18 Annual Budget	11 July 2017

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council the briefing 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 – Steven Ivelja

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

Conclusion

The budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2017/18 financial year and beyond.

Recommendation:

- 1.1 That Council adopts the amendments to the budget related to Financial Assistance Grants based on preliminary advice received from the Victorian Grants Commission as appended in Table 1.1.**
- 1.2 That Council adopts the proposed amendments discussed that comprise the movement in Councils Statement of Capital Works in Table 1.2.**
- 1.3 That Council adopts all other proposed amendments discussed that comprise the net movement in Councils surplus as appended in Table 1.3.**
- 1.4 That having considered the details of the 2017/18 recurrent and capital budget appended to this report, which includes:**
 - Mayor's Introduction**
 - Chief Executive Officer's Summary**
 - Budget Reports (contains all statutory requirements)**
 - Budget Analysis (best practice)**
 - Long Term Strategies**
 - Appendix A – Fees and charges schedule**
 - Appendix B – Budget process**

the proposed operating and capital budget 2017/18 be the budget prepared for the purposes of section 127 of Act.

- 1.5 That in accordance Regulation 8 of the Regulations, Council declares its intention to borrow \$3.662m (\$2.790m deferred from 2016/17). Loan redemption for 2017/18 will be \$1.364m.**

1.6. General Rates

1.6.1 That in accordance with Section 158 of the Local Government Act 1989, Council declares a General Rate for the rating period commencing 1 July 2017 and ending 30 June 2018.

1.6.2 It be further declared that the general rate be raised by the application of differential rates.

1.6.3 A differential rate be declared for rateable land having the respective characteristics specified in the Schedule to this resolution, which characteristics will form the criteria for each differential rate so declared:

Category	Cents/\$CIV
Commercial & Industrial Rate	0.006668
Commercial & Industrial Vacant Land	0.010835
Extractive Industry Rate	0.013002
Farm Rate	0.003250
General Rate	0.004167
Vacant Land General	0.008751
Vacant Land FZ and RCZ	0.004167
Vacant Land GRZ	0.010418
Residential Retirement Villages	0.003751

1.6.4 Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described in the Schedule to this Resolution) by the relevant percentages.

1.6.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

1.6.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and

1.6.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and

1.6.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and

1.6.5.4 the relevant

- (a) uses of;
- (b) geographical locations of; and
- (c) Planning Scheme zonings of; and
- (d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution.

1.7. Municipal Charge

1.7.1 It be confirmed that no municipal charge is declared in respect of the 2017/18 Financial Year.

1.8. Annual Service Charge

1.8.1 An annual service charge be declared in respect of the 2017/18 Financial Year.

1.8.1.1 The annual service charge be declared in respect of the period 1 July 2017 to 30 June 2018.

1.8.1.2 The annual service charge be declared for the collection and disposal and management of refuse from land.

1.8.1.3 The annual service charge be in the sum of, and be based on the criteria, set out below:

- (i) \$144 per annum for each property that is within the defined urban service area to which a domestic waste collection service is available;**
- (ii) \$144 per annum for each property that is within the defined rural service area to which a domestic waste collection service is available;**
- (iii) \$144 per annum for each property that is not within a defined service area, to which a domestic waste collection service is provided;**
- (iv) \$101 per annum for all rateable properties in all Wards including:
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.****
- (v) \$35 per annum for all rateable properties in all Wards including:
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.****
- (vi) \$80 per annum non-compulsory and optional charge within the urban (residential and low density residential) areas of Bacchus Marsh and Ballan for kerbside greenwaste collection service.**

The defined service areas outlined above and the designated routes are defined on a plan, which can be viewed at the Council offices.

1.9. Rebates & Concessions

1.9.1 It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the State Concessions Act 1986, a rebate of an amount determined by the Department of Human Services in respect of their principal place of residence. The criterion for "eligible recipient" is also determined by the Department of Human Services.

1.10. Payment

1.10.1 All rates and charges to be paid in four instalments, in accordance with Section 167 (1) and (2) of the Local Government Act 1989.

1.10.2 Unless Council resolves otherwise, a person may only pay rates and charges as a lump sum if payment is made on or before 15 February 2018.

1.11. Consequential

1.11.1 It be confirmed that, subject to sections 171 and 172 of the Local Government Act 1989, Council will require a person to pay interest on any rates and charges which:

1.11.1.1 that person is liable to pay;

1.11.1.2 have not been paid by the date specified for their payment.

1.12 That it is proposed that an amount of \$32,107,500 be declared as the amount Council intends to raise from the general rates and charges (including Supplementary and Special Rates) for the period from 1 July 2017 to 30 June 2018.

1.13 That in accordance with Section 158 of the Act and Regulation 8 of the Regulations, detailed information concerning General Rates and Special Rates and charges is appended to this report.

1.14 That as part of the public presentation process for the proposed budget, the following actions were undertaken in accordance with:

1.14.1 Sections 127 and 129 of the Act and Regulation 9 of the Regulations – that the proposed 2017/18 budget be made available for public inspection.

1.14.2 Section 129 of the Act and Regulation 9 of the Regulations – that the Chief Executive Officer be authorised to give public notice that the Proposed 2017/18 Annual Budget has been prepared and is available for public inspection.

1.14.3 Sections 158 to 162 of the Act and Regulation 9 of Regulations - that Council give public notice and have ready for public inspection all prescribed information to be available from 9 May until 6 June 2017.

- 1.15 That Council resolved to allow 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner. Council heard submissions on Wednesday 21 June 2017 at the James Young Room, Lerderderg Library, Bacchus Marsh.**
- 1.16 That in accordance with Section 130 of the Act, Council resolves to notify and place on public notice its intention to adopt the 2017/18 Annual Budget on 5 July 2017 at a Special Meeting of Council to be held at the Ballan Council Chamber, 15 Stead Street, Ballan.**
-

SCHEDULE

Differential Rating Categories**General Developed Land****Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1 Construction and maintenance of public infrastructure; and
- 2 Development and provision of health and community services; and
- 3 Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the financial year.

Definition:

Any land:

- on which a dwelling is lawfully erected and occupied for the principal purpose of physically accommodating persons; and
- which does not have the characteristics of:
 - o Commercial and Industrial Land;
 - o Vacant Commercial and Industrial Land;
 - o Extractive Industry Land;
 - o Farm Land
 - o Residential Retirement Villages Land;
 - o Vacant General Land;
 - o Vacant FZ and RCZ Land; or
 - o Vacant GRZ.

Commercial and Industrial Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land which is lawfully used:

- for the principal purpose of carrying out the manufacturing or productions of goods; or
- for the principal purpose of carrying out trade in goods or services.

Vacant Commercial and Industrial Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land:

- located within an Industrial or Commercial zone under the Moorabool Planning scheme; and
- which is vacant; or
- not lawfully developed for the principal purpose of carrying out the manufacturing or production of goods or trade in goods or services; and
- which does not have the characteristics of General Developed Land.

Extractive Industry Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land;

- which is used primarily for the extraction or removal of minerals, earth or stone including the treatment of minerals, earth or stone; or
- on which activities for the extraction or removal of minerals, earth or stone including the treatment of minerals earth or stone have been discontinued but which has not yet been rehabilitated to environmental standards as required by law.

Farm Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land;

- which is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960.

Vacant General Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which does not have the characteristics of;
 - o Vacant commercial and Industrial Land; or
 - o Vacant FZ and RCZ Land; or
 - o Vacant GRZ Land.

Vacant FZ and RCZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which is located within the Farm Zone (FZ) or Rural Conservation Zone (RCZ) under the Moorabool Planning Scheme; and
- which does not have the characteristics of Farm Land.

Vacant GRZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:

Any land;

- on which no building is lawfully erected; and
- which is located within the General Residential Zone (GRZ) under the Moorabool Planning Scheme.

Residential Retirement Village Land

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

1. Construction and maintenance of public infrastructure; and
2. Development and provision of health and community services; and
3. Provision of general support services.

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land:

- Which is defined as a Retirement Village land under the *Retirement Villages Act 1986*.

Resolution:**Crs. Dudzik/Tatchell**

- 1.1 That Council adopts the amendments to the budget related to Financial Assistance Grants based on preliminary advice received from the Victorian Grants Commission as appended in Table 1.1.**
- 1.2 That Council adopts the proposed amendments discussed that comprise the movement in Councils Statement of Capital Works in Table 1.2.**
- 1.3 That Council adopts all other proposed amendments discussed that comprise the net movement in Councils surplus as appended in Table 1.3.**
- 1.4 That having considered the details of the 2017/18 recurrent and capital budget appended to this report, which includes:**
- Mayor’s Introduction**
 - Chief Executive Officer’s Summary**
 - Budget Reports (contains all statutory requirements)**
 - Budget Analysis (best practice)**
 - Long Term Strategies**
 - Appendix A – Fees and charges schedule**
 - Appendix B – Budget process**
- the proposed operating and capital budget 2017/18 be the budget prepared for the purposes of section 127 of Act.**
- 1.5 That in accordance Regulation 8 of the Regulations, Council declares its intention to borrow \$3.148m (including \$2.790m deferred from 2016/17). Loan redemption for 2017/18 will be \$1.364m.**
- 1.6. General Rates**
- 1.6.1 That in accordance with Section 158 of the Local Government Act 1989, Council declares a General Rate for the rating period commencing 1 July 2017 and ending 30 June 2018.**
- 1.6.2 It be further declared that the general rate be raised by the application of differential rates.**
- 1.6.3 A differential rate be declared for rateable land having the respective characteristics specified in the Schedule to this resolution, which characteristics will form the criteria for each differential rate so declared:**

Category	Cents/\$CIV
Commercial & Industrial Rate	0.006668
Commercial & Industrial Vacant Land	0.010835
Extractive Industry Rate	0.013002
Farm Rate	0.003250
General Rate	0.004167
Vacant Land General	0.008751

Category	Cents/\$CIV
<i>Vacant Land FZ and RCZ</i>	<i>0.004167</i>
<i>Vacant Land GRZ</i>	<i>0.010418</i>
<i>Residential Retirement Villages</i>	<i>0.003751</i>

1.6.4 Each differential rate will be determined by multiplying the Capital Improved Value (CIV) of each rateable land (categorised by the characteristics described in the Schedule to this Resolution) by the relevant percentages.

1.6.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

1.6.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and

1.6.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and

1.6.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and

1.6.5.4 the relevant

(a) uses of;

(b) geographical locations of; and

(c) Planning Scheme zonings of; and

(d) types of buildings on the respective types or classes of land be those identified in the Schedule to this Resolution.

