



## ORDINARY MEETING OF COUNCIL

**Minutes** of the Ordinary Meeting of Council  
held at the James Young Room, Lerderderg Library,  
215 Main Street, Bacchus Marsh on  
Wednesday 6 September 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>

**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. Danny Colgan</i>	<i>General Manager Social and Organisational Development</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>Mr. John Miller</i>	<i>Manager Asset Management</i>
<i>Ms. Bronwyn Southee</i>	<i>Coordinator Statutory Planning</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Mr. Raeph Cumming</i>	<i>Social Infrastructure Planner</i>
<i>Mr. John Whitfield</i>	<i>Minute Taker</i>

**5. APOLOGIES**

<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
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**6. CONFIRMATION OF MINUTES**

**6.1 Ordinary Meeting of Council – Wednesday 2 August 2017**

**Resolution:**

**Crs. Sullivan/Bingham**

***That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 2 August 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.

#### **7.1 Disclosure of a Direct Conflict of Interest**

***Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 11.2.2 -West Moorabool Heritage Study 2A. The nature of the Conflict of Interest is due to Cr. Sullivan's house being noted on the original documentation that was provided to Council.***

#### **7.2 Disclosure of an Interest**

***Cr. Tatchell declared an interest in relation to Item 11.4.1 - Ballan Industrial Estate (Haddon Drive) – RDV Funding but that it was not a matter where he had a conflict of interest.***

## 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.

***Mr. Jason Watts submitted the following question to the August 2017 Ordinary Meeting of Council. As Mr. Watts was not present at that meeting, in accordance with Meeting Procedure Local Law No. 9 – Section 6.9 (f), this question was held over to this meeting of the Council.***



**Question:**

*Why aren't Council spending money on Youth and Sporting facilities? I would like to see more money spent on these items.*

*I would like to request the Darley Hub to be named after me (Jason Watts) as I have put a lot of work into facility or a sign with acknowledgment.*

**Mr. Watts was not present at this, the September Ordinary Meeting of Council.**

## 9. PETITIONS

### *Consideration of Presentation*

***Mr. Peter Baranauskas addressed Council as a supporter of the recommendation in relation to Holts Lane, Darley – Changes to roadworks and signage.***

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

### 9.1 Holts Lane, Darley – Changes to roadworks and signage

Council has received a petition containing 11 signatures, predominantly from residents of Holts Lane, Darley.

Their petition is:

*“We the undersigned humbly request that you make the following changes to accommodate the undersigned’s concern on safe ingress/egress from properties arising as a result of the developments between Halletts Way and Cunningham Court.*

*To alleviate our concerns regarding safety, we see the following changes to roadworks and signage to be made as follows:*

- *50 km limit from roundabout at Halletts Way instead of 60 as current.*
- *Middle double white line on the blind crest nearby.*
- *Speed hump on each side of the crest*

*We feel these changes are required if the development of 105 Holts Lane and blocks nearby are to proceed.*

The subject of the petition is outside the scope of Planning Application 2017-043 that deals with the development of 105 Holts Lane and so cannot be considered as a submission to that planning matter.

The petition meets Council’s Local Law No. 9, Meeting Procedure Local Law, Part 6 - Clause 6.7.

#### **Resolution:**

**Crs. Sullivan/Dudzik**

***That the petition containing 11 signatures in relation to Holts Lane, Darley be received by Council and that a report be prepared by officers for Council’s consideration.***

**CARRIED.**

## 10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
9.1	Holts Lane, Darley – Changes to Roadworks and Signage	Peter Baranauskas	Supporter
11.3.5	Bacchus Marsh Leisure Centre Gym & Fitness Services	Helen Cotter	Objector
11.3.5	Bacchus Marsh Leisure Centre Gym & Fitness Services	Kevin Picken	Objector
11.3.5	Bacchus Marsh Leisure Centre Gym & Fitness Services	Tim Bell	Objector
11.3.5	Bacchus Marsh Leisure Centre Gym & Fitness Services	Frank Kiss	Objector

11.3.5	Bacchus Marsh Leisure Centre Gym & Fitness Services	Chris Kiss	Objector
11.4.4	Petition – Request in Relation to Traffic Congestion, On-Street Parking and Pedestrian Safety – Manor Street, Bacchus Marsh	Brian Cochrane	Supporter
11.4.5	Petition – Request for Traffic Control Measures – Farrow Place, Maddingley	Mark Frackowski	Supporter

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

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

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Agenda Recommendation - Supporter/Objector /Applicant</b>
11.2.1	<i>Planning Permit Application PA2016-311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Alice Ogilvie	Supporter
11.2.1	<i>Planning Permit Application PA2016-311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Robert McLaren	Supporter
11.2.1	<i>Planning Permit Application PA2016-311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Christine Provost	Applicant/ Objector

## 11. OFFICER'S REPORTS

### 11.1 CHIEF EXECUTIVE OFFICER

#### 11.1.1 Adoption "in principle" of the 2016/17 Financial Statements for Submission to the Victorian Auditor-General for Certification

##### Introduction

File No.: 02/02/002  
Author: Steven Ivelja  
General Manager: Phil Jeffrey

##### Background

The following report presents the 2016/17 Financial Statements for adoption "in principle" by Council, for submission to the Auditor-General for certification.

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

#### S. 131 Annual report

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

#### S. 132 Annual Report - Preparation

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

statements, must submit the statements to the auditor for reporting on the audit.

- (3) The auditor must prepare a report on the performance statement.

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

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

### **Proposal**

The 2016/17 Financial Statements have been prepared in accordance with the requirements of the Local Government Act, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

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

In summary, the statements indicate the following results for 2016/17:

1. Financial Statements: reflect the comparative performance to the previous financial year.
  - Comprehensive Income Statement – The result reflects a total comprehensive gain of \$14.823 million. Included within this result are the following significant items:
    - \$6.340 million increase in 'Grants – Operating' mainly due to the early payment of Financial Assistance grants as advised by Local Government Victoria in May 2017.
    - \$3.686 million increase in 'Grants – Capital' due to funding received for major projects such as Halletts Way Southern Extension and Darley Early Years Hub.

- \$2.227 million increase in 'Materials and Services' which relates mainly to costs incurred for the Flood/Storm damage in September 2016.
- \$1.064 million decrease in 'Contributions – Monetary' due to the 2015/16 financial year containing a large amount of Developer Contributions.
- Balance Sheet – The movement in net assets reflects the total operating gain of \$14.823 million. Included within this result are the following significant items:
  - A \$1.499 million increase in 'Other Assets' which relates to the accrual for costs to be reimbursed for the Flood/Storm Events in September 2016.
  - An increase in 'Property, Infrastructure, Plant and Equipment' mainly due to a large Capital Improvement Program (\$22.674 million) containing major projects for Darley Early Years Hub and Halletts Way Extension.
  - A net \$1.431 million decrease in 'Interest-Bearing Loans and Borrowings' which reflects principal repayments in 2016/17, and the deferral of new borrowings to the 2017/18 financial year.
- Cash Flow Statement – The movement in cash held at the end of the year is a decrease of \$1.377 million. Included within this result are the following significant items:
  - Net cash flows from operating activities increased by \$11.057 million from last year to \$22.290 million. This is mainly due to Council receiving half of the 2017/18 Grants Commission allocation in the 2016/17 financial year. Also, there were a number of large capital grants received. These include; Halletts Way Southern Extension and Darley Early Years Hub.
  - Net cash used in investing activities has increased by \$8.203 million to \$21.445 million. This is due to the continuation of major capital works projects such as Darley Children's Hub and Hallett's Way Southern Extension. There was also the completion of various other projects carried forward from 2015/16.
  - Net cash used for financing activities was \$4.509 million less than last year. This is due primarily to the deferral of new borrowings approved in the 2016/17 budget to the 2017/18 financial year.
- Statement of Capital Works – In comparison to the 2015/16 year, overall capital expenditure for 2016/17 is \$9.067 million higher than the previous year made up of the following items;
  - Capital Expenditure on Road Infrastructure in 2016/17 was \$8.358 million greater than the comparative year primarily due to the continuation of the Halletts Way Southern Connection Project.
  - Expenditure on Buildings was \$1.661 million greater than 2015/16 mainly due to the completion of the Darley Early Years Hub.

- Expenditure on Footpaths was \$0.417 million less than 2015/16 mainly due to the prior year containing two larger projects being; Main Street, Bacchus Marsh and Hallett's Way, Darley.

### **Policy Implications**

The 2017–21 Council Plan provides as follows:

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

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

The 2016/17 financial statements are consistent with the 2017-21 Council Plan.

### **Financial Implications**

The financial statements detail Council's financial performance and position for 2016/17. They demonstrate that over time Council has steadily improved its financial position, but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

### **Communications Strategy**

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

### **Victorian Charter of Human Rights 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 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 attached Financial Statements for 2016/17 have been prepared in accordance with the requirements of the *Local Government Act*.

At the time of printing this document, Council's Financial Statements were included on the Agenda for consideration at the Audit and Risk Committee Meeting on Tuesday 5 September 2017, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement "in principle".

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

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

### Resolution:

**Crs. Keogh/Tatchell**

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


- 1. adopts 'in principle' the 2016/17 Financial Statements and submits the Financial Statements to the Victorian Auditor-General for certification; and***
- 2. authorises the Council's Audit and Risk Committee Representatives, Cr. Dudzik and Cr. Tatchell, to certify the 2016/17 Financial Statements in its final form, after any changes recommended, or agreed to by the Auditor, have been made.***

**CARRIED.**

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### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday, 17 August 2017

### 11.1.2 Adoption “in principle” of the 2016/17 Performance Statement for submission to the Victorian Auditor-General for certification

#### Introduction

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

#### Background

The 2016/17 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014* for adoption “in principle” by Council for submission to the Auditor-General for certification.

Legislation was introduced in early 2014 which set up the requirement for Councils to report on their performance through their annual report to their community.

Pursuant to Section 131(4) of the *Local Government Act 1989*, the performance statement in the annual report must—

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

#### Proposal

In accordance with Council's governance protocols, the Performance Statement as attached to this report was presented to Council's Audit and Risk Committee on Tuesday 5 September 2017 for review and recommendation to Council for adoption “in principle” and authorisation for two Councillors, being the Councillor members of the Audit Committee, and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2016/17 year.

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

The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the performance statement. This is the third year of reporting under the new framework. As such, the performance indicator results for 2016/17 will be compared to the results for the previous two financial years.

The forecast figures included in the performance statement are those adopted by Council in its Strategic Resource Plan on 5 July 2017 and which forms part of the 2017/18 Annual Budget and the Council Plan 2017-2021. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

In relation to the Financial Performance Indicators, some of the major trends include;

- E1 Revenue Level – In 2016/17, average residential rates per residential property assessments amounted to \$1,512.85. The forward outlook for future years will be impacted by rate capping, and the calculation basis used for calculating rate revenue in future years.
- L1 Working Capital – In the 2016/17 year, Council's working capital ratio of 163.58% was lower compared to previous years due to being unfavourably impacted by timing delays. Council decided to defer \$2.790m in loan borrowings until the 2017/18 year (as a result of receiving an early payment of Financial Assistance Grants in 2016/17). In addition to this, the construction of Halletts Way in 2016/17 was budgeted to be funded partly from Developer Contributions. As at 30 June 2017, an estimated \$2.385m in Developer Contributions were yet to be received.
- L2 Unrestricted cash – Unrestricted cash levels are at 37.46% as at 30 June 2017, which is low but still an improvement from 2016. The result would have been better if not for a few timing variances. This included \$0.972m in overpayments made to the SRO relating to the Fire Services Property Levy (this amount was subsequently repaid to Moorabool Shire in early July 2017). In addition to this, Council had \$1.606m in Flood Recovery payments owing that were not received by 30 June. Also, Council decided to defer \$2.790m in loan borrowings from the 2016/17 year to the 2017/18 year (as a result of receiving early payment of Financial Assistance Grants in 2016/17). Lastly, the construction of Halletts Way in 2016/17 was budgeted to be funded partly from Developer Contributions. As at 30 June 2017, an estimated \$2.385m in Developer Contributions were yet to be received.
- O2 Loans and Borrowings – As at 30 June 2017, loans and borrowings were 43.93% of rate revenue. This is a decrease from 2015/16 due to the deferral of \$2.790m in loan borrowings to the 2017/18 financial year.

- OP1 Adjusted Underlying Result – The adjusted underlying surplus for 2016/17 is 7.44%. This positive result is skewed due to the early payment of Financial Assistance Grants which inflated recurrent revenues by \$3.045m in the 2016/17 reporting year. If the impact of the early payment of Financial Assistance Grants is removed, Moorabool Shire would have generated an underlying surplus of 1.30% which still represents an overall positive trend movement.

### Policy Implications

The Council Plan 2017-2021 provides as follows:

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

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

The proposal to present the 2016/17 Performance Statement to Council is consistent with the Council Plan 2017-2021.

### Financial Implications

There are no financial implications from this report. The preparation and presentation of the 2016/17 Performance Statement has been performed within the allocated budget.

### Risk & Occupational Health & Safety Issues

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

### Communications Strategy

The Performance Statement will be presented to the Victorian Auditor General's Office for review and certification. The Performance Statement will form part of the Council's Annual Report which will be lodged with the Minister for Local Government prior to 30 September 2017. The Annual Report will be made publically available on Council's website and at all office locations early in October 2017.

## **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**

The 2016/17 Performance Statement has been prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014* for adoption “in principle” by Council for submission to the Auditor-General for certification.

At the time of printing this document, Council’s Performance Statement was included on the Agenda for consideration at the Audit and Risk Committee Meeting on Tuesday 5 September 2017, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement “in principle”.

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

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

**Resolution:****Crs. Keogh/Sullivan*****That Council, in accordance with S. 132 of the Local Government Act 1989:***

- 1. adopts 'in principle' the 2016/17 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor-General for certification; and***
- 2. authorises the Council's Audit and Risk Committee Representatives, Cr. Dudzik and Cr. Tatchell, to certify the 2016/17 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.***

**CARRIED.**

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

Danny Colgan

**Title:**

General Manager Social &amp; Organisational Development

**Date:**

Wednesday, 30 August 2017

### 11.1.3 2017 Governance and Management Checklist

#### Introduction

File No.: 02/06/011  
Author: John Whitfield  
General Manager: Danny Colgan

#### Background

The 2017 Governance and Management Checklist (Checklist) is a component of the relatively new Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 131(3) of the *Local Government Act 1989* and Regulation 12 of the *Local Government (Planning and Reporting) Regulations 2014*.

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

#### Proposal

The Governance and Management Checklist as attached to this report contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council's 2016/17 Annual Report. It is also submitted to Local Government Victoria and published on the 'Know Your Council' website.

Overall, from the 24 listed items on the Checklist, 23 items are established and in operation, with the remaining item in progress. The item currently in progress relate is a Disaster Recovery Plan with this plan expected to be finalised early in the 2017/18 financial year.

#### Policy Implications

The Council Plan 2017-2021 provides as follows:

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

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

The Governance and Management Checklist is consistent with the Council Plan 2017-2021.

#### Financial Implications

There are no financial implications relating to the 2017 Governance and Management Checklist.

## **Communications Strategy**

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

## **Victorian Charter of Human Rights 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 – 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**

The 2017 Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 1989*.

At the time of printing this document, Council's Governance and Management Checklist was included on the Agenda for consideration at the Audit and Risk Committee Meeting on Tuesday 5 September 2017, with a recommendation that the Audit and Risk Committee recommend that Council adopts the Checklist prior to its inclusion to the 2016/17 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.



**Resolution:**

**Crs. Sullivan/Tatchell**

***That Council adopts the 2017 Governance and Management Checklist for inclusion in the 2016/17 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.***

**CARRIED.**

---

**Report Authorisation**



**Authorised by**

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 15 August 2017

**11.2 GROWTH AND DEVELOPMENT*****Consideration of Deputations – Planning Permit Application PA2016-311.***

***Ms. Alice Ogilvie and Mr. Robert McLaren addressed Council as supporters of the recommendation for PA2016-311.***

***Ms. Christine Provost addressed Council as the applicant and an objector to the recommendation for PA2016-311.***

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

**11.2.1 Planning Permit Application PA2016-311 – Crown Allotment 5A, Section 10, Parish of Kerrit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision.**

<b>Application Summary:</b>	
Permit No:	PA2016-311
Lodgement Date:	15 December 2016
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotment 5A, Section 10, Parish of Kerrit Bareet Lyndhurst Street, Gordon 3345
Proposal:	Three (3) Lot Subdivision
Lot size:	2449sq m
Why is a permit required:	Clause 32.09-2 – Neighbourhood Residential Zone – subdivision Clause 42.01-2 – Environmental Significance Overlay – subdivision Clause 43.02-3 – Design and Development Overlay – subdivision
Restrictions registered on title:	None
<b>Public Consultation:</b>	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	None
Number of Objections:	10

Consultation meeting:	Yes, held 20 March 2017 and attended by the applicant and several objectors. There were no subsequent changes made to the application.
<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Natural and Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building control.
<b>Strategy</b>	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.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
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.	
<b>Officer's Declaration of Conflict of Interests</b>	
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 – Tom Tonkin</i>  In providing this advice to Council as the Author, I have no interests to disclose in this report.	
<b>Executive Summary:</b>	
Application Referred?	Referred to external authorities and within Council.
Any issues raised in referral responses?	No
Preliminary Concerns?	No
Any discussions with applicant regarding concerns	Not applicable

Any changes made to the application since being lodged? VCAT history?	No  None
Previous applications for the site?	None
General summary	<p>The application is for a three (3) lot subdivision of the site, creating two 809sq m lots and an 831sq m lot. All lots would front Lyndhurst Street, be roughly rectangular in shape and have frontage widths of 18.44m to 23m.</p> <p>Objections to the proposal generally relate to neighbourhood character, the number of lots, pollution, traffic and infrastructure, and inconsistency with the Gordon Structure Plan.</p> <p>The proposal meets some of the relevant objectives of State and local planning policy and most ResCode requirements, subject to conditions. However, the proposal does not adequately respond to the site features and neighbourhood character of the area and is inconsistent with the purpose of the Neighbourhood Residential Zone and Design and Development Overlay, Schedule 5.</p> <p>Overall, the proposal is not site responsive, is an overdevelopment of the site and would detract from the amenity of the area.</p>
<b>Summary Recommendation:</b>	
<p>That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i>, on the grounds detailed at the end of this report.</p>	

### Background

At its Ordinary Meeting of Council on 7 June 2017, Council resolved in relation to this application:

*“That the matter be deferred until the application in relation to Corbetts Road Gordon is determined by VCAT on 6 July 2017.”*

The application referred to in the resolution was for the eight (8) lot subdivision of 40 Corbetts Road under application PA2012-158. Council had resolved at the November 2016 OMC to refuse PA2012-158, following which the landowner appealed to VCAT for a review of Council's decision. Council's grounds of refusal were identical to the grounds recommended in this report.

