

## **ORDINARY MEETING OF COUNCIL**

**Minutes** of the Ordinary Meeting of Council held at the  
Blackwood Hall, Martin Street, Blackwood on  
Wednesday 16 November 2016,  
at 5:00 p.m.

### **Members:**

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

### **Officers:**

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

***Rob Croxford***  
***Chief Executive Officer***

## AGENDA

<b>1.</b>	<b>OPENING OF MEETING AND PRAYER .....</b>	<b>4</b>
<b>2.</b>	<b>ACKNOWLEDGEMENT TO COUNTRY .....</b>	<b>4</b>
<b>3.</b>	<b>PRESENT .....</b>	<b>4</b>
<b>4.</b>	<b>APOLOGIES .....</b>	<b>4</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
5.1	<i>Ordinary Meeting of Council – Wednesday 5 October 2016.....</i>	<i>5</i>
5.2	<i>Special Meeting of Council – Monday 7 November 2016.....</i>	<i>5</i>
<b>6.</b>	<b>DISCLOSURE OF CONFLICT OF INTEREST .....</b>	<b>6</b>
<b>7.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>8</b>
<b>8.</b>	<b>PETITIONS .....</b>	<b>9</b>
<b>9.</b>	<b>PRESENTATIONS / DEPUTATIONS .....</b>	<b>10</b>
<b>10.</b>	<b>OFFICER'S REPORTS.....</b>	<b>12</b>
<b>10.1</b>	<b>CHIEF EXECUTIVE OFFICER .....</b>	<b>12</b>
10.1.1	<i>Australia Day Award Recipient Selection Panel.....</i>	<i>12</i>
<b>10.2</b>	<b>GROWTH AND DEVELOPMENT .....</b>	<b>15</b>
10.2.1	<i>Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision.....</i>	<i>15</i>
10.2.2	<i>On Road Cycle Racing Policy.....</i>	<i>30</i>
10.2.3	<i>Sustainable Environment Strategy.....</i>	<i>33</i>
10.2.4	<i>First Quarter (July – September) Report – 2016/17 Council Plan Actions... </i>	<i>39</i>
<b>10.3</b>	<b>SOCIAL AND ORGANISATIONAL DEVELOPMENT .....</b>	<b>42</b>
<b>10.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>43</b>
10.4.1	<i>Quarterly Financial Report September 2016.....</i>	<i>43</i>
10.4.2	<i>Capital Improvement Program Quarterly Report – September 2016.....</i>	<i>48</i>
10.4.3	<i>Joint Procurement; Bituminous Road Resealing Program .....</i>	<i>52</i>
10.4.4	<i>Review of Council’s Procurement Policy.....</i>	<i>55</i>
10.4.5	<i>Request for Street Lighting; Smallmans Road and Haddon Drive, Ballan ...</i>	<i>58</i>
<b>11.</b>	<b>OTHER REPORTS .....</b>	<b>62</b>
11.1	<i>Assembly of Councillors .....</i>	<i>62</i>
11.2	<i>Section 86 - Delegated Committees of Council - Reports .....</i>	<i>63</i>
11.3	<i>Advisory Committees of Council - Reports.....</i>	<i>64</i>
<b>12.</b>	<b>NOTICES OF MOTION.....</b>	<b>65</b>
<b>13.</b>	<b>MAYOR’S REPORT .....</b>	<b>66</b>
<b>14.</b>	<b>COUNCILLORS' REPORTS.....</b>	<b>67</b>
<b>15.</b>	<b>URGENT BUSINESS .....</b>	<b>68</b>
<b>16.</b>	<b>CLOSED SESSION OF THE MEETING TO THE PUBLIC .....</b>	<b>69</b>
16.1	<i>Confidential Report.....</i>	<i>69</i>

16.2 *Confidential Report*..... 69

17. **MEETING CLOSURE**.....**78**

**1. OPENING OF MEETING AND PRAYER**

*The Mayor, Cr. Edwards, opened the meeting at 5.00pm with the Council Prayer.*

**2. ACKNOWLEDGEMENT TO COUNTRY**

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

**3. PRESENT**

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

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Robert Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Mr. John Miller</i>	<i>Manager Asset Management</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

**4. APOLOGIES**

*Nil.*

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council – Wednesday 5 October 2016**

**Resolution:**

**Crs. Sullivan/Dudzik**

*That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 5 October 2016.*

**CARRIED.**

**5.2 Special Meeting of Council – Monday 7 November 2016**

**Resolution:**

**Crs. Dudzik/Toohey**

*That Council confirms the Minutes of the Special Meeting of Council, Statutory and Annual Appointments Meeting held on Monday 7 November 2016.*

**CARRIED.**

## 6. 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.

#### **6.1 Disclosure of an Indirect Conflict of Interest**

***Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.1 Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision. The nature of the Conflict of Interest is due to Cr. Sullivan acting for the applicant in his role as a Surveyor, and having applied for the permit on behalf of the owner and applicant.***

## 7. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

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

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

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

***Mr. Mark Boyd submitted a question about a decision made by the Council in February 2016 that permitted Woodland Ward funds to be spent in another Ward. He expressed his concerns about the governance / due diligence processes involved.***

***Cr Toohey on behalf of the Council, partly addressed the question at the meeting and the Mayor, Cr. David Edwards, advised that he will contact Mr. Boyd to discuss further the process of obtaining and allocating Ward funding.***



**8. PETITIONS**

*Nil.*

## 9. 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
	<i>To advise Council on the progress of the Blackwood Septic Program</i>	Brendan Hair Jinny Coyle	-

***Mr. Brendan Hair and Ms. Jinny Coyle welcomed the Council to Blackwood and invited Councillors to attend the Blackwood Action Group's meeting at 7pm, Wednesday 16 November.***

***Mr. Hair discussed the concerns of the Blackwood Action Group around existing restrictions on new building and the impact on property prices and business. The Blackwood Action Group have worked hard with Council staff, to address bushfire risk and septic issues. Mr. Hair thanked Cr. Toohey for his help and guidance and Council staff in particular Mr. Satwinder Sandhu, Mr. Rob Fillisch, Mr. Allan May for the work they have put into the working group and Mr. James Maw, Project Manager who has been great.***

***Cr. Sullivan congratulated the Blackwood Action Group for its proactive approach, and stated that the best outcomes are achieved in collaboration.***

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

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

<b>Item No</b>	<b>Description</b>	<b>Name</b>	<b>Applicant/ Objector</b>
10.2.1	<i>Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision</i>	Ian Woodhouse	Objector
10.2.1	<i>Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision</i>	Stephen Mack	Objector
10.2.1	<i>Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision</i>	Andrew Borg	Objector
10.2.1	<i>Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision</i>	Helen Fernandez	Objector

## **10. OFFICER'S REPORTS**

### **10.1 CHIEF EXECUTIVE OFFICER**

#### **10.1.1 Australia Day Award Recipient Selection Panel**

##### **Introduction**

File No: 02/04/003  
Author: Dianne Elshaug  
Chief Executive Officer: Rob Croxford

##### **Background**

Moorabool Shire Council Australia Day 2017 Celebrations are scheduled to be held on Thursday 26 January, 2017 in the Supper Room and Public Hall, Bacchus Marsh and will include a community breakfast and award presentations.

Advertisements have been placed in the local papers, on Council's website and via Social Media calling for nominations for Moorabool Shire Council's Australia Day Citizen of the Year, Young Citizen of the Year and Community Event of the Year. Nominations close on 18 November, 2016.

##### **Proposal**

A selection panel for the Awards made up of three Councillors and the 2016 Australia Day Citizen/s of the Year (if available) will be required to meet in late November to determine the award recipients for 2017.

##### **Policy Implications**

The 2013–2017 Council Plan provides as follows:

**Key Result Area** Community Wellbeing

**Objective** Community Self Reliance

**Strategy** Support community and cultural events.

The proposal to have a selection panel made up of Councillors and the 2016 Australia Day Citizen/s of the Year to determine 2017 award recipients is consistent with the 2013-2017 Council Plan.

##### **Financial Implications**

Nil.

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

Nil.

## **Communications and Consultation Strategy**

Advertising and media releases will be prepared leading up to Australia Day celebrations, including utilising social media as a promotional tool.

## **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 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 – Rob Croxford*

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

*Author – Dianne Elshaug*

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

## **Conclusion**

That a selection panel for the Awards be made up of three Councillors and the 2016 Australia Day Citizen/s of the Year (if available) and will meet in late November to determine the award recipients for 2017.