1.7. Municipal Charge

1.7.1 It be confirmed that no municipal charge is declared in respect of the 2017/18 Financial Year.

1.8. Annual Service Charge

1.8.1 An annual service charge be declared in respect of the 2017/18 Financial Year.

1.8.1.1 The annual service charge be declared in respect of the period 1 July 2017 to 30 June 2018.

1.8.1.2 The annual service charge be declared for the collection and disposal and management of refuse from land.

1.8.1.3 The annual service charge be in the sum of, and be based on the criteria, set out below:

(i) \$144 per annum for each property that is within the defined urban service area to which a domestic waste collection service is available;

- (ii) \$144 per annum for each property that is within the defined rural service area to which a domestic waste collection service is available;**
- (iii) \$144 per annum for each property that is not within a defined service area, to which a domestic waste collection service is provided;**
- (iv) \$101 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**
- (v) \$35 per annum for all rateable properties in all Wards including:**
 - (a) each rateable land that is "farm land" within the meaning of section 2(1) of the Valuation of Land Act 1960 and is a 'single farm enterprise' within the meaning of Section 159(8) of the Local Government Act 1989; and**
 - (b) each other rateable land, from which there is capable of being generated waste which can be deposited by a ratepayer or resident at a landfill or waste transfer station or any other litter facility.**
- (vi) \$80 per annum non-compulsory and optional charge within the urban (residential and low density residential) areas of Bacchus Marsh and Ballan for kerbside greenwaste collection service.**

The defined service areas outlined above and the designated routes are defined on a plan, which can be viewed at the Council offices.

1.9. Rebates & Concessions

1.9.1 It be recorded that Council grants to each owner of rateable land who is an "eligible recipient" within the meaning of the State Concessions Act 1986, a rebate of an amount determined by the Department of Human Services in respect of their principal place of residence. The criterion for "eligible recipient" is also determined by the Department of Human Services.

1.10. Payment

1.10.1 All rates and charges to be paid in four instalments, in accordance with Section 167 (1) and (2) of the Local Government Act 1989.

1.10.2 Unless Council resolves otherwise, a person may only pay rates and charges as a lump sum if payment is made on or before 15 February 2018.

1.11. Consequential

1.11.1 It be confirmed that, subject to sections 171 and 172 of the Local Government Act 1989, Council will require a person to pay interest on any rates and charges which:

1.11.1.1 that person is liable to pay;

1.11.1.2 have not been paid by the date specified for their payment.

1.12 That it is proposed that an amount of \$32,107,500 be declared as the amount Council intends to raise from the general rates and charges (including Supplementary and Special Rates) for the period from 1 July 2017 to 30 June 2018.

1.13 That in accordance with Section 158 of the Act and Regulation 8 of the Regulations, detailed information concerning General Rates and Special Rates and charges is appended to this report.

1.14 That as part of the public presentation process for the proposed budget, the following actions were undertaken in accordance with:

1.14.1 Sections 127 and 129 of the Act and Regulation 9 of the Regulations – that the proposed 2017/18 budget be made available for public inspection.

1.14.2 Section 129 of the Act and Regulation 9 of the Regulations – that the Chief Executive Officer be authorised to give public notice that the Proposed 2017/18 Annual Budget has been prepared and is available for public inspection.

1.14.3 Sections 158 to 162 of the Act and Regulation 9 of Regulations - that Council give public notice and have ready for public inspection all prescribed information to be available from 9 May until 6 June 2017.

1.15 That Council resolved to allow 28 days for submissions to be made by members of the public and that all submissions are to be made in the prescribed manner. Council heard submissions on Wednesday 21 June 2017 at the James Young Room, Lerderderg Library, Bacchus Marsh.

- 1.16 That in accordance with Section 130 of the Act, Council resolves to notify and place on public notice its intention to adopt the 2017/18 Annual Budget on 5 July 2017 at a Special Meeting of Council to be held at the Ballan Council Chamber, 15 Stead Street, Ballan.**
- 1.17 That Council provide a further report on Basketball Association fees, including a comparison and analysis of fees in other shires and an assessment of affordability.**
- 1.18 That the Ballan depot project be deferred until a report comes back to Council on that item.**
-

SCHEDULE

Differential Rating Categories**General Developed Land****Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1 Construction and maintenance of public infrastructure; and**
- 2 Development and provision of health and community services; and**
- 3 Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the financial year.

Definition:**Any land:**

- **on which a dwelling is lawfully erected and occupied for the principal purpose of physically accommodating persons; and**
- **which does not have the characteristics of:**
 - **Commercial and Industrial Land;**
 - **Vacant Commercial and Industrial Land;**
 - **Extractive Industry Land;**
 - **Farm Land**
 - **Residential Retirement Villages Land;**
 - **Vacant General Land;**
 - **Vacant FZ and RCZ Land; or**
 - **Vacant GRZ.**

Commercial and Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:

Any land which is lawfully used:

- for the principal purpose of carrying out the manufacturing or productions of goods; or**
- for the principal purpose of carrying out trade in goods or services.**

Vacant Commercial and Industrial Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land:**

- located within an Industrial or Commercial zone under the Moorabool Planning scheme; and**
- which is vacant; or**
- not lawfully developed for the principal purpose of carrying out the manufacturing or production of goods or trade in goods or services; and**
- which does not have the characteristics of General Developed Land.**

Extractive Industry Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:**Any land;**

- which is used primarily for the extraction or removal of minerals, earth or stone including the treatment of minerals, earth or stone; or**
- on which activities for the extraction or removal of minerals, earth or stone including the treatment of minerals earth or stone have been discontinued but which has not yet been rehabilitated to environmental standards as required by law.**

Farm Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:**Any land;**

- which is “farm land” within the meaning of section 2(1) of the Valuation of Land Act 1960.**

Vacant General Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- **on which no building is lawfully erected; and**
- **which does not have the characteristics of;**
 - **Vacant commercial and Industrial Land; or**
 - **Vacant FZ and RCZ Land; or**
 - **Vacant GRZ Land.**

Vacant FZ and RCZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- on which no building is lawfully erected; and**
- which is located within the Farm Zone (FZ) or Rural Conservation Zone (RCZ) under the Moorabool Planning Scheme; and**
- which does not have the characteristics of Farm Land.**

Vacant GRZ Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Definition:**Any land;**

- on which no building is lawfully erected; and**
- which is located within the General Residential Zone (GRZ) under the Moorabool Planning Scheme.**

Residential Retirement Village Land**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the –

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the below definition.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the Moorabool Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Moorabool Planning Scheme.

Types of Buildings:

All buildings which are now constructed on the land or which are constructed prior to the end of the Financial year.

Definition:**Any land:**

- Which is defined as a Retirement Village land under the Retirement Villages Act 1986.**

AMENDMENT

Cr. Bingham proposed the following Amendment:

That Council allocate \$20,000 for the design and construction of automated doors at the front of the Bacchus Marsh Public Hall.

The Amendment lapsed due to a want of a Seconder.

The original Motion was voted upon and was CARRIED.

Councillor Sullivan called for a Division.

Councillors voting for the resolution:

Cr. Keogh, Cr. Dudzik, Cr. Bingham, Cr. Edwards, Cr. Tatchell.


Councillors voting against the resolution:

Cr. Sullivan, Cr. Toohey

The resolution was determined to be CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Wednesday 5 July 2017

11.2 GROWTH AND DEVELOPMENT**11.2.1 Planning Permit 2013-096; Amended permit for the construction of 8 sheds to house an additional 400,000 birds with caretaker's residence, office and workshop at 4050 Geelong-Bacchus Marsh Road, Parwan**

Application Summary:	
Permit No:	PA2013-096
Lodgement Date:	2 August, 2016.
Planning Officer:	Mark Lovell.
Address of the land:	Lot 1 on LP148386N 4050 Geelong-Bacchus Road, Parwan.
Proposal:	Amended plans for construction of 8 sheds to house an additional 400,000 birds with caretaker's residence, office and workshop
Lot size:	113.60 hectares.
Why was permit required to the original approval:	Clause 35.07-4- Farming Zone –Use and Development of Broiler Farm Clause 52.31 – Broiler Farm - Development
Public Consultation:	
Was the amendment application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	One objection.
Consultation meeting:	Consultation meeting was held between the applicant and objector. Concerns were clarified but the primary concern is with the planning system with regard to a previous approval on the subject site which changed the vehicle access point and the ongoing concerns with other businesses in the immediate area.
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.

Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
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. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report. <i>Author – Mark Lovell</i> In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	The application was referred to Council's Infrastructure, Council's Environmental Health, EPA, Melbourne Water, Southern Rural Water, Western Water and VicRoads.
Any issues raised in referral responses?	No.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns	No.
Any changes made to the application since being lodged?	No.
VCAT history?	Yes, an application for review (P1499/2015) lodged by an objector to the original application. This was withdrawn on 11 March, 2016 after a mediation in VCAT which resulted in a confidential settlement between all parties.

Previous applications for the site?	Planning Permit PA2013-096 was issued on 14 March, 2014 for the development and use of a Broiler Farm and Associated Building and works and alteration to an access in RDZ1. The permit was issued subject to 54 conditions.
General summary (Pro's/Con's of the proposal)	The proposal will double the capacity of the broiler farm but maintain similar amenity controls due to the location of the new sheds on the land and the effective use management practices to minimise off site impacts.
Summary Recommendation:	
That, having considered all relevant matters as required by Section 73 of the Planning and Environment Act 1987, Council issue a Notice of Decision to Amend a Permit to PA2013096 to allow the construction of 8 sheds to house an additional 400,000 birds with a caretaker's residence, office and workshop at Lot 1 on LP148386N, 4050 Geelong-Bacchus Marsh Road, Parwan.	

Background

The use and development approved under Planning Permit PA2013-096 has been completed in accordance with endorsed plans. The site is an operating broiler farm.

Public Notice

The amendment application was notified to adjoining and surrounding landowners by mail and by placing a large notice on site for a period of fourteen days. A statutory declaration verifying display of the large notice was received on 7 December, 2016.

Summary of Objections

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

Objection	Any relevant requirements
Increased traffic during the night.	Permit conditions
Officer's response – The night time truck movements are solely limited to the pick-up of birds and is an industry practice to reduce the stress levels in birds. The pick-up times are short in duration when the birds have reached their optimal growth rate and is limited to small number of truck movements. See report.	
Potential for odour/ odour report relies on assumptions	Odour Report
Officer's response - The applicant has submitted a comprehensive Odour Report demonstrating that the new sheds will managed to limit odour emissions and complies with additional requirement imposed by the EPA.	
Prefer sheds to be located closer to the existing sheds	
Officer's response – The proposed shed are located in a central part of the land. Their location has been dictated by a biosecurity requirement to have a minimum separation distance of 500 metres to the existing sheds that house 400,000 birds and also reflects a site constraint of a gas easement bisecting the land.	

Objection	Any relevant requirements
Applicant has breached confidentiality clause in a mediated settlement	
Officer's response – This is not relevant to the planning permit amendment.	

Proposal

It proposed to construct eight additional broiler sheds, each able to accommodate 50,000 birds, for an additional capacity of 400,000 birds and a total farm capacity of 800,000 birds. Each shed will be 168 metres in length, 17.40 metres in width and have an overall height of 4.3 metres. The total additional floor area will be 23,385.60m². The sheds will setback 599 metres from the Geelong-Bacchus Marsh frontage, 179 metres from the southern side boundary, 212 metres from the northern side boundary and setback 501 metres from the western side of the existing broiler sheds on the land. The sheds will be comprised of metal coloured wall panels, concrete dwarf walls and custom roofing. A series of utility services will surround the shed area including fire tanks, water tanks, gas tanks, a generator shed and pump house. To the north-west of the shed area will be a retention dam with an overall depth of 2.3 metres and a volume capacity of 23,4000m³. To the south of the sheds, will be a detached administration building consisting of an office, kitchen, storeroom, workshop and toilets. The administration building will be 31 metres in length, 15.0 metres in width and have an overall height of 5.3 metres. Further to the south of the administration building, is a caretaker's residence. No floor plans have been approved for this proposed residence. All buildings will access a gravel roadway adjacent to the southern property boundary which connects to the Geelong-Bacchus Road. No vegetation is proposed to be removed.