Following the VCAT hearing on 6 July 2017, VCAT issued an order on 31 July 2017 affirming Council's decision and ordering that a permit not be granted for PA2012-158.

### Public Notice

Notice of the application was given to adjoining and nearby landowners by mail on 17 January 2017 and a sign erected on site from 27 January until 13 February 2017. 10 objections were received.

### Summary of Objections

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

Objection	Any relevant requirements
Does not meet the purpose of the zone.	Clause 32.09
<b>Officer's response -</b> This objection is addressed below.	
Increased air pollution created by more wood heaters given there is no gas supply.	Clause 65.01
<b>Officer's response -</b> The Responsible Authority must assess the application's effect on the amenity of the area, however there is no specific requirement for consideration of air quality. Issues regarding smoke from wood heaters would be dealt with by Council's Environmental Health officer as they arise under the Public Health and Wellbeing Act 2008.	
Increased traffic and associated noise and road damage	Clause 65.01
<b>Officer's response -</b> Approval of the application would include conditions requiring upgrades to the roads adjoining the site by the developer. The surrounding road network is considered capable of absorbing traffic associated with future dwellings facilitated by the proposal, and Council's Infrastructure unit consent to the application subject to conditions. Traffic associated with the proposal would not be considered unreasonable.	
Negative impact on visual amenity	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Negative impact on the village and rural character	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
<b>Officer's response -</b> See discussion below.	
Lot sizes are too small to enable development which fits with the village character.	Clauses 21.09-1, 32.09, 43.02 and 56.03-5

<b>Officer's response -</b> See below for discussion of proposed lot sizes.	
Negative impact on neighbourhood character	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
<b>Officer's response -</b> See below for discussion of proposed lot sizes.	
The proposal does not accord with the intent or the subdivision objectives of the Design and Development Overlay, Schedule 5.	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
The proposal does not accord with surrounding landscape or environmental values.	Clauses 21.09-1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Inappropriate subdivision density for Gordon township.	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
<b>Officer's response -</b> See discussion below.	
The minimum lot size in Gordon is a minimum not an objective.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Not in accordance with Gordon Structure Plan.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Proximity to Paddock Creek	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Two lots would be acceptable	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> Noted	

### Proposal

It is proposed to develop the site for a three (3) lot subdivision. Each lot would be roughly rectangular in shape, with frontages to Lyndhurst Street. Lot 1 would be 831sq m and Lots 2 and 3 each 809sq m. Frontage widths would be, respectively, 18.44m, 20.12m and 23.0m.

The proposed plan of subdivision and a survey plan are provided in **Attachment 11.2.1.**

## Site Description

The site is identified as Crown Allotment 5A, Section 10, Parish of Kerit Bareet and known as Lyndhurst Street, Gordon. The site has an area of 2449sq m and is a trapezoid shape, with the following dimensions:

- 34.6m north boundary to Corbetts Road
- 61.56m east boundary to Lyndhurst Street
- 46.49m south boundary
- 60.4m west boundary.

The site is on the southwest corner of Corbetts Road and Lyndhurst Street and currently vacant. The site falls from the northwest to the southeast by approximately 6.8m and is predominantly cleared apart from two medium sized exotic trees near the northeast corner. There is currently no constructed vehicle access to the site. The site is not encumbered by any easements.

Lyndhurst Street and Corbetts Road are unsealed, the former with swale drains.

The site is towards the northern periphery of the Gordon township in the Neighbourhood Residential Zone. Lot sizes in the area vary significantly, reflecting varied zoning, old irregular subdivisions and more recent residential subdivisions. Recent nearby subdivisions have created lots greater than 1200sq m, although in and around Main Street there have been recent subdivisions creating smaller lots. Whilst many lots in this part of Gordon are developed with dwellings, the typically generous lot sizes, established trees, undulating and hilly topography and low scale of development contribute to a distinctly semi-rural character. This is further enhanced by nearby patches of forested land and cleared grazing and horticultural land.

To the north of the site, across Corbetts Road, is a residential agricultural landholding of approximately 7.5ha.

To the west is a vacant lot of approximately 2650sq m fronting Corbetts Road. To the south is an old Crown allotment of approximately 930sq m occupied by a shed, beyond which is Paddock Creek reserve.

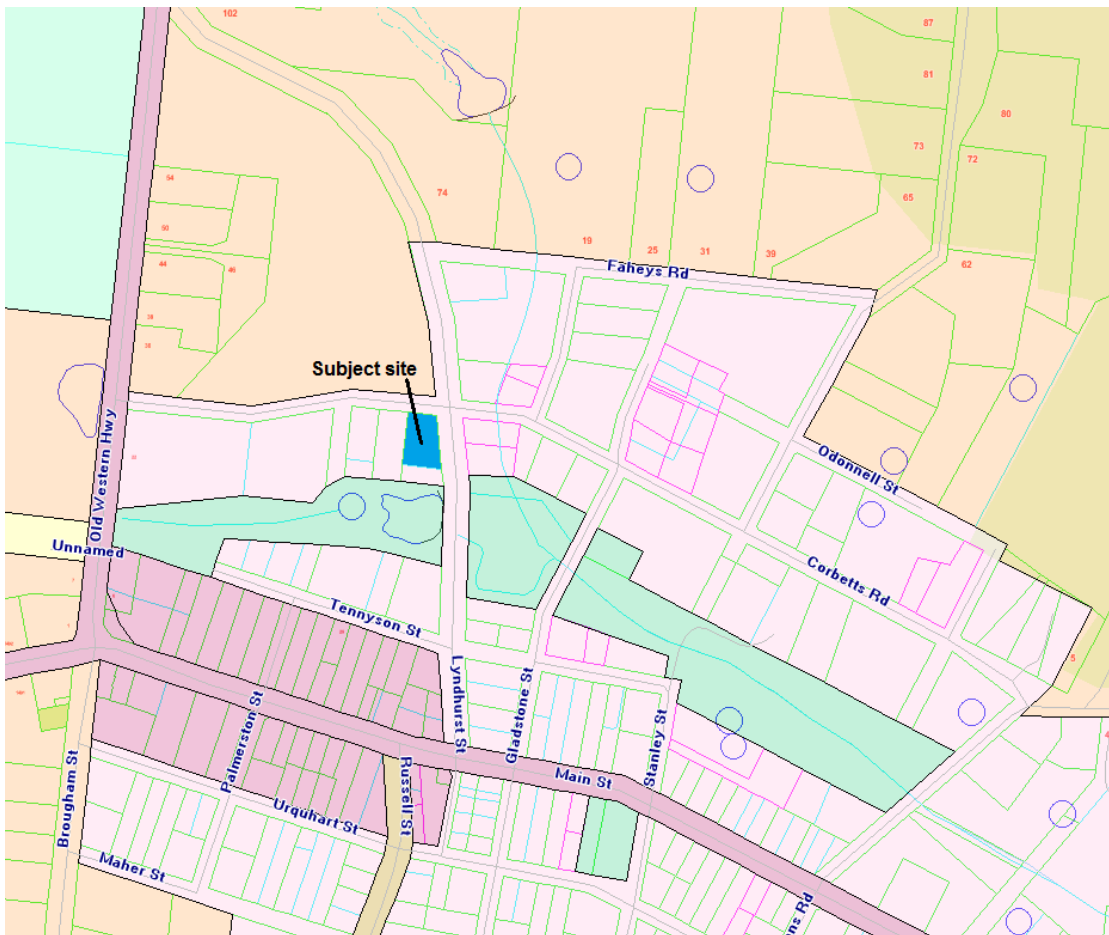
To the east, across Lyndhurst Street are lots of 1792sq m and 1912sq m, the latter containing a dwelling and ancillary outbuildings.

Diagonally opposite to the northeast, on the corner of Lyndhurst Street and Corbetts Road is a lot of approximately 2400sq m containing a dwelling and ancillary outbuildings.



### Locality Map

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





## Planning Scheme Provisions

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

The relevant clauses are:

- 11.07-2 Peri-urban areas
- 11.08 Central Highlands
- 12.04-2 Landscapes
- 14.02 Water
- 15.01-3 Neighbourhood and subdivision design
- 15.01-5 Cultural identity and Neighbourhood character
- 16.01-1 Integrated housing
- 16.01-2 Location of residential development
- 21.02-.3 Water and Catchment Management
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.09-1 Gordon
- 22.02 Special Water Supply Catchments.

The proposal does not properly satisfy all relevant sections of the SPPF and LPPF, particularly regarding neighbourhood character and the protection of landscape values.

SPPF	Title	Response
Clause 11.07-2	Peri-urban areas	Moorabool is a peri-urban shire. The proposed development does not adequately respond to the character and amenity of this area of Gordon.
Clause 15.01-3	Neighbourhood and subdivision design	The proposal does not respond positively to the character of the area.
Clause 15.01-5	Cultural identity and neighbourhood character	The proposal does not respond positively to the character of the area.
LPPF		
Clause 21.03-4	Landscape and neighbourhood character	The proposal does not respond positively to the character of the area.

## Zone

The subject site is in the Neighbourhood Residential Zone, Schedule 1.

The purpose of the Zone is:

- *To implement the SPPF and the LPPD, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*

- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Under Clause 32.09-3 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.

Overall, the proposed subdivision is inconsistent with the Neighbourhood Residential Zone provisions.

### **Overlays**

The site is affected by Environmental Significance Overlay, Schedule 1 (ESO1), Design and Development Overlay, Schedules 2 and 5 (DDO2 & 5) and Significant Landscape Overlay, Schedule 2 (SLO2).

The ESO1 applies to land in a Special Water Supply Catchment. Under Clause 42.01-2 a permit is required to subdivide land. Reticulated sewer is available, and subject to conditions the proposal would meet the requirements of this overlay.

The DDO5 applies to the Gordon township and rural surrounds. Under Clause 43.02-3 a permit is required to subdivide land. Overall, the proposal is inconsistent with the DDO5 provisions.

The DDO2 applies to development using reflective exterior cladding and is not relevant to this proposal.

Under the SLO2 there is no permit requirement for subdivision.

### **Particular Provisions**

#### Clause 52.01 Public Open Space Contribution and Subdivision

Under Clause 52.01 the proponent must pay a contribution to Council for public open space, being a percentage of the site value. If a permit were to be granted it is recommended that a condition require payment of a 5% contribution.

#### Clause 56 Residential Subdivision

Subject to standard permit conditions, the proposal would comply with the relevant ResCode (Clause 56) provisions, except for the following:

ResCode Clause	Title	Response
56.03-5	Neighbourhood character objective	The proposed subdivision does not support the development of the site in a manner consistent with the surrounding neighbourhood character.

## Discussion

The Central Highlands Regional Growth Plan (Victorian Government 2014) identifies Gordon as a small town in the Ballarat hinterland. The proposal would facilitate consolidated growth within the existing township and take advantage of existing infrastructure, in particular reticulated sewer. The proposed lot sizes would contribute to lot diversity and housing choice in Gordon. However, growth must be balanced with the need for new development to respect the existing neighbourhood character and integrate with the surrounding environment.

The subject site and surrounding land is in the Neighbourhood Residential Zone, Schedule 1 (NRZ1). The purpose of the NRZ includes the following:

- *To implement the SPPF and the LPPF, including the Municipal Strategic Statement and local planning policies.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*

The purpose of the NRZ indicates that a balance must be achieved in responding to the range of applicable policies, but importantly growth must be site responsive.

Gordon is in a Special Water Supply Catchment, and under the Environmental Significance Overlay a permit is required to subdivide land. Reticulated sewer is available and a condition of any approval would require all lots to be connected to sewer.

The application was referred to the relevant water authorities who consent to the proposal, and it is considered that, subject to conditions, the proposal does not present an unreasonable threat to drinking water quality.

Subject to conditions, the proposal complies with the relevant requirements of Clause 56 for residential subdivision, with the exception of neighbourhood character, as discussed below. All relevant referral authorities consent, subject to conditions.

Design and Development Overlay, Schedule 5 (DDO5) applies to the wider Gordon township, and provides design objectives for development and subdivision, including the following which are relevant to this application:

- *To protect the village character of the township.*
- *To protect the spacious character of the township by maintaining larger lot sizes.*

Pursuant to Clause 3.0 of DDO5 a permit is required to subdivide land, with a requirement for a minimum lot size of 800sq m to retain the spacious nature of the township. Clause 3.0 also states that:

- *Subdivision design should respond to existing site features and vegetation.*

- *Subdivision design is to respond to the pattern of development and the character of the township.*

Proposed lot sizes of 809sq m – 831sq m comply with the minimum lot size. However, the proposal is not considered to be sufficiently site responsive given the surrounding lot sizes and pattern of development, and landscape features including topography and vegetation, which all strongly contribute to the character of the area.

Pursuant to Clause 43.02-5 and 5.0 of DDO5 the following decision guidelines are relevant to this application, noting that references to development are also applicable to subdivision:

- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the development responds to the design objectives of the overlay.*
- *The contribution that the development makes to the preferred character of the area.*
- *The impact of the development on visual amenity both from adjoining properties and from within the township of Gordon.*
- *The impact of the landscaping and scale of new development, particularly in open areas and locations on exposed hill tops and slopes.*

As previously described, this part of Gordon has a distinctly semi-rural character, with a sense of spaciousness created by the lot sizes and spacing of dwellings, vegetation cover and hilly topography which allows for views across parts of Gordon including to and from the subject site. The proposed subdivision of the site to create three lots represents a relatively intensive scale of development given the character of the area.

The future development of each lot for a single dwelling would in no way be in keeping with the character of nearby development, the streetscape or the area more generally. Nearby lots developed with dwellings typically have not only comparatively wide frontages but also larger areas allowing for spacious boundary setbacks and space for tree plantings and outbuildings. The proposed subdivision would provide limited scope for future development to positively contribute to the character of the area as described above.

Rather, the proposal would introduce a distinctly urban character at odds with the village character of Gordon, and in particular the semi-rural character of this neighbourhood. Furthermore, the site is in a relatively exposed location when viewed from the southeast at least 250 metres away. This would exacerbate the appearance of future development and detract from the visual amenity of the area.

The site slopes generally from north to south, towards Paddock Creek. It is considered that the future development of a dwelling on each proposed lot would require earthworks which, given the relatively compact nature of the lots, would adversely affect the landscape character of the site and surrounds.

The proposed three lot subdivision does not satisfy the relevant provisions of the Moorabool Planning Scheme.

## 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 s.55 of the Planning and Environment Act 1987 and Council's Infrastructure unit was provided with an opportunity to comment on the proposal.

Authority	Response
Barwon Water	Consent with conditions
Central Highlands Water	Consent with conditions
Powercor	Consent with conditions
Downer	Consent
Infrastructure	Consent with conditions

## Financial Implications

The recommendation of refusal of this application would not represent any financial implications for Council.

## Risk and Occupational Health and Safety Issues

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

## Communications Strategy

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

## Options

An alternative recommendation would be to approve the application subject to conditions.

Approving the application may result in any of the objectors lodging an application for review of Council's decision with VCAT.

## Conclusion

The proposal does not adequately satisfy the relevant provisions of the Moorabool Planning Scheme, particularly regarding State and local planning policy for neighbourhood character, and the relevant zone and overlay provisions for the development of land in Gordon.

The proposed three lot subdivision is not considered to be adequately site responsive, with regard to the character and appearance of the area, and does not integrate appropriately with the surrounding area or enhance the amenity of the area.

Subdivision of the site may be appropriate, but the current application does not respond appropriately to the features of the site and surrounds and is an overdevelopment of the site.

**Resolution:**

**Crs. Tatchell/Bingham**

***That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2016-311 for a three (3) lot subdivision at Crown Allotment 5A, Section 10, Parish of Kerrit Bareet, Lyndhurst Street, Gordon, on the following grounds:***

- 1. The subdivision does not meet the purpose of Clause 32.09 (Neighbourhood Residential Zone) of the Moorabool Planning Scheme.***
- 2. The subdivision does not meet the relevant design objectives, requirements and decision guidelines under Clause 43.02 (Design and Development Overlay, including Schedule 5) of the Moorabool Planning Scheme.***
- 3. The subdivision does not satisfy the relevant State Planning Policy Framework and Local Planning Policy Framework policies in the Moorabool Planning Scheme for neighbourhood character and landscape values.***
- 4. The subdivision does not meet the objective or standard of Clause 56.03-5 of the Moorabool Planning Scheme.***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** 15 August 2017

***Cr. Sullivan declared a Direct Conflict of Interest in relation to Item 11.2.2 -West Moorabool Heritage Study 2A. The nature of the Conflict of Interest is due to Cr. Sullivan's house being noted on the original documentation that was provided to Council.***

***Cr. Sullivan left the meeting at 5.30pm and did not participate in the voting on the item.***

## **11.2.2 West Moorabool Heritage Study Stage 2a**

### **Introduction**

File No.: 13/01/001  
Author: Joe Morgan-Payler  
General Manager: Satwinder Sandhu

### **Background**

To facilitate the undertaking of the West Moorabool Heritage Study Stage 2A, Council applied for and received funding from Heritage Victoria to the value of \$100,000. Work on the study began in November 2013, in line with the various conditions of the funding agreement, and was completed in 2016.

The study is now ready to be progressed into the implementation phase. This report is not seeking a resolution for funding for the amendment process (as this is an adopted budget item in 2017/18), but rather, seeking adoption of the Study and authorisation to move into the amendment phase so that future work can proceed in line with the funding conditions.

