



ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at the Council Chamber, 15 Stead Street, Ballan on
Wednesday 7 February 2018,
at 6:00 p.m.

Members:

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

Officers:

Mr. 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. Tatchell, opened the meeting with the Council Prayer at 6.00 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. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West 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. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Mr. John Miller</i>	<i>Manager Assets</i>
<i>Mr. Daniel Smith</i>	<i>Manager Operations</i>
<i>Mr. Steve Ivelja</i>	<i>Chief Financial Officer</i>
<i>Mr. Rob Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Ms. Vanessa O'Toole</i>	<i>Manager People and Performance</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

5. APOLOGIES

Nil.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council – Wednesday 6 December 2017

Resolution:

Crs. Bingham/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 6 December 2017.

CARRIED.

6.2 Special Meeting of Council – Wednesday 20 December 2017

Resolution:

Crs. Toohey/Edwards

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 20 December 2017.

CARRIED.

7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

Nil.

8. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

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

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

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

With the Mayor's consent, Mr. Ron Stickland raised the following question which was taken on notice by the Chair.

Mr. Stickland would like to be advised of who he needs to meet with to address issues regarding flooding and the installation of a drain at Shuter Avenue, Greendale and associated compensation.

Mr. Stickland's question will be investigated and responded to directly by the General Manager of Infrastructure.

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.4.1	<i>Request for Closure to Through Traffic; Bacchus Street, Maddingley</i>	Ann Collier	Supporter
11.4.1	<i>Request for Closure to Through Traffic; Bacchus Street, Maddingley</i>	Donald Journet	Supporter
11.4.3	<i>Adoption of Open Space Maintenance Management Plan and associated Mowing Service Review</i>	Brett Jackson	Objector
11.4.6	<i>Draft Municipal Rate Strategy</i>	John Spain	Objector

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.

Nil.

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

11.2 GROWTH AND DEVELOPMENT

11.2.1 Planning Permit PA2017103 – Removal of easement, E-1 at 380 Cummings Road, Parwan.

Application Summary:	
Permit No:	PA2017103
Lodgement Date:	15 June, 2017
Planning Officer:	Mark Lovell
Address of the land:	Lot 5 on LP124567 380 Cummings Road, Parwan.
Proposal:	Removal of easement, E-1.
Lot size:	32.96 hectares.
Why is a permit required	Clause 52.02 – Remove an easement
Why is this application being presented to Council?	Referral objection to the application
Public Consultation:	
Was the application advertised?	Yes, as the proposal may affect the interests of benefiting properties and other persons.
Notices on site:	No.
Notice in Moorabool Newspaper:	No.
Number of Objections:	One resident objection and one referral authority objection.
Consultation meeting:	None held, as the recommendation is for refusal of the application.
Policy Implications:	
Strategic Objective:	Stimulating Economic Development
Context:	Land Use Planning
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	
<p>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.</p> <p><i>Manager – Rob Fillisch</i></p> <p>In providing this advice to Council as the Manager, I have no interests to disclose in this report.</p> <p><i>Author – Mark Lovell</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
Executive Summary:	
Application Referred?	Yes, referred to Council's Infrastructure who objected to the application.
Any issues raised in referral responses?	Objection to the removal of the drainage easement.
Preliminary Concerns?	No.
Any discussions with applicant regarding concerns	The applicant was advised of the referral objection.
Any changes made to the application since being lodged?	No
VCAT history?	No.
Previous applications for the site?	No.
General summary (Pro's/Con's of the proposal)	This long established drainage easement is able to provide drainage from the adjacent land occupied by an Aerodrome. Removing the easement would restrict future drainage discharge from this adjacent land. The proposal would not represent the orderly planning of the area.
Summary Recommendation:	
<p>That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council advise the VCAT Registrar that Council does not support the removal of easement, Easement E-1 on the land at Lot 5 on LP124567 also known as 380 Cummings Road, Parwan.</p>	

Background

The applicant has lodged an appeal with VCAT for a failure to determine the current application within the sixty day statutory time limit on 28 December, 2017. Council must notify VCAT of its position to either support or refuse the application.

Public Notice

The application was notified to all properties contained in LP124567 who have benefit of the easement. The advertising was completed satisfactorily on 26 July, 2017.

Summary of Objections

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

Objection	Any relevant requirements
Drainage easement services the land of the Aerodrome/drainage easement originates with the original subdivision because of the legitimate needs of the Commonwealth for drainage of the area of Aerodrome land on Lot 1 of TP847678X	Clause 52.02
Officer's response – Officers agree the drainage easement has been created to serve a need for adequate drainage discharge from an adjacent property.	

Proposal

It is proposed to remove easement E-1 which is 10 metres in width and traverses through the central part of the property in a west to east direction. The easement is for the purpose of drainage and all lots on LP plan number 124567 have benefit of the easement. The applicant has stated the easement is 100% contained with their property boundary, does not offer any benefit to other lots on the titles, and serves no useful function.

Site Description

The subject site is located on the western side of Cummings Road, 579.42 metres south of Smiths Road, Parwan. The subject lot has an L shaped configuration with a maximum width of 637.36 metres and a maximum length of 855.75 metres for a total land area of 32.96 hectares. The site is comprised of cleared land with a homestead. In the location of the drainage easement at the eastern end of the property is a dam.

The adjacent property to the west and south is the Bacchus Marsh Aerodrome comprising of two intersecting runways and several detached metal sheds and open fields used for the parking of light planes/gliders. The adjacent properties to the north are comprised of farming zoned land with dwellings concentrated towards the Shaws Road frontage. The eastern side of Cummings Road is also comprised of farming zoned land used predominately for horse agistments and horse training tracks. The area contains few trees and the land has a relatively flat topography.

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- Clause 11.02-1 Supply of urban land
- Clause 11.07-1 Regional Victoria
- Clause 11.07-2 Peri-Urban Areas
- Clause 15.01-3 Neighbourhood and subdivision design
- Clause 19.03-2 Water supply, sewerage and drainage.
- Clause 19.03-3 Stormwater

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

SPPF	Title	Response
Clause 19.03-2	Water supply, sewerage and drainage	The objective of this clause is to plan for the provision of drainage services that efficiently and effectively meet State and community needs and protect the environment. The easement removal does not provide for the efficient provision of drainage for the surrounding area.
Clause 19.03-3	Stormwater	A strategy of this clause is to incorporate water sensitive urban design techniques into development to reduce run off and peak flows and to minimise drainage and infrastructure costs. The easement removal will add to drainage and infrastructure costs in providing an alternative drainage discharge line to an adjacent property.

Zone

The subject site is in the Farming Zone (FZ).

The purpose of the Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

A planning permit is not required under this zone as the provisions of Clause 52.02 apply.

Overlays

Design & Development Overlay Schedule 2 (DD02)

The subject site is in the Design & Development Overlay Schedule 2.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Part 1 of Schedule 2 of the overlay has the following design objectives:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on an

A planning permit is not required under this overlay as the provisions of Clause 52.02 apply.

Airport Environs Overlay (AE01)

The subject site is in the Airport Environs Overlay Schedule 1.

The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are or will be subject to high levels of aircraft noise, including areas where the use of land for uses sensitive to aircraft noise will need to be restricted.
- To ensure that land use and development are compatible with the operation of airports in accordance with the appropriate airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.
- To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in new dwellings and other noise sensitive buildings.
- To limit the number of people residing in the area or likely to be subject to significant levels of aircraft noise.

A planning permit is not required under this overlay as the provisions of Clause 52.02 apply.

Particular Provisions

Clause 52.02 Easements, Restrictions and Reserves

A permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

A permit is required before a person proceeds:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- Under Section 24A of the Subdivision Act 1988.
- Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

Discussion

Easement removal

The easement listed on title was part of a subdivision of land in 1977 that created five lots. The easement as shown on the current title is unusual in that other lots in the same subdivision plan that have benefit of the easement do not have either an abuttal to the easement or are able to have access to the easement. These other lots cannot use the easement for drainage purposes. The location of the easement benefits other properties to the west which could use this easement for drainage which then connects to the Cummings road reserve. The location of dams on the subject land and the adjacent western property shows that any overland flow would match the easement location. Easements on title should not be removed unless there is a development of the land or the surrounding land that makes them redundant due to new infrastructure services been provided.

Council's Engineers have reviewed the easement and stated that the land adjoining the property to the south and to the west is owned by Moorabool Shire Council (Bacchus Marsh Aerodrome). They have identified that the only rational justification for its creation is to provide a drainage outlet for the aerodrome. The council has an interest in the easement and does not agree to the easement being expunged.

It is clear the easement has a useful purpose and its removal should be not be supported as it could compromise future drainage discharge from an adjacent property.

The Hill VCAT Decision

In consideration, that no property owner who has a direct interest in the easement according to the title has objected, there is a recent VCAT decision in Hill vs Campaspe Shire Council. This decision looked at the operation of Clause 52.02 with reference to a covenant variation and noted that other persons who do not have benefit of a covenant can object and their views can be considered.

Deputy President Gibson made the following comments in her order:

‘There is nothing within the planning scheme or the Act that limits the right of any other person who may be affected by the grant of a permit under clause 52.02 to object to the grant of a permit. The decision guidelines in clause 52.02 provide that before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people. Section 57(1A) of the Act provides that an owner or occupier of any land benefited by the covenant is deemed to be a person affected by the grant of the permit. Clearly, they may object to a permit under clause 52.02 and their interests must be considered under the decision guidelines, but equally other people may be affected and their interests should also be considered.’

The applicant has advised they have obtained legal advice that only lots which have benefit from the easement are the lots within plan of subdivision number LP124657. This advice fails to acknowledge Clause 52.02 of the Moorabool Planning Scheme that allows other persons without a benefit on title to have an interest in the application and for their objection to be considered in the assessment.

It is clear that the adjacent property to the west owned by Moorabool Shire Council will be adversely affected by the easement removal which has been accessed by the responsible drainage authority, Council’s Infrastructure.

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.

Referral

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
Infrastructure Strategic Planning (SSD)	Objection Request the easement be retained

Financial Implications

The recommendation to not support this application would not represent any financial implications for Council.

