

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at Bungaree Community Facility,
279 Bungaree-Wallace Road, Bungaree on
Wednesday 7 June 2017 at 5:00 p.m.

Members:

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

Officers:

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

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

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

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

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

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Mr. Andrew Goodsell</i>	<i>Manager Strategic and Sustainable Development</i>
<i>Mr. Ian Waugh</i>	<i>Manager Community and Recreation Development</i>
<i>Mr. Geoff Alexander</i>	<i>Strategic Planner</i>
<i>Mr. Mark Lovell</i>	<i>Senior Statutory Planner</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Ms. Melissa Hollitt</i>	<i>Minute Taker</i>

4. APOLOGIES

Nil.

5. CONFIRMATION OF MINUTES

Cr. Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 5.1 Ordinary Meeting of Council – Wednesday 3 May 2017. The nature of the Conflict of Interest is due to a matter being raised which may be perceived as relating to another property in Gordon which is going to VCAT where Cr. Sullivan was engaged as a Surveyor by a Client.

Cr. Sullivan left the meeting 5.03 pm and did not participate in voting on Item 5.1.

5.1 Ordinary Meeting of Council – Wednesday 3 May 2017

Council is advised that the date referred to under Item 15.1 - *Supply Legal Representation for VCAT Hearing on Friday 12 May 2017* in the Minutes of Wednesday 3 May 2017 was incorrect. The correct VCAT hearing date should be minuted as Thursday 6 July 2017. It is recommended that Council confirms the amendment to the Minutes to reflect the following

Item 15.1 - Supply Legal Representation for VCAT Hearing on Thursday 6 July 2017

Resolution:

Crs. Tatchell/ Bingham

That Council arrange for legal counsel to represent it at the VCAT hearing on Thursday 6 July 2017 in regard to the development at Corbetts Road, Gordon.

Resolution:

Crs. Toohey/Keogh

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 3 May 2017 with the following amendment to Item 15.1 as follows:

Item 15.1 - Supply Legal Representation for VCAT Hearing on Thursday 6 July 2017

Resolution:

Crs. Tatchell/ Bingham

That Council arrange for legal counsel to represent it at the VCAT hearing on Thursday 6 July 2017 in regard to the development at Corbetts Road, Gordon.

CARRIED.

Cr. Sullivan returned to the meeting at 5.04pm.

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.

Nil.

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.

Question Held Over

The following question was submitted by Mr. Mark Frackowski to the Ordinary Meeting of Council on Wednesday 3 May 2017.

Why is Farrow Place considered safe by the Shire representative going forward with the proposed through road/shared zone?

(General Manager for Infrastructure – as per the plan/current design), bearing in mind that safety is everyone’s responsibility when previous data supplied by myself, TAC Aust Roads, VicRoads and Vic Walks etc. would indicate it should not be a through road and various other strong recommendations indicate changes are required, can they all be wrong?

In accordance with Part 6, Clause 6.9(f) of Council's Meeting Procedure Local Law No. 9, if the person submitting a question is not present in the gallery, the question will be held over to next meeting only.

The question is therefore re-submitted for this Ordinary Meeting of Council.

Mr. Mark Frackowski elected not to ask his question and instead to “speak to an item” being 8.1 Farrow Place – Change from Shared Zone

Mr. Peter Toohey submitted the following question.

Question:

How do the Councillors reconcile the continuation of rating differentials that are inconsistent with Hepburn and Ballarat and their oath upon election and Prayer at commencement of the meeting:

“Help us to be just in all our dealings and may our work prosper for the good of all”.

Response:

Individual Councillors responded to Mr Toohey’s question at the meeting.

8. PETITIONS

Consideration of Presentation - Farrow Place, Bacchus Marsh – Changed from Shared Zone

Mr. Mark Frackowski addressed Council in relation to Farrow Place, Bacchus Marsh – Changed from Shared Zone

The business of the meeting then returned to the agenda.