#### History:

At the Ordinary Meeting of Council (OMC) in April 2016 it was resolved that the West Moorabool Heritage Study Stage 2a (the Study) be exhibited for a period of three months commencing in May 2016. Thereafter, it was also resolved that, post exhibition, a further report be presented to Council on the next steps including suggested changes to the Heritage Study resulting from submissions received and the next steps in implementing the Study findings.

The Study was publicly exhibited between June and August 2016. A mail out to all parties impacted by the Study, in terms of proposed heritage listings, occurred at the beginning of the consultation phase. Four public information sessions or community drop-ins were held between June and July 2016 at Blackwood, Ballan, Lal Lal and Bungaree. This process gave affected owners and other interested stakeholders an opportunity to gain further information about the study and to seek clarification on specific details. The Study authors and Council staff attended these sessions.

The Study was also available on the 'Have your say' website during the exhibition period.

Seventeen submissions were received and considered. Additional meetings and phone discussions with individual owners and Council staff and/or the consultants were also held during the period. The submissions and actions resulting from these are recorded in the table that is attached to this report (Attachment 11.2.2).

The Study was brought before Council at the December 2016 OMC. Due to the large financial implications of the study and uncertain budget conditions Council opted to receive the Study but not adopt at this time.

This raised some issue in regards to the conditions set out by Heritage Victoria that formed part of the contractual agreement coupled to the funding. The conditions included key time frames which have now been missed as well as a requirement for the Study to be seen through to an amendment in the planning scheme.

Following December's Council resolution, Heritage Victoria wrote to Council reminding Council of its responsibilities and strongly recommending that a solution be sought.

Council has since allocated a budget item to progress the work through the amendment phase in the recently adopted 2017-2018 budget.

Once the study is adopted, future implementation work in the form of amendment to planning scheme will be achieved through the allocated budget item.

#### **Area covered by Stage 2a.**

As Stage 2 was to be split due to limited funding, priorities for the first phase of the study were put forward to the Moorabool Heritage Advisory Committee (MHAC). Areas targeted were those most likely to be effected in the shorter term by Moorabool 2041 and also to those settlements that contained unique and rich elements of local heritage. As a result, Stage 2a targeted:

- Heritage precincts (Ballan; Blackwood; Lal Lal).
- Individual heritage places in Blackwood.
- Individual heritage places between Ballan and Ballarat along the Western Freeway corridor.

#### **Consultation**

As part of the Study consultation during the exhibition period Council conducted a mail out to the 206 affected landowners, staged four public information sessions, ran the *Have Your Say* website and placed newspaper advertising.

There were 17 submissions. Of these 8 were broadly supportive but wanted minor changes to the listing and/or were requesting or providing further information.

The remaining 9 submissions objected to the listing entirely based on perceived repercussions of a heritage overlay and/or they challenged the heritage significance of the property and therefore the appropriateness of such an overlay.

It is important to note that there will be further opportunity for all parties to make submissions to the draft amendment to implement the study as well as likely Panel hearing (should Council resolve to request one)

The nine submitters will be notified of the next steps in the process.



### **Policy Implications**

The Council Plan 2017 - 2021 provides as follows:

**Strategic Objective 3:** Stimulating economic development

**Context 3A:** Land use planning.

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

### **Financial Implications**

A financial assistance (\$100,000) has been provided to Council by the State Government to enable the preparation of the Stage 2a study

However, a condition of this assistance was that Council undertake the planning scheme amendment to implement the Study. Council is expected to cover the costs associated with community consultation, preparation of planning scheme amendment documents, costs associated with exhibition, panel and changes prior to adoption of the planning scheme amendment, including the cost of any expert assistance it requires. Funding for the work was secured for 2017/18 budget.

### **Work required to complete following the adoption of the Stage 2a Study.**

- Securing funding for the future amendment stage
- Preparation of planning scheme amendment documents to implement the Study recommendations
- Exhibition and ultimate adoption of a planning scheme amendment to implement the Study.

It is important to note that in adopting the Study any landowner not satisfied with the heritage descriptions attached to their property will have a further opportunity to make comment when the draft amendment is prepared.

### **Risk and Occupational Health and Safety Issues**

This Study will improve compliance and reduce financial and reputational risk to Council by identifying Council's statutory obligations in relation to heritage, as well as ways to improve staff understanding of their role in heritage.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

### **Officer's Declaration of Conflict of Interests**

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

*General Manager – Satwinder Sandhu*

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

*Author – Joe Morgan-Payler*

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

### **Conclusion**

The West Moorabool Heritage Study Stage 2a is comprehensive and adds considerably to the knowledge of Council and the community on local heritage.

The Study has been exhibited in accordance with Council's previous resolution and the submissions and information during this period have been considered in the revised final study document.

As a result, it is recommended that the document be adopted by Council and proceed into the amendment phase as tabled.

All affected stakeholders will be given further opportunity for consultation as part of any future planning scheme amendment to implement the recommended heritage overlays.

Additionally, it is recommended that during an amendment process the condition, integrity and significance of certain heritage places is confirmed, as appropriate by site visits (with permission from the respective owners) at that time.

### **Resolution:**

**Crs. Tatchell/Keogh**

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

- 1. *Adopt the West Moorabool Heritage Study Stage 2A, as tabled in Attachment 11.2.2 and authorises its publication on the Moorabool Shire Council web site.***
- 2. *Seek authorisation from the Minister for Planning to prepare a planning scheme amendment to implement the recommendations of the West Moorabool Heritage Study Stage 2A.***
- 3. *Request variation to the Heritage Victoria grant, as relevant, to address the timelines determined by funding of the draft amendment.***

4. ***Advise submitters to the West Moorabool Heritage Study of the status of the process and further opportunities for consultation.***

**CARRIED.**

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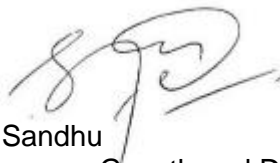
**Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu

**Title:** General Manager Growth and Development

**Date:** Tuesday, 29 August 2017



***Cr. Sullivan returned to the meeting at 5.31pm***

### 11.2.3 Major Tourism Event and New Tourism Event Grants Review

#### Introduction

File No: 02/14/005  
 Author: Andy Waugh  
 General Manager: Satwinder Sandhu

#### Background

The purpose of this report is to review the support Council has made to Tourism Events in the past three financial years and to recommend a format for future funding.

At the September 2014 Ordinary Meeting of Council, it was resolved to:

1. Establish a new Annual Grant category to support the development of new events, with a three year commitment and applications open to the community twice per year, with total funding available of \$19,900 utilised from discontinuing the 'Feasts of March'.
2. Continue support of the Annual Existing Major Events grant category with funds totalling \$17,500 with a minimum commitment of three financial years and applications open to the community twice per year. This funding was the result of Council ceasing its financial membership of the Daylesford and Macedon Ranges Tourism Board in 2013.
3. Adopt the Event Funding Application Process and Criteria.

A recent review of the funding provided since 2014/15 has indicated that a total of \$114,000 has been provided to eight different events across both of the funding streams – see Appendix. Table 1 provides a breakdown of the submissions received.

Year	Major tourism events		New tourism events	
	Successful	Unsuccessful	Successful	Unsuccessful
2014/15	6	2	3	1
2015/16	0	0	1 *	0
2016/17	0	0	0	0

\* Replaced 14/15 event which only ran for one year

**Table 1:** Application totals for funding received via the grant programmes

Note: In reading Table 1, once funding is advertised and the three years are allocated, no more events can be funded during the subsequent years.

Currently two Major Tourism Events receive long term financial support from Council due to their established nature and their perceived level of success. The draft Moorabool Destination Management Plan 2013-18 identified that the Strawberries and Cherries Weekend had the potential to generate an estimated \$584,000 for the local economy, while the Ballan Autumn Festival could potentially generate approximately \$188,000.

Presently, neither event collects this type of data to allow a measure of the direct economic impact on the event day. In reviewing attendance, in 2016 the Ballan Autumn Festival attracted more than 8,000 visitors with about 100 stalls providing exposure to local business and community groups. The Strawberries and Cherries Weekend attracted about 30,000 visitors and provided an important connection between the agricultural/horticultural areas and the commercial activity in the Bacchus Marsh Town Centre.

In addition to the Major Tourism Events and New Tourism Events, a number of smaller events are held which do not apply for funding. For instance, the Moorabool 365 brochure currently lists a total of 40 events (32 unique events and 8 regular events) for the period between September 2016 and March 2017. These contribute to the tourism events offering within the Shire but represent no financial commitment from the tourism grants funding.

Currently each event organiser that receives funding must account for the use of funds. The purpose of this is for Council to make an evaluation of the success of the event. The criteria for this accountability should be reviewed to ensure that the focus is placed on economic return (spend at local business, return visitation etc.) and not a community measure such as attendance numbers.

Part of this review will include an evaluation of the collaboration between council and the event organiser.

The current programme has two existing limitations. The first is the level of funding available (\$37,400) and the fact that the majority of it is committed to the Strawberry and Cherries Weekend and the Ballan Autumn Festival. This leaves a limited level of funding available for the remainder of the events, both established and any potential new events.

The second limitation is, under the current system Major Tourism Event funding is able to be secured for three years. Advertising only occurs once for a three year period, therefore not allowing other events to apply within that period. This makes it difficult for a group to approach Council with a new initiative within this timeframe.

The provision of traffic management plans creates a cost to Council not currently budgeted for. Table 2 demonstrates the level of in-kind support it has provided to offsetting traffic management costs for the period 2013/14-2016/17.

Financial year	Council contribution
2013/14	\$ 8,744.93
2014/15	\$10,627.89
2015/16	\$ 6,160.50
2016/17	\$ 8,084.67
<b>Total</b>	<b>\$33,617.99</b>

**Table 2:** Cost to Council for providing traffic management services to events

It is recommended that this practice is not continued with the cost to be absorbed within the event operator's budget where funding/allocations have been made under Council Grants. In cases where no other grant has been provided by Council, the subject inkind support be raised as a separate line in the expenditure budget.

### **Proposal**

The Shire's two 'marquee' events, the Ballan Autumn Festival and the Strawberries and Cherries Weekend, have a significant impact on the communities of Ballan and Bacchus Marsh respectively. They result in increased levels of commercial trade on the event days and provide a high level of exposure to the Shire's two biggest towns creating the potential for return visitation. Given this, it is important that Council provides consistent support to ensure that the organisers of these events have certainty of funding.

It is proposed that \$25,000 funding be provided to these two Major Tourism Events with the potential for this amount to increase in future years if the visitation level and economic impact of the events increase. The Strawberries and Cherries Weekend due to higher visitation numbers should receive \$15,000 and the Ballan Autumn Festival should receive \$10,000. To improve this process further, a separate report on refinements to the current application criteria and acquittal of the funds will be tabled in coming months.

Of the remaining \$12,400 it is proposed that this is available to groups via an application process for New Tourism Events. The funds are to be used for supporting tourism based events, which are not considered to be a Major Tourism Event.

The availability of these funds would provide confidence to community groups to work in partnership with Council to enhance the visitor offering particularly around small townships. In time, the events group may develop a 'marquee' event and in doing this become eligible to apply for Major Tourism Events funding. The New Tourism Events funding would be allocated for one year only and would be available throughout the course of the year until all funds have been allocated.

In addition, it is proposed that \$5,000 from existing Economic Development budgets is made available for the development of business related events. This will provide a funding stream for business groups to create events with a commercial focus, delivered within town centres and focussed on both local visitation and that from outside of the Shire. These events could be in the form of a 'shop and win' promotion or 'shop local' campaign etc.

It is proposed that a review of the new funding arrangements will be undertaken in the 2019/20 financial year.

To assist in the review process for both the Major Tourism Events and the New Tourism Events, reportable measures will be developed.

As there will be different expectations for each of the two funding streams, reporting will vary between the two, however, potential information will be based around:

- Estimated visitation numbers
- Survey of local business owners to gain their opinion of the event
- Estimated spend at local businesses
- Summary of marketing and promotional information
- Survey of attendees to gain post code data, email information, opinion of event

Event organisers who are unsuccessful in applying for funding will still be eligible for a level of in-kind support from Council with a dollar amount attached to this and provided to the organiser to demonstrate Council's support.

### Policy Implications

The 2017 – 2021 Council Plan provides as follows:

**Strategic Objective 3:** Stimulating Economic Development

**Context 3B:** Investment and employment

The proposal that \$37,400 to support tourism events and \$5,000 to support business related events is consistent with the 2017 – 2021 Council Plan.

### Financial Implications

The proposal will not require additional funding from the 2017/18 Council budget. Officers are of the opinion that there are significant additional resources required to facilitate events across the shire.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Inadequate funds to complete event	Inadequate financial management	Low	Adherence to application criteria, review event success through groups financial acquittal before decision on future funding
Loss of public interest in event	Low attendance numbers reduce Council's return	Medium	Application criteria to detail marketing and promotional plan, event group to self-evaluate what success looks like
Established events reliance on continual funding	Council is viewed as a (primary) funding source	Low	Thorough review process of financial acquittal
Limited capacity for new event development	The majority of funds are committed to supporting two events	High	Establish new communication strategy to ensure potential event organisers are targeted and the return to Council is maximised

Funded events are primarily delivered in the two major town centres	Does not align with goals of the Small Towns and Settlements Strategy	Low	Focussed approach to targeting tourism event development in small towns
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### **Communications and Consultation Strategy**

The grant opportunity will be promoted and advertised once the funding round application period starts, and will continue until the available funds are allocated. All applicants will be directly notified of the decision and successful applicants promoted via Council's website.

There is an identified need for an improved communication strategy to ensure that potential event organisers are made aware of the availability of funds. This will include both public notification and a targeted approach by Council's Economic Development unit, having identified current and potential tourism focussed product development.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

### **Officer's Declaration of Conflict of Interests**

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

*General Manager – Satwinder Sandhu*

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

*Author – Andy Waugh*

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

### **Conclusion**

Council will continue to support the delivery of Major Tourism Events and of New Tourism Events through the budget allocation of \$17,500 (Tourism Events Grants; Community Grants; 14502-5231) and \$19,900 (New Tourism Events Grants; Community Grants; 17525-5231).

In addition to this support, a new funding stream will be available for the delivery of business related events.



The Ballan Autumn Festival and the Strawberries and Cherries Weekend are recognised as 'marquee' events and have the potential to deliver high levels of visitation into the Shire. Council will continue to recognise them as Major Tourism Events and will provide funding for the next three years.

A number of issues have been identified which will be tabled in a separate report. These include both the application and accountability information and processes. The review of these areas will be conducted with a goal of focussing on economic outcomes and gathering data which will provide a measure of the economic value of each event as opposed to focussing on attendance levels.

In addition, the communication strategy will be reviewed to determine if the intended audience is being reached or if there are additional strategies which can be implemented to target potential tourism event organisers.

**Resolution:**

**Crs. Tatchell/Dudzik**

1. ***That Council combines the current financial allocations for Tourism Events Grants and New Tourism Events Grants providing a funding level of \$37,400 with the recommendation that;***
  - a. ***\$25,000 is made available under Major Tourism Events funding with the Ballan Autumn Festival receiving \$10,000 and the Strawberries and Cherries Weekend receiving \$15,000 for the period of three years.***
  - b. ***\$12,400 is made available for New Tourism Events with this advertised and the funds being available until completed.***
2. ***That Council approves the allocation of \$5,000 for the delivery of business related events.***
3. ***That separate reports be provided in the financial year 2017/18 on the following matters:***
  - a. ***A review of the criteria provided in the event application;***
  - b. ***A review of the information required in the financial acquittal;***
  - c. ***A review of the communication strategy; and***
  - d. ***Consideration of future funding of events.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:**

Satwinder Sandhu

**Title:**

General Manager Growth and Development

**Date:**

Tuesday 29 August 2017

## 11.2.4 Adoption of the Community Infrastructure Framework

### Introduction

File No.: 13/01/014  
Author: Raeph Cumming  
General Manager: Satwinder Sandhu

### Background

The Community Infrastructure Framework ('the Framework') defines Moorabool Shire Council's approach to the planning and delivery of existing and future community facilities and the services delivered through those facilities. The Framework comprises the following key components:

- Community Infrastructure Planning Policy and Planning and Design Principles.
- Community Infrastructure Planning Process.
- Community Infrastructure Improvement Plan (forthcoming 2018)
- Tools and documents described by and output from the Framework.

The Framework is supported by Council's Community and Social Infrastructure Model CASIMO.

The Community Infrastructure Framework is a critical component of the Moorabool 2041 growth framework. It identifies the nature and the location of the Shire's most critical needs for community facilities and the infrastructure improvements required to meet those needs.

The Framework establishes an evidence-driven, whole-of-Council approach to identifying the Shire's priority community infrastructure needs. It has been developed collaboratively across Council with ongoing input from service managers.

The Community Infrastructure Planning Policy defines Council's aim for community infrastructure planning as:

*"to create and maintain a network of community facilities that effectively and efficiently meet community needs and support delivery of services now and into the future"*

The purpose of the Framework is to enable Council to deliver on this aim.

### Timeline of previous Councillor engagement and changes to the Framework

July 2016:

- AOC considers draft Community Infrastructure Framework Methodology

Feb 2017:

- AOC considers draft Population Standards, draft Travel Accessibility Standards and early draft findings from the Community Needs Analysis

## Feb-May 2017:

- A new Community Infrastructure Planning Policy prepared
- Planning and Design Principles moved from the Community Infrastructure Framework Methodology into the new Planning Policy
- Community Infrastructure Framework Methodology substantially updated and renamed to *Community Infrastructure Planning Process*.
- Community Needs Analysis finalised
- Priority infrastructure needs confirmed with internal service managers
- *Priority Community Infrastructure Needs* report produced

## 7 June 2017:

- Framework endorsed for 8 weeks public consultation

Responses received through public consultation

The draft Framework was exhibited on Council's 'Have Your Say' website for 8 weeks between 16<sup>th</sup> June and 11<sup>th</sup> August 2017. Notification letters were sent out to 132 community contacts representing community organisations, sports clubs, service providers and Committees of Management. During this time two submissions were received, as detailed in the table below.