Risk and Occupational Health and Safety Issues

The recommendation to not support 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. The applicant and objector were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to support the application. This would directly contravene the advice from Council's Infrastructure section.

Supporting the application may result in the objector lodging an application with VCAT.

Conclusion

The proposed removal of easement can adversely affect an adjacent property which does not have benefit of the easement and it could create future problems with drainage discharge. Council's Infrastructure as the responsible drainage authority, have reviewed the documents and do not support the removal. The application should not be supported.

Resolution:

Crs. Edwards/Bingham

That, having considered all matters as prescribed by the Planning and Environment Act, Council advises VCAT that it would not support planning application PA2017103 for the removal of easement, E-1 on Lot 5 of LP124567, otherwise known as 380 Cummings Road, Parwan with the following statement of grounds

- 1. The proposed removal of easement will adversely affect drainage discharge from surrounding land.***
- 2. The proposed removal of easement has not considered the interests of other affected people.***
- 3. The proposed removal of easement does not represent the orderly planning of the area.***

CARRIED.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday, 17 January, 2018



11.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

11.3.1 Proposed Discontinuance of a Portion of River Drive – Stage 6 of Stonehill Estate Development

Introduction

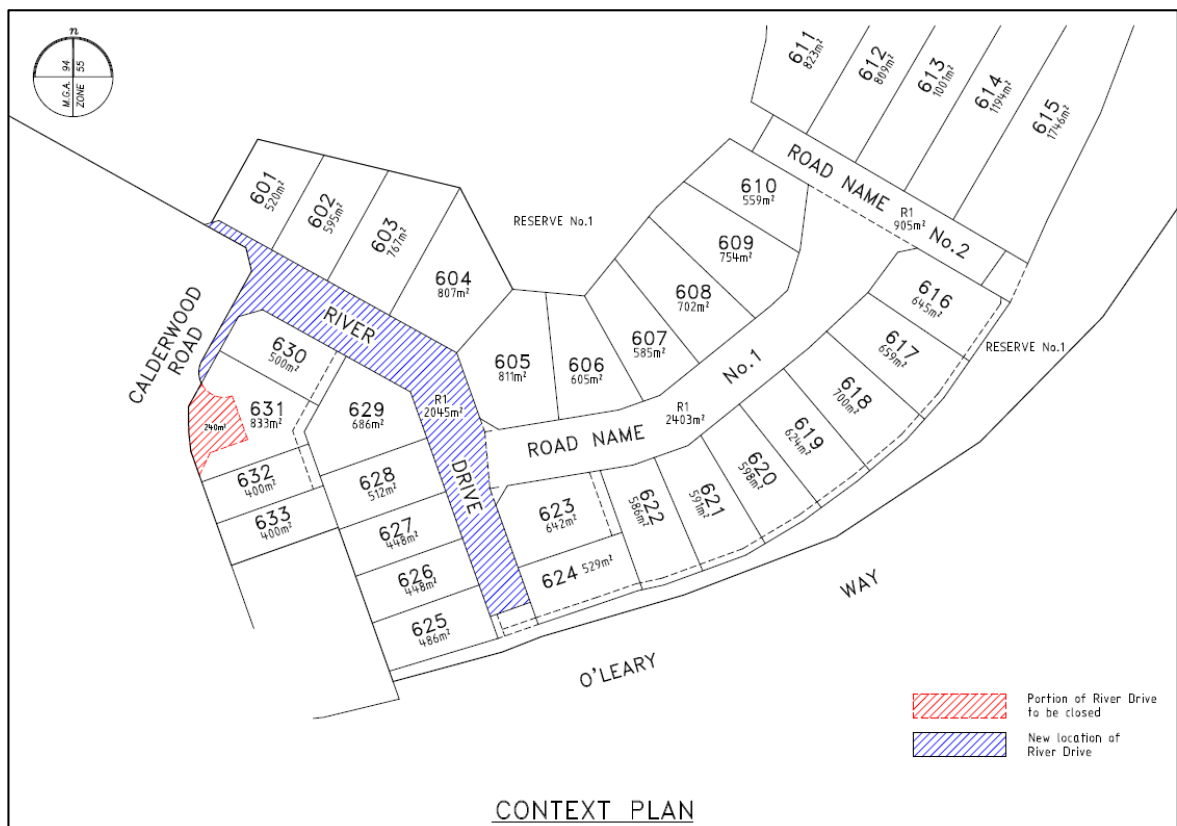
File No.: 1461
 Author: John Whitfield/Michelle Morrow
 General Manager: Danny Colgan

Background

Bosco Jonson, representing the developers of Stonehill Estate Leighton Properties (VIC) Pty Ltd, are seeking to formally discontinue a piece of Council Road in the Stonehill Estate.

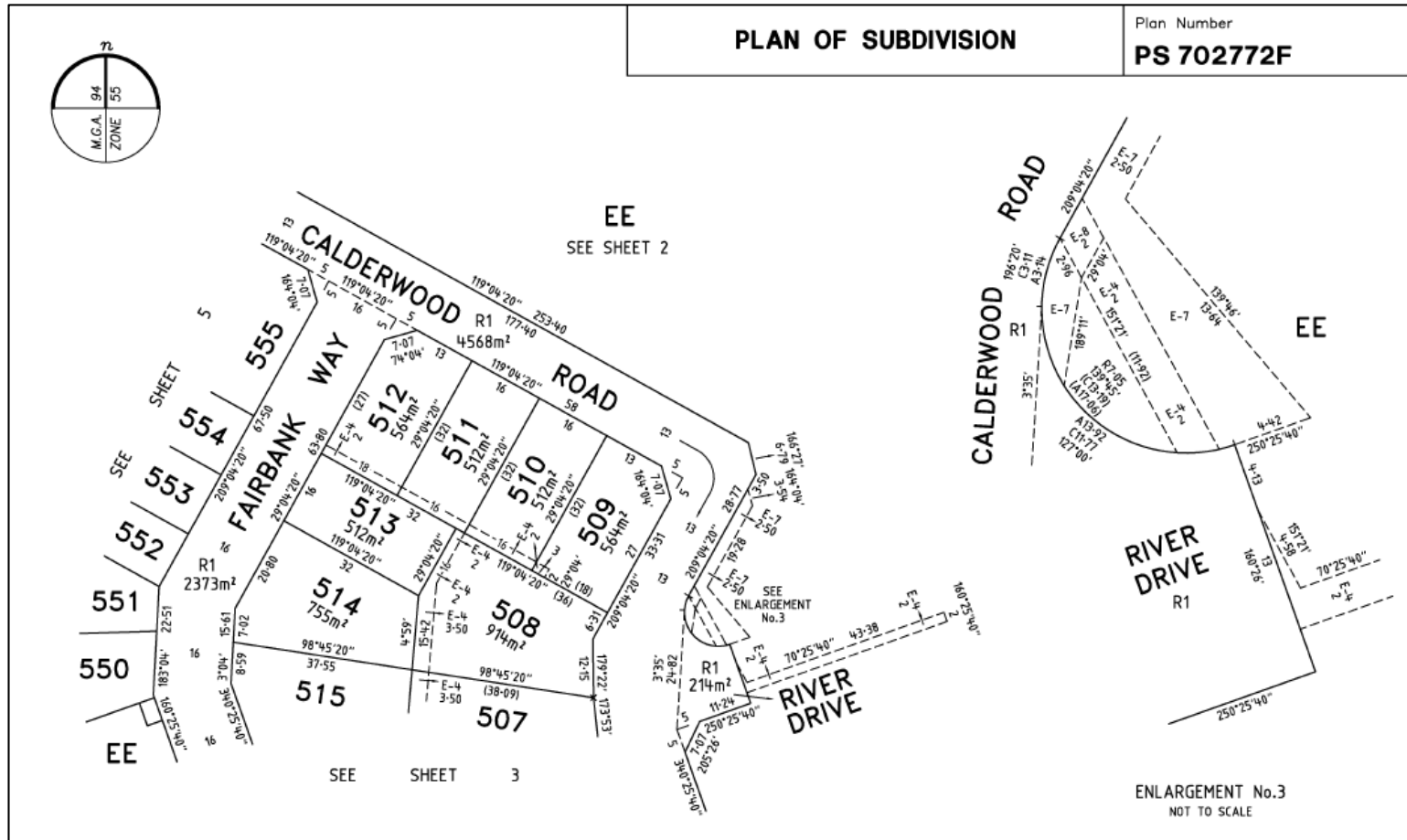
This small portion of road was created on PS702772F, being Stage 5A1 of the development. At the time a small road stub was created for access into the future Stage 6. The design for Stage 6 has changed since Stage 5A1 was registered and River Drive now enters Stage 6 approximately 30m north-east of its original location.

The “Context Plan” plan below shows both the old and new positions of River Drive. This report is to propose the discontinuance of the portion of River Drive as shown in the red shaded section below.