Truck numbers and time of movements vary dependent on the stage of the bird's life cycle. The maximum peak period is at the pick-up time with 10 trips per day in and out of the site, a total 20 vehicle movements. The time of the vehicle movements during the peak period is up to 2 per hour and four pick-ups will occur after 9.00pm.

Site Description

The subject site is located on the eastern side of Geelong-Bacchus Marsh Road, south of Smith Road, Parwan with a second street frontage to Parwan Road South. The lot is 701.50 metres in width at the street frontage, 1613.43 metres in length and has a total area of 113.60 hectares. There is 20.12 metres in width gas easement which bisects the lot from the northern side boundary to the rear eastern boundary.

The site is comprised of a broiler farm consisting of eight sheds building, associated utility facilities, retention dam, internal accessways and a landscaping screen concentrated in the north-east corner of the site. An existing residence is located in the north-west corner of the site. The remaining land is vacant without vegetation.

The surrounding land is predominately farming land including horse agistment. The land is generally a flat topography with limited landscaping mostly along the property boundaries and there are a scattering of residential dwellings.

There are some notable surrounding land uses such as the Western Water Sewerage Treatment plant located on the eastern side of Parwan Road South which is within a Public Use Zone Schedule 1, the Bacchus Marsh Airfield located to the west of

Aerodrome Road which is covered by an Airport Environs Overlay, and adjacent land to the south contained in a site specific Industrial 1 Zone.

Locality Map

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



Figure 1: Site plan

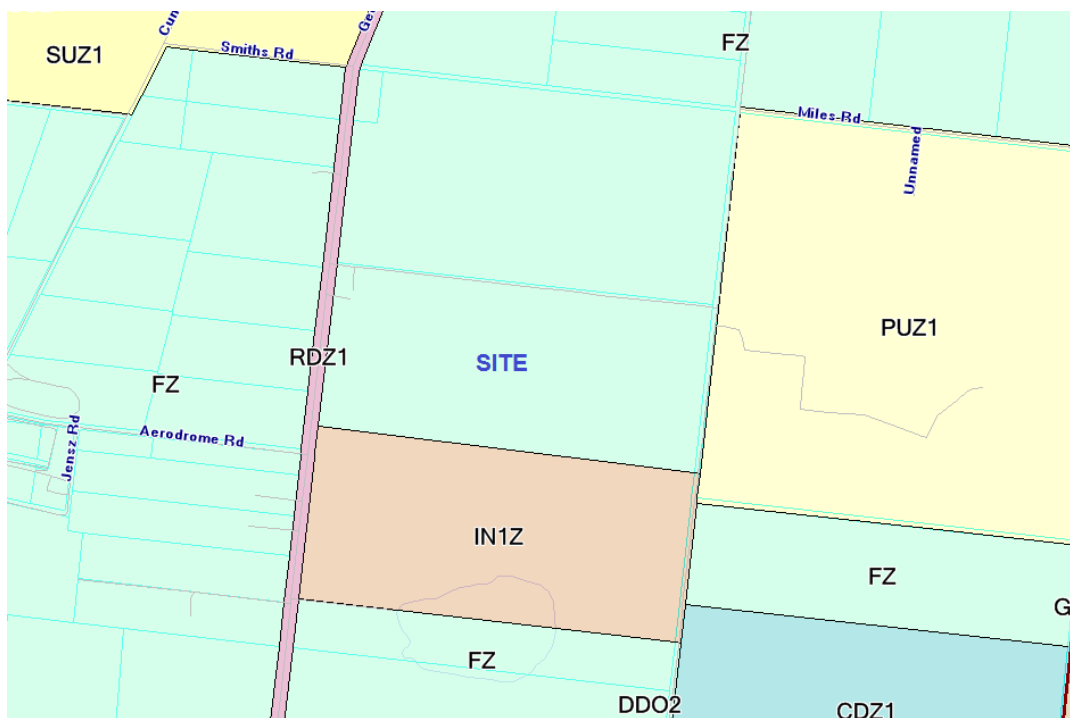


Figure 2: Zone Map

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 11.07-1 Regional Planning
- Clause 11.07-2 Per-Urban Areas
- Clause 13.04-1 Noise Abatement.
- Clause 13.04-2 Air Quality
- Clause 14.01-1 Protection of Agricultural Land
- Clause 17.01-1 Business
- Clause 21.03-2 Urban Growth Management
- Clause 21.04-2 Agriculture.

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

SPPF	Title	Response
Clause 13.04-1	Noise Abatement	Existing permit condition need to be enforced to ensure the site complies with noise emission from industrial equipment or machinery.

Zone

The site is located in a Farming Zone (FZ) under the Moorabool Planning Scheme. The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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 provisions.

The decision guidelines under general issues has the following objectives:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

The site is adjacent to a Road Zone Category 1 RDZ1). There is no new or altered access required as part of this amendment application.

Overlays

The site is not affected by any overlay controls.

Particular Provisions

Clause 52.31 Broiler Farm

The purpose of this particular provision is to facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Under Clause 52.31-2 a permit application to increase the farm capacity of an existing broiler farm must comply with the Victorian Code for Broiler Farms 2009.

The code has classification for type of Broiler Farms and in this instance with a proposed total farm population of 800,000 birds is classified as Special Class Farm which requires completion of an Odour Environmental Risk Assessment (Odour ERA) Report which must be completed and provided to the EPA.

An Odour Report has been prepared by GHD Pty Ltd, dated July 2016 and has been reviewed by the EPA.

Discussion

Extent of change/Amenity Impacts:

The proposal seeks to double the capacity of an existing broiler farm from managing 400,000 birds to 800,000 birds. The new shed area has adopted a similar built form, similar floor layout, similar associated utilities and similar landscaping treatments as the existing shed area. In effect, the new sheds replicate the existing shed facility on site. The new shed area is well separated from the existing shed area due to the presence of a gas easement and a biosecurity requirement to have a minimum separation distance of 500 metres. The existing broiler farm provides a good example of how the site is being currently managed and amenity impacts that are generated. There have been no complaints regarding the existing operation and no breach of permit conditions. The applicant has provided detailed documentation with the amendment application regarding management practices including waste management, pest controls, chemical management, stormwater management, environmental management, landscaping maintenance, site maintenance, animal welfare, and traffic management. The existing permit conditions provide an adequate level of protection to surrounding sensitive land uses to ensure their amenity is not adversely affected by the increased number of birds and the new buildings associated with the broiler farm.

The applicant has submitted an Odour Report that has been reviewed by the EPA demonstrating that there will be acceptable management of odour emissions subject to conditions. One of the new EPA conditions will be the ongoing monitoring of odours and dealing with any complaints regarding odours. This provides further protection for the occupants of nearby sensitive land uses.

The applicant has also submitted additional explanation of their odour dispersion modelling based on the new EPA publication No. 1643 titled 'Odour Environmental Risk Assessment for Victorian Broiler Farms' that was introduced on 19 January, 2017. This guideline reinforces that odour environmental risk assessments must be conducted in accordance with SEPP (AQM) which sets out design criteria for assessing air emissions. The guideline however changes the regulatory modelling of air emissions from the AERMOD/Ausplume model to the CALPUFF model. This new model would produce a larger emission area and affect more properties compared to the results of previously approved odour report as part of the original development. The guideline does allow for the EPA to advise Council whether the current odour assessment submitted with the application is still in accordance with SEPP (AQM) given a different modelling system has been used. In this instance, EPA are satisfied with the detailing in the odour report that was formulated under the previously accepted modelling system.

EPA noted the odour risk was considered within a low to medium range provided the farm has Environmental Management Plan that includes managing off-site odour impacts. This can be satisfied by a revised Environmental Management Plan.

Traffic Movements:

With the increased capacity of the bird production will result in an increased number of truck movements for utilities, feeding birds and the pick-up of birds. The truck movements and times vary with quiet periods and peak periods which are dependent on the age of the bird. The applicant has advised they will stagger the age of the birds between the existing shed facility and the proposed shed facility which will prevent a cumulative peak period of truck movements. The trucks movement should not present any significant impacts upon any adjacent property owners and the site connects to a designated main road thereby minimising any impact upon the local road network. The applicant has provided a comprehensive traffic report which has been reviewed by both VicRoads and Council's Infrastructure section. They have no objections with regard to traffic flow and traffic access.

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

The following referrals were made pursuant to the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Western Water	No objection subject to one new condition
Southern Rural Water	No objection subject to three new conditions
Melbourne Water	No objection, no new conditions.
VicRoads	No objection, no new conditions.
EPA (latest response)	No objection, subject to two new conditions.
Infrastructure	No objection, no new conditions.
Environmental Health	No objection subject to three new conditions

Financial Implications

There are no financial implications.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this development (amendment 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 desired.

Options

An alternative recommendation would be to refuse the amendment application on the grounds that it does not comply with the planning scheme provisions, is not adequately controlled by the existing permit conditions and will create adverse amenity impacts to nearby residents.

Refusing the amendment application may result in the applicant lodging an application for review of Council's decision with VCAT.

Conclusion

The proposed expansion to double the capacity of an existing broiler farm operation with associated buildings and works under an existing planning permit is acceptable in terms of the planning scheme provisions and the relevant sections of the Victorian Code for Broiler Farms 2009. The existing permit conditions will ensure on going protection to sensitive land uses from amenity impacts. The proposed expansion supports the continued viability of the existing broiler farm and supports business activity and job creation within Parwan. The proposed amendment should be supported subject to new conditions as specified by the relevant referral authorities including managing off site odour impacts.

Resolution:

Crs. Tatchell/Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue Notice of Decision to Amend a Permit for application number PA2013-096 for the development and use of a Broiler Farm and Associated Buildings and works and alteration to access in a RDZ1 at Lot 1 on LP148386N known as 4050 Geelong Bacchus Marsh Road, Parwan, subject to the following condition amendments and subsequent re-numbering of permit conditions:

1. Amended condition 1a) to read as:

- ***Floor and elevation plans of the proposed caretaker's residence.***

2. New condition 1e) to read as:

Amended Environmental Management Plan (EMP) that includes a section that the Broiler Farm will:

- ***comply with the RSPCA Approved Farming Scheme Standard for Meat Chicken;***
- ***provision of details of RSPCA accreditation and the applicant will maintain such accreditation;***
- ***comply with the Victorian Federation Chicken Care program; and***
- ***undertake further odour modelling and provide results/reports when any compliant is received regarding odours.***

3. **Amended condition 2 to read as:**
 - **No more than 800,000 birds are to be on the property at any one time**
4. **New condition 3d) to read as:**
 - **Victorian Federation Chicken Care program.**
5. **New condition 3e) to read as:**
 - **RSPCA Approved Farming Scheme Standard for Meat Chickens, May 2013**
6. **Add three new Environmental Health conditions:**
 - **The wastewater management system including the septic tank and effluent disposal area for the proposed house must be wholly contained to the property**
 - **The wastewater management system including the septic tank and effluent disposal area for the proposed broiler shed and office amenities must be wholly contained to the property**
 - **The broiler farm operations must not create a health nuisance to neighbouring properties.**
7. **Add two new EPA conditions:**
 - **If at any time the Responsible Authority (RA) determines that the amenity of nearby residents is being adversely affected in the emission of any unreasonable level of odour from the site the permit holder must immediately and to the satisfaction of the RA take such action as is necessary to reduce those emissions to an acceptable level.**
 - **The permit holder must record details of all odour monitoring, log any odour complaints, and should make available any results/records on request by the RA.**
8. **Add one new Western Water condition:**
 - **All requirement contained within the Recycled Water Management Plan must be followed and implements to the satisfaction of Western Water**
9. **Add three new Southern Rural Water conditions:**
 - **The extraction and use of groundwater or surface water for the purpose of providing water for this development must be licensed in accordance with s51 of the Water Act 1989;**

- ***The retention dam used to store water for the development must be constructed in accordance with a “turkeys nest” design so as no natural surface water runoff can enter the dams; and***
- ***The retention dam used to provide water for this development must only be filled from direct roof runoff or from a licensed water source.***

10. Amend permit expiry completion date:

- ***The development is not completed within eight years of the issue of the planning permit.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: 7 June, 2016



11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

11.3.1 Instrument of Delegation from Council to Chief Executive Officer

Introduction

File No.: 02/06/002
Author: John Whitfield
General Manager: Danny Colgan

Background

In accordance with section 98(1) of the Local Government Act 1989 a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:

- (a) this power of delegation; and
- (b) the power to declare a rate or charge; and
- (c) the power to borrow money; and
- (d) the power to approve any expenditure not contained in a budget approved by Council; and
- (e) any power, duty or function of the Council under section 223; and
- (f) any prescribed power.