	<b>Submission comment</b>	<b>Council response</b>
Submission #1	There has been a lack of direct community engagement informing the analyses conducted by the Framework.	<p>Changes made: Yes</p> <p>Planning Process (Attachment 11.2.4B) Section 2.3.3: roles and responsibilities of Council's internal service managers updated to address the acquisition of information relating to non-Council services.</p> <p>Planning Process (Attachment 11.2.4B) new section 4 added entitled 'Community and Stakeholder Engagement' to explain how the Framework has been and will continue be informed by the community and other stakeholders.</p>
Submission #1	The projections of needs (to 2041) are unnecessarily long term as Council cannot know what will happen this far into the future.	<p>Changes made: No</p> <p>The Community Infrastructure Framework is aligned to Council's Moorabool 2041 strategic planning framework. The Community Infrastructure Framework also assesses current needs (2017) and short term needs (2021). Long term forecasts to 2041 are critical as they indicate where land for facilities may be needed, where long term strategic land use policy may be required, and where current trends indicate significant future needs (such as the current forecasts for dementia).</p>

	<b>Submission comment</b>	<b>Council response</b>
Submission #1	The Framework appears to assume that Council will be the owner and operator of all forms of infrastructure.	<p>Changes made: No</p> <p>At this stage the Framework only assesses community needs for services and facilities, irrespective of owner or operator. The 'Community Infrastructure Improvement Plan' (forthcoming 2018) will consider Council's role as one of many service providers who can potentially meet the community needs identified through this report. The Planning Policy already states '<i>Council is not the only provider of community infrastructure and will need to coordinate and partner with other levels of Government and the private, community and philanthropic sectors</i>'.</p>
Submission #1	Suggest that development of Bacchus Marsh Lawn Tennis Club should be identified.	<p>Changes made: No</p> <p>Investment in existing facilities will be addressed by the next iteration of the Framework once fitness for purpose assessments have been conducted.</p>
Submission #1	Disagree with the conclusion that an indoor swimming pool is not justified by evidence of community need.	<p>Changes made: No</p> <p>The assessments against the population standards and travel accessibility standards were reviewed and concluded to be appropriate. A key principle of the Framework (as stated in the Planning Policy) is that '<i>Community infrastructure projects respond to priority community needs</i>'. Balanced against the many other community needs for facilities that have been identified by the Framework, a swimming pool has not been identified as a priority. However, the fact that it has not been identified as a priority does not prevent Council from continuing to seek the required funding to build an aquatic center.</p>
Submission #2	The Travel Accessibility assessment should include standards relating to travel by public transport.	<p>Changes made: Yes</p> <p>Planning Process (Attachment 11.2.4B) Section 6.4.1 'Travel Accessibility Standards' updated to better explain that public transport journey distance/time analysis will be included within future iterations of the planning standards when the required data and spatial analyses are developed.</p>

## Proposal

The three key Framework documents presented to Council for adoption at this time are:

- 1) Community Infrastructure Planning Policy and Planning and Design Principles (*Attachment 11.2.4A*)
  - Provides the policy basis for the Community Infrastructure Framework and the Planning and Design Principles that are to be applied through the Framework.
- 2) Community Infrastructure Planning Process (*Attachment 11.2.4B*)
  - Describes the Framework approach, tools and documentation
- 3) Priority Community Infrastructure Needs report
  - Part A provides a lookup table of priority infrastructure types by location (*Attachment 11.2.4C*)
  - Part B summarises the infrastructure priorities identified by Council (*Attachment 11.2.4D*)

The following three supplementary technical reports are also presented for adoption:

- 4) Community Infrastructure Provision Standards report
  - Part A provides the Population Standards used by the Community Needs Analysis (*Attachment 11.2.4E*)
  - Part B provides the Travel Accessibility Standards (*Attachment 11.2.4F*)

In addition, six supplementary reports were prepared that provide further insights into various data but do not require adoption by Council. These reports are provided on Council's website:

- Community Infrastructure Audit reports (list the community infrastructure recorded by the Audit)
- Community Infrastructure Needs Analysis: summary of strategic findings
- Detailed findings from the Quantity Assessment
- Detailed findings from the Travel Accessibility Assessment

The *Priority Community Infrastructure Needs* report (Attachments 11.2.4C and 11.2.4D) highlights which of the shortfalls in infrastructure provision identified through the community needs analysis have been confirmed by service managers as priorities to be addressed. Importantly, this report does not identify actual projects.

Following adoption of the above documents, work will commence on preparation of the *Community Infrastructure Improvement Plan*. This Plan will identify specific infrastructure improvement projects, their estimated cost, timing and funding mechanisms. Completion of the *Community Infrastructure Improvement Plan* is anticipated June 2018.

### The Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 11.2.4A)

The Planning Policy provides the policy basis for the preparation and implementation of the Community Infrastructure Framework. It defines the Aim of Community Infrastructure Planning and the Planning and Design Principles that the *Community Infrastructure Planning Process* has been designed around.

A key requirement of the Policy is that:

*When planning, designing or delivering new community infrastructure, upgrading existing facilities, or deciding on the future use of community infrastructure assets Council will:*

- 1) *apply the Community Infrastructure Planning and Design Principles, and*
- 2) *follow the adopted Community Infrastructure Planning Process.*

### The Community Infrastructure Planning Process (Attachment 11.2.4B)

The Process provides the detail of how the Framework enables Council to deliver the requirements of the Planning Policy.

The Planning Process diagram at Figure 1 summarises the key stages of the Planning Process and the reports that are produced from each of those stages.

A key feature of the Planning Process is that it provides Council with a dynamic planning resource rather than simply a fixed study or plan. The Planning Process is supported by Council's in-house Community and Social Infrastructure Model (CASIMO) database which allows for advanced modelling of data, easy update, and automated publishing of reports such as the *Community Infrastructure Provision Standards* report and the detailed *Community Infrastructure Needs Analysis* report.

At this time, the Community Infrastructure Audit, Community Needs Analysis and Service-based Needs Prioritisation have been completed.

Following adoption of the *Priority Community Infrastructure Needs* report, officers will proceed to the Strategic Project Prioritisation stage and then to preparation of the *Community Infrastructure Improvement Plan*.

### **Key findings**

As described in the Planning Process document (Attachment 11.2.4B, section 5.1), the Framework measures four aspects of community need for infrastructure:

1. **Quantity** assessment: a strategic assessment to determine whether there are enough facilities in relation to population size.
2. **Travel** accessibility assessment: a strategic assessment to determine whether people can travel to services and facilities within a reasonable journey time.

3. **Suitability** assessment: facility-specific assessments that determine whether facilities are fit for their purpose and in adequate physical condition.
4. **Utilisation** assessment: facility-specific assessments that determine whether services and facilities have adequate capacity to meet community demand.

Only the two strategic assessments – the Quantity Assessment and the Travel Accessibility Assessment - are being adopted at this stage.

The two facility-specific assessments – the Suitability Assessment and Utilisation Assessments - will be conducted later in 2017 once the results of Council's updated Building Condition Audits are available.

#### The Priority Community Infrastructure Needs report (*Attachments C and D*)

This report is the first key output from the Framework. It is the culmination of the Community Needs Analysis that applied the Quantity and Travel Accessibility Assessments to the Infrastructure Audit using data and spatial analysis tools developed through CASIMO.

The priorities identified in this report will inform the *Strategic Project Prioritisation* stage, the *Community Infrastructure Improvement Plan* and then the Capital Improvement Program, Moorabool 2041, service plans and reviews and other Council plans and processes.

The priorities indicate areas of community need for infrastructure that will need to be addressed through capital projects and/or service improvements.

#### Community Infrastructure Provision Standards Report (*Attachments 11.2.4E and 11.2.4F*)

Part A provides the Population Standards that inform the Quantity Assessment. These Population Standards have been compared with the Shire's population estimates and the Community Infrastructure Audit to determine current and future surpluses and shortfalls in provision. Part B provides the Travel Accessibility Standards that inform the Travel Accessibility Assessment and the identification of geographic gaps in people's access to facilities and services.

#### **Policy Implications**

The 2017-2021 Council Plan provides as follows:

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

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

#### **Financial Implications**

No direct financial implications arise from adoption of the Framework at this stage. The subsequent Strategic Project prioritisation stage and forthcoming Community Infrastructure Improvement Plan will identify specific projects, costings and timelines for delivery.

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

The Community Infrastructure Framework does not present any known risk or OH&S issues.

## **Communications and Consultation Strategy**

The Framework documents will be published on Council's website. Findings will be presented through reports, data tables and printed maps. A means to provide findings via the interactive map feature of Council's website is being explored.

Findings and priorities will also be communicated through the Bacchus Marsh Urban Growth Framework and other Moorabool 2041 publications.

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

## **Officer's Declaration of Conflict of Interests**

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

*General Manager – Satwinder Sandhu*

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

*Author – Raeph Cumming*

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

## **Conclusion**

The Community Infrastructure Framework ('the Framework') defines Moorabool Shire Council's approach to the planning and delivery of community facilities and the services delivered through those facilities.

The four core Framework documents presented to Council for adoption at this time are:

- Community Infrastructure Planning Policy and Planning and Design Principles (*Attachment 11.2.4A*)
- Community Infrastructure Planning Process (*Attachment 11.2.4B*)



- Priority Community Infrastructure Needs report
  - Part A Lookup table of priorities (*Attachment 11.2.4C*)
  - Part B Summary explanation of priorities (*Attachment 11.2.4D*)
- Community Infrastructure Provision Standards report
  - Part A The Population Standards (*Attachment 11.2.4E*)
  - Part B The Travel Accessibility Standards (*Attachment 11.2.4F*)

Adopting the Framework commits Council to:

- 1) *apply the Community Infrastructure Planning and Design Principles, and*
- 2) *follow the adopted Community Infrastructure Planning Process.*

The priorities identified through the *Priority Community Infrastructure Needs* report indicate areas of community need for infrastructure that should be met through capital projects and service improvements

**Resolution:**

**Crs. Tatchell/Sullivan**

***That Council:***

1. ***Adopts the Community Infrastructure Framework September 2017 comprising:***
  - ***Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 11.2.4A);***
  - ***Community Infrastructure Planning Process (Attachment 11.2.4B);***
  - ***Priority Community Infrastructure Needs report, Part A- Lookup table of priorities (Attachment 11.2.4C);***
  - ***Priority Community Infrastructure Needs report, Part B- Summary Explanation of Priorities (Attachment 11.2.4D);***
  - ***Community Infrastructure Provision Standards report, Part A-The Population Standards (Attachment 11.2.4E);***
  - ***Community Infrastructure Provision Standards report, Part B -The Travel Accessibility Standards (Attachment 11.2.4F).***
2. ***Notes the following supporting technical reports that accompany the core Framework documents:***
  - ***Community Infrastructure Audit report;***
  - ***Community Infrastructure Needs Analysis (detailed findings);***

- **Part A Summary of strategic findings;**
  - **Part B Results of the Quantity Assessment;**
  - **Part C Results of the Travel Accessibility Assessment.**
3. **That Council thank the submitters for their input through the public consultation.**

**CARRIED.**

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**Report Authorisation:**

**Authorised by:**

**Name:**

Satwinder Sandhu

**Title:**

General Manager Growth and Development

**Date:**

Tuesday 29 August 2017

## 11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

### 11.3.1 Draft Ballan Early Years Feasibility Study

#### Introduction

File No.: 12/12/015  
Author: Jade Moerenhout  
General Manager: Danny Colgan

#### Background

The purpose of this report is to recommend that the Council endorse the Draft Ballan Early Years Feasibility Study for the purpose of community exhibition for a period of four weeks.

#### Proposal

The aims of the Ballan Early Years Feasibility Study ("Draft Study") is to: provide a clear indication of the need for spaces for Maternal Child and Health, Kindergarten and other early year's services in Ballan and the surrounding area; and to ensure early years' services meet the needs of families and children in Ballan and surrounds both now and into the future. Consideration has been given to the type of spaces that foster community engagement and promote a coordinated, integrated and collaborative approach to service delivery. The draft report is contained in **Attachment 11.3.1**.

Council Staff engaged Consultants (Semann and Slattery) to undertake the Draft Study in partnership with Council.

The objectives of the Draft Study were the:

- Assessment of the capacity of current services and infrastructure to meet the demands for Maternal Child Health, three and four year old kindergarten and other early years services now and into the future; 2017, 2021, 2031 & 2041.
- Identification of the social and economic benefits of early years' services.
- Assessment of current infrastructure to meet current best practice as an integrated children's Centre
- Investigation of suitable alternative locations/options, including aligning early years services with Primary schools.

The Draft Study considered planned future growth precincts and residential developments within the Shire.

The consulting team from Semann & Slattery engaged a range of quantitative and qualitative methodologies to collect the data to inform the Draft Study. Data was collected via surveys, a focus group targeted towards the service sector and follow-up telephone interviews with families and service providers.

The recommendations of the Draft Study Feasibility Study have been underpinned by forecasting data which indicates that there are several drivers of population change happening in and around Ballan.

It is clear from this data that, in order to meet the forecast increase in population, early years' service provision in Ballan will need to be responsive in its capacity to meet the future needs of children and families. The current capacity of the Ballan Early Years site which includes the Maternal and Child Health Service (MCH) and the Ballan and District Kindergarten. The Ballan Early Years site has the potential to continue to meet the needs of children and families for Kindergarten programs through to 2041 and MCH services through to 2031. By 2031, the enrolment capacity of Ballan's two MCH office spaces will no longer meet the forecasted demand. A shortfall of 3.5 hours and 41.5 hours is expected in 2031 and 2041, respectively.

The Draft Study provides a number of options for future consideration on how Council can continue to meet the demands of the community for Kindergarten and Maternal and Child Health services through the existing Ballan Early Years site from 2017, 2021, 2031, until 2041.

The Draft Study provides the following recommendations for Councils consideration:

#### **1. Present (2017) – 2021**

##### **Study findings recommend that:**

##### **The Ballan & District Kindergarten**

- Continue to meet community demand for four-year-old kindergarten program; increase group sizes and open additional groups as required.
- Continue to meet community demand for three-year-old kindergarten program; increase group sizes and open additional groups as required
- Commit to working together in a more collaborative and integrated way

##### **The MCH service**

- Continue to meet community demand for MCH appointments; daily utilisation of this space will increase as demand for enrolments increases with the population.
- Utilise vacant office hours to provide community with increased access to allied health and other early childhood services. MCH offices are vacant for nearly 4 full days per week in 2017 and 2 full days per week in 2021.
- Commit to working together in a more collaborative and integrated way.

##### **With regard to the facilitation of an integrated service delivery model**

- Formalise partnerships between Council and key stakeholders (of particular consideration is that of Council and the Ballan Primary School).
- Form a network for Ballan early childhood and family service providers.

## **2. Meeting community demand in the decade 2021 – 2031**

Ballan & District Kindergarten will continue to meet community demand for both its four-year-old and three-year-old kindergarten programs through to 2041.

By 2031, however, the enrolment capacity of Ballan's two Maternal and Child Health office spaces will no longer meet the forecasted demand. A shortfall of 3.5 hours and 41.5 hours is expected in 2031 and 2041, respectively.

It is understood that a timeframe of approximately five years is recommended for securing capital investment for refurbishments or new builds. This amount of time would allow for the typical building and development processes to unfold (e.g. review of relevant data, grant applications, securing of Council contributions, planning, tendering, and construction). Therefore, this study recommends Council choose a course of action by 2026 that ensures demand for services is met.

This feasibility study has concluded that there are two viable service delivery options available for early years' services for Council to consider and ultimately endorse by 2026.

### **Option 1 – Expansion of the existing Ballan Early Years Site**

### **Option 2 – Investigate potential for a new build of an integrated facility**

#### **a. Option 1: Expansion of the existing Ballan Early Years Site**

An expansion of the existing Maternal and Child Health clinic space is possible. A third MCH office space could be built onto the existing building to accommodate increased community demand; a relatively minor construction such as this would likely cost a great deal less than a completely new build.

Another critical consideration pertaining to the expansion of the existing space is that there is limited physical space on site. As a consequence, it is likely that only one office will be able to be added. As demand for MCH appointments increase, less time is able to be allocated to visiting allied health and other services.

#### **Study findings recommend that:**

- Office spaces be flexible and usable by visiting allied health and other child and family services; a need for which was cited by both families and service providers in community consultations;
- Options for Saturday sessions and after-hours appointments be explored in any instance where the service is not keeping up with community demand;
- The MCH service and visiting services commit to working in a collaborative and integrated way.

**b. Option 2: Investigate potential for a new integrated facility**

Council, in partnership with service providers, investigate potential for utilisation of land for a purpose-built integrated early childhood and family community hub inclusive of kindergarten, the MCH service, and clinical consulting spaces.

A new build of a co-located facility aligns well with other Council strategies and policies. The Community Infrastructure Plan and the MEYP both support the development of integrated co-located facilities to meet the needs of early childhood and family services. Ballan District Health & Care have been in conversation with Council staff on the possibility of securing funds for an integrated facility that would potentially accommodate an expanded long day care facility.

A staged move towards option 2 may wish to be considered. If a completely new build was unattainable by 2031, Council may investigate renting of consultation spaces for MCH services elsewhere in the community while the building of a new site was underway.

This option is a long-term solution to meeting demand for early childhood and family services in Ballan and surrounds. Community demand for a variety of services could potentially be met well past 2041.

**Study findings recommend that:**

- Suitable sites including the Ballan Primary School and the Ballan Football Oval be investigated.
- Children and families are provided with effective and responsive services that meet their needs.
- Services working from the integrated hub do so in a collaborative and integrated way.
- Review forecast data annually to maintain accurate figures.

**Policy Implications**

The 2017-2021 Council Plan provides as follows:

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

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

**Strategic Objective 4:** Improving Social Outcomes

**Context 4A** Health and Wellbeing

The Draft Study is consistent with the 2017-2021 Council Plan and the Moorabool Municipal Early Years Plan 2015 -2021.