## **Recommendation:**

### **That Council:**

- 1. Establish an Australia Day Selection Panel to determine award recipients for 2017.**
  
- 2. Appoints the following Councillors as members of the Australia Day Selection Panel:**
  - a)**
  - b)**
  - c)**

**Resolution:**

**Crs. Sullivan/Tatchell**

***That Council:***


- 1. *Establish an Australia Day Selection Panel to determine award recipients for 2017.***
  
- 2. *Appoints the following Councillors as members of the Australia Day Selection Panel:***
  - a) Cr. John Keogh***
  - b) Cr. Paul Tatchell***
  - c) Cr. Pat Toohey***

**CARRIED.**

---

**Report Authorisation**

**Authorised by:**

**Name:** Rob Croxford   
**Title:** Chief Executive Officer  
**Date:** Wednesday, 19 October 2016.

## 10.2 GROWTH AND DEVELOPMENT

***Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.1 Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision. The nature of the Conflict of Interest is due to Cr. Sullivan acting for the applicant in his role as a Surveyor, and having applied for the permit on behalf of the owner and applicant.***

***Cr. Sullivan left the meeting at 5.16pm and did not participate in voting on the Item.***

### ***Consideration of Deputations – Planning Permit Application No. PA 2012-158***

***Mr. Ian Woodhouse, addressed Council as an objector to the granting of a planning permit for the application.***

***Mr. Stephen Mack, addressed Council as an objector to the granting of a planning permit for the application.***

***Mr. Andrew Borg, addressed Council as an objector to the granting of a planning permit for the application.***

***Ms. Helen Fernandez, addressed Council as an objector to the granting of a planning permit for the application.***

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

### 10.2.1 Planning Permit Application PA2012-158 – 40 Corbetts Road, Gordon; Staged Eight (8) Lot Subdivision

<b>Application Summary:</b>	
Permit No:	PA2012-158
Lodgement Date:	30 July 2012
Planning Officer:	Tom Tonkin
Address of the land:	Lot 4 on PS 612676C, 40 Corbetts Road, Gordon 3345
Proposal:	Staged Eight (8) Lot Subdivision
Lot size:	6624sq m

Why is a permit required	Clause 32.09-2 – Neighbourhood Residential Zone – subdivision Clause 42.01-2 – Environmental Significance Overlay – subdivision Clause 43.02-3 – Design and Development Overlay – subdivision
Restrictions registered on title	Section 173 Agreement AM598401R
<b>Public Consultation:</b>	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	None
Number of Objections:	Nine (9)
Consultation meeting:	Yes, held 29 August 2016 and attended by the applicant and all objectors. There were no subsequent changes made to the application.
<b>Policy Implications:</b>	
<b>Key Result Area</b>	Enhanced Natural and Built Environment.
<b>Objective</b>	Effective and efficient land use planning and building control.
<b>Strategy</b>	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
<b>Victorian Charter of Human Rights and Responsibilities Act 2006</b>	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	



<b>Officer's Declaration of Conflict of Interests</b>	
<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 – Robert 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 – Tom Tonkin</i></p> <p>In providing this advice to Council as the Author, I have no interests to disclose in this report.</p>	
<b>Executive Summary:</b>	
Application Referred?	Referred to external authorities and within Council.
Any issues raised in referral responses?	No
Preliminary Concerns?	Yes. See discussion on the amendment to Section 173 Agreement in 'Background' below.
Any discussions with applicant regarding concerns	Yes. See 'Background' below.
Any changes made to the application since being lodged?	Yes, the application was amended in process on 17 June 2016 to amend the description of the proposal from a seven lot subdivision to an eight lot subdivision, essentially to correct an error on the original application form. Also see 'Background' below.
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for a staged eight lot subdivision of the site. The subdivision would be completed in two stages, and lot sizes would range from 801sq m to 950sq m. Each lot would front an existing road reserve and frontage widths would be 18.0-26.83m.</p> <p>Objections to the proposal generally relate to neighbourhood character, the number of lots, pollution, traffic and infrastructure, and inconsistency with the Gordon Structure Plan. The proposal meets some of the relevant objectives of State and local planning policy and most ResCode requirements, subject to conditions. However, the proposal does not adequately respond to the site features and neighbourhood character of the area and is inconsistent with the purpose of the</p>

	Neighbourhood Residential Zone and Design and Development Overlay, Schedule 5. Overall, the proposal is not site responsive, is an overdevelopment of the site and would detract from the amenity of the area.
<b>Summary Recommendation:</b>	
That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Refusal to Grant a Permit for this application in accordance with Section 61 of the <i>Planning and Environment Act 1987</i> , on the grounds detailed at the end of this report.	

## Background

### Amendment to Section 173 Agreement

When the permit application was originally lodged in 2012, Section 173 Agreement AG386986S was registered on title. The Agreement, between Council and the landowner, was made pursuant to planning permit PA2005-091 which created the subject site as part of a four lot subdivision, and imposed building and effluent envelopes on each lot. Since that subdivision was created the Gordon Sewerage Scheme has been implemented, providing for the subject site to connect to reticulated sewer. The existence of the Agreement prevented Council from being able to assess the permit application given the Agreement and associated restriction remains valid until removed. In accordance with Council's advice the applicant applied in October 2014 to amend the Agreement to remove the effluent and building envelope restriction and enable connection to the Gordon Sewerage Scheme. The application was referred to Central Highlands Water, who consented, and to Barwon Water who consented subject to conditions including that the proposed lots be connected to reticulated sewer. The application was advertised and six objections received, but they all related to the planning permit application which at that stage had not been advertised. In March 2016 the Section 173 Agreement was formally amended to create Agreement AM598401R, removing the building and effluent envelopes from the subject site and imposing Barwon Water's conditions for connection to sewer and stormwater drainage requirements.

Following this, the assessment of the permit application was able to continue, including public notice of the application.

### Changes made by Planning Scheme Amendment C53

Since the original permit application was lodged, Amendment C53 to the Moorabool Planning Scheme was gazetted on 26 February 2015. C53 implemented the Gordon Local Structure Plan by changes to the Municipal Strategic Statement to reflect the plan, rezoning areas of the township from Township Zone and Rural Living Zone to Neighbourhood Residential Zone, and applying a Design and Development Overlay (DDO5) and Significant Landscape Overlay (SLO2) over the township area and surrounds. This included the requirement for subdivisions to have minimum 800sq m lot sizes.

The plan submitted with the original permit application was for an eight lot subdivision creating lots of 609sq m – 1350sq m in size. After the amendment of the Section 173 Agreement was approved, Council wrote to the applicant to advise that changes to the plan were required, specifically 800sq m minimum lot sizes. Additionally, the applicant was advised that the axe handle access to Lots 7 and 8 was not supported and that the design should be amended. A plan addressing these requirements was submitted, being the advertised plan.

### Public Notice

Notice of the application was given to adjoining and nearby landowners by mail on 23 June 2016 and signs erected on site facing Corbetts Road and Faheys Road from 26 July until 23 August 2016. Nine (9) objections were received.

### Summary of Objections

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

Objection	Any relevant requirements
The proposed subdivision is not in keeping with the surrounding development pattern of much larger lots.	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
<b>Officer's response -</b> See discussion below.	
The proposal is contrary to the Gordon Structure Plan and goes against what the community wants.	Clauses 21.09-1, 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> Parts of the Gordon Structure Plan have been translated into the Moorabool Planning Scheme through Amendment C53, including the introduction of the Neighbourhood Residential Zone, Schedule 1, and Design and Development Overlay, Schedule 5. An assessment of the proposal against these provisions is provided below.	
Increased air pollution created by up to eight new wood heaters given there is no gas supply.	Clause 65.01
<b>Officer's response -</b> The responsible authority must assess the application's effect on the amenity of the area, however there is no specific requirement for consideration of air quality. Issues regarding smoke from wood heaters would be dealt with by Council's Environmental Health officer as they arise under the Public Health and Wellbeing Act 2008.	