The Instrument of Delegation to the Chief Executive Officer empowers the Chief Executive Officer to exercise various powers of the Council, including the power to delegate powers to council officers (sub-delegation).

The advantage for a Council in conferring on its Chief Executive Officer the power of sub-delegation is that it need not concern itself with many of the details of Council administration, allowing the Chief Executive Officer to issue and revoke Instruments of Delegation at regular intervals without the need to resubmit the issue to Council.

The previous Instrument of Delegation given to the Chief Executive Officer was adopted by Council on 4 September 2013.

Section 98(6) of the Local Government Act 1989 requires that a Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council.

Proposal

This updated Instrument of Delegation includes the following three amendments as highlighted in green on the Instrument contained in Attachment 10.3.1.

- 1) inclusion of a limitation on the Chief Executive Officer's (CEO) delegation that a CEO does not take an action or do an act or thing which is required by law to be done by Council resolution. This change is to clarify the position that where something is required to be done by Council resolution, the CEO will not be able to exercise that power, duty or function under the delegation.
- 2) addition of the word "act" in paragraph 5 of the Instrument.

- 3) as resolved by the Council at its February 2017 OMC, the inclusion of an item concerning the granting of permission to the media and the public to record Council meetings and Special Committee meetings subject to the terms and conditions of the Meeting Procedure Local Law No. 9 and that the Chief Executive Officer advise Councillors to whom consent to record meetings has been granted or refused.

Whilst these changes are not legislative amendments, it is recommended these changes to the Instrument of Delegation be made to improve clarity. It is now proposed under section 98(1) of the Local Government Act 1989 to place before Council the Instrument of Delegation which forms an attachment to this report for the approval and adoption by Council.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1:	Providing Good Governance and Leadership
Context 1C:	Our Business & Systems
Actions	Legislative and Regulatory

The proposal to grant by Instrument of Delegation from Council to its Chief Executive Officer is consistent with the Council Plan 2017-2021.

Financial Implications

There are no financial implications.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

On Wednesday 7 June 2017, Council discussed the Instrument of Delegation – Council to the Chief Executive Officer at an Assembly of Council prior to being presented to this Council meeting for its consideration.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield

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

Conclusion

In accordance with section 98(6) of the Local Government Act 1989 the Instrument of Delegation – Council to the Chief Executive Officer is placed before Council for its consideration. This Instrument grants delegated powers for and on behalf of Council to the Chief Executive Officer under section 98(1) of the Local Government Act 1989 as set out in the Instrument of Delegation.

It is recommended that Council approve and adopt the Instrument of Delegation to the Chief Executive Officer.

Resolution:

Crs. Tatchell/Dudzik

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

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The Instrument of Delegation - Council to the Chief Executive Officer be signed under the common seal of the Council.***
- 3. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.***
- 4. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.***
- 5. 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.***

6. ***It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

AMENDMENT

Cr. Bingham proposed the following Amendment:

That Clause 10. In the Instrument of Delegation – Council to the Chief Executive Officer be amended to read;

Full details of any contract awarded exceeding \$50,000.00 are to be reported to Council within 14 days of the contract being awarded through the Councillor Information Bulletin.

The Amendment lapsed due to the want of a seconder.

The original Motion was voted upon and was CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan

Title: General Manager Social and Organisational Development

Date: Wednesday 14 June 2017



11.3.2 Instrument of Delegation – Council to Members of Council Staff

Introduction

File No.: 02/06/002
Author: John Whitfield
General Manager: Danny Colgan

Background

In accordance with section 98(6) of the Local Government Act 1989 (LGA), a Council must review, within the period of 12 months after a general election, all delegations which are in force and have been made by the Council.

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

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

As well as required by legislation to review delegations within 12 months of a general election, 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.

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

The specific acts and regulations in this Instrument of Delegation give councils the ability to delegate their powers, duties and functions to staff. However, unlike section 98 of the LGA, these other Acts do not provide an express power of sub-delegation, and so there is a presumption that they may not be sub-delegated.

Therefore, the power of delegation contained in these other Acts may only be delegated directly by councils to members of staff (as opposed from a Council to its CEO, and then from its CEO to staff).

For this reason, this Instrument of Delegation from Council to Members of Council Staff exists separately from the Instrument of Delegation from Council to the Chief Executive Officer (from which the CEO can sub-delegate to staff).

Proposal

Through the Delegations and Authorisations Service provided to Council by its Lawyers, two updates are received on a yearly basis which affects Councils' powers, functions and duties.

The proposed Instrument of Delegation from Council to Members of Council Staff incorporates updates to relevant legislation since the last Instrument was adopted in 2013. It also incorporates changes made to the structure of the council and position titles that took place in April this year. Updating this Instrument ensures that staff are properly informed of their legislative responsibilities.

The attached Instrument of Delegation (contained in Attachment 10.3.2) being presented to Council for adoption displays all amendments since 2013 in green highlight and any items to be removed due to changes in legislation shown as crossed out. Where there is the title of an Act in green highlight this means the whole Act is new. Where there is green within an Act in the instrument means this is either a new provision or a change to the Act in terms of the numbering with the sections of the Act etc.

The Instrument of Delegation is 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. It is imperative that Council staff have the correct Instrument of Delegation for dealing with matters under the various Acts and Regulations of Parliament.

Consideration

On Wednesday 7 June 2017, Council discussed the Instrument of Delegation – Council to Members of Council Staff at an Assembly of Council prior to being presented to this Council meeting for resolution.

In accordance with section 98(6) of the Local Government Act 1989 the Instrument of Delegation – Council to Members of Council Staff is placed before Council for its consideration. The Instrument delegates to members of its staff any power, duty or function of the Council under the various Acts and Regulations.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1:	Providing Good Governance and Leadership
Context 1C:	Our Business & Systems
Actions	Legislative and Regulatory

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications Strategy

During the course of the preparation of the Instrument of Delegation from Council to Members of Council Staff, all relevant Council departmental managers were involved in reviewing the relevant Acts of Parliament obligations associated with their daily tasks and submitted for inclusion into the Instrument of Delegation document.

On Wednesday 7 June 2017, Council discussed the Instrument of Delegation from Council to Members of Council Staff at an Assembly of Council prior to being presented to this Council meeting for its consideration.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield

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

Conclusion

In accordance with section 98(6) of the Local Government Act 1989 the Instrument of Delegation from Council to Members of Council Staff is placed before Council for its consideration. This Instrument grants delegated powers, duties and functions for and on behalf of Council under various Acts and Regulations of Parliament.

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

Resolution:**Crs. Tatchell/Sullivan**

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

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

CARRIED.

Report Authorisation**Authorised by:****Name:** Danny Colgan**Title:** General Manager Social and Organisational Development**Date:** Wednesday 14 June 2017

11.3.3 Discontinuance of a portion of Bradshaw Street, Ballan.

Introduction

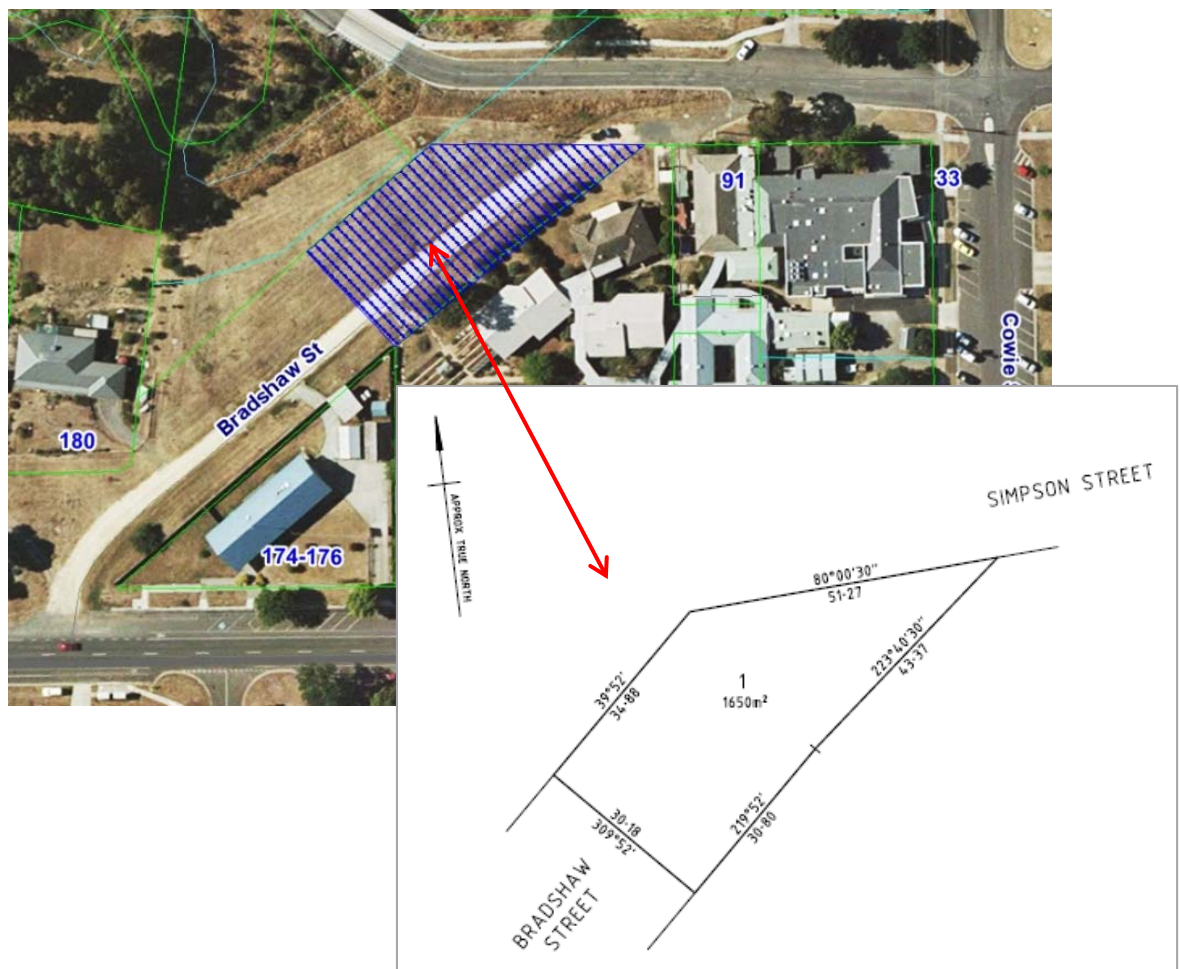
File No.: 1027
 Author: John Whitfield
 General Manager: Danny Colgan

Background

Ballan District Health and Care have a proposal to expand their aged care facilities. In order to facilitate this development, Ballan District Health and Care have requested Council discontinue a portion of government road reserve identified as Bradshaw Street, Ballan which abuts its land to the north; land parcels PC352995 and TP122251.