**Financial Implications**

Future budget implications will be referred to Council's budget process for consideration. External funding will also be sought.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Potential short fall of 4 year old kindergarten places and reduced access to Maternal and Child Health service for families if outcomes of the feasibility study are not considered	Medium	Council to review outcomes of Feasibility study implementation in partnership with Ballan Early Years' Service providers
Financial	Future 2031 funding required to progress actions outlined in the Feasibility Study	Medium	Business cases prepared for consideration in future Council budgets  External funding sources sought and a staged development approach

### Community Engagement Strategy

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

Level of Engagement	Stakeholder	Activities	Date	Outcome
Consult	Families and Early Years' Service Providers and local Primary Schools	Focus-group consultation with service providers 11 participants including Kindergarten, Maternal Child and Health, Council staff, local Primary Schools	August – October 2015	Community and service provider feedback
Consult - Telephone	Families and Early Years' Service Providers and local Primary Schools	5 Individual telephone interview consultation with service providers unable to attend focus group  10 Individual follow-up	August – September 2015	Community and service provider feedback

		interviews with parents		
Survey (On-line)	Families and Early Years' Service Providers and local Primary Schools	8 key service providers 77 Families responded to the Survey	August – October 2015	Feedback included in the Draft document

### Communications Strategy

It is proposed that the Draft Study be placed on public exhibition for four weeks. The exhibition of the Draft Study will involve:

- Have Your Say, Council's Online Community Engagement Portal
- Making copies available at Council's Customer Service locations
- Making copies available at the Lerderderg Library and the Ballan Library.
- All Service providers being notified of the opportunity to view the Draft Ballan Early Years Feasibility Study and provide feedback

This process will be advertised through local newspapers and other communication processes including Council's Web page and the Moorabool Families and Children Facebook 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 – Danny Colgan*

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

*Author – Jade Moerenhout*

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



## Conclusion

The draft Ballan Early Years Feasibility Study provides options for consideration for the future provision of Early Years Services in the Ballan and surrounding areas in the Moorabool Shire. Based on community engagement with a range of Ballan and surrounds early years' service providers, carers and families, the Draft study includes information regarding predicted usage, planning and provision of Kindergarten and Maternal and Child Health services from 2016, 2021, 2031, until 2041. Along with the recommendation that Council investigate the option of providing a new integrated early years' facility in Ballan in the decade of 2021-2031 utilising land on the Ballan Primary School site.

The Draft Ballan Early Years Feasibility Study was considered at a meeting of the Social Development Committee of Council on the 19 July 2017 with a recommendation by the Committee that it "requests that the Draft Ballan Early Years Feasibility Study (with any identified amendments) be presented to the September Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks".

## Recommendation:

### That the Council:

1. **Endorse the Draft Ballan Early Years Feasibility Study for the purpose of community exhibition for a period of four weeks.**
2. **Receives a further report at the conclusion of the community exhibition period seeking adoption of the Draft Ballan Early Years Feasibility Study.**

## Resolution:

**Crs. Tatchell/Sullivan**

***That item 11.3.1 - Draft Early Years Feasibility Study be deferred until after an Assembly of Council is held on the matter.***

**CARRIED.**

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## Report Authorisation

### Authorised by

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 29 August 2017



### 11.3.2 Draft Insuring Non-Council Owned Assets Policy

#### Introduction

File No.: 21/02/001  
Author: Vanessa O'Toole  
General Manager: Danny Colgan

The purpose of the report is to recommend that the Council endorse the Draft Insuring Non-Council Owned Assets Policy for the purpose of community exhibition for a period of eight weeks.

#### Background

The Shire of Moorabool contains a range of Community Halls, Recreation Reserves and other physical assets that are either owned by Council, the Department of Environment, Land, Water & Planning (DELWP) or a Community Cooperative.

The Council recognises that for many communities the non-council owned reserves and halls are often the only community asset in the area and a vital resource for community members. Council provides operational grants to many committees operating in non-Council owned recreation reserves and community halls.

The DELWP has advised that it does not insure Crown assets and committees are responsible for arranging insurance for damage to building on the reserve (property insurance) and for loss of or damage to contents and other assets owned by the committee (contents insurance) if they desire. If the buildings are occupied under a lease, the tenant can be required to insure the premises.

Over recent years, Council has participated in a range of joint initiatives to redevelop or replace existing assets at various sites. This has included the Bungaree Recreation Reserve redevelopment, the Wallace Jubilee Hall redevelopment, the Blackwood Recreation Reserve redevelopment and a program to replace several children's playgrounds and other assets.

At the Ordinary Meeting of Council on the 7 September 2005 the Council resolved to insure community halls, some of which were non-council owned assets. The report did not make reference to reserves, however a number of non-Council owned reserves are currently included on Council's insurance register. However, there are also some facilities that haven't been insured.

The lack of insurance coverage raises concerns that if a severe or catastrophic loss occurred, Council may be liable to fund the full replacement cost without the assistance of its insurer. Council has recently undertaken a valuation of non-council owned assets for its annual insurance renewal process. Further work is being undertaken to ensure this information is captured within Council's Asset register.

## Proposal

It is proposed that the Council insure the list of Non-Council owned assets in the draft Policy contained in **Attachment 11.3.2**.

In 2005 a commitment was also made to cover the cost of user groups' contents insurance, however due to the difficulty in managing and monitoring this process, the draft policy recommends that the Council should no longer provide coverage of contents insurance for non- council owned assets.

It is proposed that the committees purchase their own content insurances through the operational grants provided to the Committee by the Council.

The responsibilities of the Council and Committees of Management are defined in the draft policy.

When Council purchases insurance it is signing an agreement to take due care of the insured asset and as such commits to act in a way which minimises the risk of property loss or damage. Where the insured asset is managed by a committee this responsibility falls to them; the policy will not change this currently management practice. However, where willful or intentional negligence has been identified which is conflict with the requirements of the Council's Insurance Policy, the draft policy reserves the right of the Council to withdraw its insurance coverage.

It is proposed that in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the draft Insuring Non Council owned Assets Policy lay on the table for further consideration at the next Ordinary Meeting of Council on the 1 November 2017.

## Policy Implications

The 2017-2021 Council Plan provides as follows:

### Council Plan Reference

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

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

The proposed Insuring of Non-Council Owned Assets Policy is consistent with the 2017-2021 Council Plan.

## Financial Implications

The policy has been prepared using existing resources. The inclusion of non-council owned assets on Council's asset register may require additional resources and will be subject to budget.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Environment and Community	Loss or significant deterioration of building/asset resulting in loss of community facility	Low	Regular valuations and assessment of maintenance requirements to minimise deterioration
Financial	Rising cost of building replacement and maintenance possibly unsustainable	Low	Regular valuations and assessment of maintenance requirements to minimise deterioration

### Community Engagement Strategy

The following engagement activities will be undertaken in accordance with the Council's Community Engagement Framework and Policy.

The draft policy will be made available on Have your Say, Council's online community engagement portal for comment. The draft policy will be sent to Committees of Management who are responsible for managing non-council owned assets; and the DELWP.

### 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 – Vanessa O'Toole*

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

## Conclusion

The draft Insuring Non-Council Owned Assets Policy sets out the Council's commitment to insuring and maintaining non-council owned assets. The policy reflects Council's legislative obligations along with outlining the responsibilities of both Council and Committees of Management to ensure assets are valued and adequately insured.

The Draft Insuring Non Council owned Assets Policy was considered at a meeting of the Social Development Committee of Council on the 19 July 2017 with a recommendation by the Committee that it "requests that the Draft Non Council owned Assets Policy (with any identified amendments) be presented to the September Ordinary Meeting of Council for endorsement for the purposes of community exhibition for a period of four weeks".

Given that some committees may not meet monthly or if they do won't have an opportunity to consider the draft policy, it is now proposed that the community exhibition be extended to an eight week period.

## Consideration

The Council has adopted a policy protocol relating to the consideration of items which affect beyond the current year. This policy is detailed below for the information of the Council.

*That in consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects, the Council shall observe the following process, to assist in full and detailed consideration of items of such magnitude as part of the Council's deliberations prior to decision:*

1. *A report from Council Officers relating to the item shall be placed before the Council at an Ordinary or Special Meeting.*
2. *The Mayor as Chair, shall then entertain only the following matters in relation to the item;*
  - (i) *Questions from Councillors*
  - (ii) *Consideration by the Council of a motion requesting further information. Which if successful shall mean the process shall commence upon the receipt of such information.*
  - (iii) *A motion that the item lay on the Table until the next ordinary meeting of the Council. No debate on such motion shall be allowed.*
3. *In the event that the motion as per clause 2 (iii) is successfully carried, the Chief Executive Officer shall ensure the report is listed upon the Council Agenda for the next ordinary meeting.*

**Resolution:**

**Crs. Dudzik/Sullivan**

*That the Council in accordance with Moorabool Shire Council Policy Protocol, Consideration of items which Affect beyond the Current Year, the draft Insuring Non Council owned Assets Policy now lay on the table for further consideration at the Ordinary Meeting of Council on 1 November 2017.*

**CARRIED.**

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**Report Authorisation**

**Authorised by**   
**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** 28 August 2017

### 11.3.3 Instrument of Appointment and Authorisation of Council Officers under Section 174(4) of the Planning and Environment Act 1987

#### Introduction

Author: John Whitfield  
General Manager: Danny Colgan

Under section 174(4) of the *Planning and Environment Act 1987* (the Act), Council must appoint authorised officers for the purposes and regulations made under the Act.

#### Background

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

#### Proposal

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

The change to this Instrument reflects the changes to staff assignments within the Planning and Environmental Health service units.

#### Policy Implications

The Council Plan 2017 – 2021 provides as follows:

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

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

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the *Planning and Environment Act 1987* is consistent with the 2017 - 2021 Council Plan.

#### Financial Implications

No financial implications to Council.

#### Risk & Occupational Health & Safety Issues

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

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

### **Officer's Declaration of Conflict of Interests**

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

*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**

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

### **Resolution:**

#### **Crs. Tatchell/Keogh**


***That Council approves under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 174(4) of the Planning and Environment Act 1987.***

**CARRIED.**

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### **Report Authorisation**

#### **Authorised by**

  
**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Tuesday, 15 August 2017



### 11.3.4 Revised Draft Community Grants Policy

#### Introduction

File No.: 06/03/004  
Author: Kirsty Doncon  
General Manager: Danny Colgan

The purpose of this report is to present to the Council the finding of the review of the Community Grants Program and to recommend that the Council endorse the draft revised Community Grants Policy for the purpose of community engagement for a period of four weeks.

#### Background

The Council's Community Grants Program currently makes available \$140,000 annually to community groups and organisations to help support and enhance innovative community activities, projects and events. The program is currently delivered over two separate funding rounds offering \$70,000 in each, under three categories: Community Strengthening; Community Arts and Culture; and Community Events.

At the Ordinary Meeting of Council on the 19 May 2010, the Council adopted the Community Grants Guidelines. The Guidelines included the following:

*“Council will review the performance of the Community Grant Program every 3 years to ensure that the Grant Program is both achieving its objectives and meeting community needs.”*

A review of the Community Grants program was conducted in 2013 and at the Ordinary Meeting of Council on the 4 September 2013, the Council resolved to adopt a revised Community Grants Policy.

A review of the Community Development Fund was conducted in 2014. At the Ordinary Meeting of Council on the 3 December 2014, the Council resolved to: “continue to work with the Community Development Fund under the present guidelines and to seek seed funding for the small projects throughout the Shire”.

At the Ordinary Meeting of Council held on the 2 March 2016, the Council resolved to “.....bring forward a review of the Community Development Fund and as part of that review, include the process in which we communicate with the community”.

To ensure the program continually evolves to meet the changing needs of the communities of Moorabool, regular review of the community grants process is required.

#### Community Grants Program Review

The Community Grants Program is reviewed every 3 years to ensure the program is achieving its objectives and meeting the needs of the community. A review of the program was undertaken in April 2017 involving key internal stakeholders and previous community grant applicants. The report on the review of the Community Grants Program is contained in **Attachment 11.3.4A**.

The aims of the Community Grants Program Review were to:

- update the policy to align it with the Council Plan objectives;
- engage the community, including past applicants, in providing feedback to improve the program;
- improve the accessibility and understanding of the grant program in the community;
- review the objectives of the program to ensure the outcomes are meeting current community needs; and
- improve community group understanding of guidelines and application forms.

The review of the Community Grants Program focused on the following:

- inclusion of Community Development Fund Grants under the Community Development Grant Program;
- introduction of Sustainability and Environmental Engagement Grants;
- updating the program objectives and funding schedule to reflect the proposed introduction of new grant streams; and
- review of funding round dates and titles.

### **Community Grants Program Review Findings**

Key findings of the review included:

- recommendations to incorporate the Community Development Fund as part of the Community Grants Program;
- introduction of Sustainability and Environmental Engagement Grants;
- feedback that the application form was simple to use but some groups had difficulties with filling out the budget;
- funding amounts of \$5,000 Strengthening and \$3,000 Arts and Events have been identified as adequate;
- February identified as a difficult time for applicants to put together and application; and
- confusion around the Summer and Winter titles for funding rounds.
- Ensuring quality of applications

Recommendations to findings:

- incorporating the Community Development Fund under the Community Grants Program;
- introducing a Sustainability and Environmental Engagement funding stream;
- introduction of online application portal to simplify budget input;
- funding round changed from February to March; and
- funding rounds titles changed to Round 1 (March 1 -31) and Round 2 (August 1 -31)
- Applications must receive an assessment score of 70 or higher to be funded.

### **Revised Draft Community Grants Policy**

The revised Community Grants Program Policy comprises information about how the program will be implemented in the community. The proposed additional funding streams have been incorporated into the revised policy.

The revised draft Community Grants Policy is contained in **Attachment 11.3.4(b)**. The policy has been revised based on community engagement outcomes and the recommendations from the review.

The following changes have been made to the policy based on the review:

- including the following funding streams under the community grants program:
  - Community Development Fund
  - Sustainability and Environmental Education
- update of objectives to reflect inclusion of additional grant streams.
- inclusion of online application process
- updated funding schedule to reflect inclusion of additional
- funding rounds changed to Round 1 (March 1-31) and Round 2 (August 1-31)

### **Introduction of additional funding streams to Community Grants Program**

#### *Community Development Fund*

The Community Development Fund was established by the Council at the Ordinary Meeting of Council on the 19 October, 2011. The purpose of the fund is to provide a more robust and transparent process for the allocation of the \$100,000 capital funding which had previously been committed to support capital projects under the Moorabool Communities in Action (MCiA) Program. The Community Development Fund provides \$100,000 annually to community groups/committees, community networks, progress groups and development associations as seed funding (and leverage for external funding opportunities) to support community infrastructure projects that have a significant impact on community development, liveability and wellbeing in the Shire.

It is proposed that the Community Development Fund be incorporated into the under the Community Grants Program with the priority toward funding large/major Community Capital Projects or Programs/Initiatives that enhance community capacity, liveability and wellbeing in local communities.

The following changes are recommended to bring the Community Development Fund under the Community Grants Program

- Community groups can apply for a grant of between \$5,001 and \$100,000. To be successful applicant must meet the minimum funding threshold requirements as follows:

<b>Funding Thresholds</b>	<b>Requirements</b>
\$5,001 - \$25,000	<ul style="list-style-type: none"> <li>• 3 Written Quotes</li> <li>• Project Plan</li> </ul>
\$25,001 - \$50,000	<ul style="list-style-type: none"> <li>• 3 Quotes</li> <li>• In-kind Ratio Maximum 50%</li> <li>• 1 Letter of Support</li> <li>• Project Plan</li> <li>• Minimum \$5,000 Leveraged Funds Required</li> <li>• Other Funding Sources Identified</li> </ul>
\$50,001 - \$75,000	<ul style="list-style-type: none"> <li>• 3 Written Quotes</li> <li>• In-kind Ratio Maximum 30%</li> </ul>

Funding Thresholds	Requirements
	<ul style="list-style-type: none"> <li>• 2 Letters of Support</li> <li>• Masterplan</li> <li>• Design Drawings</li> <li>• Project Plan</li> <li>• Minimum \$5,000 Leveraged Funds Required</li> <li>• Other Funding Sources Identified</li> </ul>
\$75,001, \$100,000	<ul style="list-style-type: none"> <li>• 3 Written Quotes</li> <li>• In-kind Ratio Maximum 20%</li> <li>• 3 Letters of support</li> <li>• Masterplan</li> <li>• Design Drawings</li> <li>• Project Plan</li> <li>• Risk Management Plan</li> <li>• Community Consultation Plan</li> <li>• Minimum \$10,000 Leveraged Funds Required</li> <li>• Other Funding Sources Identified</li> </ul>

- For successful applicants to be allocated funds, they must secure all additional funding before funds are released. Successful applicants will have 12 months to secure additional funding.
- Demonstrated establishment of community partnerships in the delivery of the project will be scored highly.
- A funding ratio of 1:1. Applications with higher funding ratios will be more favourably received and receive a higher project score.

#### *Sustainability and Environmental Engagement Grants*

A key priority area of the Council's Sustainable Environment Strategy 2016–2026 is that there is a measurable increase in community awareness of the natural environment and participation in Natural Resource Management based activities in the Shire. Council has identified the objective of encouraging and supporting community based Natural Resource Management Groups through actions including the provision of resources, information and funding.

In the strategy, Council has identified the objectives of encouraging and supporting community based Natural Resource Management and Environment Groups through actions including the provision of resources, information and funding. (Action 4.4 of the implementation plan). Including a sustainability and environmental engagement stream into the Community Grants Program has been identified by staff to assist achieve this objective. The programs key objectives are to:

- assist community groups with funding to help reduce their expenditure on gas and electricity;
- provide community groups with seed funding for larger capital investment in sustainability measures in existing facilities including solar; and
- provide opportunities to raise awareness of environmental issues to the broader community in different ways

The following is recommended to incorporate the Sustainability and Environmental Engagement Grants under the Community Grants Program:

- include the funding stream as part of the Community Grants Round 2 Program;

- funding pool of \$10,400; and
- Eligible groups able to apply for up to \$3,000.

It is proposed that in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the draft revised Community Grants Policy lay on the table for further consideration at the next Ordinary Meeting of Council on the 4 October 2017.

The September 2017 of the community grants is being delivered under the existing community grants policy and guidelines. If the revised policy is adopted by the Council, the next program would be delivered in March 2018 under the revised policy.

### **Policy Implications**

The Council Plan 2017-2021 provides as follows:

#### **Council Plan Reference**

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

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

**Strategic Objective 4:** Improving Social Outcomes

**Context 4A:** Health and Wellbeing

The proposal Community Grants Program review is consistent with the Council Plan 2017-2021.