Increased traffic and associated noise and road damage	Clause 65.01
<b>Officer's response -</b> Approval of the application would include conditions requiring upgrades to the roads adjoining the site by the developer. The surrounding road network is considered capable of absorbing traffic associated with future dwellings facilitated by the proposal, and Council's Infrastructure unit consent to the application subject to conditions. Traffic noise associated with the proposal would not be considered unreasonable.	
Increased stormwater runoff would exacerbate drainage problems.	
<b>Officer's response -</b> All relevant referral authorities, including Council's Infrastructure unit, consent to the application, subject to conditions including management of stormwater runoff to mitigate existing issues.	
Impact of more domestic pets on native wildlife, and barking dogs.	N/A
<b>Officer's response -</b> Reports of roaming pets and barking dogs would be dealt with by Council's Community Safety officer acting under the relevant legislation.	
Removal of trees in the road reserve for access to Lots 1 and 2.	Clause 52.17-7
<b>Officer's response -</b> Removal of native vegetation in the road reserve to enable vehicle access to a property may be exempt from needing a planning permit. This exemption does not apply where there is a practical opportunity to site the accessway to avoid vegetation removal. In this instance there appears to be acceptable opportunity to avoid or minimize native vegetation removal.	
Negative impact on visual amenity, exacerbated by the elevated location.	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Negative impact on the village and rural character	Clauses 21.09-1, 32.09 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Lot sizes of 1300-2000sq m would be in keeping with the surrounding area.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See below for discussion of proposed lot sizes.	
Loss of property values	N/A
<b>Officer's response -</b> Property values are impacted by a range of factors and thus not considered to be a valid objection to a planning application.	
There are examples of similar lots in Main and Urquhart Streets in Gordon not in keeping with the rural character, which would be even more the case in Corbetts Road.	Clauses 21.09-1, 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See below for discussion of proposed lot sizes.	

The proposed subdivision, when built on, will be like a suburban development in completely the wrong place.	Clauses 21.09-1, 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See below for discussion of proposed lot sizes.	
A maximum of four lots would be appropriate	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See below for discussion of proposed lot sizes.	
The proposal contravenes the intent of the overlay	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
The proposal does not accord with the purpose of the Neighbourhood Residential Zone	Clause 32.09
<b>Officer's response -</b> See discussion below.	
The proposal does not accord with the subdivision objectives of the Design and Development Overlay, Schedule 5.	Clause 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
The proposal does not accord with surrounding landscape or environmental values.	Clauses 21.09-1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
Inappropriate subdivision density for Gordon township.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	
The minimum lot size in Gordon is a minimum not an objective.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
<b>Officer's response -</b> See discussion below.	

## Proposal

It is proposed to develop the site for a staged eight (8) lot subdivision. Lot sizes would range from 801sq m to 950sq m, with each lot being roughly rectangular in shape. The subdivision design would provide a road frontage for each lot. Lots 1 and 2 would both have 18.0m frontages to Faheys Road. Lots 3-6 would have frontages to Corbetts Road of between 18.14m and 23.18m. Lots 7 and 8 would both have 26.83m frontages to Gladstone Street which is currently an unmade road.

The subdivision would be developed in two (2) stages: Stage 1 would comprise Lots 3-6, and Stage 2 lots 1, 2, 7 and 8.

Approval of the subdivision would require the unmade portion of Gladstone Street abutting the site to be developed to Council's requirements.

The proposed plan of subdivision and a level and feature survey plan is provided in Attachment 10.2.1.

### **Site Description**

The site is identified as Lot 4 on PS 612676C and known as 40 Corbetts Road, Gordon. The site is on north side of Corbetts Road and adjoins Faheys Road to the west and an unmade section of Gladstone Street to the east. The site is 6624sq m in size and roughly square in shape, and part of a four (4) lot subdivision created in 2008. The site is currently vacant apart from a small shed near the southwest corner of the site. Vehicle access is available via an existing crossover to Corbetts Road. The site contains no notable vegetation, however there is a stand of established native trees in the Faheys Road reserve directly abutting the site. The site falls from the northeast to the southwest by approximately 10 metres.

The site is encumbered by a triangular shaped powerline easement across its southeast corner.

Corbetts Road is a constructed bitumen road with swale drains. Faheys Road is a constructed gravel road also with swale drains.

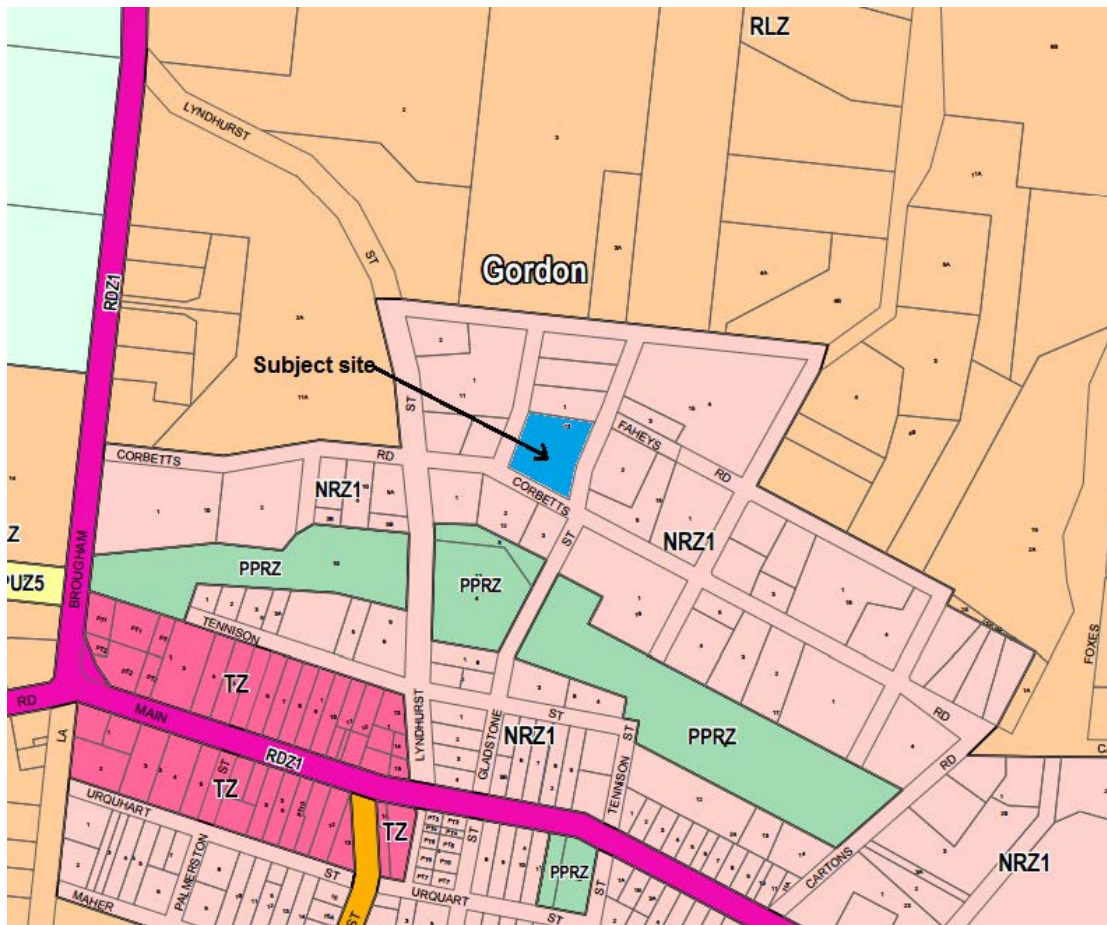
The site and surrounding neighbourhood is towards the northern periphery of Gordon township in the Neighbourhood Residential Zone. Lot sizes and shapes in the area vary significantly, reflecting varied zoning, old irregular subdivisions and more recent residential subdivisions. Recent nearby subdivisions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

To the north of the site, fronting Faheys Road, is a dwelling and ancillary outbuildings on a lot of 3002sq m. To the west, across Faheys Road, are lots of 2020sq m and 10,600sq m developed with single dwellings. To the south, across Corbetts Road, are lots of 1291sq m, 2392sq m and 2210sq m, each developed with a single dwelling. To the east, across Gladstone Street, is vacant land mostly cleared of vegetation, which has current approval for a six lot subdivision to create lots of between 2002sq m and 2226sq m with at least four lots to be accessed from Gladstone Street.



### Locality Map

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





## Planning Scheme Provisions

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

The relevant clauses are:

- 11.05-1 Melbourne's hinterland areas
- 11.06 Central Highlands regional growth
- 12.04-2 Landscapes
- 14.02 Water
- 15.01-3 Neighbourhood and subdivision design
- 15.01-5 Cultural identity and Neighbourhood character
- 16.01-1 Integrated housing
- 16.01-2 Location of residential development
- 21.02-.3 Water and Catchment Management
- 21.03-2 Urban Growth Management
- 21.03-3 Residential Development
- 21.03-4 Landscape and Neighbourhood Character
- 21.09-1 Gordon
- 22.02 Special Water Supply Catchments.