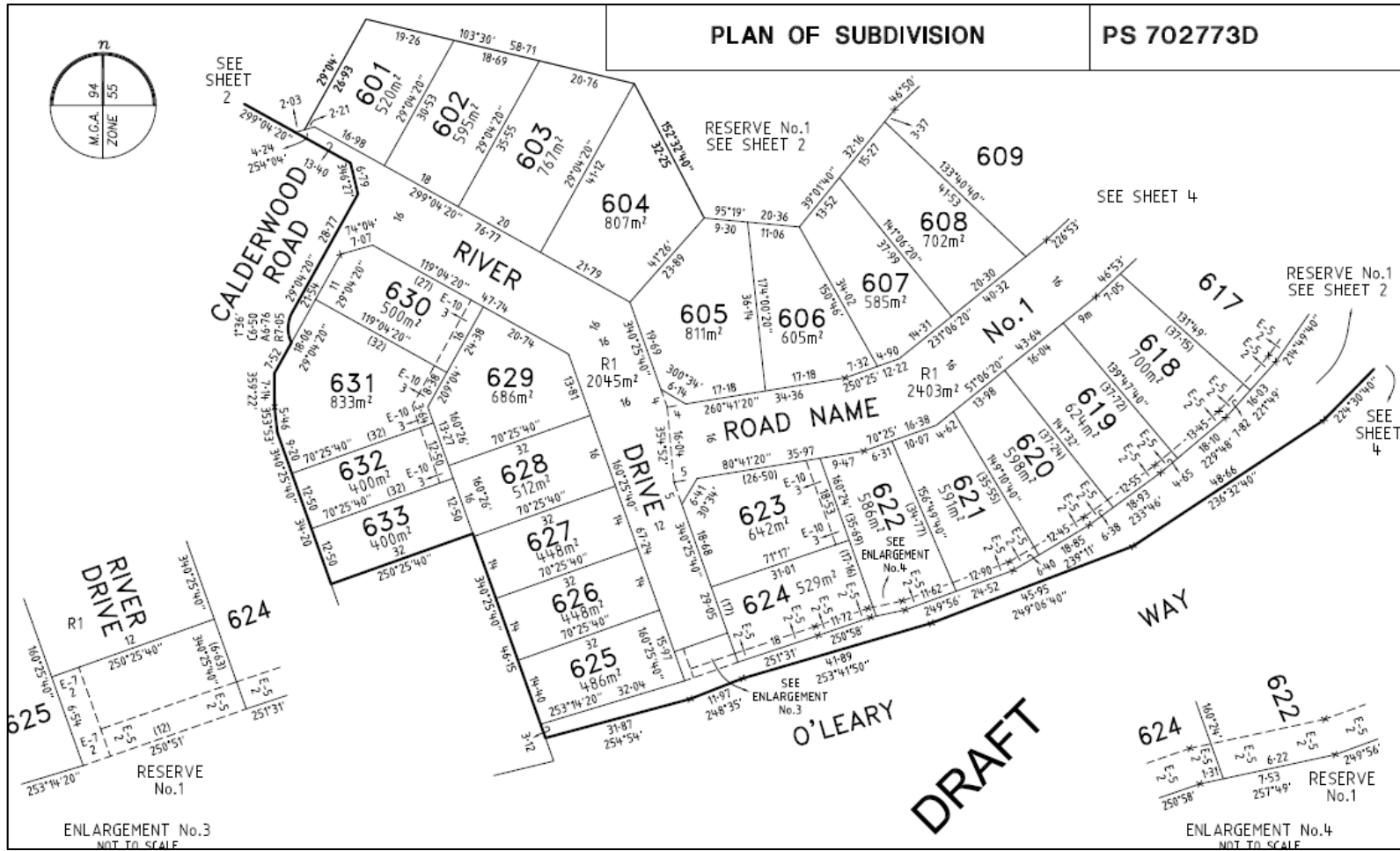


Bosco Jonson have supplied a number of items to support their request for this road discontinuance.

The diagram below is part of the registered copy of Stage 5A1 and shows the road "River Drive" now proposed to be closed in its original location;



The diagram below is part of the draft copy of the Stage 6 Plan of Subdivision containing the new proposed location of River Drive.



The following aerial photo is included in this report to provide another representation of the section of River Road proposed to be discontinued. It is the section protruding into Lot 631 on the photo below with the proposed new boundary shown in pink.



Proposal

Council, in accordance with Section 206 and Schedule 10 Clause 3 of *Local Government Act 1989* (the Act) has the power to discontinue a road, or part of a road, by a notice published in the Government Gazette.

The proposed discontinuance of this portion of road has been circulated to the Assets and Statutory Planning Service Units of Council for their comment.

Prior to making a decision to discontinue a road or part of a road, section 207A of the Act provides that a person may make a submission under section 223 on the proposed portion of road discontinuance being considered under schedule 10 clause 3 of the Act.

This report proposes that Council formally authorise officers to give public notice in accordance with section 297A of the Act of the intention to discontinue the portion of road known as River Drive and as shown above under section 206 and Schedule 10 clause 3 of the *Local Government Act 1989*.

If there are no objections to the proposal, then a further report will be presented to Council to formally resolve to discontinue this portion of road in accordance with schedule 10 clause 3 of the Act, and if adopted, advertise this discontinuance in the next available edition of the Victorian Government Gazette.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Objective 1A: Our Assets and Infrastructure

The proposal for Council to discontinue a portion of River Road is consistent with the Council Plan 2017-2021.

Financial Implications

The cost this discontinuance process including advertising costs and of the transfer and registration of title will be met by the developer. There will be no cost to Council in this process.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Under section 207(A) of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to discontinue a road within its municipality.

Section 223 of the Act allows Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council's website. Council must then consider any submissions received in accordance with the Act.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield/Michelle Morrow

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

Conclusion

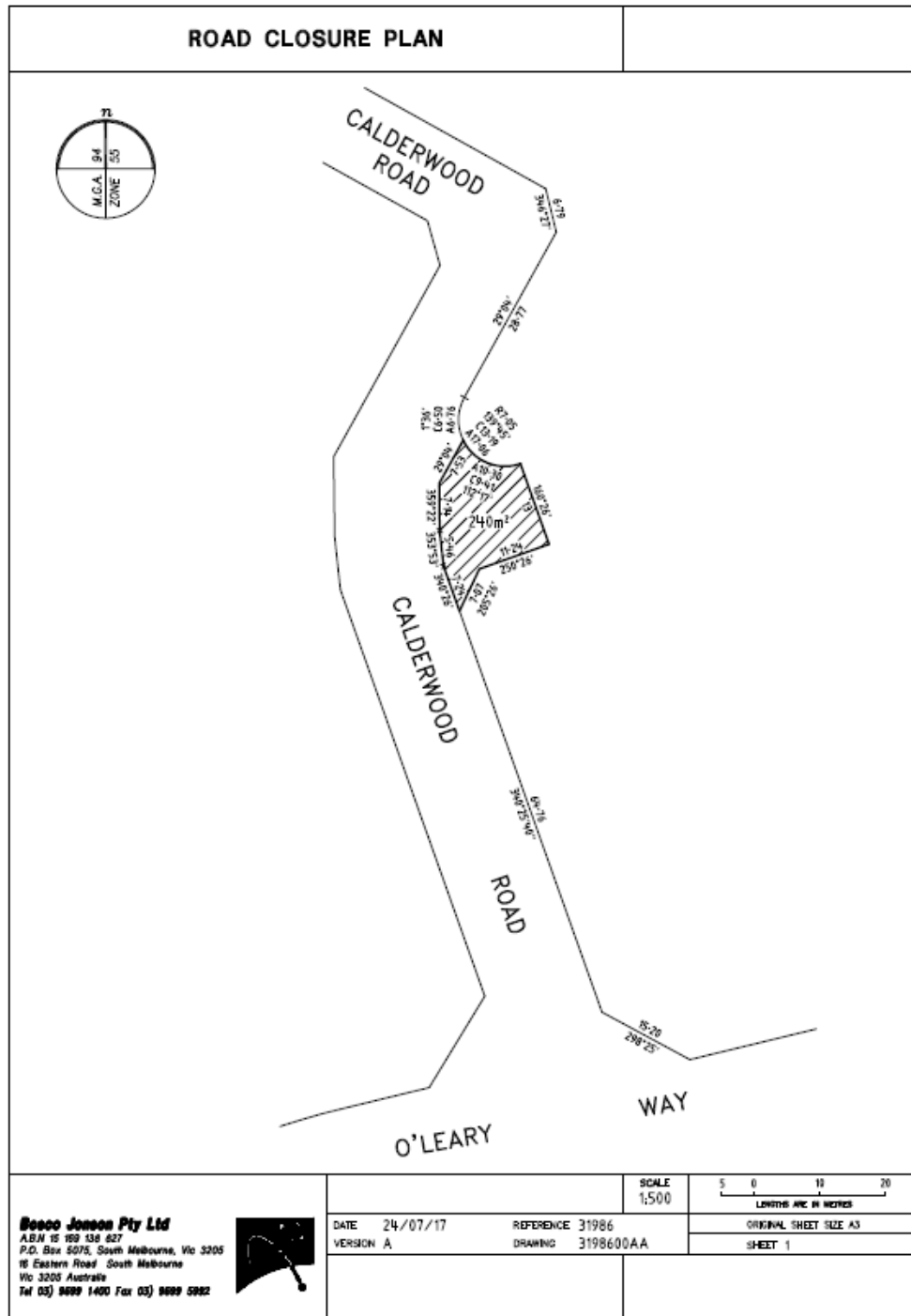
It is recommended that Council consider formally authorising officers to give public notice in accordance with section 207A of the Act of its intention to discontinue the portion of road known as River Drive and as shown in the Road Closure Plan under section 206 and Schedule 10 clause 3 of the Act 1989 and seek public submissions.

Resolution:

Crs. Edwards/Sullivan

That Council:

- 1. under Schedule 10 clause 3(a) of the Local Government Act 1989, authorises officers to give public notice in local and regional newspapers circulating generally throughout the municipality, of its intention to discontinue the portion of River Drive shown in the Road Closure Plan below seeking public submissions under section 207A of the Local Government Act 1989 on the proposal.***



2. following the completion of the public submission process, receives an officer's report to be presented to Council considering all public submissions received.

CARRIED.

Report Authorisation

Authorised by:

Danny Colgan

Name: Danny Colgan

Title: General Manager Social and Organisational Development

Date: Thursday 11 January 2018

11.3.2 Review of Councillor and Mayoral Allowances as required under Section 74(1) of the Local Government Act 1989

Introduction

File No.: 01/03/001
Author: John Whitfield/Michelle Morrow
General Manager: Danny Colgan

Background

Under Section 74(1) of the Local Government Act 1989 (Act) a Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by next 30 June, whichever is later. The last general election was held on Saturday 22 October 2016 therefore a review was due by the end of June, 2017. This review was missed and is now reported to the Council for its determination.

A report to the Statutory Special Meeting of Council held 8 November 2017 said in part:

A review of the Mayor and Councillors Allowances will take place in February 2018 taking into account the annual automatic adjustment announced by the Minister for Local Government under section 73B(4) of the Local Government Act 1989 which is expected to occur by December 2017.