### **Financial Implications**

Council allocates the following funding for the grant programs: \$250,400 annually to a pool of Community Grants; comprising of \$,100,000 annually to Community Strengthening Grants; \$20,000 annually to Community Arts Grants; \$20,000 annually to Community Events Grants; \$100,000 annually to Community Development Fund Grants; and \$10,400 annually to Sustainability and Environmental Engagement Grants.

The Community Grants Program is administered by the Community & Recreation Development Unit and requires resources primarily from this unit. Community Development Officer Staff will implement enhanced promotional activities for the grant program within existing resources.

Financial requirements for the introduction Sustainability and Environmental Engagement Grants are within current Strategic and Sustainability Unit resources.

Funds not allocated in any round by the Council will be carried over to the next round.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Program review	Program review not implemented	Medium	Review program every three years

### Communications and Consultation Strategy

The following community engagement was undertaken, in accordance with Council's Community Engagement Policy and Framework.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Grant recipients	Phone interview	Various	April - June 2017	Ongoing
Consult	Community members	Survey – Have your say Moorabool	Various	June 2017	Ongoing
Collaborate	Internal Staff	Working Group	Darley	April – June 2017	Ongoing

The revised Community Grants Policy will be distributed to community groups to provide feedback following consideration by Council.

The Communication plan will involve: advertisements in newspapers; correspondence to community groups; website information; and promotion of the revised policy by Officers, requesting community feedback on the revised policy.

### Promotion and Awareness of Community Grant Program

In the lead up to community grant rounds, officers will advertise the program to the community through the following methods: advertisements in newspapers; correspondence to community groups; website information and social media. There will also be regular articles in Moorabool Matters and Moorabool News, which will further increase awareness of the Community Grants Program.

### Victorian Charter of Human Rights and Responsibilities Act 2006

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

### **Officer's Declaration of Conflict of Interests**

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

*General Manager –Danny Colgan*

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

*Author – Kirsty Doncon*

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

### **Conclusion**

Council's Community Grant Programs provide significant support to community groups in the Shire of Moorabool. Following an initial review of the program, a revised Community Grants Policy has been developed. The Draft Community Grants Policy has been presented for Council's consideration to be placed on public exhibition inviting submissions.

### **Consideration**

The Council has adopted a policy protocol relating to the consideration of items which affect beyond the current year. This policy is detailed below for the information of the Council.

That in consideration of matters whose impact or influence will extend to directly affect the activities and/or financial planning of Council for a period beyond the term of the Current Council Budget, and whether relating to Council policy pronouncements or specific projects, the Council shall observe the following process, to assist in full and detailed consideration of items of such magnitude as part of the Council's deliberations prior to decision:

1. A report from Council Officers relating to the item shall be placed before the Council at an Ordinary or Special Meeting.
2. The Mayor as Chair, shall then entertain only the following matters in relation to the item;
  - (i) Questions from Councillors
  - (ii) Consideration by the Council of a motion requesting further information. Which if successful shall mean the process shall commence upon the receipt of such information.
  - (iii) A motion that the item Lay on the Table until the next ordinary meeting of the Council. No debate on such motion shall be allowed.
3. In the event that the motion as per clause 2 (iii) is successfully carried, the Chief Executive Officer shall ensure the report is listed upon the Council Agenda for the next ordinary meeting.

**Resolution:****Crs. Sullivan/Keogh****That the Council:**

1. *in accordance with Moorabool Shire Council Policy Protocol, Consideration of items which Affect beyond the Current Year, the draft Revised Community Grants Policy now lay on the table for further consideration at the next Ordinary Meeting of Council on the 4 October 2017.*
2. *note that the September 2017 round of community grants will be delivered under the existing policy and guidelines.*

**CARRIED.**

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

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** Thursday, 24 August 2017



## **ACTING CHAIR**

***Cr. Edwards advised the meeting that he will step down as Chair for consideration of item 11.3.5 - Bacchus Marsh Leisure Centre Gym & Fitness Services, as he may wish to speak to or move a motion in relation to this item.***

***The Deputy Mayor, Cr. Dudzik took the Chair.***

### **Consideration of Presentations**

***Ms. Helen Cotter, Mr. Kevin Picken, Mr. Tim Bell, Mr. Frank Kiss and Mrs. Chris Kiss addressed Council as objectors to the recommendation in relation to the Bacchus Marsh Leisure Centre Gym & Fitness Services.***

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

### **11.3.5 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 present an analysis of the expression of interest received for the provision of gym and group fitness programs at the Bacchus Marsh Leisure Centre and recommend that as all of the expressions of interest are non-conforming that the Council not accept any of the expression of interest and cease provision of the fitness and gym programs at the Bacchus Marsh Leisure Centre.

#### **Background**

At the Ordinary meeting of the Council held on the 1 February 2017, the Council resolved to:

1. Directly manage the Bacchus Marsh and Ballan outdoor pools under the revised temperature policy.
2. License the use of the Indoor sports courts to the key user groups at the Bacchus Marsh Leisure Centre and the Darley Civic Community Hub Indoor Sports Stadium.
3. Directly program court time/space not required by ongoing users to increase utilisation.
4. Lease the Gym to an external provider of Gym and/or group 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.
5. Directly operate the kiosk facilities at Bacchus Marsh Leisure Centre and the Bacchus Marsh and Ballan Outdoor pools.
6. Formally advise Belgravia Leisure of the Council's decision to operate its Leisure and Aquatics Facilities in-house at the conclusion of the current contract on the 30 June 2017.

7. Formally thank Belgravia Leisure for their service and professional approach to managing the facilities under contract.

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.

The Council at its meeting held on the 5 July 2017, resolved to: “seek an expression of interest from community groups that may wish to utilise the space and equipment under a peppercorn agreement; and 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”.

Advertisements seeking Expressions of Interest for operation of the gym and fitness programs were placed on Council’s website and in the local media. The closing date for the lodgement of expression of interest was the 1 August 2017. At the close of the Expressions of interest period, four proposals had been received.

### **Proposal**

A summary and analysis of the expressions of interest received has been undertaken against the Council resolution of July 2017 and are contained in **Attachment 11.3.5**. The names of individuals and organisations have been removed for privacy reasons and being competing expressions of interest which may contain confidential information. The expressions of interest have been assessed against the key components of the council resolution being:

1. community groups that may wish to utilise the space and equipment under a peppercorn agreement;
2. work with the existing group fitness members to establish a community run group fitness and well-being group,

3. commit \$6,000 and use of council facilities as seed funding to establish a successful community group”.

In summary:

- The two proposals received from private companies were excluded from the assessment as they are non-conforming
- The proposals received from two individuals proposing to establish or expand an existing community organisation were assessed against the key components of the council resolution.

### **Proposal A**

The proposal is non-conforming as it:

- seeks an operating subsidy from Council of \$120,000 over three years.
- seeks for the Council to cover the costs of utilities; cleaning; maintenance of equipment and provision of public liability insurance.
- is for group fitness only
- proposes to use space at the Darley Hub not the Bacchus Marsh Leisure Centre

### **Proposal B**

The proposal is non-conforming as it:

- seeks a loan of \$30,000 from Council and subsidy of \$2,400 for up to six months to cover the cost of the trainer. A total if paid for six months of \$14,400
- proposes to use space at the Darley Hub for group fitness not the Bacchus Marsh Leisure Centre

A meeting was held with the two individuals proposing to establish or expand an existing community organisation. At the meetings, clarification was sought on a number of points in the expression of interest including: the status of the groups; the service levels and to seek to reduce the cost to Council.

Given all the proposals are non-conforming and that the Council received no submissions to lease the gym and fitness program spaces to an external operator earlier in the year, it is recommended that the Council not accept any of the expression of interest and cease provision of the fitness and gym programs at the Bacchus Marsh Leisure Centre.

Officers in accordance with the resolution of the Council at its meeting held on the 1 February 2017 will continue to “directly program court time/space not required by ongoing users to increase utilisation”.

### **Policy Implications**

The 2017 - 2021 Council Plan provides as follows:

**Strategic Objective 1:** Providing Good Governance and Leadership  
**Context 1A:** Our Assets and Infrastructure

**Strategic Objective 4:** Improving Social Outcomes  
**Context 4A:** Health and Wellbeing

## Financial Implications

If the Council was to proceed with any of the expressions of interest, the direct cost to the Council would be as follows:

Name	Direct cash contribution	Operating expenses	Room Hire – in kind	Leasing Costs – in - kind
Proposal A	\$120,000	Council payment of Utilities; cleaning; maintenance of equipment and provision of public liability insurance.	Peppercorn rental	N/A
Proposal B	\$30,000 loan and subsidy of \$2,400 for up to six months to cover the cost of the trainer. A total if paid for six month of \$14,400.	Use of Council equipment	Peppercorn rental	Free rental/lease of the Bacchus Marsh Leisure

## 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 the Council:**

- 1. not accept any of the expression of interest as they are all non-conforming;**
- 2. cease provision of the fitness and gym programs at the Bacchus Marsh Leisure Centre;**
- 3. authorise officers to directly program the court use and the gymnasium space at the Bacchus Marsh Leisure Centre not required by ongoing users to increase utilisation; and**
- 4. authorise officers to write to all submitters thanking them for their expression of interest and advising them of the outcome.**

**MOTION:****Crs. Bingham/Keogh**

- 1. Council offer/allocate 'Proposal A' \$30,000 towards Les Mills Licencing and Group Fitness Instructors wages for a total of 6 months for the operation of group fitness classes at the Bacchus Marsh Leisure Centre.**
- 2. Council cover the cost of utilities at the Bacchus Marsh Leisure Centre.**
- 3. If 'Proposal A' were to reject Council's offer, then the same would be offered to 'Proposal B'.**
- 4. Council allocate \$15,000 to 'Proposal B' for the operation of the Gym only, noting that 'Proposal B' has offered to payback all funds allocated, once membership has reach sustainable levels.**
- 5. 'Proposal A' and/or 'Proposal B' required to report to Council on a monthly basis to demonstrate finances/cashflow.**
- 6. Council allocate an additional \$5,000 to 'Proposal B' for the re-carpeting and upgrade of the Health Club to allow for a fresh new start to Gym members.**
- 7. Council cover the cost of utilities associated with the Health Club.**
- 8. That the total of \$50,000 comes out as an over expenditure item.**
- 9. Council advertise the opening of Group Fitness classes and the Health Club via social media and local media once official opening dates are known.**

**LOST.****Councillor Bingham called for a Division.****Councillors voting for the Motion:****Cr. Bingham, Cr. Keogh, Cr. Tatchell.****Councillors voting against the Motion:****Cr. Sullivan, Cr. Edwards, Cr. Dudzik****The Motion was determined to be LOST on a Casting Vote by the Acting Chairperson.**

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

1. *not accept any of the expression of interest as they are all non-conforming;*
2. *cease provision of the fitness and gym programs at the Bacchus Marsh Leisure Centre;*
3. *authorise officers to directly program the court use and the gymnasium space at the Bacchus Marsh Leisure Centre not required by ongoing users to increase utilisation; and*
4. *authorise officers to write to all submitters thanking them for their expression of interest and advising them of the outcome.*

**CARRIED.****Councillor Bingham called for a Division.****Councillors voting for the Motion:****Cr. Tatchell, Cr. Keogh, Cr. Edwards, Cr. Sullivan, Cr. Dudzik****Councillors voting against the Motion:****Cr. Bingham****The resolution was determined to be CARRIED.**

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

**Name:** Danny Colgan  
**Title:** General Manager Social & Organisational Development  
**Date:** 25 August 2017

**The Mayor, Cr. Edwards took the Chair.**

## 11.4 INFRASTRUCTURE

### 11.4.1 Ballan Industrial Estate (Haddon Drive) – RDV Funding

#### Introduction

File No.: 06/03/030  
Author: Corinne Jacobson  
General Manager: Phil Jeffrey

#### Background

At the Ordinary Meeting of 7 December 2016, Council resolved to retain a \$450,000 Regional Development Victoria (RDV) grant and proceed with the extension of Haddon Drive with associated services.

This funding was originally approved by RDV based on Council's commitment to build the Ballan depot. As a result of the adoption of the 2017/18 Budget and deferral of the Ballan depot relocation project a decision regarding the \$450,000 funding is required.

Discussions have taken place with RDV, who have advised that funding is no longer available under the current model if Council do not commit to delivering the depot project, however there is an opportunity to retain the funding if the project was based on a 3:1 funding ratio.

#### Proposal

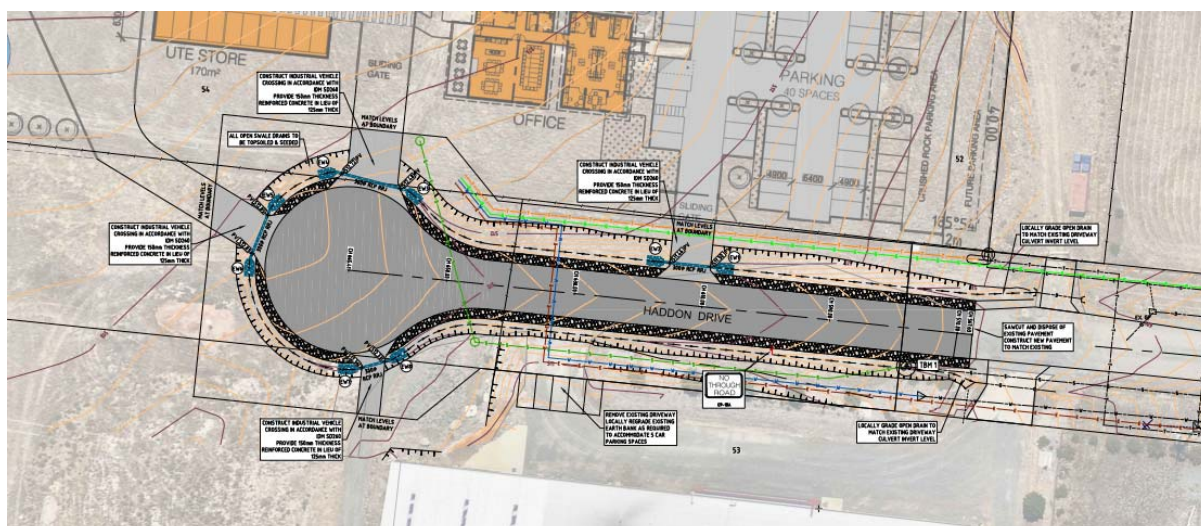
As the RDV allocation to the project cannot be retained without Council committing additional funding, it is recommended that Council allocates funds to a broader project for the industrial estate. Based on 3:1 funding mix, Council would need to commit a minimum of \$150,000 to provide a \$600,000 total project budget.

Subject to agreement by RDV, a revised scope of works would deliver a larger project including:

- Extension of Haddon Drive to provide a court bowl and extension of services to the depot site including street lighting.
- Formalisation of Haddon Drive/Gillespies Lane intersection including a left turn lane into Haddon Drive and basic right turn lane.
- Extension of gas main from Gillespies Lane (to tap into the proposed CFA extension along Gillespies Lane to Ingliston Road).
- Sealing of shoulders on Gillespies Lane between Ingliston Road and Windle Street.

This revised scope is estimated at \$690,000 which will require a \$240,000 contribution from Council. The revised scope provides improvements to the wider road network around the industrial estate which will benefit the greater community. It is recommended that the \$240,000 be allocated from the "Various Assets Renewal Projects" or unallocated funds in the 2017/2018 Budget thus exhausting this item.





*Haddon Drive, Ballan – proposed extension*



*Gillespies Lane, Ballan – shoulder sealing*

**Policy Implications**

The 2017-2021 Council Plan provides as follows:

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

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

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

**Financial Implications**

In order to retain the existing \$450,000 RDV grant allocation, Council must commit a minimum of \$150,000 toward the overall project. Based on an estimated total project cost of \$690,000, Council would need to contribute \$240,000. It is recommended that these funds are allocated from the “Various Assets Renewal Projects” or unallocated funds in the 2017/2018 Budget. This would exhaust this allocation.

**Risk & Occupational Health & Safety Issues**

There are no Risk or Occupational Health and Safety issues associated with the recommendation within this report.

## **Communications Strategy**

There is no formal communications strategy required as a result of the recommendation within this 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 – Phil Jeffrey*

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

*Author – Corinne Jacobson*

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

## **Conclusion**

Following adoption of the 2017/18 Budget and deferral of the Ballan Depot relocation, discussions have occurred with RDV regarding the \$450,000 grant for the extension of Haddon Drive.

Given the existing \$450,000 grant provided by RDV is unable to be allocated to an alternative project, it is proposed that it be utilised to deliver an extension of Haddon Drive, in the Ballan Industrial Estate, with Council contributing additional funding, rather than handing back the grant allocation.

### **Resolution:**

**Crs. Sullivan/Keogh**

***That Council***

- 1. Seeks a variation to the \$450,000 RDV Ballan Industrial Estate grant to incorporate the revised project scope including Haddon Drive extension, gas main provision along the estate (for future connection), intersection formalisation and shoulder sealing on Gillespies Lane.***
- 2. Allocates the \$240,000 "Various Asset Renewal Projects" item in the 2017/2018 Budget to the project to implement works through the Capital Improvement Program.***

**CARRIED.**

**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey

**Title:** General Manager Infrastructure

**Date:** Wednesday 30 August 2017



**Cr. Bingham left the meeting at 6.57pm.**

## **11.4.2 Draft Borrowing Policy**

### **Introduction**

File No: 07/02/001  
Author: Steve Ivelja  
General Manager: Phil Jeffrey

### **Background**

As part of Council's 2016/17 successful rate cap variation, the Essential Services Commission noted the lack of a formal borrowing/debt management policy and recommended that Moorabool Shire develop a Borrowing Policy. As a result, the draft Borrowing Policy seeks to formalise and document Council's current practices whilst incorporating new elements based on benchmarking and a strategic review.

The purpose of the Borrowing Policy is to:

1. Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework;
2. Set out the manner in which Council may establish and manage a debt portfolio and;
3. To ensure Council's new borrowings comply with legislative requirements.

The draft Borrowing Policy was presented to the Audit & Risk Management Committee on Wednesday 9 August 2017.

### **Proposal**

It is now recommended that Council adopt the draft Borrowing Policy as attached to this report.