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

## Zone

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

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 recognise areas of predominantly single and double storey residential development.
- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under Clause 32.09-2 a permit is required to subdivide land. An application to subdivide land must meet the relevant requirements of Clause 56 for residential subdivision.



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

### **Overlays**

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

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

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

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

Under the SLO2 there is no permit requirement for subdivision.

### **Particular Provisions**

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

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

#### Clause 56 Residential Subdivision

Subject to conditions, the proposal generally complies with the relevant ResCode (Clause 56) provisions, with the exception of neighbourhood character.

### **Discussion**

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

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

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

- To recognise areas of predominantly single and double storey residential development.
- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

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

Gordon is in a Special Water Supply Catchment, and under the Environmental Significance Overlay a permit is required to subdivide land. Reticulated sewer is available and a condition of any approval would require all lots to be connected to sewer. The application was referred to the relevant water authorities who consent to the proposal, and it is considered that subject to conditions the proposal does not present an unreasonable threat to drinking water quality.

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

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

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

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

- Subdivision design should respond to existing site features and vegetation.
- Subdivision design is to respond to the pattern of development and the character of the township.

Proposed lot sizes of 801sq m – 950sq m comply with the minimum lot size. However, the proposal is not considered to be sufficiently site responsive given the surrounding lot sizes and pattern of development, and landscape features including topography and vegetation, which all strongly contribute to the character of the area.

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

- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.

- Whether the development responds to the design objectives of the overlay.
- The contribution that the development makes to the preferred character of the area.
- The impact of the development on visual amenity both from adjoining properties and from within the township of Gordon.
- The impact of the landscaping and scale of new development, particularly in open areas and locations on exposed hill tops and slopes.

As previously described, this part of Gordon has a distinctly semi-rural character, with a sense of spaciousness created by the lot sizes and spacing of dwellings, vegetation cover and hilly topography which allows for views across parts of Gordon including to and from the subject site. The proposed subdivision of the site to create eight lots represents a relatively intensive scale of development. The future development of each lot for a single dwelling would in no way be in keeping with the character and appearance of adjacent or nearby dwellings, the streetscape or the area more generally. Surrounding lots typically have not only comparatively wide frontages but also larger areas allowing for spacious boundary setbacks and space for tree plantings and outbuildings. The proposed subdivision would provide limited scope for future development to positively contribute to the character of the area as described above.

Rather, the proposal would introduce a distinctly urban character at odds with the village character of Gordon, and in particular the semi-rural character of this neighbourhood. Furthermore, the size of the site and its exposed hillside location is readily visible in some places from up to 400 metres away. This would exacerbate the appearance of future development and detract from the visual amenity of adjoining properties and other parts of the township.

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

### General Provisions

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

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

### Referrals

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

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

### **Financial Implications**

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

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

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

### **Communications Strategy**

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

### **Options**

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

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

### **Conclusion**

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

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

Whilst subdivision of the site is considered to be suitable, the current application does not respond appropriately to the features of the site and surrounds and is an overdevelopment of the site.

### **Resolution:**

**Crs. Tatchell/ Dudzik**

***That, having considered all matters as prescribed by the Planning and Environment Act, Council issues a Refusal to Grant a Permit for PA2012-158 for a Staged Eight (8) Lot Subdivision at Lot 4 on PS 612676C, 40 Corbetts Road, Gordon, on the following grounds:***

- 1. The subdivision does not meet the purpose of Clause 32.09 (Neighbourhood Residential Zone) of the Moorabool Planning Scheme.***

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

**CARRIED.**

***Cr. Sullivan returned to the meeting at 5.26pm.***

---

**Report Authorisation**

**Authorised by:**

**Name:**

  
Satwinder Sandhu

**Title:**

General Manager Growth and Development

**Date:**

Tuesday, 25 October 2016

## 10.2.2 On Road Cycle Racing Policy

Author: *Satwinder Sandhu*  
General Manager: *Satwinder Sandhu*

### Introduction

At the Ordinary Meeting held on Wednesday 2 March, 2016 Council resolved the following:

*Resolution:*

*Crs. Sullivan/Tatchell.*

*That Council develop a policy with respect to cycle racing on Council roads within the shire.*

This report offers a specific policy for on-road cycling races (Attachment 10.2.2). The subject policy was presented to the S86 Place Making Committee on 17 August 2016 and has been endorsed by the committee for presentation to the Council. However, due to the Caretaker and Election period, there has been a delay in presenting this report to council.

### Background

Cycle races are held regularly on the road network of Moorabool Shire. These events have a variety of impacts depending on their size, duration and location. By adopting a policy, Council has a consistent guide by which to assess the merits of supporting or rejecting requests from event organisers to stage on-road cycling events within Moorabool Shire.

Council provides advice, assessment and permissions relating to the staging of the event and assists with communication and promotion in some cases.

Council does not have a policy for specifically for on-road cycling events. Since 2007, Victorian LGA's and on-road cycling race organisers have based cycling event and traffic management plans and approvals according the VicRoads guide "On-Road Cycling Events – a guide to obtaining approval."

In 2014, Council's Economic Development Unit, with the assistance of a cross-organisational events reference group, developed comprehensive processes and procedures to improve the regulation of events in the Shire.

This policy provides strategic reinforcement of current process and practice.

### Consideration

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

## Proposal

To implement a council policy specifically for on-road cycling racing.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Community Wellbeing
<b>Objective</b>	A strong and diverse local economy
<b>Strategy</b>	Encourage tourism initiatives through local and regional groups

The proposal to implement this policy is consistent with the 2013 – 2017 Council Plan.

## Financial Implications

There are no significant financial considerations.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS – Manual handling	Injury from set up, removal of event	Medium	Policy Event Risk Management Plans Dedicated production manage State Guidelines Council Event reference group
Emergency	Fire or traffic accidents	Medium	Policy Event Emergency Management Plans St Johns Ambulance CFA State Guidelines Council Event reference group
Public liability	Death or injury at event – claims for compensation	Medium	Policy Physical barriers Signage TMP PLI State Guidelines Council Event reference group

## Communications and Consultation Strategy

If adopted, Council to include the policy with the Event Notification form for on-road cycling event requests. Policy will be uploaded to Council's website.

## Victorian Charter of Human Rights and Responsibilities Act 2006

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

## Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

## Conclusion

A cycle racing policy for large-scale competitive on-road cycling races within the shire was considered by the S86 Place Making Advisory Committee 17 August 2016 and endorsed for Council's consideration.

### Resolution:

**Crs. Sullivan/Toohey**

***That, in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the On Road Cycle Racing Policy as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.***

**CARRIED.**

---

### Report Authorisation:

#### Authorised by:

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 25 October 2016





## 10.2.3 Sustainable Environment Strategy

### Introduction

Author: Justin Horne  
General Manager: Satwinder Sandhu

### Background

A draft Moorabool Sustainable Environment Strategy and Implementation Plan has been developed to assist Moorabool Shire Council in relation to meeting current Federal, State and Council legislative, strategic and policy statements in the areas of natural environment, pest plants and animals and sustainability.

The Strategy has been developed to comprise of two components:

- Strategic Direction 2016 - 2026
- Implementation Plan 2016 - 2021

The purpose of the Strategic Direction component of the Strategy is to demonstrate how Council will work to protect and enhance the environment over the next ten years. It will also consider the interaction between community well-being and the natural environment, with a focus on the sustainability of the built environment and community resilience in a changing climate.

The Implementation Plan aims to identify key priority actions in the management of Council assets to improve our local environment and to reduce water and energy consumption within Council and the local community.

The Strategy also aims to identify current initiatives being implemented by Council to reduce water and energy consumption, and to provide policy and operational directions that are measureable, realistic and relevant to Moorabool Shire Council and local communities.

The development of the Strategy and Implementation Plan is in keeping with the adopted practice of local government and community expectations. The Strategy aims to provide recommendations that are cost benefit or are cost neutral to Council, either through process improvement or direct action (e.g. energy efficient street lighting).

The Strategy will be the key document for guiding Council planning, decision-making and activities that impact on the natural environment and sustainability in Moorabool Shire.