At the Ordinary Meeting of Council on Wednesday 3 May 2017, Council resolved to advertise its intention to discontinue a portion of government road reserve identified as Bradshaw Street, Ballan and seek public submissions under Sections 207A and 223 of the *Local Government Act 1989* (the Act).

The area as highlighted on the plan provided below extends from the eastern boundary of the Victoria Police facility though to the bollards at the intersection of Simpson Street and Bradshaw Street.



It is considered that with the bollards at the eastern end of Bradshaw Street having been in place for many years now, this portion of Bradshaw Street is no longer reasonably required for general public use or for the purpose it was originally set aside for and that the land be better utilised by the adjoining property owner.

If discontinued, the land in a government road becomes unalienated Crown land. Council will liaise with the Department of Environment, Land, Water and Planning (DELWP) to commence arrangements to sell the area to the abutting registered proprietors as proposed for consolidation into their existing certificate of title with the purchaser to bear all costs associated with the sale.

Proposal

In accordance with Sections 207A and 223 of the Act, Council advertised its intentions in the local (Moorabool News) and regional (Ballarat Courier) newspapers in May 2017 and on Council's website inviting public submissions on the proposed portion of road discontinuance being considered under Schedule 10 Clause 3 of the Act.

Preliminary consultation with DELWP and abutting property owners prior to the formal exhibition period was undertaken seeking approval of the proposal to discontinue a portion of government road reserve identified as Bradshaw Street, Ballan.

At the close of the public submission period, no submissions were received.

This report proposes that Council now formally resolve that a portion of government road reserve identified as Bradshaw Street, Ballan is not reasonably required for general public use and in accordance with Schedule 10 Clause 3 of the Act, discontinue the portion of government road reserve identified as Bradshaw Street, Ballan and advertise this discontinuance in the next available edition of the Victorian Government Gazette.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business & Systems

Actions Legislative and Regulatory

The proposal for Council to discontinue a portion of government road reserve identified as Bradshaw Street, Ballan is consistent with the Council Plan 2017-2021.

Financial Implications

Council's financial implications to date have been advertising costs and officer's time. The intended purchaser has agreed to meet the preliminary costs involved in discontinuing the road and to purchase the land once it becomes available to do so. As the sale of the land once the discontinuance is formalised is to be between DELWP and Ballan District Health and Care, the Council is not exposed to any further expense in this matter.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

A report relating to the proposed discontinuance of a portion of government road reserve identified as Bradshaw Street, Ballan, was considered at an open Council Meeting on 3 May 2017 and the public submission process was subsequently advertised in local and regional newspapers. Preliminary consultation with DELWP and abutting property owners prior to the formal exhibition period was undertaken seeking approval of the proposal.

A notice of the decision to discontinue a portion of government road reserve is required to be published in the Victorian Government Gazette in accordance with the Act.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield

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

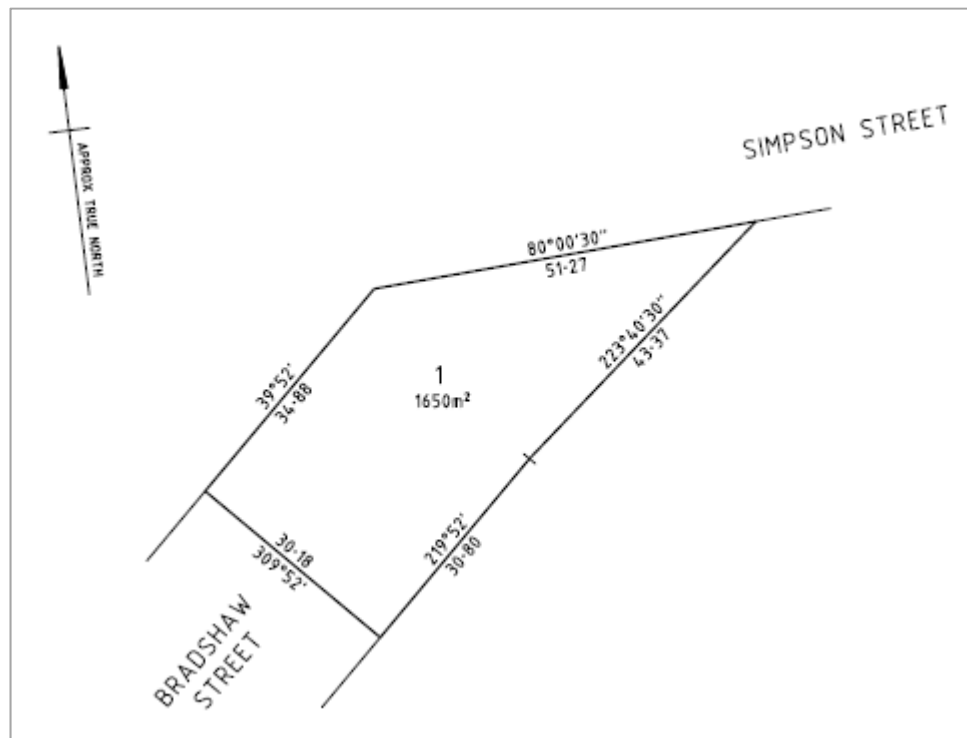
Conclusion

Having complied with the requirements under *the Local Government Act 1989*, Council is required to formally resolve that this portion of government road reserve identified as Bradshaw Street, Ballan is not reasonably required for general public use and to subsequently discontinue the portion of government road reserve identified as Bradshaw Street, Ballan and advertise this discontinuance in the next available edition of the Victorian Government Gazette.

After the necessary gazettal notice has been published Council will liaise with the Department of Environment, Land, Water and Planning (DELWP) to commence arrangements to sell the area to Ballan District Health and Care.

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

1. **resolves that the portion of government road reserve identified as Bradshaw Street, Ballan to be discontinued (as shown on the plan below) is not reasonably required for general public use;**



2. **having complied with the requirements of Sections 207A and 223 and in accordance with Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989, formally resolves to discontinue the portion of government road reserve identified as Bradshaw Street, Ballan;**
3. **requests officers to publish a notice of decision in the Victorian Government Gazette;**
4. **requests officers to liaise with the Department of Environment, Land, Water and Planning to facilitate the sale of this land to Ballan District Health and Care; and**
5. **notifies abutting property owners of its decision.**

CARRIED.**Report Authorisation****Authorised by:**

Danny Colgan
Name: Danny Colgan
Title: General Manager Social and Organisational Development
Date: Tuesday 13 June 2017

11.3.4 Annual Local Government Community Satisfaction Survey 2017

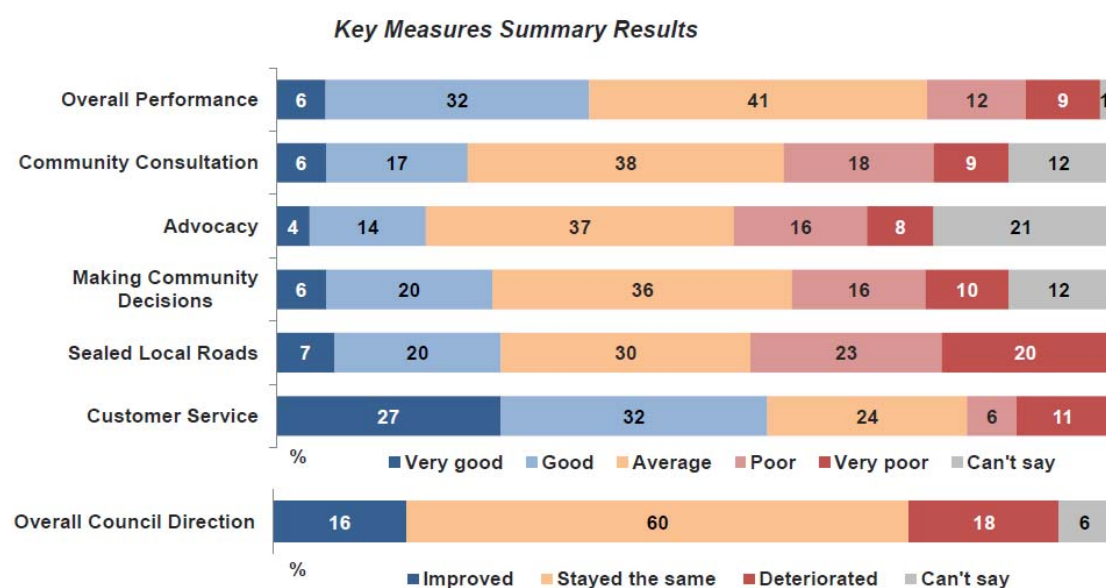
Introduction

File No.: 18/02/001
 Author: John Whitfield
 General Manager: Danny Colgan

Background

The report for the 2017 Community Satisfaction Survey commissioned by the Victorian State Government via the Department of Environment, Land, Water and Planning has now been received. The Satisfaction Survey is conducted independently by JWS Research. 68 out of 79 Victorian councils participated.

The Community Satisfaction Survey is optional and the main objectives are to assess the performance of Moorabool Shire Council across a range of measures and to seek insight into ways to provide improved or more effective service delivery. Moorabool Shire's 2017 key measures summary results are below.



2017 Summary of Findings

A representatives from JWS Research briefed officers on 29 June 2017 on the 2017 Survey Report findings.

The researcher noted that the 2017 survey shows the overall performance index score of 54 was on a par with the Large Rural Council's group average but lower than the State average. Also notably the Council's 2017 overall score of 54 was equal to its 2016 result.

Community perception of other core measures indicated no significantly higher nor lower results than in 2016.

Like in 2016, the 18-34 years age group were the most favourably disposed towards the Council. Residents aged 35-49 years were the least favourably disposed across the board.

The table below summarises some key findings from the 2016 survey.

Higher results in 2017 <i>(Significantly <u>higher</u> result than 2016)</i>	<ul style="list-style-type: none"> • None applicable
Lower results in 2017 <i>(Significantly <u>lower</u> result than 2016)</i>	<ul style="list-style-type: none"> • None applicable
Most favourably disposed towards Council	<ul style="list-style-type: none"> • Aged 18-34 years
Least favourably disposed towards Council	<ul style="list-style-type: none"> • Aged 35-49 years

Customer Service was the Shire's highest index score over all the categories measured with a score of 64.