### **Policy Implications**

The 2017 - 2021 Council Plan provides as follows:

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

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

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

### **Financial Implications**

The Borrowing Policy aims to ensure that Council borrowings are managed in a consistent and responsible manner whilst ensuring that Council has a structured and disciplined approach to borrowing of funds that fit within a financially sustainable framework.

## **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 Borrowing 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 – 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**

Following feedback from the Essential Services Commission, a draft Borrowing Policy (*IS018/Version 1*) has been prepared, which in large part reflects Moorabool Shire's current borrowing practices. The Borrowing policy also aims to ensure compliance with relevant standards, guidelines and best practice.

### **Resolution:**

**Crs. Sullivan/Tatchell**

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

- 1. Receives the Draft Borrowing Policy (IS018/Version 1); and***
- 2. In accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Borrowing Policy (IS018/Version 1) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.***

**CARRIED.**

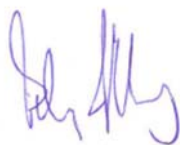
**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey

**Title:** General Manager Infrastructure

**Date:** Thursday 17 August 2017



### 11.4.3 Review of Procurement Policy

#### Introduction

File No.: 03/01/007  
Author: Jacinta Erdody  
General Manager: Phil Jeffrey

#### Background

In accordance with section 186A(7) of the Local Government Act:

*“at least once in a financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.”*

The existing Council Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 7 December 2016.

#### Proposal

As a result of the most recent review, there are only minor adjustments being proposed. This will not affect the overall intent of the policy.

The revised policy is presented as an attachment to this report. The key changes being proposed to the policy being;

- The addition of 2.5.1 Purchase Orders – this clause outlines that purchase orders are to be raised prior to engaging suppliers or prior to entering into a transaction for goods or services
- A clarification to councils payment terms has been made to clause 2.6

This policy will continue to be reviewed in accordance with legislative requirements.

#### Policy Implications

The 2017 – 2021 Council Plan provides as follows:

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

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

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

#### Financial Implications

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

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

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

## **Communications Strategy**

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

## **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

## **Officer's Declaration of Conflict of Interests**

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

*General Manager Infrastructure – Phil Jeffrey*

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

*Author – Jacinta Erdody*

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

## **Conclusion**

After considering the revised Procurement Policy, Council resolve to adopt the document.

### **Resolution:**

**Crs. Tatchell/Keogh**

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

- 1. Receives the revised Procurement Policy (IS014/Version 008).***
- 2. In accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Procurement Policy (IS014/Version 008) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.***

**CARRIED.**



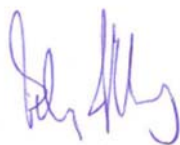
**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey

**Title:** General Manager Infrastructure

**Date:** Thursday 17 August 2017



**Cr. Bingham returned to the meeting at 6.59pm.**

### **Consideration of Presentations**

***Mr. Brian Cochrane addressed Council as a supporter of the recommendation for the item Petition; – Request in Relation to Traffic Congestion, On-Street Parking and Pedestrian Safety Manor Street, Bacchus Marsh.***

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

#### **11.4.4 Petition; – Request in Relation to Traffic Congestion, On-Street Parking and Pedestrian Safety – Manor Street, Bacchus Marsh**

##### **Introduction**

File No.: 02/06/008  
Author: John Miller  
General Manager: Phil Jeffrey

##### **Background**

At the Ordinary Meeting on Wednesday 5 April 2017, Council formally received a petition containing 34 signatures, requesting Council to urgently take action in relation to traffic congestion, on-street parking and pedestrian safety issues along Manor Street, Bacchus Marsh. At that meeting it was resolved that a further report be presented for Council's consideration.

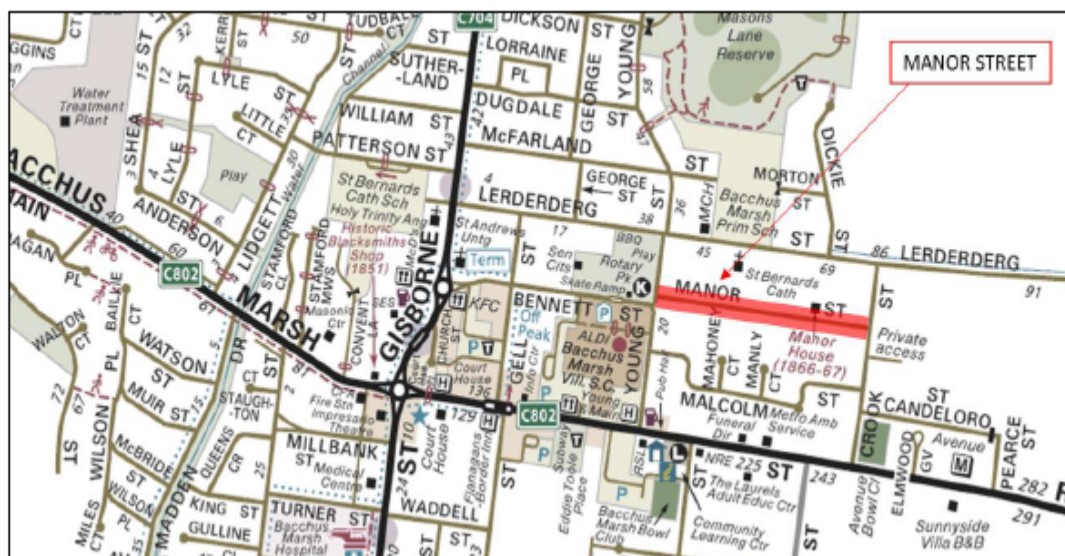
##### **Site Analysis**

###### **1. Site Location and Surrounding Land Context**

Manor Street is a local Access 1 Road in accordance with Council's Road Management Plan (RMP). The road has a carriageway width of 7.5m (kerb to kerb) and is aligned approximately 410 metres east - west between Young Street and Crook Street to the south of Lerderderg Street.



Manor Street is located in an established residential area to the east of the Bacchus Marsh town centre as shown in the locality plan below.



All land use abutting Manor Street is residential in nature, with the exception of the St. Bernard's Parish Complex on the northern side of the street, approximately midway between Young Street and Crook Street.

The complex accommodates a church, presbytery, parish centre and associated car parking. An opportunity shop is operated by St. Vincent De Paul out of a shed within the complex.

The below image shows the land uses surrounding Manor Street.



Further notable land uses in the vicinity of Manor Street include Bacchus Marsh Primary School, 'The Village' Shopping Complex and Bacchus Marsh Kindergarten.

2. Manor Street Traffic Configuration:

Manor Street has a road reservation width of approximately 15 metres which accommodates a two-way carriageway of approximately 7.5 metres width and

provides footpaths along both sides of the reservation. Unrestricted parallel car parking is permitted along both sides and all residents along the street have their own off-street parking space.

This arrangement allows concurrent opposing vehicles to pass alongside a single parked vehicle on one side of the carriageway. Where two vehicles are parked opposite one another, one vehicle is required to yield to allow the opposing vehicle pass.

This is a common form of traffic calming, particularly in residential areas, to keep vehicle speeds low. Opportunities for a vehicle to prop and yield to an oncoming vehicle are provided at vehicle crossovers to the abutting properties.

At the eastern end, Manor Street intersects with Crook Street as the minor leg of an unsignalled T-intersection. At the western end, Manor Street intersects with Young Street just north of a staggered 'left-right' T-intersection, at which Young Street (south) and Bennett Street (west) have priority.

### **Traffic Data**

#### 1. Collected Traffic Count Report

Date	15 June 2017
Location	40m West of Crook Street
AADT (Average Annual Daily Traffic)	246 vehicles/day
Commercial Vehicles Per Day	7 vehicles/day
85 <sup>th</sup> ile speed (speed at which 85% of vehicles travel at or below)	43km/hour

A review of the last 7 years of data available on the VicRoads CrashStats website indicates that there have been no casualty crashes along Manor Street during this time.

The data also shows traffic in Manor Street to have an 85<sup>th</sup> percentile speed below the zoned speed limit (50km/hr). The VLimits test performed suggests the current speed of 50Km/hr as appropriate. This is not to say that there could not be isolated incidences of speeding.

#### 2. Parking Observations

The area was surveyed on Wednesday 28 June 2017 from 7.00am to 9.15am and 2.00pm to 4.00pm in the afternoon, to observe the parking characteristics associated with the set-down and collection times of students at the nearby Bacchus Marsh Primary School.

To determine the locations most favoured by motorists, the length of Manor Street was split into three (3) segments, as illustrated below.



The results of parking surveys are quantified in the table below, with observations made during both set-down and collection times described in the section following.

**Parking Occupancy Surveys**

Area	Supply	Morning									Afternoon						
		7:00am	7:15am	7:30am	7:45am	8:00am	8:15am	8:30am	8:45am	9:00am	2:00pm	2:15pm	2:30pm	2:45pm	3:00pm	3:15pm	3:45pm
A	22*	4	4	4	4	4	4	10	11	13	15	15	14	14	19	20	11
B	27*	0	0	0	0	0	5	9	16	11	10	11	11	12	25	26	8
C	39*	2	4	4	4	4	4	4	4	5	5	5	5	15	14	8	

\* Kerbside parking is not line-marked. Parking supplies are estimates only.

Based on observations of the site, it is evident that Manor Street accommodates some long-term car parking demands associated with the Bacchus Marsh Primary School. Several cars were also observed parked on a long-term basis at the western end of Manor Street which may have been associated with residents and/or staff at nearby businesses, including those within The Village Shopping Centre.

The short-term car parking demands associated with the set-down and collection of students were much greater in the afternoon collection period than during the morning set-down period. This is common at primary schools as parents typically pre-organise a familiar collection point with their child from which they can be collected. This generally means that some parents arrive significantly ahead of the conclusion of classes to guarantee a parking space in their pre-organised area.

It is noted that much of the long-term car parking demand generated along Manor Street was near the Parish Centre Gates, which is the most convenient area from which a parent could collect a child. In effect, these long-term parking demands displaced collection parking demands to areas further west and east along Manor Street.

As a result it is experiencing heavy parking demand and traffic movements. The combination of increased traffic volume, unrestricted parking on both sides of the street have resulted in slowing movement of traffic in Manor Street.

In short, the traffic issues being experienced in Manor Street are:

- Maneuverability issues (oncoming traffic)
- Congestion
- Unrestricted drop off and pick zone
- Lack of parking space for local residents
- Occasional speeding vehicles

It is noted that parking on both sides of a carriageway is a common form of traffic calming, particularly in residential areas, to keep vehicle speeds low.

### Traffic Study Report

In July 2017, Council engaged Cardno to undertake a review of on-street car parking and traffic safety at Manor Street, Bacchus Marsh.

Cardno undertook inspections of Manor Street throughout the morning set-down and afternoon collection periods and noted that the unrestricted parking of vehicles throughout the day was largely attributed to teachers, employees at nearby businesses, including those within The Village Shopping Centre and some residents.

Parking restrictions permitting stays no longer than 10-minutes are already in place along both sides of Lerderderg Street, the eastern side of Young Street and both sides of McFarland Street during student set-down and collection times (8:00am to 9:30am & 2:30pm to 4:00pm, Monday to Friday). Vehicles displaying resident permits are exempt from this restriction.

Although difficult to enforce, this type of restriction often serves as a deterrent to long-term parking demands that typically occur throughout conventional business hours including the 2:30pm to 4:00pm collection time.

It was noted during their site inspections that many parents arrive to the school more than 10-minutes prior to the conclusion of classes to secure a parking space in an area that has been pre-arranged with their child. This includes Lerderderg Street which is already subject to 10-minute restrictions.

It is considered that the installation of 10-minute car parking restrictions along Manor Street during school times would be reasonable to deter long-term car parking demands, but note that they are impractical to enforce and are unlikely to shorten the duration which a parent typically parks when waiting for their child, which included stays of around 30-minutes during their inspections.

Though the revised arrangements are considered to be warranted for the subject area, new restrictions will still displace long-term parking demands onto neighbouring local streets. These issues will be considered in the proposed Local Area Traffic Management study to be completed this year.

### **Proposal**

A number of options have been considered including a "Staggered Parking Strategy", however due to the impact that vehicle speeds are likely to increase as a result, the on-street parking supply will be diminished, and the school collection parking demands are likely to be spread over a larger area. It is

recommended that the following “Restricted Parking Strategy” be implemented in Manor Street:

- P10m: School Days 8:00am-9:00am & 3:00pm-3:30pm; and
- 2P: School Days 9:00am-3:00pm (Resident Permit Exempt).

A ‘No Stopping’ zone will also be installed on the northern side of Manor Street for a length of 30 metres from the Young Street intersection.

These arrangements would deter long-term parking from occurring on Manor Street, whilst maintaining as much of the existing on-street parking supply as possible. A review of the parking occupancy surveys indicates that around twenty-one (21) long-term parkers would be removed from Manor Street as a result of the parking restrictions, which would ‘free up’ available parking capacity along Manor Street and make passing opportunities for opposing vehicle movements more frequent.

See image below for the proposed ‘Restricted Parking Strategy’ at Manor Street, Bacchus Marsh with P10m: School Days 8:00am-9:00am & 3:00pm-3:30pm and 2P: School Days 9:00am-3:00pm (Resident Permit Excepted).

Furthermore, it is not considered that the need for two continuous lanes of through traffic is required along a street which carries an AADT of 246 vehicle movements per day.



### Resident Permits

Council’s Community Safety Department will issue permits to the Manor Street residents. The maximum number of permits to be issued is one per household. However, that the permit does not allow the holder to park or stop any vehicle in any statutory restricted zone, other than the permit zone area.

Some examples of such zone areas are:

- No Stopping Area
- Within 10 metres of an Intersection or
- No Parking Area



Should the holder of a permit, park their vehicle in such a zone, he/she will be liable to receive a Parking Infringement Notice, despite holding a valid resident motor vehicle parking permit.

Further resident motor vehicle permits will not be issued to trailers, caravans, commercial vans, large trucks and earthmoving equipment above 4.5 tonnes or 7.5 metres in length and the issue of a permit does not guarantee the availability of a parking space to the holder.

Once the new restrictions are in place, there will be a two week grace period where offenders will be issued a "Warning Notice" and following that infringement notices will be issued.

### **Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

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

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

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

### **Financial Implications**

The cost to implement the new signage will be covered by existing maintenance budgets therefore there are no financial implications associated with the recommendation within this report.

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

There are no Risk or Occupational Health and Safety issues associated with the recommendation within this report.

### **Communications Strategy**

The convener of the petition will be formally notified of Council's decision following a resolution of Council. Bacchus Marsh Primary School will also be notified of the changes prior to implementation to ensure that staff and parents are informed.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

### **Officer's Declaration of Conflict of Interests**

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

*General Manager – Phil Jeffrey*

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

*Author – John Miller*

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

### **Conclusion**

Following community concerns about traffic and pedestrian safety movement problems in Manor Street, it is recommended that Council implement a '**Restricted Parking Strategy**' as developed by Council's consultant Cardno, with parking restrictions designed to eliminate current traffic congestion and safety issues. Further the implementation of the strategy will provide a safer environment to local residents and pedestrians with improved on-street parking availability.

Though the above arrangements are considered to be satisfactory for the subject area, the new restrictions will still displace long-term parking demands onto nearby local streets. These issues will be considered in the proposed Local Area Traffic Management study to be completed this year.

### **Resolution:**

**Crs. Dudzik/Keogh**

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

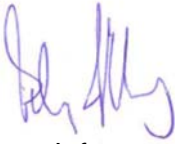
1. ***Receives the report from Officers in relation to Traffic Congestion, On-Street Parking and Pedestrian Safety – Manor Street, Bacchus Marsh.***
2. ***Approves the implementation of a 'Restricted Parking Strategy' along Manor Street.***
3. ***Requests officers write to property owners along Manor Street as well as the Bacchus Marsh Primary School advising of the implementation of the parking strategy prior to any amendments to existing conditions being made.***

**CARRIED.**

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### **Report Authorisation**

#### **Authorised by:**

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday 17 August 2017

## Consideration of Presentations

***Mr. Mark Frackowski addressed Council as a supporter to the recommendation for the item Petition; Request for Traffic Control Measures – Farrow Place, Maddingley.***

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

### 11.4.5 Petition; Request for Traffic Control Measures – Farrow Place, Maddingley

#### Introduction

File No. 02/06/008  
Author: Tristan May  
General Manager: Phil Jeffrey

At the Ordinary Meeting on 7 June 2017, Council received a petition containing 11 signatures, requesting the installation of traffic control measures at the intersection of O'Leary Way and Farrow Place, Maddingley. This petition follows a customer request in the same regard.

As this meeting, Council resolved that a report be prepared by officers for Council's consideration. This report includes officers' assessment and recommendation in relation to the request.

#### Background

Farrow Place is a road located in Stonehill Estate, Maddingley, running between Mimulus Drive and O'Leary Way.



Farrow Place was created as part of Stage 3MD of the Stonehill Estate. The planning permit application was received on 10 February 2014. As there were no objections to the application, a planning permit was issued under delegated authority on 27 May 2014.

The layout of the Stonehill Stage 3 precinct generally, differs somewhat from the original Development Plan Overlay. The variations were approved as part of the application process for Stage 3 (PA2011313). The Development Plan Overlay is not a binding document in determining the final layout of each stage of the development. It is intended to define the general pattern of the development, and illustrate the land uses within the development, and will inevitably change as time progresses. The detail of each parcel of land being purchased in any stage is revealed in the Plan of Subdivision.

The application for certification of the plan of subdivision for Stage 3MD, PS724944D was received on 4 March 2014. The plan was initially certified by Council on 28 January 2015. Statement of Compliance was issued on 16 September 2015, the plan was registered at Land Victoria on 1 October 2015.

The layout of Stage 3MD has been publicly available knowledge since January 2014.

The construction of Farrow Place was completed less than two years ago (October 2015), Dwellings have been constructed since April 2016. Council is holding incomplete works bonds for the landscaping of the road reserve and the completion of the intersection with O'Leary Way.

The entrance to Farrow Place from O'Leary Way has not been completed, due to the potential conflict with the construction of the Halletts Way South/O'Leary Way works. These works were programmed to be undertaken when the Halletts Way/O'Leary Way construction works were completed.