The current allowances indicated below will be maintained until a review is undertaken in February 2018.

- *Councillor annual allowance - \$24,730;*
- *Mayoral annual allowance - \$76,521; and*
- *the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5% of the allowances above).*

The allowance for Mayor and Councillors will be adjusted accordingly with any increase, as determined by Council as a result of the annual automatic adjustment announced by the Minister for Local Government, and back paid to the effective date of the adjustment set out on the Victoria Government Gazette.

Mayor and Councillor Allowances will be paid during the ensuing year from Wednesday 8 November 2017 to the Statutory and Annual Appointments Meeting in 2018. The manner of payment of allowances will not exceed more than one month in advance.

As part of this process Section 74(4) states that a person has a right to make a submission under section 223 of the Act in respect of a review of allowances.

Proposal

The *Local Government Act 1989* (the Act) deals with Mayoral and Councillor Allowances in a number of places.

Section 74A of the Local Government Act 1989 states, among other things, -

- that a Mayor is not entitled to receive a Councillor allowance if the Mayor is entitled to receive a Mayoral allowance;
- in addition to complying with the relevant Order in Council or Minister's notice as referred to in sections 73A, 73B, 74B or 74C, a Council must pay a Councillor allowance or Mayoral allowance in accordance with any review and determination made by a Council under section 74;
- a Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance;
- a person elected to be a Councillor is entitled to receive a Councillor allowance from the date the person takes the oath of office under section 63; and
- a Councillor elected to be Mayor is entitled to receive a Mayoral allowance from the date he or she is elected under section 71.

In accordance with Section 74B of the Local Government Act 1989, the Governor in Council may by Order in Council –

- specify the amounts of allowances payable by a Council as a Councillor allowance or a Mayoral allowance;
- specify limits on the amounts of allowances payable by a Council as a Councillor allowance or a Mayoral allowance
- vary the amount, limit or range of allowances payable by a Council as a Councillor allowance or a Mayoral allowance; and
- specify the manner in which Councillor allowances and Mayoral allowances are payable.

In Bulletin 32/2017 released on 23 November 2017, the Minister for Local Government, the Hon Marlene Kairouz MP, has reviewed the limits and ranges of the current Mayoral and Councillor Allowances and has determined under section 73B of the Local Government Act 1989 (the Act) that these allowances be increased by an adjustment factor of 2.0% from 1 December 2017.

The bulletin says the Minister had regard to movements in remuneration of executives within the meaning of the Public Administration Act 2004 and that Councils must therefore increase their current mayoral and councillor allowances by 2.0% from 1 December 2017, under section 73B(5) of the Act.

This adjustment was published by notice in the Victoria Government Gazette G47 on 23 November 2017. A copy of the gazette notice appears below. Moorabool Shire Council is a Category 2 Council in the Schedule below.

*Victoria Government Gazette**G 47 23 November 2017 2547***Local Government Act 1989****MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT**

In accordance with section 73B(4)(a) of the Local Government Act 1989, notice is hereby given that an adjustment factor of 2.0% applies to Mayoral and Councillor allowances.

In accordance with section 73B(4)(b) of the Local Government Act 1989, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$8,490–\$20,231 per annum	Mayors: up to \$60,442 per annum
Category 2	Councillors: \$10,490–\$25,225 per annum	Mayors: up to \$78,051 per annum
Category 3	Councillors: \$12,614–\$30,223 per annum	Mayors: up to \$96,534 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 1 December 2017.

Dated 14 November 2017

MARLENE KAIROUZ MP
Minister for Local Government

Mayoral and Councillor Allowances are comprised of two parts:

- Part A Lower and upper range limits and levels of allowances for Councils in categories.
- Part B the equivalent of the superannuation guarantee contribution (currently 9.5%) to be added to Part A.

Councillor annual allowances and limits on Councillor allowances

Part A: At present Councillors receive an annual allowance of \$24,730. As from 1 December 2017 the Councillor annual allowance range for a Category 2 Council is from \$10,490 to \$25,225.

Mayoral annual allowance limits

Part A: At present the Mayoral allowance is \$76,521 per annum. As from 1 December 2017 the Mayoral annual allowance is an amount up to \$78,051 per annum.

Application of the equivalent of the superannuation guarantee contribution

Part B: The amount equivalent to the superannuation guarantee under Commonwealth taxation legislation (currently 9.5%) is payable in addition to these amounts.

Remote area travel allowance

Mayors and councillors are entitled to receive a 'remote area travel allowance of \$40 per day in certain circumstances, up to a maximum of \$5,000 per annum.

If a Councillor, including a Mayor normally resides more than 50kms by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council, or any municipal or community functions which have been authorised by Council resolution for the Councillor to attend, he or she must be paid an additional allowance of \$40.00 in respect of each day on which one or more meetings or authorised functions were actually attended by that Councillor, up to a maximum of \$5,000 per annum.

Manner of payment of allowances

The payment of annual allowances is not to exceed more than one month in advance.

Review of Allowances

After the 2012 general election the Council resolved to be paid the maximum Mayoral and Councillor Allowances in Category 2 that was applicable at the time. This figure has been indexed each year since then in accordance with the adjustments announced by the Minister.

The Council must now choose to set a Councillor Allowance somewhere within the range for a Category 2 Council; between \$10,490 and \$25,225 per annum.

It must also resolve to set a Mayoral Allowance within the range for a Category 2 Council; between \$0 and \$78,051 per annum. (In effect the Mayoral Allowance would not be less than the amount set by Council for the Councillors Allowance).

It should be noted that there will be an additional payment of the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%) to whatever amount of Councillor and Mayoral Allowance is set.

After the proposed amount of Mayoral Allowance and Councillor Allowance is determined at this meeting, its proposal must be advertised under Section 223 of the Act.

A report will be brought back to the 4 April 2018 Ordinary Meeting of Council to consider submissions. After consideration of the submissions, the Councillor and Mayoral Allowances will be then set and remain in place – with annual adjustments announced by the Minister - until the next Council general election.

Please note that based on this resolution, an appropriate financial adjustment backdated to 1 December 2017, will be made to Councillor and Mayoral Allowances.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1B: Our People

The proposal to review Councillor and Mayoral allowances is consistent with the Council Plan 2017-2021.

Financial Implications

The annual expenditure for Councillor and Mayoral Allowance is presently a maximum of \$252,289.10 with this figure including the superannuation guarantee contribution. It will be a lesser figure if the Council resolves not to adopt the maximum allowance for Category 2 Councils.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Inadequate financial management	Medium	Close supervision

Communications Strategy

Under Section 74(4) of the Local Government Act 1989, a person has the right to make a submission under section 223 of the Act in respect of a review of allowances.

Section 223 of the Act allows Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions within a 28 day period following the advertisement appearing in the newspaper. Council must then consider any submissions received in accordance with the Act.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Manager – Danny Colgan

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

Author – John Whitfield/Michelle Morrow

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

Conclusion

In accordance with Section 74(1) of the Local Government Act 1989 the Council must conduct a review of Councillor and Mayoral allowances after each general election.

This report now recommends to Council that the review be commenced in accordance with the Local Government Act 1989 and that public submissions be sought.

At the conclusion of the submission period a report will be brought to the 4 April 2018 Ordinary Meeting of Council for it to adopt its Councillor Allowance and Mayoral Allowance for this term of office.

Recommendation:

1. That Council, in compliance with Section 74 of the Local Government Act 1989, conducts a review of Councillor and Mayoral Allowances based on the annual allowance range for a Category 2 Council as specified in the Order in Council and published in the Government Gazette on 23 November 2017.
2. That the proposed Mayoral and Councillor and Mayoral Allowances be:
 - Councillor Allowance \$24,730 per annum
 - Mayoral Allowance \$76,521 per annum

noting that there will be an additional payment of the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%) to the amount of Councillor and Mayoral Allowance proposed.

3. That under Section 223 of the Local Government Act 1989, Council gives notice of its proposed Councillor and Mayoral Allowances in regional and local newspapers, inviting any person to make a public submission and outlining how submissions will be heard; and
4. That Council be presented with a further report to the 4 April 2018 Ordinary Meeting of Council in order to consider any public submissions received and to determine the Councillor Allowance and Mayoral Allowance for this term of office.

Resolution:

Crs. Sullivan/Edwards

1. *That Council, in compliance with Section 74 of the Local Government Act 1989, conducts a review of Councillor and Mayoral Allowances based on the annual allowance range for a Category 2 Council as specified in the Order in Council and published in the Government Gazette on 23 November 2017.*
2. *That the proposed Mayoral and Councillor and Mayoral Allowances be retained at the current level of:*
 - *Councillor Allowance \$24,730 per annum*
 - *Mayoral Allowance \$76,521 per annum*

noting that there will be an additional payment of the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5%) to the amount of Councillor and Mayoral Allowance proposed.
3. *That under Section 223 of the Local Government Act 1989, Council gives notice of its proposed Councillor and Mayoral Allowances in regional and local newspapers, inviting any person to make a public submission and outlining how submissions will be heard; and*
4. *That Council be presented with a further report to the 4 April 2018 Ordinary Meeting of Council in order to consider any public submissions received and to determine the Councillor Allowance and Mayoral Allowance for this term of office.*

CARRIED.

Report Authorisation:

Authorised by:



Name: Danny Colgan

Title: General Manager Social and Organisational Development

Date: Thursday 1 February 2018

11.3.3 Second Quarter (October – December) Report – 2017/18 Council Plan Actions

Introduction

File No.: 02/02/002
Author: Vanessa O'Toole
General Manager: Danny Colgan

Background

The 2017-2021 Council Plan was adopted by Council in July 2017. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

The Council Plan outlines four Strategic Objectives or main themes that guide new initiatives and continuing services, these being:

1. Providing Good Governance and Leadership
2. Minimising Environmental Impact
3. Stimulating Economic Development
4. Improving Social Outcomes

Each Strategic Objective has a set of Contexts or desired outcomes with sets of Strategic Actions to be undertaken over the planned 4 years to achieve the objectives.