### Progress to date

Workshops have been held with internal and external stakeholders providing input as to the efficacy of actions Council have previously undertaken in relation to sustainability and environmental management. A vision and targets for the new Strategy have also been developed based on what Council could reasonably expect to deliver.

Stakeholders providing input to the draft strategy included:

Internal	External
Assets	Department of Environment, Water, Land & Planning (DELWP)
Capital Works	
Finance	Department of Economic Development, Jobs, Transport & Resources (DEDJTR)
Recreation Development	
Strategic Planning	Moorabool Landcare Network
Statutory Planning	Melbourne Water
Environment	Port Phillip & Westernport Catchment Management Authority
Parks & Gardens	
Moorabool Landcare Advisory Committee (MLAC)	Sustainability Victoria Grow West

The Strategy considers the natural values and assets of the Shire as well as the threats to these values. Actions Council can take to protect and enhance the natural environment both directly and by working with others are also identified. The Strategy sets directions and priorities to ensure community wellbeing and resilience through making the built environment more liveable and protect the natural environment.

Additional work was also undertaken as part of the Strategy to identify Council's current energy and water consumption and to identify cost saving actions that Council could undertake. The report also included a benchmarking exercise reflecting on the performance of Baw Shire Council and Macedon Ranges Shire Council.

At the 7 September 2016 the Ordinary Meeting of Council, Council moved a motion to:

1. Provide in principle endorsement for the Draft Moorabool Sustainable Environment Strategy and
2. Present the Draft Strategy to the incoming Council to commence the public consultation process.

### ***Proposed Strategy Vision, Strategy Directions and Priority Areas***

During the consultation process, a Strategy Vision, four Strategy Directions and twelve Priority Areas (Figure 2) were developed.

The proposed vision for the Strategy is:

*Moorabool Shire will work to ensure the Shire has healthy ecosystems, productive landscapes, sustainable communities and the capacity to adapt to future environmental challenges.*

This vision forms the direction of the strategic directions, priority areas and the actions listed in the implementation plan.

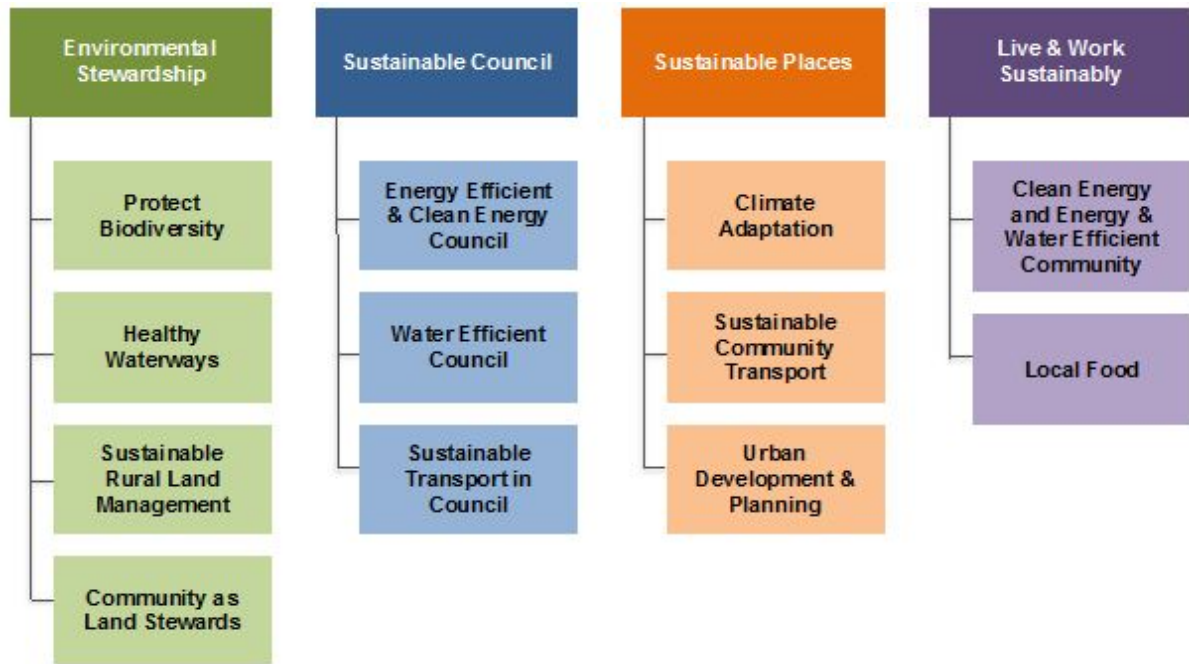


Figure 2: Proposed strategic directions and priority areas for the Moorabool Sustainability and Environment Strategy

**Implementation Plan 2016 - 2021**

As stated previously, the intention of the Strategy is to also provide an implementation plan to assist Council departments with the delivery of programs to ensure that the vision is achieved.

The implementation plan will have a five year lifespan, and aims to assist Council with operational actions to be delivered by 2021. These will be reviewed against the objectives of the Strategy and a new implementation plan will be developed for the period 2022-2026.

During the consultation phase, the need to ensure that the implementation actions were specific, measureable and achievable. The intent is that the implementation plan is feasible to accomplish.

**Proposal**

To ensure that the Moorabool Sustainable Environment Strategy is in alignment with the expectations of the community, it's proposed that the MSES is made available to the community for comment for a period of four weeks.

A copy of the draft Strategy is attached to this report for information.

**Policy Implications**

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
-----------------	---

Objective	Enhance and protect the long term integrity and biodiversity of the natural environment
Strategy	Pursue initiatives to reduce greenhouse gases, energy and water consumption  Work with Landcare networks, government and community to implement and support environmental and sustainability initiatives

The proposal is consistent with the 2013 - 2017 Council Plan.

### **Financial Implications**

There are no immediate financial implications, however where specific recommendations requires a budget allocation from Council, these will be presented and considered as part of the overall annual budget process. The inclusion of these projects within the Strategy is likely to improve the opportunities for gaining co-contributions from external funding sources.

It is expected that some actions will be delivered through changes in operational and purchasing procedures. However, some larger initiatives have not been costed and would require consideration from Council as part of future capital improvement programs or through external funding (e.g. state or federal government grants).

The Strategy will guide decision making in relation to environment and sustainability over the long term (25 plus years).

Actions identified in the Strategy fall into three broad categories:

1. Policy and procedural consideration for energy and water efficient products and design at the point of purchase or construction for all new buildings and assets.
2. Upgrades to existing assets. For example, changeover of street lights to LED.
3. Behaviour change initiatives such as reducing paper consumption, teleconferencing and turning off lights.

These actions all have the potential to provide long-term cost savings to Council, as well as improved environmental outcomes.

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

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

## **Communications Strategy**

It is intended that the following methods be utilised to achieve a high level of response to the survey:

- Newspaper advertising
- Social Media Links (Facebook and Twitter)
- Council website
- Have Your Say website
- Media release

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

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

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

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

*General Manager – Satwinder Sandhu*

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

*Author – Justin Horne*

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

## **Conclusion**

The draft Moorabool Sustainable Environment Strategy provides Council with policy direction and an implementation plan relating to its role in managing the local environmental assets and promoting sustainability through a variety of actions.

The actions identified in the Strategy, have been developed and reviewed internally by operational departments to ensure that they are achievable and provide a direct financial benefit to Council and ratepayers.

## **Recommendation:**

### **That Council:**

- 1. Endorse the Draft Moorabool Sustainable Environment Strategy for the purpose of community exhibition for a period of four weeks.**
- 2. Receives a further report at the conclusion of the community exhibition period considering feedback on the Moorabool Sustainable Environment Strategy.**

**Resolution:**

**Crs. Sullivan/Dudzik**

***That Council:***

- 1. Endorse the Draft Moorabool Sustainable Environment Strategy for the purpose of community exhibition for a period of eight weeks.***
- 2. Receives a further report at the conclusion of the community exhibition period considering feedback on the Moorabool Sustainable Environment Strategy.***

**CARRIED.**

---

**Report Authorisation:**

**Authorised by:**

**Name:** Satwinder Sandhu  
**Title:** General Manager Growth and Development  
**Date:** Tuesday, 25 October 2016



## 10.2.4 First Quarter (July – September) Report – 2016/17 Council Plan Actions

### Introduction

File No.: 02/02/002  
Author: John Whitfield  
General Manager: Satwinder Sandhu

### Background

The 2013-2017 Council Plan was revised and adopted by Council in June 2016. 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 three key result areas (KRA) or main themes that guide new initiatives and continuing services these being:

- Representation and leadership of our community;
- Community Wellbeing; and
- Enhanced infrastructure and Natural and Built Environment.