Officers have discussed the possible reasons for the decrease in satisfaction in some measures however the focus needs to be on continuing to improve value for the community that will flow from our Business Excellence program, ongoing investment to reduce the infrastructure gap and a critical review of services via the Service Review and Planning Policy and framework adopted by the Council.

Interestingly, the survey report does not separate the opinions of those who have recently interacted with Council and those who haven't. A significant number (42%) of respondents expressed their opinion on council performance without having any recent contact with the Council.

The Council's Active Ageing and Community Access Service unit conducts its own survey of service users.

In 2016, Meals on Wheels customers participated in a survey to ascertain general satisfaction with the service.

37% of respondents were very satisfied with the meals provided, 36.5% were both satisfied and also neutral. Of the meals provided, 20% were happy with the choice every time, 50% were mostly happy and 30% sometimes happy with the choice available. 79% of respondents said the meal portions were just right, with 10.5% saying the portions were too large and 16% saying they were too small. These figures indicate an overall satisfaction with the service.

In 2016, Council also undertook a client satisfaction survey for the Active Ageing & Community Access unit. A similar survey was undertaken in 2012/2013 which has been used for comparison.

Respondents were asked to rate various aspects of the service. The highest average ratings were provided for professionalism of Community Support Workers (92), information being kept confidential (92) and the home maintenance program (91), with ratings indicating a high and consistent level of service being provided

Most respondents (78%) reported using the domestic assistance service. Less than one in five respondents said they use personal care (18%), property maintenance (18%) and delivered meals (13%). When assessing satisfaction with these particular services, using an average rating, personal care achieved the highest rating (93%), followed by delivered meals (90%), domestic assistance (89%) and property maintenance (83%). Satisfaction with these services was slightly higher than in the 2012/2013 survey.

Respondents were asked to list the service they current receive that is most valued and why. Nearly two thirds (64%) provided a response. Domestic assistance was named by 45% of those that use it. Personal care was named by one third (33%) who use it. Meals on wheels was named by 29% who use it, respite by 22% who use it and property maintenance by 21% who use it.

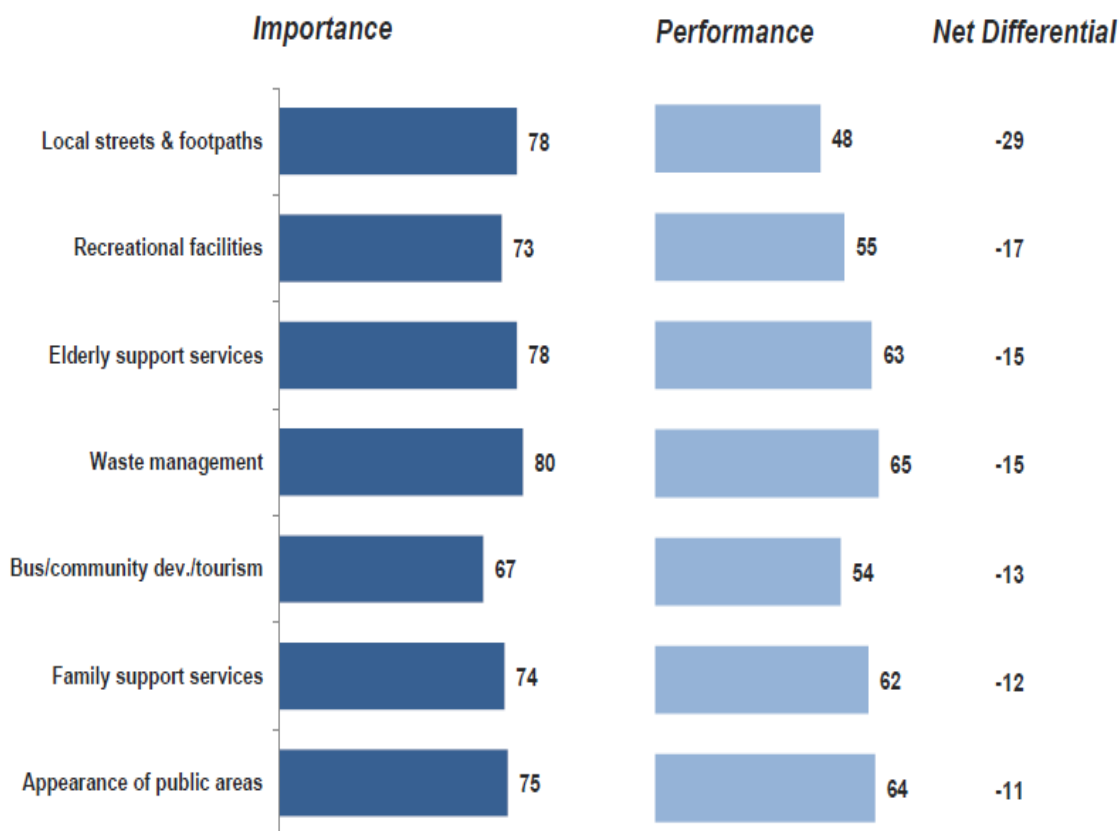
Respondents were asked 'how happy are you with the services you receive?' Overall satisfaction with services achieved an average rating of 89 out of 100: an excellent result, with only 2% saying they were 'somewhat dissatisfied'.

Key areas for improvement

Areas with the biggest gap between the community perceptions of importance and performance were most considered likely to improve future community satisfaction survey ratings if the gaps became closer over time. (Assuming the community ratings on other services remain constant or improve).

The services identified in the 2017 survey with the biggest differentials are shown in the diagram below:

Service areas where importance exceeds performance by 10 points or more, suggesting further investigation is necessary:



The four Council services showing the greatest difference between the importance of the service compared to our performance in delivering that service are:

- Local streets and footpaths
- Recreational facilities
- Elderly support services; and
- Waste management

Council asked for the first time in the 2017 survey; *“What does Moorabool Shire Council MOST need to do to improve its performance?”*

The top three service areas that the community nominated in reply to this question were:

- Sealed Road Maintenance
- Community Consultation; and
- Recreational Facilities.

In taking these results on board, a number of specific actions to help improve performance and reduce the gap between the survey performance and importance scores have been considered. They include:

- Consider increased investment in sealed local roads
- Consider increased investment in local streets and footpaths shire wide

- Continue the business excellence continuous improvement program to ensure that the needs of service users and communities are better understood and changes to programs and services made accordingly
- Undertake level of service reviews including extensive community engagement with service users and the broader communities of Moorabool on their service needs.
- Continue to grow community awareness of council activity via digital means.
- Implement Draft Recreation Reserve Management Framework and policies
- Implement the recommendations of the Council's Recreation and Leisure Strategic Plan 2015-2021
- Continued advocacy to State and Federal Governments for further investment in Sports and Recreation Facilities in Moorabool
- Continued advocacy and facilitation of investment by government and non-government organisations in family support services in Moorabool.

Proposal

This report is to inform Council and the community on the result of the 2017 Community Satisfaction Survey. The report is attached and copies will be made available for public perusal at each of Council's offices located at 15 Stead Street, Ballan, 182 Halletts Way, Darley and at the Lerderderg Library, 215 Main Street, and Bacchus Marsh. It will also be placed on Council's website.

Policy Implications

The Council Plan 2017-2021 provides as follows;

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business & Systems

Actions Legislative and Regulatory

The proposal to inform Council and the community of the Community Satisfaction Survey results is consistent with the Council Plan 2017-2021.

Financial Implications

There are no direct financial implications however outcomes of the survey will continue to influence budgetary decision making and project prioritisation.

Communications Strategy

An advertisement will be placed in the Moorabool News advising the Community Satisfaction Survey is available for viewing at all Council offices and on Council's website. A media release will be prepared highlighting key survey findings and where to obtain the report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield

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

Conclusion

The 2017 survey provides a snapshot of the community's view of Council's performance during February and March 2017. It indicates the importance the community places on a range of services relative to their view of how they are delivered.

The results of the Annual Community Satisfaction Survey 2017 show Council's overall performance and direction are similar to last year's results. The survey shows Council's overall direction and performance remains at a score of 54.

When compared with the 2017 category average for large rural council's, Moorabool's survey outcomes were generally on par with this group's average and lower than the State average for most core and individual services.

Resolution:

Crs. Bingham/Keogh

That Council:

- 1. Receives the Annual Community Satisfaction Survey 2017.***
- 2. Refers the feedback to the development of future strategic plans, the Council Plan and annual budgets.***
- 3. Makes copies of the 2017 Annual Community Satisfaction Survey available for public perusal at each of Council's office locations and on Council's website.***

CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Friday 9 June 2017



Consideration of Presentation

Ms. Bree Mort addressed Council as a supporter of the recommendation in the Darley Civic Hub Indoor Sports Stadium Use Agreement – Acrofun Gymnastics Club report.

The business of the meeting then returned to the agenda.

11.3.5 Darley Civic Hub Indoor Sports Stadium Use Agreement – Acrofun Gymnastics Club

Introduction

File No.: C18-2014/2015
Author: Ian Waugh
General Manager: Danny Colgan

The purpose of this report is to recommend that the Council approve a Lease Agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of two years.

The current two-year Licence agreement with the Acrofun Gymnastics Club (Acrofun) expires on the 30 June 2017. Throughout the last two years, Council Officers have been working with Acrofun to identify a suitable alternative facility. However, despite the efforts of both parties a suitable relocation option has not been identified.

At the Ordinary Meeting of Council held on 7 June 2017, Council considered a report recommending that a new two (2) year lease agreement be developed with Acrofun. At the meeting the Council resolved: *“That the current licence agreement continues until such time that the information on the business and governance arrangements requested by Council be supplied and a further report is brought back to the next meeting of Council”*.

Acrofun has provided the additional information requested by the Council and is contained in Attachment 10.3.6 which demonstrates the Club is an incorporated association.

Background

Currently Acrofun has an exclusive use agreement with Council for the Darley Civic Hub Indoor Sports Stadium (“Stadium”). Under the terms of this agreement (and with support of Council Officers) Acrofun has been attempting to identify a suitable facility for them to re-locate, which would allow the Darley Civic Hub Stadium to be utilised as a multi-purpose facility for other groups and activities.

Acrofun has approximately 250 active members/participants and report that they are operating at capacity due to a lack of suitably qualified and experienced coaches hindering their ability to further increase membership.

Acrofun provide exercise and gymnastic activities for children through to adults, for both male and female participants. Acrofun contributes significantly to the recreation, health and physical activity opportunities available to the community.

Acrofun is registered as a Tier 1 Not for Profit Incorporated Association (turnover less than \$250,000). They hold an ABN but are not registered for GST. The group has provided copies of their Financial Statements for 2015 and 2016, which verifies that their turn-over is within the ATO Not for Profit thresholds for GST registration and their Incorporated Association status.

Proposal

It is recommended that Council enter into a new **Lease Agreement** with Acrofun for a period of 2 years to allow Acrofun to carry on its operation as well as continue to look for a more suitable facility. A new lease is appropriate as the group has exclusive use of the facility.

Acrofun provides the community with access to physical activity opportunities, particularly for children. A large proportion of their participants are female.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improving Social Outcomes

Context 4A: Health & Wellbeing

Action: Recreation and Leisure Strategy

The development of the Lease Agreement for a 2-year year period is consistent with the objectives of the Council Plan 2017-2021 and the Recreation & Leisure Strategy 2015-2021.