All Council actions aligned with the Strategic Actions are linked back to the Council Plan. The Council Plan is reviewed annually.

Discussion

The 2017/18 Council Plan Actions Second Quarter Progress Report contained in Attachment 1 shows each of the actions and their progress comments for the 2017/18 Financial Year. Overall there are 77 actions being reported in quarter 2, with 45 actions having reached 90% or greater of their target for the period, and 23 actions having achieved between 60 and 90% of target. 9 actions remain at less than 60% of their target.

The following table summarises the status of the 2017/18 Council Plan Actions for this quarter:

Strategic Objective	Not Started	In Progress	Deferred	Completed	Total
1. Providing Good Governance and Leadership	0	20	0	3	23
2. Minimising Environmental Impact	0	12	0	1	13
3. Stimulating Economic Development	0	14	1	2	17
4. Improving Social Outcomes	0	12	0	3	15
2016/17 actions carried over from the previous Council Plan	0	6	0	3	9
Totals	0	64	1	12	77

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2017/18 Financial Year.

Policy Implications

The 2017–2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

There are no Risk or Occupational Health and Safety issues in relation to this report.

Communications and Consultation Strategy

Specific projects may have their own communications strategy nevertheless this report will be displayed on Council's website and the annual progress will be reported in Council's Annual Report.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

In providing this advice to Council as the General Manager, 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

Council is making good progress in all areas of the Council Plan for this second quarter. Overall there are 77 actions being reported in quarter 2, with 45 actions having reached 90% or greater of their target for the period, and 23 actions having achieved between 60 and 90% of target. The 9 remaining actions are sitting below 60% of target as the majority of work to be undertaken on these actions will be performed in later quarters.

Resolution:

Crs. Sullivan/Bingham

That Council receives the Second Quarter (October – December) 2017/18 Council Plan Actions Progress Report.

CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan 
Title: General Manager Social and Organisational Development
Date: Thursday, 18 January 2018

11.4 INFRASTRUCTURE

Consideration of Presentation

Ms. Ann Collier addressed Council as a supporter of the recommendation in relation to the closure to through traffic; Bacchus Street, Maddingley.

Mr. Donald Journet addressed Council as a supporter of the recommendation in relation to the closure to through traffic; Bacchus Street, Maddingley.

The business of the meeting then returned to the agenda.

11.4.1 Request for Closure to Through Traffic; Bacchus Street, Maddingley

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Background

In October 2017, Council received joint correspondence from a number of residents requesting that consideration be given to the closure of Bacchus Street, Maddingley, to through traffic at the end of the existing sealed section.

The sealed section of Bacchus Street (highlighted blue below) connects with Barry Street at the western end, and is categorised an Access Level 2 road under Council's Road Management Plan (RMP). 230m of Bacchus Street at the eastern end remains unsealed (highlighted orange) and is categorised an Unsealed Level 2 road under the RMP. This section adjoins, and provides through access to, Werribee Vale Road. The requested location for the installation of a permanent barrier is also shown in the below image.



To date, a number of traffic counts have been undertaken along Bacchus Street and are summarised below.

	Location 1	Location 2	Location 3
Description	East of Barry Street	East of Inglis Street	15m south-west of Werribee Vale Road
Count Date	14/08/2014	14/12/2017	14/12/2017
AADT	48	72	98
Commercial vehicles	15	7	4
85 th %ile speed	44 km/h	46 km/h	26 km/h

Given the potential impact that a closure may have on other residents in the immediate area, correspondence was forwarded to owners of properties with a boundary along Bacchus Street in order to gauge their level of support.

Of the responses received, 9 residences provided support for a closure at the proposed location (including the original requestors), and 5 residences objected.

Residents providing support for the closure are primarily those located at the western end of Bacchus Street. The request or support for the closure to through traffic was generally on the basis of noise and dust issues being experienced due to the increased volume of traffic on the unsealed section, particularly since the opening of the Halletts Way extension.

The objections to the proposal were generally from properties located at the eastern end of Bacchus Street and were provided on the basis that the unsealed section provided ease of access to Halletts Way via Werribee Vale Road.

The unsealed section of road is not utilised for garbage or recycling collections and bins are placed on adjacent streets.

Proposal

Council, in accordance with section 207 and schedule 11 clause 9 of the *Local Government Act 1989* (the Act) has the power to place obstructions or barriers on a road permanently.

Given the majority support from residents in the immediate vicinity, it is proposed that permanent bollards be installed at the junction of the sealed and unsealed sections of Bacchus Street. In addition, 'No Through Road' warning signage would be installed at the intersections with both Inglis Street and Werribee Vale Road.

Prior to making a decision to place obstructions or barriers on a road permanently, section 207A of the Act provides that a person may make a submission under section 223 on the proposal to place obstructions or barriers on a road permanently being considered under Schedule 11 Clause 9 of the Act.

This report proposes that Council formally authorise officers to give public notice in accordance with section 207A of the Act of the intention to place obstructions or barriers on a road permanently under section 207 and Schedule 11 Clause 9 of the *Local Government Act 1989*.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Out Assets and Infrastructure

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

Financial Implications

There are no financial implication associated with the recommendation within this report. The installation of a permanent barrier and advisory signage can be accommodated within existing budgets.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Local residents	Survey of residents (potentially affected by a road closure)	n/a (postal)	Dec 2017	Responses provided by residents and outlined within this report
Inform	Local residents	Advise of resolution of Council	n/a (postal)	Feb 2018	

Communications and Consultation Strategy

Under section 207A of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to permanently place obstructions or barriers on a road.

Section 223 of the Act allows Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council's website. Council must then consider any submissions received in accordance with the Act.

Preliminary consultation with abutting property owners prior to the formal exhibition period has been undertaken seeking approval of the proposal to permanently place obstructions or barriers on Bacchus Street, Maddingley.

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

In view of the preliminary support for the closure to through traffic on the basis of noise and dust issues being experienced due to the increased volume of traffic on the unsealed section, particularly since the opening of the Halletts Way extension, it is recommended that Council consider formally authorising officers to give public notice in accordance with section 207A of the Act of its intention to permanently place obstructions or barriers on Bacchus Street, Maddingley under section 207 and Schedule 11 Clause 9 of the Act and seek public submissions.

Resolution:

Crs. Keogh/Dudzik

That Council:

- 1. under section 223(3) of the Local Government Act 1989, authorises officers to give public notice in local and regional newspapers circulating generally throughout the municipality, of its intention to permanently place obstructions or barriers on Bacchus Street, Maddingley under section 207 and Schedule 11 Clause 9 of the Local Government Act 1989 seeking public submissions under section 207A of the Local Government Act 1989 on the proposal.***
- 2. following the completion of the public submission process receives an officer's report to be presented to Council considering all public submissions received.***

CARRIED.

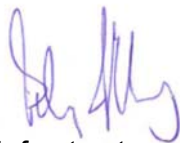
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Thursday, 4 January 2018



11.4.2 Ballan Golf Club – BBQ Building

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Background

The Ballan Golf Club wrote to Council on 2 July 2016, requesting to use/obtain the disused BBQ building located on the golf course near Blow Court, Ballan. This building is situated near the Ballan Golf Club clubhouse and is currently in a state of disrepair. The BBQ building is owned by the Council and sits on Council's asset register. A report was considered at the Ordinary Meeting of Council on 5 October 2016 where the Council resolved the following:

Resolution:

Crs. Tatchell/Toohey

That the Council:

- 1. support, in principle, the proposal to transfer control of the BBQ building at the Ballan Golf Club to the golf club;*
- 2. write to the Department of Environment, Land, Water and Planning (DELWP) to request they commence the process to discontinue a corner of Blow Court, Ballan with a view to adding the discontinued road to the golf course land that the Ballan Golf Club currently leases from DELWP; and*
- 3. approve the public submission process under Sections 207A and 223 of the Local Government Act 1989 if the DELWP survey shows a corner of Blow Court, Ballan requires discontinuation;*
- 4. receive a report following the completion of the public submission process under Sections 207A and 223 of the Local Government Act 1989, to consider all public submissions received.*

CARRIED.

Subsequently, the committee sent a letter to Council dated 13 April 2017, advising that the Ballan Golf Club's request to obtain this building be cancelled.

Proposal

The letter from the Ballan Golf Club is attached to this report. In it the golf club committee outline the reasons why they no longer wish to obtain the building and have requested that Council demolish it. Council should note that this building has been the target of graffiti and vandalism for some years now and is in a state of disrepair. Officers have obtained a quotation to carry out the demolition works.

Photos of the BBQ building are set out below.



See the aerial photograph below. The BBQ building is located as shown and is obscured by the trees.



Council should note that buildings and structures on crown land are property of the crown and that the request to demolish the building proposed by the golf club will need the consent of the crown.

The golf club's proposal has been discussed with DELWP and they have raised no concerns in principle with this course of action.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

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

Financial Implications

The cost to Council for attending to graffiti removal and vandalism in the hundreds of dollars each year.

Officers have received a quotation for the demolition and removal of the building and leaving the site safe, clean and tidy. The total cost of these works is \$4,400.00 including GST and will be funded within the buildings maintenance budget.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

The Ballan Golf Club and DELWP will be notified in writing of the outcome following a formal resolution of 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 – 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

It is recommended that the Council support, the proposal to demolish the BBQ building at the Ballan Golf Club. The building is currently in a state of disrepair and is being used as a place for people to conduct antisocial behaviour. The Ballan Golf Club has concluded that even with a Council Grant, that it would be unable to resurrect the building.

Resolution:

Cr. Edwards/

That Council:

- 1. receives the report in relation to the BBQ Building at the Ballan Golf Club; and***
- 2. resolves to demolish the disused BBQ building situated on the Road Reserve for Blow Court and Lot 15 Section 29 PP5029.***

The Motion lapsed due to the want of a Secunder.