Each KRA has a set of strategic objectives or desired outcomes with sets of strategies to be undertaken over the planned 4 years to achieve the objectives.

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

### Discussion

The attached 2016/17 Council Plan Actions First Quarter Progress Report indicates each of the actions and their progress comments for the 2016/17 Financial Year. Overall there are 32 actions with 24 actions having reached 90% or greater of their target for the July-September period, with one action having achieved between 60 and 90% of target. Seven actions remain at less than 60% of their target as the majority of work for these actions is scheduled to be completed in later quarters.

The following table summarises the status of the 2016/17 Council Plan Actions for this quarter:

Key Result Area	Not Started	In Progress	Completed this Quarter	Completed YTD (incl this Qtr)	Total
<b>1 Representation and Leadership of our Community</b>	3	5	1	1	9
<b>2 Community Wellbeing</b>	0	2	2	2	4
<b>3 Enhanced Infrastructure and Natural Built Environment</b>	1	17	1	1	19
<b>Totals</b>	<b>4</b>	<b>23</b>	<b>5</b>	<b>5</b>	<b>32</b>

### Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2016/17 Financial Year.

### Policy Implications

The 2013–2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our community
<b>Objective</b>	Effective strategic and business planning for a growing community
<b>Strategy</b>	Develop service plans consistent with Business Excellence principals that reflect systems thinking and value for the community.

### 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 – Satwinder Sandhu*

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

*Author – John Whitfield*

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

### **Conclusion**

Council is making good progress in all areas of the Council Plan for this first quarter. Overall there are 32 actions with 24 actions having reached 90% of their action target for the July – September period, with one action having achieved between 60 and 90% of target. The seven 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. Tatchell/Dudzik**


***That Council receives the First Quarter (July – September) 2016/17 Council Plan Actions Progress Report.***

**CARRIED.**

---

### **Report Authorisation**

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Wednesday, 19 October 2016

### **10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT**

*No reports for this meeting.*

## 10.4 INFRASTRUCTURE SERVICES

### 10.4.1 Quarterly Financial Report September 2016

#### Introduction

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

This Quarterly Financial Report covers the period of 1 July 2016 to 30 September 2016. 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 \$0.764m. 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 Financial Report – September 2016.

#### Policy Implications

The adoption of the Quarterly Report – September 2016 meets Council's statutory obligations under section 138 – Quarterly Statements of the Local Government Act (1989).

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Sound, long term financial management
<b>Strategy</b>	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

## **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 2015/16 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 \$5.826m 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	\$1.135m
Net 2015/16 CIP Carry Forwards	\$5.588m
Sale of Council Land	(\$0.940m)
Other	<u>\$0.042m</u>
<b>Total cash required</b>	<b>\$5.826m</b>

As at the 30 June 2016, Council held \$12.452m 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 \$2.842m.

Net Operating Surplus in the Adopted 2016/17 Budget	\$8.494m
Net New Initiatives / Grant Funded Projects	(\$1.135m)
2015/16 Carry Forward Capital Grants	\$4.090m
Net Result of Sale of Council Land	(\$0.051m)
New Grants Identified Since Adoption of Budget	\$0.016m
Other Minor Adjustments	<u>(\$0.078m)</u>
<b>Amended Operating Budget Surplus</b>	<b>\$11.336m</b>

### **Capital Budget**

The effect on the capital budget is an increase in expenditure of \$9.657m.

2016/17 Adopted Budget for Capital Expenditure	\$17.414m
Add:	
2015/16 Carry Forward Capital Projects	\$9.677m
New Grants Identified Since Adoption of Budget	\$0.016m
Other Minor Adjustments	<u>(\$0.037m)</u>
<b>Amended Capital Budget</b>	<b>\$27.071m</b>

The attached Quarterly Financial Report, Attachment 10.4.1, 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 "Statutory Fees and Charges" (\$0.105m) primarily due to significant increases in Statutory Planning Fees. Legislated fees have been increased and at this stage the estimate is for an increase of \$130,000 in Planning fees overall;
- Increase in "Grants - Operating" (\$0.264m) mainly due to new grants received since the adoption of the budget. These include: Rural Access Initiative, Roadside Weeds and Pest Management, and Ice Education Program;
- Increase in "Grants - Capital" (\$0.317m) due to new funding received for Clarendon Community Hub and Wallace Recreation Reserve Lighting Project;
- Favourable in "Other Income" (\$0.311m) primarily due to reimbursements for the second claim for Scotsburn Fires;
- Favourable in "Employee Costs" (\$0.216m) mainly due to a saving in the Council's WorkCover Premium. There are also some other savings relating to vacancies in various departments;
- Increase in "Materials and Services" (\$0.578m). The bulk of the overspend directly relates to new grant funding received or costs associated with the Scotsburn Fires recovery project. In both cases the additional expenditure will be offset by increased revenue.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.764m to \$12.100m.

Whilst the September Quarter forecast indicates that the Operating Budget is likely to finish with an overall surplus, the ongoing financial impact of the Scotsburn Fires recovery project is likely to have an additional impact on the Budget. Officers are currently working closely with the Victorian Department of Treasury and Finance on the Scotsburn claim. In addition to this, the impact of the recent storm events are also likely to result in a significant new claim under the disaster recovery arrangements, which at this stage is likely to be in excess of \$1.5M. As a result of the ongoing nature of these claims, there is a greater level of financial risk attached to the 2016/17 forecast result.

### **Cash**

The forecast cash balance at 30 June 2017 has increased by \$0.397m to \$7.094m in comparison to the amended budget.

### **Capital Improvement Program (CIP)**

The total cash expenditure forecast for the CIP at this stage has increased by \$0.368m to \$27.439m. This is due to new funding received for Clarendon Community Hub and Wallace Recreation Reserve Lighting Project.

### **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 16 November 2016, and to the Audit Committee meeting on 23 November 2016.

### **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 – September 2016 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

### Resolution:

**Crs. Dudzik/Tatchell**

### *That Council:*

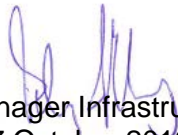
1. *receives the Quarterly Financial Report – September 2016.*
2. *notes the carried forward amounts into the 2016/17 year for the purpose of budget reporting as the Amended Budget;*

**CARRIED.**

---

## Report Authorisation

### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday 27 October 2016

## 10.4.2 Capital Improvement Program Quarterly Report – September 2016

### 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 2016/2017 Capital Improvement Program to 30 September 2016.

### Implementation of the 2016/2017 Capital Improvement Program

The 2016/2017 Capital Improvement Program currently consists of 69 projects, of which there are 10 projects which will be delivered by others and 4 of are inactive and cannot commence. Therefore the table below reports on the 55 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 2015/2016 program
- 2016/2017 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 30 September 2016:



CIP Program Delivery Stage	Actual as of 30 September 2016	
	No. of Projects	%
Not Commenced (inactive)	4	-
Projects delivered by others	10	-
Not Commenced	9	16.4
Documentation/Design Preparation	9	16.4
Tender/Quote Stage	8	14.5
Project Awarded – Waiting Commencement	12	21.8
In Progress/Under Construction	13	23.6
Complete	4	7.3
<b>TOTAL</b>	<b>55</b>	<b>100.00</b>

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 generally tracking well. Although only 7% of the program is complete there are several projects awarded and waiting for commencement along with a number of projects under construction and almost complete.

#### Project to be delivered by others

There are 10 projects that have been funded through the Capital Improvement Program that will be delivered by Committees of Management. These projects will be closely monitored by council officers and updates provided in each quarterly Capital Improvement Program report to Council, however will not form part of the Capital Improvement Program's reporting figures.

#### Inactive Projects

Of the 69 projects identified in this year's program there are 4 inactive projects which are listed below;

- Navigators Tennis Courts, Fencing Improvements
- Mason Lane Recreation Reserve, Lighting Upgrade
- Ballan Recreation Reserve, Netball/Tennis Court Reconstruction
- Bacchus Marsh BMX Club, New Track Construction

These projects are subject to external funding and cannot commence until successful matching grants are obtained.

## Policy Implications

The 2013-2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Natural and Built Environment
<b>Objective</b>	Ensure current and future infrastructure meets the needs of the community.
<b>Strategy</b>	Construct physical infrastructure to appropriate standards.