The Council Plan outlines Councils commitment to promoting community health and wellbeing through the provision of recreation facilities, open space, programs and activities. In regards to Council's community, leisure and recreation facilities Council is committed to ensuring that facilities are accessible for its residents with a focus on maximising the use of facilities to ensure residents have access to a broad range of recreation opportunities.

Financial Implications

Under the current Licence Agreement, Acrofun have paid the following fees per year:

Year	Cost per Hour	Annual Fee	Utilities Contribution
Year 1: 2015/16	\$2.75	\$10,010	\$3,000
Year 2: 2016/17	\$3.50	\$12,740	\$3,000 + CPI

Should Council agree to a new Lease Agreement with Acrofun, it is recommended that the current subsidised use fee be reviewed and amended to reflect the exclusive nature of Acrofun use and potential loss of revenue and use by other groups.

As noted above the group offers valuable exercise and physical activity benefits for the community and should be charged similarly to other club based activities such as football, soccer, cricket etc. who utilise Councils outdoor recreation facilities

The following table contains a recommended fee structure for the new 2-year Lease period.

Year	Cost per Hour	Annual Fee	Utilities Contribution
Year 1: 2017/18	\$5.35	\$15,000	\$3,000
Year 2: 2018/19	\$6.45	\$18,060	\$3,000 + CPI

Acrofun has provided the financial and governance information requested by Council that confirms their status as a not for profit entity.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OH&S	Agreement required to outline conditions of usage set out in the agreement	Medium	Implement a Facility Hire Agreement to ensure roles and responsibilities of user and Council are agreed.

Communications and Consultation Strategy

Council's decision to enter into a new lease agreement with Acrofun will be communicated directly with relevant stakeholders.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Conclusion

Currently Acrofun Bacchus Marsh are the sole user of the Darley Civic Hub Indoor Sports Stadium. This is due to the nature of the gymnastics equipment requiring permanent set up in the facility preventing realistic options to implement shared use of the facility.

The group currently has approximately 250 participants and provides valuable physical activity opportunities to the community, particularly children.

In the longer term, it is desirable for the Darley Civic Hub Stadium to be utilised as a multi-purpose facility, however suitable alternatives are not currently available for Acrofun to relocate. Therefore, it is considered appropriate for Council to enter into a new 2-year lease agreement with Acrofun and continue to support their efforts to relocate during the 2-year period.

Resolution:

Crs. Sullivan/Dudzik

That the Council:

1. ***Enter into a new Lease Agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of two years commencing 1 July 2017.***
2. ***Endorse the following fee structure for the term of the agreement:***

Year	Cost per Hour	Annual Fee	Utilities Contribution
<i>Year 1: 2017/18</i>	<i>\$5.35</i>	<i>\$15,000</i>	<i>\$3,000</i>
<i>Year 2: 2018/19</i>	<i>\$6.45</i>	<i>\$18,060</i>	<i>\$3,000 + CPI</i>

3. ***Advise Acrofun that they should continue to identify relocation options during the term of the lease agreement as it is Councils intention to return the facility to multi-use at the conclusion of the 2 year period.***

CARRIED.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager, Social & Organisational Development
Date: Thursday 15 June 2017

Consideration of Presentation

Ms. Faye Tandy, Mr. Geoff McKay, Ms. Chris Kiss, and Mr. John Spain addressed Council as objectors to the recommendation in the Bacchus Marsh Leisure Centre Gym and Fitness Services report.

The business of the meeting then returned to the agenda.

11.3.6 Bacchus Marsh Leisure Centre Gym & Fitness Services

File No.: 17/02/002
Author: Ian Waugh
General Manager: Danny Colgan

The purpose of this report is to seek clarification of the Council resolution of the 7 June 2017 in relation to operation of the health and fitness programs at the Bacchus Marsh Leisure Centre; confirm the levels of service; operating costs; and to provide a status report on the timeframes for the establishment of the services.

Background

At the Ordinary meeting of the Council held on the 1 February 2017, the Council resolved to: lease the Gym to an external provider of Gym and/or fitness services. If an external operator cannot be found Council will, after formal consultation with the community, provide a further report to Council on other options for this space.

At the Ordinary meeting of the Council held on the 7 June 2017, a further report was provided to the Council. The Council resolved to directly operate the health and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters:

1. The current gym and health club space at the Bacchus Marsh Leisure Centre be utilised to operate a limited gym and as a base for Group Fitness including Les Mills programs.
2. Programs will operate utilising a mix of Centre Staff, paid sessional instructors and community agency volunteers (e.g. Disability, Aged Services, and Sports Associations).
3. Council will continue the current opening hours for the Gymnasium and will offer a minimum of ten group fitness classes and five OAD classes with a timetable that is developed in consultation with participants.
4. Council will offer memberships at the status quo, at no additional charge per class.
5. That Group Fitness develops a committee that can report to council on a regular basis in order to address any issues that may arise.
6. An additional \$11,000 be allocated in the 2017/2018 operating budget towards the costs of operating the gym and fitness programs for an initial period of 12 months.
7. A further report on the operation of the health and fitness programs be presented to the Council within three months.

Financial modelling of the operation of the gym and fitness program was sought following the 7 June Council meeting.

The modelling is based on 92 hours of operation as per the current Centre operating hours as follows:

- Monday 6am – 9pm
- Tuesday 6am – 9pm
- Wednesday 6am – 9pm
- Thursday 6am – 9pm
- Friday 6am – 8:30pm
- Saturday 8am – 5pm
- Sunday 8am – 5pm

The gym is operational during the 92 hours outlined above.

Proposal

Implementation of the resolution of the Council at its meeting on the 7 June, is forecast to involve an additional net cost of up to \$218,327 for the gym and fitness programs. The net cost for the Health and Fitness Programs is currently not budgeted for in the draft 2017/2018 Council budget.

In accordance with the resolution of the 7 June 2017, Council officers have commenced the implementation of the resolution. Work is proceeding on the establishment of Council operated health and fitness services at the Bacchus Marsh Leisure Centre.

Given the very limited timeframe for the implementation of the resolution of Council, full services are not available at present at the Bacchus Marsh Leisure Centre. As of 1 July, Officers were able to ensure that the basketball and netball competitions continued without interruption. Other users such as the Church group who meet on Sundays are unaffected.

The gym and fitness services are currently not operational but are expected to resume as of the 1 August 2017. There is a break in service, as we are currently not geared up to deliver an operational Gym and fitness program.

Within the time available, Officer have undertaken the following:

- Financial modelling on the full operation of the gym and group fitness programs;
- Obtained lease costs and purchased the existing gym and fitness equipment from Belgravia Leisure at a cost of \$15,328. The purchase decision based purely on cost and operational expediency. It is understood that the quality of the existing equipment has been a significant contributor to the loss of membership at the Centre;
- Investigated a suitable point of sale system and direct debit facilities;
- Advertised for casual staff to allow for stadium operation;
- Prepared a draft roster;
- Arranged connections of services and utilities, e.g. Electricity, phone, internet; and
- Written to all existing members with a survey regarding their membership intentions and preferred payment methods if they wish to continue.

Staff are also progressing work on the operational requirements such as:

- staff and instructor recruitment (currently we do not have staff on hand);
- membership systems (forms, membership cards etc);
- point of sale systems and cash handling; and
- direct debit and payment processes.

Given the financial implications of the full Gym and Fitness Program service, for the consideration of the Council, Officers have prepared three other Limited Gym Options for operation of the gym and fitness program that incorporates reduced centre opening hours, an alternate model for Personal Training, reduced gym times (Monday–Friday. Closed Weekends) and less administration/reception staff.

It should be noted that the financial impacts of the reduced model are difficult to confirm, as it is not known what impact the proposed reduced hours will ultimately have on membership take up. Hence the revenue forecast in the model is speculative.

The key components of the limited gym options involve the Gym and Fitness program opening hours being Monday - Friday 8am - 4pm and retention of the existing equipment. The gym can operate for 40 hours per week and 16 sessions of group fitness delivered as required.

The reduced operating options along with the full service are set out in the financials section below:

Full option:

This option is forecast to involve 140 full and 60 senior members and is based on 92 hours of operation, leasing quality gym equipment and providing good levels of supervision and customer service at an additional net cost of \$218,327 for the gym and fitness programs.

Option 3.

This option is forecast to involve 50 full and 60 senior members and reduced operating costs and hours at a net cost of \$124,402 for the gym and fitness programs.

Option 2.

This option is forecast to involve 100 full and 60 senior members and reduced operating costs and hours at a net cost of \$94,402 for the gym and fitness programs.

Option 1.

This option is forecast to involve 150 full and 60 senior members and reduced operating costs and hours at a net cost of \$64,402 for the gym and fitness programs. Officers will of course pursue opportunities to grow the business and seek efficiencies and cost reductions to further refine the service delivery and cost options.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Well Being
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities
Strategy	Promote community health and well-being through the provision of recreation facilities, open space, programs and activities

Financial Implications**Comparison of Full and Reduced Models**

	Full Option	Option 3	Option 2	Option 1
INCOME	\$			
Gym membership	85,680	30,000	60,000	90,000
Senior gym memberst	28,800	28,800	28,800	28,800
Gym casual	823	500	500	500
Senior Gym Casual	1,040	1,040	1,040	1,040
Group Fitness				
Casual	5,980	2,000	2,000	2,000
Personal Training	7,800	10,000	10,000	10,000
Total Income	130,123	72,340	102,340	132,340
EXPENDITURE				
Wages Expenditure				
Gym Instructor F/T	60,742	60,742	60,742	60,742
Gym Instructor				
Casual	91,453			
Group Fitness				
Instructors	41,600	41,600	41,600	41,600
Personal Trainer	4,193			
Admin/Kiosk	64,562	35,000	35,000	35,000
Total Wages	262,550	137,342	137,342	137,342
Estimated Operating Expenditure				
Cleaning	20,280	20,280	20,280	20,280
Consumables	3,000	3,000	3,000	3,000
Equipment	40,000	15,500	15,500	15,500
Foxtel	620	620	620	620
Marketing	5,000	3,000	3,000	3,000
Maintenance	3,000	3,000	3,000	3,000
Licence Fees	14,000	14,000	14,000	14,000
TOTAL OPERATING EXPENSES	85,900	59,400	59,400	59,400
TOTAL EXPENSES	348,450	196,742	196,742	196,742
INCOME	130,123	72,340	102,340	132,340
EXPENSES	348,450	196,742	196,742	196,742
NET (INCOME) / DEFICIT	-218,327	--124,402	-94,402	-64,402

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Safety	Risk of injury and security concerns if the centre is not staffed appropriately	Possible	Employment of appropriate skilled, experienced and qualified staff covering the hours of operation of the centre
Political & Reputational	Health Club members and general users may disagree with the outcomes of the service review	Possible	Ensure reasons for the review and outcomes are clearly and directly communicated with all affected individuals
Financial	Forecast revenues and expenditures may vary due to reduction in demand	Possible	Detailed budgets to be developed and financial performance monitored closely

Communications Strategy

Various stakeholders have already been consulted and involved in discussions regarding the operation of the health and fitness programs at the centre.