Resolution:**Crs. Toohey/Bingham*****That Council;***

- 1. receives the report in relation to the BBQ Building at the Ballan Golf Club; and***
- 2. requests officers will consult widely for a period of eight weeks, with the Ballan community including scouts, recreation user groups and the arts to ascertain whether there is a desire within the community to utilise this building for another purpose.***
- 3. should no community use be found, resolve to demolish the disused BBQ building situated on the Road Reserve for Blow Court and Lot 15 Section 29 PP5029.***

CARRIED.

Report Authorisation**Authorised by:****Name:** Phil Jeffrey**Title:** General Manager Infrastructure**Date:** Thursday, 4 January 2018

Consideration of Presentations

Mr. Brett Jackson addressed Council as an objector to the recommendation in relation to the adoption of Open Space Maintenance Management Plan and associated Mowing Service Review.

The business of the meeting then returned to the agenda.

11.4.3 Adoption of Open Space Maintenance Management Plan and associated Mowing Service Review

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

Council is responsible for the provision of maintenance services for a variety of Council assets, and seeks to provide clean, safe and fit for purpose recreation spaces for both residents and visitors. Council also provides a range of services in waste, roads and many other areas.

A draft Open Space Maintenance Management Plan (OSMMP) has been developed to define the service levels associated with open space within the Shire where previously a published management plan for the provision of this service to the community had not been in place. This document can be found in Attachment A.

A review of the provision of services has been prompted by an increased expectation from the community for improvement in service levels and the need to clearly identify maintenance priorities for an ever-increasing asset base. Previously, similar levels of service have been applied across other assets irrespective of need. This type of service provision can be inefficient, unsustainable and does not always reflect community expectation. This document can be found in Attachment B.

The draft OSMMP and associated service review was presented at the Ordinary Meeting of Council on 01 November 2017 where the following was resolved;

Resolution:
Crs. Sullivan/Toohey

That Council:

- 1. Endorses the draft Open Space Maintenance Management Plan for the purposes of public exhibition for a period of 6 weeks.*
- 2. Endorses the draft Open Space Mowing Service Review for the purposes of public exhibition for a period of 6 weeks.*
- 3. Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the service review.*

CARRIED.

Proposal

At the conclusion of the public consultation period, 3 submissions were received. A summary of those submissions and an officer response is outlined in the table below.

Submission 1
<p><u>Summary:</u> The submission raises concerns in relation to the reduction of mowing in front of 22 Blackwood Street, Ballan. There are no driveways fronting this road reserve, and the resident has been appreciative of this mowing service in the past.</p> <p>The submission also requests consideration of increasing the mowing frequency at the northern entrance of Ballan from two cuts to four cuts (or more).</p>
<p><u>Response:</u> The OSMMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its open space assets.</p> <p>The location in question is classified as a town entrance under the OSMMP and will receive a six weekly mow in peak times, and during off peak times will be mown every eight weeks.</p> <p>No amendments to the OSMMP are recommended as a result of this submission.</p>
Submission 2
<p><u>Summary:</u> The submission states that Council maintains around the Navigators memorial trees, and has requested if this is a service that could be extended to Yendon.</p>
<p><u>Response:</u> The OSMMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its open space assets.</p> <p>The avenue along Navigators Road currently receives a six weekly mowing service, and through the implementation of this plan will continue to receive a six weekly mowing service. Town entrances and the town centre of Yendon will also see a six weekly mowing service introduced.</p> <p>No amendments to the OSMMP are recommended as a result of this submission.</p>
Submission 3
<p><u>Summary:</u> The submission requests that Council consider mowing Racecourse Road (from Dehnerts Road to Daylesford Road), due to fire hazards and snakes entering their adjacent property.</p>
<p><u>Response:</u> Maintenance of roadsides (specifically grass mowing/slashing) has been reviewed and documented within the Roadside Mowing Service Review. A hierarchy has been applied that provides guidance relating to frequency of grass mowing.</p> <p>Racecourse Road is classified as a Rural Road (Other) within the rural township and currently receives roadside slashing once per year. Through this review, Racecourse Road does not meet the 'fit for principles' assessment that has been undertaken. Given this, it is proposed to remove Racecourse Road from the mowing register.</p> <p>No amendments to the OSMMP are recommended as a result of this submission.</p>

It is recommended that no amendments to the plan or service review document are required as a result of the submissions.

Upon further internal review of the OSMMP document, a number of administrative amendments have occurred including minor grammatical corrections and asset categorisation codes.

The Roadside Mowing Service Review has also been amended, with a tracked changes version attached for consideration (see Attachment 11.4.3). Amendments to this document include the increase of staff from 10.5EFT to 11EFT to accommodate maintenance requirements of developments currently under construction including Stonehill Estate and Underbank Estate. These estates are developing quicker than previously anticipated. This would see annual staff time costs increase to \$774,000 and an overall budget saving of \$22,813.

In addition, if the Service Review is adopted, the OSMMP registers will need to be amended to reflect the outcomes in the review.

Policy Implications

The 2017-2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business & Systems

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

Financial Implications

A thorough review of current maintenance frequencies has occurred relating to open space (amenity) mowing, garden bed maintenance and roadside mowing/slashing activities within the Shire.

Current staffing costs with the Parks team associated with mowing is an estimated \$703,113, along with contractors who are engaged to perform particular activities that allows the organisation to sustain our current service levels. An estimated \$306,000 is spent on external contractors to achieve the current service levels we are providing the community.

Implementation of the OSMMP and service review would see an estimated;

- Annual staff time costs of \$774,000
- A reduction in contractor costs to \$158,000
- Overall budget saving of \$22,813

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Customer Satisfaction	Receipt of customer complaints due to amended frequencies of open space and roadside maintenance	Low	Ongoing monitoring of customer requests and officer feedback

Communications Strategy

The review of the OSMMP and Service Review involved a 6 week public consultation process, as outlined below:

- Advertising in local newspapers
- Advertising on 'Have Your Say Moorabool' for the full public consultation period
- Link uploaded onto Council's website
- Social media posts

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 – Sam Romaszko

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

Conclusion

The OSMMP is an operational document that provides the community with an overview of Council's open space and roadside maintenance practices. Opportunities have also been explored through the service review that has been undertaken.

Having developed the OSMMP, undertaken a service review including a public consultation process as outlined within this report, it is recommended that Council now formally adopt the Open Space Maintenance Management Plan and Roadside Mowing Service Review.

Cr. Bingham left the meeting at 6.34pm.

Cr. Bingham returned to the meeting at 6.36pm.

Resolution:

Crs. Edwards/Bingham

That Council:

- 1. Adopts the Roadside Mowing Service Review as attached, with tracked changes in the attachment.***
- 2. Adopts the Open Space Maintenance Management Plan and requests an update to the registers to reflect the Service Review.***
- 3. Implements the outcomes of the Open Space Maintenance Management Plan and Roadside Mowing Service Review from 01 July 2018.***
- 4. Makes the Open Space Maintenance Management Plan document publicly available by placing a copy on Council's website.***
- 5. Notes that a periodic (at least annual) review of the associated registers within the Open Space Maintenance Management Plan be undertaken, as delegated to the General Manager Infrastructure.***

LOST.

Resolution:

Crs. Toohey/Sullivan

That Officers prepare an alternate report in regards to the road slashing component of the Open Space Maintenance Management Plan and bring it back to Council.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Thursday, 18 January 2018

11.4.4 Capital Improvement Program Quarterly Report – December 2017

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The delivery of the Capital Improvement Program (CIP) is an important function of Council's operations and represents a significant portion of Council's overall expenditure. Accordingly, the status of the overall program is reported to Council every quarter.

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2017/2018 Capital Improvement Program to 31 December 2017.

Implementation of the 2017/2018 Capital Improvement Program

The 2017/2018 Capital Improvement Program currently consists of 48 projects, of which 3 are inactive and cannot commence. Therefore the table below reports on the 45 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

This list incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2016/2017 program
- 2017/2018 Council budgeted projects
- Grant funded projects

Also for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 December 2017:

CIP Program Delivery Stage	Actual as of 31 December 2017	
	No. of Projects	%
Not Commenced (inactive)	3	
Not Commenced	1	2.2
Documentation/Design Preparation	8	17.4
Tender/Quote Stage	3	6.5
Project Awarded – Waiting Commencement	8	17.4
In Progress/Under Construction	17	37.0
Complete	9	19.6
TOTAL	46	100.00

The attached report details the proposed timeframe and progress of each individual project. In addition the report also provides specific comments in relation to each project and its status.

Program Status

At this stage of the financial year the program is tracking well. 20% of the program is complete and there are several projects under construction and almost complete.

Project Updates

Maddingley Park Lighting of Main Oval and Siberia

Council has recently been successful in obtaining funding through Sport & Recreation Victoria (SRV) for the upgrade of oval lighting infrastructure at Maddingley Park. This project includes the upgrade of existing lighting on the main oval to professional playing standard and the installation of new lighting on the junior oval at Siberia.

Power upgrades are required at the park to facilitate lighting. Officers are working with consultants and relevant authorities to confirm current and required electrical supply and associated requirements to streamline power supply points into the reserve. Following this, an update will be provided regarding project scope and associated budget.

Bacchus Marsh Road, Bacchus Marsh - Bus Bay Upgrade

Council has recently secured funding through VicRoads to upgrade the existing bus bay on Bacchus Marsh Road on the north side between Halletts Way and the 7-Eleven Service Station.

The existing bus stop provides insufficient space for buses to pull off safely with the new bus bay to provide improved accessibility for both vehicles and bus patrons. The project will include a designated sealed bus bay, new bus stop shelter and concrete pad, improved drainage infrastructure and a footpath linking Halletts Way to the service station/caravan entrance.

This project has been added to the program and is currently in the design phase, with construction likely to occur in late March 2018.

Inglis Street, Ballan - Streetscape Upgrade

The project initially funded within the Capital Improvement Program included the renewal of footpaths within the Inglis Street precinct. Due to various existing footpath treatments (concrete, faux concrete paving, paving and asphalt), a masterplan for the Inglis Street precinct between Stead Street and Cowie Street was developed to inform the footpath renewal works. The masterplan has been developed in consultation with the community, inclusive of a community reference group and adopted by Council.