The Capital Improvement Program reporting is consistent with the 2013-2017 Council Plan.

## Financial Implications

Reporting of the Capital Improvement Program has been resourced as part of Council's budget; accordingly there are no additional financial implications. At this point in time, the program is within budget parameters.

## 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 first quarter of the 2016/2017 period for the information of Councillors.

#### **Resolution:**

**Crs. Toohey/Tatchell**


***That Council receives the Capital Improvement Program quarterly report to 30 September 2016.***

**CARRIED.**

---

#### **Report Authorisation**

**Authorised by:**



**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 27 October 2016

### 10.4.3 Joint Procurement; Bituminous Road Resealing Program

#### Introduction

Author: Sam Romaszko  
General Manager: Phil Jeffrey

#### Background

A joint procurement opportunity currently exists for the Bituminous Road Resealing Program from 2017/18.

The first aggregated road sealing procurement project was undertaken in 2012 with five Councils participating. This was supported by Local Government Victoria's (LGV) Local Government Reform Fund Project.

Recent discussions have been held with representatives of the Central Highlands Regional Procurement Network in relation to the aggregated procurement by the participating Councils for bituminous road resealing, includes the items and information as outlined in the VicRoads specifications (and already being used by participating councils including Moorabool Shire Council).

#### Proposal

It is proposed that Moorabool participate in the aggregated procurement process for bituminous road resealing along with Ararat Rural City Council, Golden Plains Shire Council, Pyrenees Shire Council, Ballarat City Council and Hepburn Shire Council, for a minimum 3 year period, with the option to extend a further 2+1 years. The aim of the project is to deliver a successful aggregated procurement process that will provide cost savings and ongoing benefits for all participating Councils.

It is estimated that the value of aggregated procurement road sealing will be in excess of \$18 million over this initial three year period that will potentially see cost savings due to the significant economies of scale. It is envisaged that this could result in more works on the ground.

The contract would be publically tendered thus satisfying procurement requirements and given the significant value, sign off of the contract must be approved by each individual Council.

At this time, City of Ballarat has been nominated by all participants to act as the lead Council for tendering purposes. Following tender, each individual Council will award contracts and undertake contract administration, supervision and surveillance separately.

#### Policy Implications

The 2013 - 2017 Council Plan provides as follows:

**Key Result Area** Enhanced Infrastructure and Natural and Built Environment

**Objective** Ensure current and future infrastructure meets the needs of the community

**Strategy** Construct physical infrastructure to appropriate standards

The proposal is consistent with the 2013-2017 Council Plan.

### Financial Implications

Council's bituminous resealing program budget this financial year is in the order of \$600,000. Based on an analysis of the previous joint procurement contract and Council's own tender rates, it is unknown if wholesale savings will be made. However, it is considered that the project worth participating in anyway given the potential for savings.

### Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Contractual	Council does not meet its obligations under the agreement	Low	Allocation of officer to liaise with City of Ballarat as Lead Council.
Financial	Potential savings not realised.	Low	Part of a much larger contract.

### Communications Strategy

There is no formal communications strategy required as a result of the recommendation within this report.

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

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

### Officer's Declaration of Conflict of Interests

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

*General Manager – Phil Jeffrey*

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

*Author – Sam Romaszko*

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

## Conclusion

This report outlines the opportunity for Moorabool to participate in the aggregated procurement process for bituminous road resealing along with Ararat Rural City Council, Golden Plains Shire Council, Pyrenees Shire Council, Ballarat City Council and Hepburn Shire Council.

It is considered that a joint approach may result in some savings and efficiencies in scheduling of works. As such, it is recommended Council enter into an aggregated procurement process for bituminous road resealing services for a period of three years, with an opportunity to extend a further 2+1 years. A further report will be presented to Council to formally award a tender at the conclusion of the process.

### Resolution:

**Crs. Keogh/Tatchell**

### *That Council:*

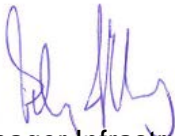
- 1. endorses Moorabool Shire participate in an aggregated procurement process for Contract CH002 - Bituminous Road Resealing Program.***
- 2. authorises the General Manager Infrastructure to progress the matter on Council's behalf.***

**CARRIED.**

---

### Report Authorisation

#### Authorised by:

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday 27 October 2016

## 10.4.4 Review of Council's Procurement Policy

### Introduction

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

### Background

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

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

Council's existing Procurement Policy was first adopted 18 November 2009 and in accordance with legislative requirements has continued to be reviewed on an annual basis. The last formal review and adoption of the policy was 3 June 2015.

A review of the existing policy has been undertaken by the internal Procurement Steering Group (an internal committee has been established to oversee all procurement related matters).

At the Ordinary Meeting of Council on Wednesday 7 September 2016, the draft policy was presented and the following was resolved:

*That the revised Procurement Policy (IS014 / Version 007) lay on the table until the appropriate meeting of the new Council.*

### Proposal

As a result of the review, there are some adjustments proposed. These amendments do not affect the overall intent of the policy. The revised policy is presented as an attachment to this report.

The key changes being proposed to the policy are:

- The alteration of the procurement threshold requirements to enable Council Officers to more efficiently undertake their duties; and
- The recognition of compliance requirements to Council Fraud Management Plan.

The key change to the proposed procurement thresholds relate to purchases between \$2,501 and \$50,000. In the current procurement policy, it is a requirement for at least 2 written quotes for all purchases between \$2,501 and \$50,000. Under the proposed changes, it is recommended that for purchases between \$2,501 and \$15,000 a requirement that only 1 written quote be received. For purchases between \$15,001 and \$50,000, 2 written quotations will be required before a purchase is made.

The recommendation to alter procurement spend thresholds came about as a result of benchmarking with other Councils and a desire to improve efficiencies in day to day activities whilst maintaining accountable and responsible spending of ratepayer funds.

This policy will continue to be reviewed on an annual basis.

### **Policy Implications**

The 2013–2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our Community
<b>Objective</b>	Good governance through open and transparent processes and strong accountability to the community.
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice.

### **Financial Implications**

The adoption of the revised Procurement Policy has no additional known financial implications to Council. It is not anticipated that the changes proposed will have a material financial impact on Council.

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

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

### **Communications Strategy**

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

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

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

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

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



*General Manager Infrastructure – Phil Jeffrey*

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

*Author – Jacinta Erdody*

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

**Conclusion**

After considering the revised Procurement Policy, it is recommended that Council adopt the updated document.

**Recommendation:**

**That Council adopts the revised Procurement Policy (IS014/Version 007).**

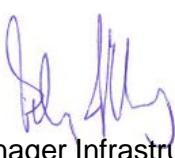
**Resolution:****Crs. Keogh/Dudzik**

1. *That this item be deferred to an Assembly of Council which is to be held prior to the next Ordinary Meeting of Council.*
2. *That this item be returned to a future Ordinary Meeting of Council for consideration.*