Once a final decision is made further information and promotion will be undertaken to advise and inform the community of the final operating model.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Recommendation:

That further to the resolution of 7 June 2017 the Council directly operate the Gym and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters:

1. The current gym and health club space at the Bacchus Marsh Leisure Centre be utilised to operate a limited gym and as a base for Group Fitness including Les Mills programs commencing 1 August 2017.
2. Programs will operate utilising a mix of Centre Staff, paid sessional instructors and community agency volunteers (e.g. Disability, Aged Services, and Sports Associations).
3. The Gym and Fitness program operate Monday-Friday 8am-4pm with retention of the existing equipment. The gym operate for 40 hours per week and 16 sessions of group fitness offered per week. The group fitness timetable be further developed in consultation with participants.
4. Council will offer memberships at the status quo, at no additional charge per class.
5. That Group Fitness develops a committee that can report to council on a regular basis in order to address any issues that may arise.
6. A further of allocation of \$94,402 be made in the 2017/2018 budget to cover the net cost of the operation of the Gym and fitness programs.
7. A further report on the operation of the health and fitness programs be presented to the Ordinary Meeting of Council on the 1 November 2017.

Resolution:

Cr. Bingham/Tatchell

That Council;

- a) ***Seeks an expression of interest from community groups that may wish to utilise the space and equipment under a peppercorn agreement.***
- b) ***Work with the existing group fitness members to establish a community run group fitness and well-being group, and commit \$6,000 and use of council facilities as seed funding to establish a successful community group.***

CARRIED.

Councillor Dudzik called for a Division.

***Councillors voting for the resolution:
Cr. Keogh, Cr. Bingham, Cr. Tatchell, Cr. Edwards***

***Councillors voting against the resolution:
Cr. Sullivan, Cr. Toohey, Cr. Dudzik***

The resolution was determined to be CARRIED.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Thursday 29 June 2017

11.4 INFRASTRUCTURE SERVICES

11.4.1 Draft Asset Management Policy

Introduction

Author: John Miller
General Manager: Phil Jeffrey

At the Ordinary Meeting of Council on Wednesday 7 June 2017, Council considered the draft Asset Management Policy and the following was resolved:

Crs. Sullivan/Keogh

That, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Asset Management Policy (IS010/Version 2)) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

CARRIED

Background

Moorabool Shire Council manages over \$499M of physical infrastructure. This includes roads, bridges, footpaths, drainage structures, parks and reserves and buildings. These assets exist to deliver Council services.

The objective of the Asset Management Policy is to ensure that Asset Management is clearly recognised by Council and the community, ensuring sustainable management of Council's assets for present and future generations. It establishes a framework to ensure a structured, coordinated, cost effective, equitable and financially sustainable approach to asset management across the whole organisation.

The policy is compliant with Local Government Act 1989 (Vic) and has 100% compliance with the National Asset Management Assessment Framework (NAMAF) and has been independently audited.

The Draft Asset Management Policy was presented to the Place Making Advisory Committee on Wednesday 17 May 2017, where the following was resolved:

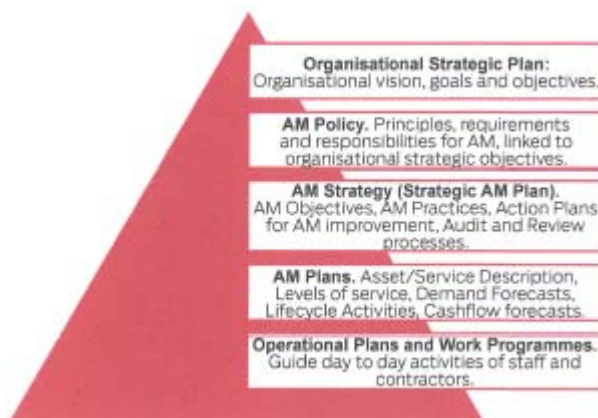
That the Place Making Advisory Committee:

- 1. Received the Asset Management Policy; and*
- 2. Requests that the report be presented to the June Ordinary Meeting of Council endorsing the following recommendation:*

That, in accordance with Moorabool Shire Council Policy Protocol, *Consideration of Items which affect beyond the Current Year*, the Asset Management Policy (IS010/Version 2) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

Proposal

The Asset Management Policy is a high-level document setting out an organisations approach to Asset Management, including the principles that will be followed in establishing Asset Management objectives. It provides Asset Managers with an understanding of the management expectations with respect to the Asset Management outcomes and provides direction for the development of Asset Management strategies. Please see the diagram below showing the hierarchy of Asset Management documents:



Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

Action: Review Asset Management Plans

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

Financial Implications

There are no financial implications associated with the adoption of this policy.

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety implications associated with the adoption of this policy.

Communications and Consultation Strategy

The Asset Management Policy will be made available to relevant staff and the public via Council's web site.

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 – John Miller

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

Author – Phil Jeffrey

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

Conclusion

Officers have reviewed and updated Council's existing Asset Management Policy to ensure that it is current and meets the relevant standards and guidelines. The Policy has been audited to ensure its compliance with the National Asset Management Assessment Framework.

Resolution:


Crs. Sullivan/Toohey

That Council adopts the Asset Management Policy (IS010/Version 2).

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Thursday 15 June 2017

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:

- Assembly of Councillors – Wednesday 7 June 2017 – Peri Urban Update to Councillors
- Assembly of Councillors – Wednesday 7 June 2017 – Instrument of Delegation from Council to Members of Council Staff.
- Assembly of Councillors – Wednesday 28 June 2017 – Draft 2017/18 Budget
- Assembly of Councillors – Wednesday 28 June 2017 – Central Highlands Regional Partnerships Briefing.

Resolution:

Crs. Sullivan/Tatchell

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

- ***Assembly of Councillors – Wednesday 7 June 2017 – Peri Urban Update to Councillors***
- ***Assembly of Councillors – Wednesday 7 June 2017 – Instrument of Delegation from Council to Members of Council Staff***

- ***Assembly of Councillors – Wednesday 28 June 2017 – Draft 2017/18 Budget***
- ***Assembly of Councillors – Wednesday 28 June 2017 – Central Highlands Regional Partnerships Briefing.***

CARRIED.

13. NOTICES OF MOTION

Nil.

14. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor, Cr. Edwards, attended the following meetings and activities:

Cr David Edwards – Mayor's Report	
<i>June – July 2017</i>	
9 June	<ul style="list-style-type: none"> • <i>Bacchus Marsh Rotary Art Show Official Opening, 7.00pm, Bacchus Marsh Public Hall</i>
14 June	<ul style="list-style-type: none"> • <i>Special Meeting of Council</i>
16 June	<ul style="list-style-type: none"> • <i>Central Highlands Councils Victoria</i>
21 June	<ul style="list-style-type: none"> • <i>Special Meeting of Council</i>
28 June	<ul style="list-style-type: none"> • <i>S86 Urban Growth Strategy Committee Meeting</i> • <i>Assembly of Councillors – Central Highlands Regional Partnerships Update</i> • <i>Assembly of Councillors – Budget Considerations</i>
30 June	<ul style="list-style-type: none"> • <i>Ballan & District Chamber of Commerce Business Excellence Awards Launch</i>
2 July	<ul style="list-style-type: none"> • <i>NAIDOC Week Flag Raising Ceremony</i>
5 July	<ul style="list-style-type: none"> • <i>Assembly of Councillors – Related Party Disclosures</i> • <i>Ordinary Meeting of Council</i>

Resolution:

Crs.Toohy/Sullivan

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	
June 2017	
26 June	Launch of Footpath at Elaine, Elaine Recreation Reserve.

Cr. Dudzik	
July 2017	
2 July 2017	NAIDOC Flag Raising

Resolution:

Crs. Toohey/Sullivan

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

16.1 Municipal Association of Victoria – Act Review

Introduction

File No.: 02/06/004
Author: Rob Croxford

Background

The State Government is currently undertaking a review of the Municipal Association Act 1907 and has called for submissions.

Proposal

Councillors would be aware that a review of the MAV was undertaken last year that suggested a review of the Act under which the MAV operates.

The MAV is the collective voice of the 79 Council's in Victoria.

A review of the State's consultation paper has been undertaken by officers.

It is considered that the draft submission made by the MAV (copy attached) is balanced and provides for a good legislative underpinning going forward.

In essence the key concern on the Government's consultation paper is the introduction of State Government oversight in relation to reporting and some insurance aspects.

It is important that the MAV remains a strong voice and advocate for Local Government.

It is suggested that Council endorse the MAV draft paper (attached) as the basis for a submission from Moorabool Shire Council.

Policy Implications

The proposed Council Plan 2017 – 2021 provides as follows:

Strategic Objective Providing Good Governance and Leadership

Context Our business and systems.

Financial Implications

There are no direct financial implications in providing a submission to the review.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Governance	Lack of representation of local government	Low	Submission stage only

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.

Author – Rob Croxford

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

Conclusion

A submission to the State Government's review of the Municipal Association Act 1907 is needed to ensure Local Government in Victoria is well represented with good underpinning legislation.

Resolution:

Crs. Toohey/Sullivan

That the CEO be authorised to make a submission to the State Government's Review of the Municipal Association Act consistent with the Draft MAV Submission appended to this report.

CARRIED.

Report Authorisation

Authorised by: 

Name: Rob Croxford
Title: Chief Executive Officer
Date: Wednesday 5 July 2017

16.2 Bacchus Marsh Football/Netball club Lighting**Resolution:****Crs. Bingham/Dudzik**

That the Council supports an application by the Bacchus Marsh Football and Netball Club Inc to the 2017/18 CFNP program for the installation of 150 lux lighting on new poles at the Maddingley Park Football main ground at a total cost of \$200,000 and the relocation of existing lights to the Siberia ground at a cost of \$50,000 subject to:

- a. successful application to the SRV 2017/18 CFNP grant program,***
- b. the funding mix for the project being \$75k BMFNC, \$75k MSC, \$100k state government CFNP***
- c. confirmation in writing of matching funding from the BMFNC.***
- d. Council's contribution of \$75,000 being drawn from the East Moorabool Recreation Facilities Reserve.***
- e. Council officers providing overarching project management for the projects***
- f. Council officers reviewing the acquittal of all funds at the conclusion of the project***
- g. compliance with the CFNP funding criteria and guidelines.***

CARRIED.**16.3 Gordon Primary School****Resolution:****Crs. Keogh/Dudzik**

That Council design, consult and construct the road and the carpark on the road reserve at Gordon Primary School for a maximum cost of \$200,000 with funding to come from the Unallocated Capital budget.

CARRIED.**Councillor Keogh called for a Division**

***Councillors voting for the resolution:
Cr. Dudzik, Cr. Toohey, Cr. Bingham, Cr. Keogh***

***Councillors voting against the resolution:
Sullivan, Edwards, Tatchell.***

The resolution was determined to be CARRIED.

ADJOURNMENT OF MEETING – 8.07PM

Crs. Sullivan/Dudzik

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

CARRIED.

Cr. Bingham left the meeting at 8.15PM

RESUMPTION OF MEETING – 8.15PM

Crs. Sullivan/Toohey

That the meeting now be resumed.

CARRIED.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC**17.1 Confidential Report****17.2 Confidential Report****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.

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

18. MEETING CLOSURE

The meeting closed at 8.46 pm.

Confirmed.....Mayor.