The masterplan has subsequently informed detailed design of streetscape improvements between Stead Street and Fiskien Street on the north and south side. The general scope includes;

- Replacement and widening of existing concrete footpaths with asphalt footpaths
- Replacement of existing concrete vehicle crossings with asphalt vehicle crossings
- Replacement of existing brick paving and concrete hardstand surfaces with sawn bluestone paving
- New street furniture
- New garden beds and additional street tree planting
- Drainage improvements
- Improvements to pedestrian safety, accessibility and connectivity
- Improvements to on-street parking

Stage 1 of the project was tendered with an option to proceed with the north side upgrades. A report was considered at the Ordinary Meeting of Council on 20 December 2017, with Council resolving to award a contract for the works that will see a project overspend in the order of \$330,000 and see the full scope delivered (north and south sides).

Current financial forecasts for the 2017/2018 Capital Improvement Program are not accurate enough to predict if the program can absorb this over spend. Given this, there are a number of options for consideration.

Option 1

A review of projects within the Capital Improvement Program that have not yet commenced to be undertaken and report prepared for the next Ordinary Meeting of Council identifying projects for deferral to the 2018/19 Capital Improvement Program.

Option 2

A review of projects within the Capital Improvement Program that have not yet commenced to be undertaken and report prepared for the next Ordinary Meeting of Council identifying projects for removal from the 2017/18 Capital Improvement Program.

Option 3

The delivery of the 2017/18 Capital Improvement Program progresses as scheduled, with a recommendation to overspend the current program budget allocation.

It is recommended that we proceed with Option 3 above, will full delivery of the adopted 2017/18 Capital Improvement Program.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

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

Financial Implications

The 2017/18 Capital Improvement Program is currently tracking to budget but is too early to predict the final outcome.

The recommendation above (Option 3) would see full delivery of the adopted 2017/18 Capital Improvement Program that includes approval to overspend the Capital Improvement Program, if necessary to accommodate the Ballan Streetscape project. Our current financial forecasts for the 2017/2018 Capital Improvement Program are not accurate enough to predict if the program can absorb this over spend.

Risk & Occupational Health & Safety Issues

There are no irregular Risk and Occupational Health and Safety issues identified in this report. Specific risk elements are analysed and dealt with as part of the delivery of each individual project.

Communications Strategy

Progress on the Capital Improvement Program will be reported in the following formats:

- Infrastructure update on active projects Weekly
- Update on major projects Monthly
- Moorabool Matters Quarterly
- Moorabool News As required
- Report to Council Quarterly

Specific projects are communicated to the community and affected residents as required through a range of methods including but not limited to advertisements, mail outs and letter drops.

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

Author – Sam Romaszko

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the second quarter of the 2017/2018 period for the information of Councillors.

Resolution:

Crs. Sullivan/Edwards

That Council;


- 1. receives the Capital Improvement Program quarterly report to 30 December 2017 and;***
- 2. authorises an over expenditure of the Capital Improvement Program budget, if required, to accommodate the full scope of the Ballan Streetscape Project.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday, 18 January 2018



11.4.5 Quarterly Financial Report December 2017

Introduction

File No.: 07/01/004
Author: Steve Ivelja
General Manager: Phil Jeffrey

This Quarterly Report covers the period of 1 July 2017 to 31 December 2017. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.667m. Please refer to the attached report for a detailed review of the financials.

Background

Under section 138 – Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

Proposal

That Council receives the Quarterly Report – December 2017.

Policy Implications

The adoption of the Quarterly Report – December 2017 meets Council's statutory obligations under section 138 – Quarterly Statements of the Local Government Act (1989).

The 2017-2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

The proposal to adopt the Quarterly Report – December 2017 is consistent with the Council Plan 2017-2021.

Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete. This can happen for a number of reasons, such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains carry forwards from the 2016/17 financial year. These include grant funded one off projects, Council approved New Initiatives from prior years that are not yet complete, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

Impact on Cash on hand

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, plus other adjustments, a sum of \$5.526m in cash will be required to fully fund the requirements of the Amended Budget. These are made up of the following:

Net Operating Budget Carry forwards	\$1.402m
Net 2015/16 CIP Carry Forwards	<u>\$4.124m</u>
Total cash required	\$5.526m

As at the 30 June 2017, Council held \$11.075m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

Operating Budget

The net effect on the Operating Budget is a favourable variance of \$0.208m.

Net Operating Surplus in the Adopted 2017/18 Budget	\$9.311m
Net New Initiatives / Grant Funded Projects	(\$1.406m)
2016/17 Carry Forward Capital Grants	<u>\$1.615m</u>
Amended Operating Budget Surplus	\$9.519m

Capital Budget

The effect on the capital budget is an increase in expenditure of \$5.759m.

2017/18 Adopted Budget for Capital Expenditure	\$10.222m
Add:	
2016/17 Carry Forward Capital Projects	\$5.739m
Other Minor Adjustments	<u>\$0.020m</u>
Amended Capital Budget	\$15.981m

The attached Quarterly Financial Report, **Attachment 11.4.5**, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in “Rates and Charges” (\$0.243m) which relates to a higher level of growth in property numbers than what was originally budgeted.
- Decrease in “User fees” (\$0.144m) mainly due to a reduction in expected fee income for Leisure Services.
- Favourable in “Grants – Capital” (\$0.302m) due to new funding received since the adoption of the budget.
- Favourable in “Other Income” (\$2.263m) primarily due to reimbursements for the Flood/Storm event of December 2016, and the Blackwood Localised Septic Program.
- Favourable in “Employee Costs” (\$0.719m) mainly due to predicted savings in Active Ageing and Community Access, plus various other Service Units. Most of this relates to vacancies and some of these funds have been used to fund the use of temporary contract staff.
- Increase in “Materials and Services” (\$2.752m). The bulk of the expected overspend relates to costs associated with the Blackwood Localised Septic Program.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.667m to \$10.186m.

Cash

The forecast cash balance at 30 June 2018 has increased by \$0.286m to \$15.277m in comparison to the amended budget.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP at this stage has increased by \$0.382m to \$16.363m. This is mainly due to new funding received since the adoption of the budget.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 7 February 2018, and to the Audit and Risk Committee meeting on 14 February 2018.

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

Author – Steve Ivelja

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

Conclusion

The Quarterly Report – December 2017 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Resolution:

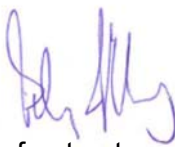
Crs. Toohey/Dudzik

That Council receives the Quarterly Report – December 2017.

CARRIED.

Report Authorisation**Authorised by:**

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Wednesday, 17 January 2018



Consideration of Presentations

Mr. John Spain addressed Council as an objector to the recommendation for the Draft Municipal Rate Strategy.

The business of the meeting then returned to the agenda.

11.4.6 Draft Municipal Rate Strategy

Introduction

Author: Jacinta Erdody
General Manager: Phil Jeffrey

Background

Council's existing Rate Strategy was initially adopted in May 2014 for a period of two years and since that time annual reviews of the strategy were undertaken and the document formally adopted on two further occasions. This strategy is due to expire in May 2018 and the Council Plan 2017-2021 identified an action to conduct a Rate Strategy Review.

A number of assemblies have been held with Councillors, covering a broad spectrum of rate issues encompassing legislative requirements through to the specifics of the Moorabool rate structure. A thorough review of rate categories and associated levels was undertaken and subsequently modelled to understand the impact of change to the different rate categories.

A model has been prepared through this process and Moorabool's communities will now have the opportunity to provide feedback on the proposed model which progressively implements changes over the four year plan of the strategy.

Proposal

The rate model presented in the attachment to this report achieves a number of outcomes, including:

- The consolidation of categories;
- Progressive reductions in some of the existing categories; and
- Implement a Municipal Charge ensuring all ratepayers contribute to the administrative and governance costs of Council.

Below is a table showing in summary the changes being proposed under the Rate Strategy review:

Model #	Summary of model	Change from existing
3	Consolidation of some vacant land categories, change in levels and a municipal charge	<p>Over a four year plan transition to the consolidation of vacant land categories with lower levels, reduce levels of other existing categories and progressively implement a Municipal Charge up to the total of 10% of total revenue.</p> <p>Summary of Key Features</p> <ol style="list-style-type: none"> 1. Implement a 2.5% Municipal Charge which increases to 10% over a 4 year period 2. Consolidation and reduction of some vacant land categories being; <ol style="list-style-type: none"> a. Vacant Land General progressively reduced from 2.1 to 2.0 b. Vacant Land GRZ progressively reduces from 2.5 to 2.0 c. Vacant Land Commercial / Industrial progressively reduces from 2.6 to 2.0 3. Commercial / Industrial progressively reduces from 1.6 to 1.5 4. Reduce the Residential Retirement level progressively from 0.90 to 0.82 5. Reduce the farm rate level progressively from 0.78 to 0.75 6. Reduce the Extractive industry rate level progressively from 3.12 to 3.00 due to the 4 times rule

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business Systems

The proposal to conduct of Review of Council's Rate Strategy is consistent with the Council Plan 2017 – 2021.