### **Site Assessment**

Farrow Place is approximately 80 meters in length, has a road reservation width of 11m and includes a two way road pavement width of 5.5m. The road provides access to Eleven properties (eight currently occupied), and is classified as a Local Access 2 Sealed Road under Council's Road Management Plan.

The road has regulatory signs identifying it as a "Shared Pedestrian Zone", with a 10 km/h speed limit.

### **Traffic Count Data**

There is no long term traffic volume data available for Farrow Place due to its recent date of construction. A traffic count has been undertaken at the Southern end of the street to collect data on the current level of usage. The count indicates an average volume of 32 vehicles per day, with an 85%ile speed of 17 km/h. The highest measured speed was 27 km/h.

There is no traffic data available for O'Leary Way, as construction works were still in progress at the time of writing.

**Comments:**

The petition expresses strong concerns about the future impact on through traffic on Farrow Place, specifically the likelihood of drivers exceeding the speed limit through the street and the risk to pedestrians. The comments are based on the application of raw State-wide data in regard to speeding and pedestrian fatalities, with limited relevance to a local traffic scenario where no long term data is available on traffic volumes or driver behaviour. The road network in the area is still evolving and patterns of behaviour are not yet observable, much less predictable.

The petition seeks to have the road closed at the Northern end, to prevent all through traffic. This is not practical as it will be necessary for large vehicles to enter Farrow Place to collect waste and recyclables to provide street cleaning and for emergency services. This layout of the street would require these vehicles to reverse out of Farrow Place after completing their task. This is a dangerous manoeuvre which has resulted in documented fatalities as these vehicles have limited visibility to the rear when reversing. The Coroner of Victoria commented after an investigation into one such fatality, that this manoeuvre should be prevented wherever possible.

There may be merit in modifying the intersection of Farrow Place and O'Leary Way by restricting traffic movements to left hand turns out of Farrow Place, while preventing entry from O'Leary Way. This would allow the waste collection vehicles free passage through the street and two way movement for the residents only, while excluding vehicles entering from O'Leary Way.

A Road Safety Audit was commissioned to inspect the location, and to comment on the efficacy of the proposed measure and the current conditions.

The Auditor expressed general support for the 'exit only' traffic movement at the intersection, but added that additional signage should also be considered to minimise the likelihood of "rat running" along Farrow Place. These include the relocation of the "Farrow Place" street sign, and the provision of a sign at the Southern entrance stating "Local Traffic Only".

The Auditor had difficulty assessing the current conditions from a road safety perspective as O'Leary Way is not currently open to traffic although he expressed the proposed modification to the Farrow Place and O'Leary Way intersection was preferable than the current arrangement as it reduced the points of conflict at the location to only one.

**Proposal**

As the Halletts Way/O'Leary Way extension project has reached completion, Council officers will now work with the Developer to finalise all outstanding works in Farrow Place inclusive of the recommendations below;

- (a) The Intersection of O'Leary Way and Farrow Place be constructed to allow only a left turn out of Farrow Place, and signage be installed prohibiting entry to Farrow Place from O'Leary Way, after the completion of the Halletts Way/O'Leary Way Extension Project. (Works to be developer funded from incomplete works bond.)
- (b) The street sign be relocated and a Local Traffic Only sign be installed at the Southern End of Farrow Place.

(c) Removal of the “Shared Zone” signage.

In discussions with the developer, it is envisaged that they would be willing to complete these works as a priority given Council is holding Developer security bonds until the works are complete. It is therefore expected that these construction works would be likely to commence within two months.

### **Policy Implications**

The 2017-2021 Council Plan provides as follows:

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

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

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

### **Financial Implications**

There are no financial implications for Council associated with the recommendation within this report. The proposed intersection alteration and associated works will be financed through incomplete works bonds Council are currently holding from the developer.

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

The recommendation of this report will greatly improve any perceived Risk or Occupational Health and Safety issues associated with Farrow Place.

### **Communications Strategy**

The convener of the petition will be formally notified of Council's decision following a resolution.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

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

### **Officer's Declaration of Conflict of Interests**

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

*General Manager – Phil Jeffrey*

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

*Author – Tristan May*

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

## Conclusion

Following concerns from the residents of Farrow Place, Maddingley and receipt of a petition containing 11 signatures, it is recommended that minor works be undertaken at the site to improve safety and decrease the flow of through traffic in this quiet residential street.

It's recommended the Intersection of O'Leary Way and Farrow Place be constructed to allow only a left turn out of Farrow Place, prohibiting entry to Farrow Place from O'Leary Way along with traffic signage amendments.

### Resolution:

**Crs. Bingham/Keogh**

### *That Council:*


1. ***Receives the report in relation to Farrow Place, Maddingley***
2. ***Requests that the developer finalise the construction of the O'Leary Way and Farrow Place intersection as a left turn only in accordance with this report.***
3. ***Requests officers formally notify the convener of the petition of Council's decision, following a resolution being made.***

**CARRIED.**

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### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday 17 August 2017

## 11.4.6 Hopetoun Park Estate; Works Without Consent

### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

Officers have received a number of complaints in relation to works being undertaken by property owners within Council's road reserve and easements including filling of table drains, construction of pipes and pits, driveways, letterboxes and landscaping without Council consent.

A report was presented to the Place Making Advisory Committee on Tuesday 22 August 2017 where the following was resolved:

*That the place Making Advisory Committee:*

1. *Receive the draft – 'Hopetoun Park Estate – Works Without Council Consent' report.*
2. *Request that the report to be presented to the September Ordinary Meeting of Council endorsing the following recommendations:*
  - a) *Council receives the report in relation to Hopetoun Park Estate – Works Without Council Consent.*
  - b) *Confirms that landowners will be liable for the corrective maintenance works of Road Reserves and table drains adjoining their property.*
  - c) *Requests officers send an initial letter to all residents within the Hopetoun Park Estate informing them that Council has become aware of works being carried out within the Road Reserve without Council approval and will be conducting an audit to determine the extent of these works.*
  - d) *Following this, a notice be sent to the responsible landowners for reinstatement of road reserves, table drains and removal of any hazards within a specified timeframe or Council will carry out the necessary rectification works and seek reimbursement for these costs.*
3. *Requests officers develop a policy in relation to works within road reserves, on Council controlled roads.*

### Background

The Planning Permit for the Hopetoun Park Estate was first issued in May of 2002 and is still under construction. Currently the estate has 243 established houses, 6 houses are under construction and 20 vacant lots.

The estate is situated within a Low Density Residential Development (LDRD) zone, which consists of large properties in a low-density setting, LDRD zones are usually situated on the fringe of urban areas and townships. Drainage for such developments usually consists of interconnected swale drains designed to withstand a 100-year flood event, as is the case at Hopetoun Park.





*Figure 2: filled swale drain in front of a property in Carberry Drive, Hopetoun Park.*



*The vehicle crossing was installed without a Council permit*

*Figure 3: filled swale drain in front of a property in Carberry Drive, Hopetoun Park*



*The vehicle crossing was installed without Council permit.*

*Figure 4: filled swale drain, construction of new pit and pipes, letterbox and landscaping in front of a property in Mia Bella Drive, Hopetoun Park.*



*Figure 5: filled swale drain, construction of brick letterbox over nature strip and landscaping in front of a property in Mia Bella Drive, Hopetoun Park.*



*Figure 6: damaged end wall, concrete filled blocks around letterbox and backfilled swale drain in front of a property at View Gully Road, Hopetoun Park.*



*Figure 7: filled swale drain in front of a property in Mia Bella Drive, Hopetoun Park.*



*Figure 8: filled swale drain in front of a property at Eden Crescent, Hopetoun Park.*



*Figure 9: additional crossover constructed with no endwalls and without a permit from Council. Swale drain backfilled in front of a property in View Gully Road, Hopetoun Park.*



*Figure 10: a crossover was constructed with no end walls or stormwater pipe in front of a property in View Gully Road, Hopetoun Park*



*Figure 11: at Thomas Drive, Hopetoun Park, an additional crossover was built without stormwater pipes and endwalls. The swale drain has been filled with soil.*



## **Proposal**

The challenge for Council in this instance is to find a sustainable long-term resolution to the problem, which satisfies the community's needs without imposing unreasonable financial burdens on Council and ratepayer's.

There are three options available for Council to consider:

1. *Issue a 'Notification of unlawful works requiring rectification'*

Officers have sought legal advice in relation to its powers to enforce rectification of works in Hopetoun Park Estate where completed without Council consent and pose a potential public liability risk to Council. These risk could be related to motor vehicle damage and injury to occupants, tripping hazard for pedestrian and damage to Council road infrastructure assets.

The advice provided, that in accordance with Council General Local Law 2010, a 'Notice to Comply' should be issued to the responsible owners by informing the removal of unlawful works and reinstate the road reserve to a satisfactory condition within a specified period from the issue date of the letter. Please find the enclosed draft 'Notice of Comply' letter attached.

If the Notice has not been complied with, Council may proceed with taking enforcement action such as the issuing of an infringement notice or the institution of prosecution proceedings.

In addition, Council has the power pursuant to section 225 of the *Local Government Act 1989* to carry out any necessary rectification works in circumstances where an owner has failed to do so. If this occurs, the cost of any such works will be placed as a charge against the property. This charge will be subject to penalty interest until such time, as the debt is paid.

## 2. Maintain the Status Quo

Do nothing, allowing the existing works to remain and continue to receive complaints in relation to the impacts of flooding, damage to Council infrastructure and expose Council to potential public liability risk.

## 3. Initiate a Special Rates or Charges Scheme

The Local Government Act 1989 provides Council with the ability to introduce a Special Rate or Charges Scheme seeking property owner contributions toward the construction of infrastructure projects such as underground drainage system, footpaths or Roads.

Council formally adopted a Special Rates and Charges Policy on 5 February 2014. The policy acknowledges that Council does not necessarily have the financial resources or receive enough external grants funding to meet all of the infrastructure demands in the municipality and that where it can be demonstrated that properties will receive a special benefit from implementing necessary infrastructure work. This also provides an avenue for projects that may be a low priority in Council's Long Term Capital Improvement Program to be fast tracked. A Special Rates or Charges Scheme could be implemented throughout the estate to construct the underground drainage system, footpaths and kerb & Channel with contributions from adjoining land owners. This would urbanise the estate and alleviate a range of issues being raised by the community.

A proposed Special Rate or Charge Scheme will have regard to the level of special benefit and community benefit received from such infrastructure works and Council's capacity to finance the necessary cash flow requirements during the term of the Special Rate or Charge Scheme.

### **Policy Implications**

The 2017 - 2021 Council Plan provides as follows:

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

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

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

### **Financial Implications**

There are no financial implications associated with the recommendation with this option. Council will seek reimbursement if it is required to carry out rectification works on the property owner's behalf.

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

There are no Occupational Health & Safety issues associated with the recommendation within this report.

### **Communications and Consultation Strategy**

An initial letter will be sent to all residents within the Hopetoun Park Estate informing them that Council has become aware of works being carried out within the Road Reserve without Council approval and will be conducting an audit to determine the extent of these works. Once completed, notices will be issued to the affected property owners.

### **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**

Following an assessment of the works carried out by residents without Council consent in the Hopetoun Park Estate, corrective works will be required to reinstate the nature strips and table drains and remove any potential traffic and pedestrian hazards that may create a potential public liability risk to Council i.e. localised flooding, damage to Council infrastructure and private property.

Officers have sought legal advice and Council has powers under its Local Laws and the Local Government Act 1989 to issue a notice for rectification works and to seek reimbursement for any rectification works required.

It is recommended that officers issue a 'Notification of unlawful works requiring rectification' to the responsible owners by informing the removal of unlawful works and write to the residents of Hopetoun Park Estate to propose a Special Rates or Charges Scheme for entire Hopetoun Park Estate in relation to the construction of an underground drainage system, footpaths and kerb & Channel.

**Resolution:**

**Crs. Sullivan/Keogh**

***That Council:***


1. ***receives the report in relation to Hopetoun Park Estate – Works Without Council Consent.***
2. ***confirms that landowners will be liable for the corrective maintenance works of Road Reserves and table drains adjoining their property.***
3. ***requests officers send an initial letter to all residents within the Hopetoun Park Estate informing them that Council has become aware of works being carried out within the Road Reserve without Council approval and will be conducting an audit to determine the extent of these works.***
4. ***following this, a notice be sent to the responsible landowners for reinstatement of road reserves, table drains and removal of any hazards within a specified timeframe or Council will carry out the necessary rectification works and seek reimbursement for these costs.***

**CARRIED.**

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**Report Authorisation**

**Authorised by:**

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Wednesday 30 August 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](http://www.moorabool.vic.gov.au)

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

- Assembly of Councillors – Wednesday 2 August, 2017 – Confidential Matter
- Assembly of Councillors – Wednesday 2 August, 2017 – Confidential Matter

#### **Resolution:**

#### **Crs. Tatchell/Bingham**

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

- ***Assembly of Councillors – Wednesday 2 August, 2017 – Confidential Matter***
- ***Assembly of Councillors – Wednesday 2 August, 2017 – Confidential Matter***

**CARRIED.**

## 12.2 Advisory Committees of Council - Reports

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

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Bacchus Marsh District Trails Advisory Committee	Tuesday 8 August 2017	Cr. Bingham
Audit and Risk Committee	Wednesday 9 August 2017	Cr. Dudzik Cr. Tatchell

### **Resolution:**

**Crs. Bingham/Tatchell**

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

- ***Bacchus Marsh District Trails Advisory Committee meeting of Tuesday 8 August 2017.***
- ***Audit and Risk Committee meeting of Wednesday 9 August, 2017.***

**CARRIED.**

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

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

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

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

Committee	Meeting Date	Council Representative
Greendale Recreation Reserve	Thursday 17 August 2017	Cr. Toohey
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website:</i> <a href="https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2017">https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2017</a>	Wednesday 9 August 2017	Cr. Dudzik Cr. Keogh Cr. Tatchell Cr. Toohey

**Resolution:**

**Crs. Bingham/Dudzik**

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

- ***Greendale Recreation Reserve Committee of Management meeting of Thursday 17 August 2017.***
- ***Development Assessment Committee meeting of Wednesday 9 August 2017.***

**CARRIED.**

**13. NOTICES OF MOTION**

**13.1 Cr. Bingham: N.O.M. No. 266– Pedestrian Refuge, Grant Street, Bacchus Marsh**

**Resolution:**

**Crs. Bingham/Dudzik**

***That Council:***

- 1. Write to VicRoads Western Region requesting that a safety audit be undertaken of the pedestrian refuge on Grant Street, Bacchus Marsh adjacent to the public swimming pool. That the safety audit specifically looks at the installation of safety barriers at this site and that a response be provided outlining the results of the safety audit and any associated implementation actions.***

**CARRIED.**

**13.2 Cr. Bingham: N.O.M. No. 267– Marsh Monster Mash Public Liability Insurance**

**MOTION:**

**Crs. Bingham/Keogh**

***That Council:***

- 1. That Council directly pay the attached invoice for the public liability at the total of \$1,175.90 as an over expenditure item for Marsh Monster Mash, giving the charity a greater capacity to donate a larger sum to their chosen local charity.***

**LOST.**

**Councillor Bingham called for a Division.**

**Councillors voting for the Motion:**

**Cr. Bingham, Cr. Keogh**

**Councillors voting against the Motion:**

**Cr. Edwards, Cr. Sullivan, Cr. Dudzik, Cr. Tatchell.**

**The Motion was determined to be LOST.**

**14. MAYOR'S REPORT**

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

<b>Cr David Edwards – Mayor's Report</b>	
<b><i>August 2017</i></b>	
9 August	<ul style="list-style-type: none"> <li>• Assembly of Councillors – Community Grants &amp; Tourism Events</li> </ul>
11 August	<ul style="list-style-type: none"> <li>• Peri Urban Group of Rural Council's Meeting</li> </ul>
13 August	<ul style="list-style-type: none"> <li>• Official Opening – Halletts Way/O'Leary Road and Bridge Construction</li> </ul>
16 August	<ul style="list-style-type: none"> <li>• Assembly of Councillors – Role of Mayor, Deputy Mayor and Councillors</li> <li>• Assembly of Councillors – Priority Projects and Advocacy to December 2018</li> </ul>
18 August	<ul style="list-style-type: none"> <li>• Central Highlands Mayors &amp; CEOs Forum</li> </ul>
22 August	<ul style="list-style-type: none"> <li>• The Blacksmith's Cottage Annual General Meeting</li> </ul>
26 August	<ul style="list-style-type: none"> <li>• Bacchus Marsh SES Unit 35th Anniversary Celebrations</li> </ul>
31 August	<ul style="list-style-type: none"> <li>• Central Highlands Regional Assembly, Creswick</li> </ul>
6 September	<ul style="list-style-type: none"> <li>• Assembly of Councillors – Audit &amp; Risk Committee Presentation of Financials &amp; Performance Statements</li> <li>• Ordinary Meeting of Council</li> </ul>

**Resolution:**

**Crs. Sullivan/Bingham**

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

**CARRIED.**

**15. COUNCILLORS' REPORTS**

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

<b>Cr. Sullivan</b>	
<b>August/September 2017</b>	
9 August	Gordon Public Hall Committee AGM
19 August	Lal Lal Photographic Group Exhibition (judging)
22 August	Central Highlands Regional Assembly Corporate Plan launch
29 August	Lal Lal Photographic Group Exhibition (awards)
4 September	Lal Lal Soldiers Memorial Hall Committee AGM

<b>Cr. Keogh</b>	
<b>August 2017</b>	
31 August	Central Highlands Regional Assembly, Creswick

<b>Cr. Tatchell</b>	
<b>August 2017</b>	
21 August	Lions Club of Bacchus Marsh Awards Night
1 September	Ballan and District Hospital – Love is in the Air fundraiser

**Resolution:**

**Crs. Sullivan/Dudzik**

*That the Councillors' reports be received.*

**CARRIED.**

**16. URGENT BUSINESS**

**Nil.**

**AJOURNMENT OF MEETING – 7.35PM**

Crs. Sullivan/Tatchell

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

CARRIED.

**RESUMPTION OF MEETING – 7.47PM**

Crs. Sullivan/Tatchell

*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/Tatchell

*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 7.54pm.*

*Confirmed.....Mayor.*