**CARRIED.**

---

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

**Name:** Phil Jeffrey   
**Title:** General Manager Infrastructure  
**Date:** Thursday 27 October 2016

## 10.4.5 Request for Street Lighting; Smallmans Road and Haddon Drive, Ballan

### Introduction

Author: John Miller  
General Manager: Phil Jeffrey

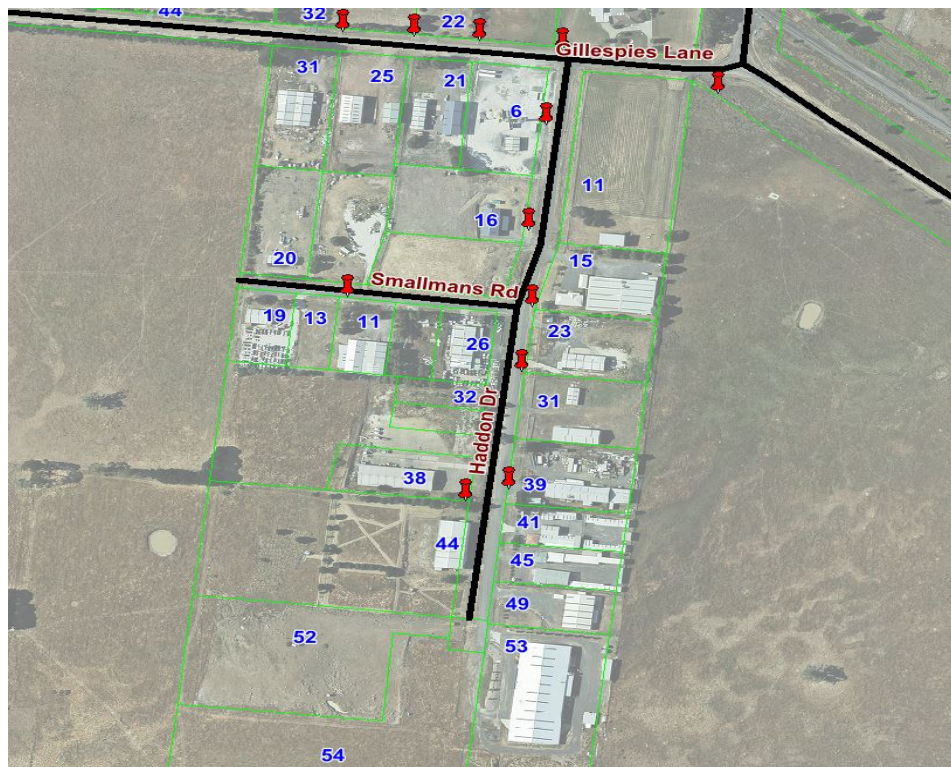
At the Ordinary Meeting on 7 September 2016, Council resolved to receive correspondence on behalf of a number of business owners requesting the installation of additional street lighting within the Ballan Industrial Estate. The letter specifically requested additional lighting along Smallmans Road and Haddon Drive.

As the letter contained seven signatures, it is not considered a formal petition under Moorabool Shire Council Meeting Procedure Local Law No.9, Clause 6.7, however officers have prepared this report in line with the standard petition process.

### Background

Over recent years several businesses located on Smallmans Road and Haddon Drive within the Ballan Industrial Estate have stated that they suffered thefts and burglaries.

There are currently no public street lights installed within the estate, however there are a number of power poles located within the estate as shown in the image below:



## Site Assessment

Smallmans Road and Haddon Drive are located within the Ballan Industrial Estate which was constructed in the early 90's and they are categorised as Access 1 sealed roads under Council's Road Management Plan. The area is within the Industrial 2 Zone (providing for manufacturing industry, the storage and distribution of goods and associated facilities) and is not constructed to an urban standard.

The estate does not include kerb and channel or footpaths which is representative of many streets in the residential areas of Ballan. Further to this, there are a significant number of roads in the urban and rural residential areas of the Shire that do not have footpath, kerb and channel, and public lighting provisions.

Officers have undertaken an assessment of the existing conditions, with the guidance of Council's Street and Public Place Lighting Policy.

There are two forms of lighting available for installation, Category V Lighting applicable to roads on which the visual requirements of motorists are dominant and Category P Lighting applicable to roads on which the visual requirements of pedestrians are dominant.

As Ballan Industrial Estate is not a retail commercial area, has little or no pedestrian movement at night time, the installation of public street lighting by Council is not considered a priority at this time.

However, based on first principles, if Council was to approve an industrial estate today, there would likely be a requirement for the developer to provide public lighting. As such, it could be argued that there are warrants for street lighting installation. New lighting would consist of P category lighting mounted to existing low voltage power poles.

As an alternative Council could consider a street lighting project through the Special Charge Scheme process. Under the scheme adjacent land owners contribute towards the cost of construction.

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Enhanced Infrastructure and Natural and Built Environment
<b>Objective</b>	Ensure current and future infrastructure meets the needs of the community
<b>Strategy</b>	Provision of effective and safe transport networks

The proposal is consistent with the 2013-2017 Council Plan.

### **Financial Implications**

Cost for installation of Category P LED lights, would require 8 lights to be installed on existing power poles with an estimated total cost of approximately \$15,000.

An option may be for the property owners to consider a private street scheme or for Council to refer this project to CIP.

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

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

### **Communications Strategy**

The convener will be notified of Council's resolution in writing.

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

The proposal within the report does not raise any human rights issues in accordance with Victorian Charter of Human Rights and Responsibilities Act 2006.

### **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**

Correspondence has been received requesting the installation of additional street lighting within the Ballan Industrial Estate, specifically along Smallmans Road and Haddon Drive.

Lighting could be installed on a number of existing poles in the estate, however as there is currently no budget allocation, it would have to be referred to future Capital Improvement Program. As an alternative Council could consider this street lighting project through the Special Charge Scheme process. Under the scheme adjacent land owners contribute towards the cost of construction.

**Recommendation:****That Council:**

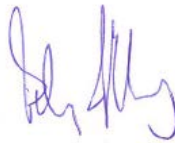
1. Refers the project to the Capital Improvement Program for future funding
2. Requests officers to send correspondence to all property owners within the estate to gauge their support for a Special Charge Scheme.

**Resolution:****Crs. Tatchell/Toohey**

*That Council requests officers to send correspondence to all property owners within the estate, advising that Council supports their request for street lighting at Smallmans Road and Haddon Drive, Ballan and that funds from the Central Ward Community Development Fund will be used to fund this project.*

**CARRIED.**

---

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

**Name:** Phil Jeffrey  
**Title:** General Manager Infrastructure  
**Date:** Thursday 27 October 2016

## 11. OTHER REPORTS

### 11.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

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

**Nil.**

## 11.2 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
Maddingley Park Committee of Management	30 August 2016	Cr. Edwards
Navigators Community Centre - 27 <sup>th</sup> Annual General Meeting	15 September 2016	Community Members
Navigators Community Centre – Committee Meeting	15 September 2016	
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website: <a href="http://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees">www.moorabool.vic.gov.au/my-council/council-meetings/council-committees</a></i>	21 September 2016 12 October 2016	Cr. Comrie Cr. Dudzik Cr. Edwards Cr. Tatchell

### Resolution:

**Crs. Toohey/Sullivan**

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

- ***Maddingley Park Committee of Management meeting of 30 August 2016***
- ***Navigators Community Centre - 27<sup>th</sup> Annual General Meeting of 15 September 2016***
- ***Navigators Community Centre – Committee Meeting of 15 September 2015***
- ***Development Assessment Committee meetings of 21 September 2016 and 12 October 2016.***

**CARRIED.**

### 11.3 Advisory Committees of Council - Reports

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

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

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

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

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representative</b>
Lal Lal Falls Advisory Committee	13 October 2016	Cr. Sullivan

**Resolution:**

**Crs. Sullivan/Bingham**

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

- ***Lal Lal Falls Advisory Committee meeting of Thursday 13 October 2016***

**CARRIED.**



**12. NOTICES OF MOTION**

*Nil.*

**13. MAYOR'S REPORT**

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

<b>Cr Edwards– Mayor's Report</b>	
<i>November 2016</i>	
7 November	Statutory and Annual Appointments Meeting of Council
11 November	Bacchus Marsh RS&L Remembrance Day Service Bacchus Marsh Arts Council Gallery Opening
12 November	Official Opening of the Coimadai Fire Brigade Training and Development Centre, Coimadai
15 November	Central Highlands Regional Partnership Assembly

**Resolution:**

**Crs. Toohey/Sullivan**

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

**CARRIED.**

**14. COUNCILLORS' REPORTS**

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

<b>Cr. Keogh</b>	
November 2016	
14 November	Bacchus Marsh Aerodrome Meeting

<b>Cr. Dudzik</b>	
November 2016	
11 November	Bacchus Marsh RS&L Remembrance Day Service Bacchus Marsh Arts Council Gallery Opening

<b>Cr. Bingham</b>	
November 2016	
8 November	Bacchus Marsh District Trails Advisory Committee Meeting
	Cr. Bingham advised he will be an apology for the next Ordinary Meeting of Council – 7 December 2016.

**Resolution:**

**Crs. Sullivan/Keogh**

***That the Councillors' reports be received.***

**CARRIED.**

**15. URGENT BUSINESS**

**Nil**

**ADJOURNMENT OF MEETING – 5.53PM**

Crs. Sullivan/Bingham

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

**CARRIED.**

**RESUMPTION OF MEETING – 6.04PM**

Crs. Sullivan/Dudzic

*That the meeting now be resumed.*

**CARRIED.**

**16. CLOSED SESSION OF THE MEETING TO THE PUBLIC****16.1 Confidential Report****16.2 Confidential Report**

**Resolution:**

Crs. Sullivan/Tatchell

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

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

**CARRIED.**

Item 16.1 and 16.2 are confidential items  
and therefore not included  
as part of these Minutes.

**17. MEETING CLOSURE**

*The meeting closed at 6.15PM.*

*Confirmed.....Mayor.*