Financial Implications

The following table shows the proposed progressive changes to the differential rate category levels and phased implementation of a municipal charge:

Differential Rate Category	Current	Year 1	Year 2	Year 3	Year 4	Total proposed change
Municipal Charge percentage	0.00%	2.50%	5.00%	7.50%	10.00%	10.00%
Municipal Charge	\$0.00	\$44.18	\$88.37	\$132.55	\$176.73	\$176.73
General	1.00	1.00	1.00	1.00	1.00	0.00
Residential Retirement	0.90	0.88	0.86	0.84	0.82	-0.08
Commercial/Industrial	1.60	1.58	1.55	1.53	1.50	-0.10
Vacant Land Commercial/Industrial*	2.60	2.50	2.30	2.10	2.00	-0.60
Extractive Industry	3.12	3.08	3.04	3.00	3.00	-0.12
Farm	0.78	0.77	0.76	0.75	0.75	-0.03
Vacant Land General*	2.10	2.10	2.10	2.10	2.00	-0.10
Vacant Land GRZ*	2.50	2.50	2.30	2.10	2.00	-0.50
Vacant Land FZ or RCZ	1.00	1.00	1.00	1.00	1.00	0.00

* Consolidation of categories by year 3

The following table demonstrates the rate shift of each category over the four year plan as a result of the proposed level shifts:

Differential Rate Category	Year 1	Year 2	Year 3	Year 4	Total proposed change
General	0.63%	1.04%	1.00%	0.73%	3.40%
Residential Retirement	0.64%	1.14%	1.18%	1.01%	3.97%
Commercial/Industrial	-2.51%	-2.08%	-2.09%	-2.35%	-9.03%
Vacant Land Commercial/Industrial	-4.68%	-8.20%	-8.64%	-4.92%	-26.45%
Extractive Industry	-3.24%	-2.87%	-2.93%	-1.95%	-11.00%
Farm	-2.30%	-1.90%	-1.91%	-0.91%	-7.03%
Vacant Land General	0.56%	0.97%	0.93%	-3.61%	-1.15%
Vacant Land GRZ	-0.06%	-7.33%	-7.62%	-3.84%	-18.85%
Vacant Land FZ or RCZ	1.67%	2.04%	1.98%	1.69%	7.38%

The above changes do not take into consideration any rate revenue increases or changes to valuations within categories.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Non-compliant rate structure in accordance with legislative and guideline frameworks	Medium	Adopted structure and levels of rate categories to ensure equitable distribution of rates

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Date	Outcome
Collaborate and Consult	Councillors	Assemblies of Council – provide input into future structure and level of categories	Various	Councillors provided feedback and direct guidance in formulating proposal
Collaborate	Revenue Services	Maintain project plan, prepare assembly and council meeting documentation	Through out review	Prepare draft rate strategy in accordance with legislative and guideline constraints that can be administered within rating system.
Consult and Involve	Community	Media – public notice within Ballarat Courier and Moorabool News, website and Have Your Say	February 2018	Feedback obtained from community in accordance with legislative requirements via formal written submissions and opportunity to present before meeting of Council in support of submission.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Jacinta Erdody

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

Conclusion

After reviewing the detail within this report and the proposed draft rate strategy, officers recommend that Council adopt the recommendations so that appropriate community consultation can commence.

Recommendation:

That Council:

1. **endorse the draft *Municipal Rate Strategy 2018-2022* for the purposes of public exhibition for a period of four weeks.**
2. **receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation *Municipal Rate Strategy 2018-2022*.**

Resolution:

Crs. Sullivan/Toohey

That Council:

1. ***endorse the draft *Municipal Rate Strategy 2018-2022* for the purposes of public exhibition for a period of four weeks.***
2. ***enhance the opportunity for the community to respond by all methods available to the community.***
3. ***receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation *Municipal Rate Strategy 2018-2022*.***

AMENDMENT

Crs. Edwards/Bingham proposed the following Amendment:

That Council:

- 1. subject to points 4 and 5, endorses the draft Municipal Rate Strategy 2018-2022 for the purposes of public exhibition for a period of four weeks.***
- 2. enhance the opportunity for the community to respond by all methods available to the community.***
- 3. receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation Municipal Rate Strategy 2018-2022.***
- 4. That the Municipal charge be removed from the proposed rate strategy.***
- 5. That the farming rate remains status quo.***

Councillor Toohey called for a Division.

Councillors voting for the resolution:

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

Councillors voting against the resolution:

Cr. Sullivan, Cr. Toohey, Cr. Tatchell

The resolution was determined to be CARRIED.

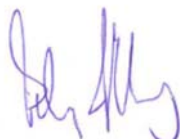
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Monday, 15 January 2018



12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

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

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

- Assembly of Councillors – Wednesday 6 December 2017 – Presentation by Melbourne Water regarding Healthy Waterways Strategy 2018+
- Assembly of Councillors – Wednesday 6 December 2017 – Draft Local Laws Review
- Assembly of Councillors – Wednesday 6 December 2017 – Emergency Management and Fire Prevention
- Assembly of Councillors – Wednesday 13 December 2017 – Review of the ICT Strategy

Resolution:

Crs. Toohey/Sullivan

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

- ***Assembly of Councillors – Wednesday 6 December 2017 – Presentation by Melbourne Water regarding Healthy Waterways Strategy 2018+***
- ***Assembly of Councillors – Wednesday 6 December 2017 – Draft Local Laws Review***
- ***Assembly of Councillors – Wednesday 6 December 2017 – Emergency Management and Fire Prevention***
- ***Assembly of Councillors – Wednesday 13 December 2017 – Review of the ICT Strategy.***

CARRIED.

12.2 Section 86 – Delegated Committees of Council – Reports

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

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

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

Committee	Meeting Date	Council Representative
Blacksmith's Cottage and Forge Committee of Management	22 August 2017	Cr. Edwards
Lal Lal Soldiers' Memorial Hall Committee of Management	4 September 2017	Community Members
Bacchus Marsh Hall Committee of Management	12 October 2017	Cr. Bingham
Elaine Recreation Reserve Committee of Management	15 October 2017 26 November 2017	Community Members
Navigators Community Centre Committee of Management	24 October 2017	Community Members
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	14 November 2017	Cr. Bingham
Greendale Recreation Reserve Committee of Management	15 November 2017	Cr. Toohey
Maddingley Park Committee of Management	5 December 2017	Community Members
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website:</i> https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2017	13 December 2017	Cr. Dudzik Cr. Keogh Cr. Tatchell Cr. Toohey

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

- ***Blacksmith's Cottage and Forge Committee of Management meeting held on Tuesday, 22 August 2017.***
- ***Lal Lal Soldiers' Memorial Hall Committee of Management meeting held on Monday, 4 September 2017.***
- ***Bacchus Marsh Hall Committee of Management meeting held on Thursday, 12 October 2017.***
- ***Elaine Recreation Reserve Committee of Management meeting held on Sunday, 15 October 2017 and 26 November 2017.***
- ***Navigators Community Centre Committee of Management meeting held on Tuesday, 24 October 2017.***
- ***Bacchus Marsh Racecourse and Recreation Reserve Committee of Management meeting held on Tuesday, 14 November 2017.***
- ***Greendale Recreation Reserve Committee of Management meeting held on Wednesday, 15 November 2017.***
- ***Maddingley Park Committee meeting held on Tuesday, 5 December 2017.***
- ***Development Assessment Committee meeting held on Wednesday, 13 December 2017.***

CARRIED.

13. NOTICES OF MOTION

13.1 Cr. Keogh: N.O.M. No. 270 – Proposal to Rename Lerderderg Library

Resolution:

Crs. Keogh/

That Council Officers be requested to bring forward a report that explores the opportunity to rename the Lerderderg Library the Peter Carey Library.

The Motion Lapsed due to the want of a Seconder.

14. MAYOR'S REPORT

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

Cr Paul Tatchell – Mayor's Report	
Date: 7 February, 2018	
December	<ul style="list-style-type: none"> • Meeting with Hon Matthew Guy
7 December	<ul style="list-style-type: none"> • Ballan & District CWA Annual General Meeting, Ballan
11 December	<ul style="list-style-type: none"> • Meeting with Josh Morris and Ryan Farrow (Liberal Candidate for Melton)
13 December	<ul style="list-style-type: none"> • Heritage Advisory Committee Meeting • S86 Development Assessment Committee Meeting • Assembly of Councillors – Review of the ICT Strategy
14 December	<ul style="list-style-type: none"> • Visitor Information Centre Christmas Lunch
20 December	<ul style="list-style-type: none"> • Special Meeting of Council
19 January	<ul style="list-style-type: none"> • Mayor and CEO meeting with Mary-Anne Thomas, Member for Macedon
26 January	<ul style="list-style-type: none"> • Australia Day Community Breakfast, Awards Ceremony and Australian Citizenship Ceremony
	<ul style="list-style-type: none"> • Balliang Hall Verandah Opening
30 January	<ul style="list-style-type: none"> • Meeting with Gordon Rich-Phillips, Shadow Minister for Aviation
31 January	<ul style="list-style-type: none"> • Assembly of Councillors – Councillor & Mayoral Allowances • Assembly of Councillors – Rating Strategy
7 February	<ul style="list-style-type: none"> • Assembly of Councillors – Meeting Venue Concept Designs • Assembly of Councillors – Reportable Conduct Scheme Policy • Assembly of Councillors – Child Safety Policy • Ordinary Meeting of Council

Resolution:

Crs. Toohey/Keogh

That the Mayor's report be received.

CARRIED.

15. COUNCILLORS' REPORTS

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

Cr. Bingham	
January/February 2018	
26 January	Australia Day Ceremony, Ballan.
	Cr. Bingham notified Council of his intention to run in the upcoming State election in the Seat of Melton.

Cr. Keogh	
January/February 2018	
26 January	Australia Day Ceremony, Ballan.
	Balliang Hall verandah opening.

Cr. Toohey announced his resignation from the Development Assessment Committee.

Cr. Edwards	
January/February 2018	
26 January	Australia Day Ceremony, Ballan. Cr. Edwards and Cr. Keogh congratulated the CEO and his staff on the well attended celebration.
	Balliang Hall verandah opening.

Cr. Sullivan acknowledged the passing of former Shire president, Mr. John Parkin and his contribution to the Shire.

Resolution:

Crs. Edwards/Dudzik

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

16.1 Speed Limit – South Maddingley Road

Resolution:

Cr. Edwards/Dudzik

That Council review the speed limit on South Maddingley Road and provide a further report to Council with a recommendation on the future speed limit.

CARRIED.

ADJOURNMENT OF MEETING – 8.22PM

Crs. Sullivan/Edwards

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

CARRIED.

RESUMPTION OF MEETING – 8.32PM

Crs. Sullivan/Edwards

That the meeting now be resumed.

CARRIED.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC**17.1 Confidential Report****17.2 Confidential Report****Resolution:****Crs. Sullivan/Toohey**

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

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

CARRIED.

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

18. MEETING CLOSURE

The meeting closed at 9.02PM.

Confirmed.....Mayor.