8.1 Farrow Place – Change from Shared Zone

Council has received a petition containing 11 signatures from residents of Farrow Place, Maddingley.

Their petition is:

“RESIDENTS OF FARROW PLACE - Regards to Farrow Place being a shared zone – thru Road for all traffic – consider this to be an unsafe area and a potential serious incident scenario, both for pedestrians and traffic wishing to access/use the major arterial road that adjoins Farrow Place”.

The petition outlines why the petitioners believe the area is unsafe. The petitioners go on to suggest the following changes for Council’s consideration:

“One way street (from Farrow Place to O’Leary/Halletts Way with left hand turn only, blocking that intersection SO IT IS A NO THRU road altogether, so there is not exit or entry to and from O’Leary/Halletts Way, distinguishable road as per above, suitable signage including local traffic only, or no thru road, speed signs regardless, pedestrian traffic regardless”.

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

Resolution:

Cr. Dudzik/Sullivan

That the petition containing 11 signatures in relation to Farrow Place, Maddingley be received by Council and that a report be prepared by officers for Council’s consideration.

CARRIED.

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	Supporter or Objector
8.1	Farrow Place – Change from Shared Zone	Mark Frackowski	Petitioner
10.3.4	Future Use of the Bacchus Marsh Leisure Centre Fitness Space	Geoffrey McKay	Objector
10.3.4	Future Use of the Bacchus Marsh Leisure Centre Fitness Space	Kathy Whye	Objector
10.3.4	Future Use of the Bacchus Marsh Leisure Centre Fitness Space	Chris Kiss	Objector
10.4.1	Know Your Council – Moorabool Shire	Peter Toohey	Objector
10.4.2	Adoption of the Road Management Plan 2017 to Supersede Road Management Plan 2013	Geoff Parker	Supporter

12.1	Cr. Edwards: N.O.M. No. 265 – Council Funding for Bacchus Marsh Men’s Shed	John Spain	Supporter
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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.

Item No	Description	Name	Applicant, Objector or Supporter
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Jo Rochford	Objector
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Ian Woodhouse	Objector
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Alice Ogilvie	Objector
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Robert James	Objector
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Stephen Mack	Objector
10.2.1	<i>Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision</i>	Christine Provost	Applicant

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

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 PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerrit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision. The nature of the Conflict of Interest is due to a matter being raised which may be perceived as relating to another property in Gordon which is going to VCAT where Cr. Sullivan was engaged as a Surveyor by a Client.

Cr. Sullivan left the meeting 5.32 pm and did not participate in voting on Item 10.2.1.

Consideration of Deputations – Planning Permit Application No. 2016-311

Jo Rochford addressed Council as an objector to the granting of a planning permit for the application.

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

Alice Ogilvie addressed Council as an objector to the granting of a planning permit for the application.

Robert James McLaren addressed Council as an objector to the granting of a planning permit for the application.

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

Christine Provost, the applicant, was not present at the meeting.

The business of the meeting then returned to the agenda.

10.2.1 Planning Permit Application PA2016311 – Crown Allotment 5A, Section 10, Parish of Kerrit Bareet, Lyndhurst Street, Gordon; Three (3) Lot Subdivision

Application Summary:	
Permit No:	PA2016311
Lodgement Date:	15 December 2016
Planning Officer:	Tom Tonkin
Address of the land:	Crown Allotment 5A, Section 10, Parish of Kerrit Bareet Lyndhurst Street, Gordon 3345
Proposal:	Three (3) Lot Subdivision

Lot size:	2449sq m
Why is a permit required	Clause 32.09-2 – Neighbourhood Residential Zone – subdivision Clause 42.01-2 – Environmental Significance Overlay – subdivision Clause 43.02-3 – Design and Development Overlay – subdivision
Restrictions registered on title	None
Public Consultation:	
Was the application advertised?	The application was advertised due to the proposal's potential to cause material detriment.
Notices on site:	Two (2)
Notice in Moorabool Newspaper:	None
Number of Objections:	10
Consultation meeting:	Yes, held 20 March 2017 and attended by the applicant and several objectors. There were no subsequent changes made to the application.
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
Victorian Charter of Human Rights and Responsibilities Act 2006	
In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.	

Officer's Declaration of Conflict of Interests	
<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>	
Executive Summary:	
Application Referred?	Referred to external authorities and within Council.
Any issues raised in referral responses?	No
Preliminary Concerns?	No
Any discussions with applicant regarding concerns	Not applicable
Any changes made to the application since being lodged?	No
VCAT history?	None
Previous applications for the site?	None
General summary	<p>The application is for a three lot subdivision of the site, creating two 809sq m lots and an 831sq m lot. All lots would front Lyndhurst Street, be roughly rectangular in shape and have frontage widths of 18.44m to 23m.</p> <p>Objections to the proposal generally relate to neighbourhood character, the number of lots, pollution, traffic and infrastructure, and inconsistency with the Gordon Structure Plan.</p> <p>The proposal meets some of the relevant objectives of State and local planning policy and most ResCode requirements, subject to conditions. However, the proposal does not adequately respond to the site features and neighbourhood character of the area and is inconsistent with the purpose of the Neighbourhood Residential Zone and Design and Development Overlay, Schedule 5.</p> <p>Overall, the proposal is not site responsive, is an overdevelopment of the site and would detract from the amenity of the area.</p>
Summary Recommendation:	

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 *Planning and Environment Act 1987*, on the grounds detailed at the end of this report.

Public Notice

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

Summary of Objections

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

Objection	Any relevant requirements
Does not meet the purpose of the zone.	Clause 32.09
Officer's response - This objection is addressed below.	
Increased air pollution created by more wood heaters given there is no gas supply.	Clause 65.01
Officer's response - 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
Officer's response - Approval of the application would include conditions requiring upgrades to the roads adjoining the site by the developer. The surrounding road network is considered capable of absorbing traffic associated with future dwellings facilitated by the proposal, and Council's Infrastructure unit consent to the application subject to conditions. Traffic associated with the proposal would not be considered unreasonable.	
Negative impact on visual amenity	Clause 43.02, Schedule 5
Officer's response - See discussion below.	
Negative impact on the village and rural character	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
Officer's response - See discussion below.	
Lot sizes are too small to enable development which fits with the village character.	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
Officer's response - See below for discussion of proposed lot sizes.	
Negative impact on neighbourhood character	Clauses 21.09-1, 32.09, 43.02 and 56.03-5

Objection	Any relevant requirements
Officer's response - See below for discussion of proposed lot sizes.	
The proposal does not accord with the intent or the subdivision objectives of the Design and Development Overlay, Schedule 5.	Clause 43.02, Schedule 5
Officer's response - See discussion below.	
The proposal does not accord with surrounding landscape or environmental values.	Clauses 21.09-1 and 43.02, Schedule 5
Officer's response - See discussion below.	
Inappropriate subdivision density for Gordon township.	Clauses 21.09-1, 32.09, 43.02 and 56.03-5
Officer's response - 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
Officer's response - See discussion below.	
Not in accordance with Gordon Structure Plan.	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
Officer's response - See discussion below.	
Proximity to Paddock Creek	Clause 43.02, Schedule 5
Officer's response - See discussion below.	
Two lots would be acceptable	Clauses 32.09, Schedule 1 and 43.02, Schedule 5
Officer's response - Noted	

Proposal

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

The proposed plan of subdivision and a survey plan are provided in Attachment 10.2.1.

Site Description

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

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

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

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

The site is towards the northern periphery of Gordon township in the Neighbourhood Residential Zone. Lot sizes in the area vary significantly, reflecting varied zoning, old irregular subdivisions and more recent residential subdivisions. Recent nearby subdivisions have created lots greater than 1200sq m, although in and around Main Street there have been recent subdivisions creating smaller lots.

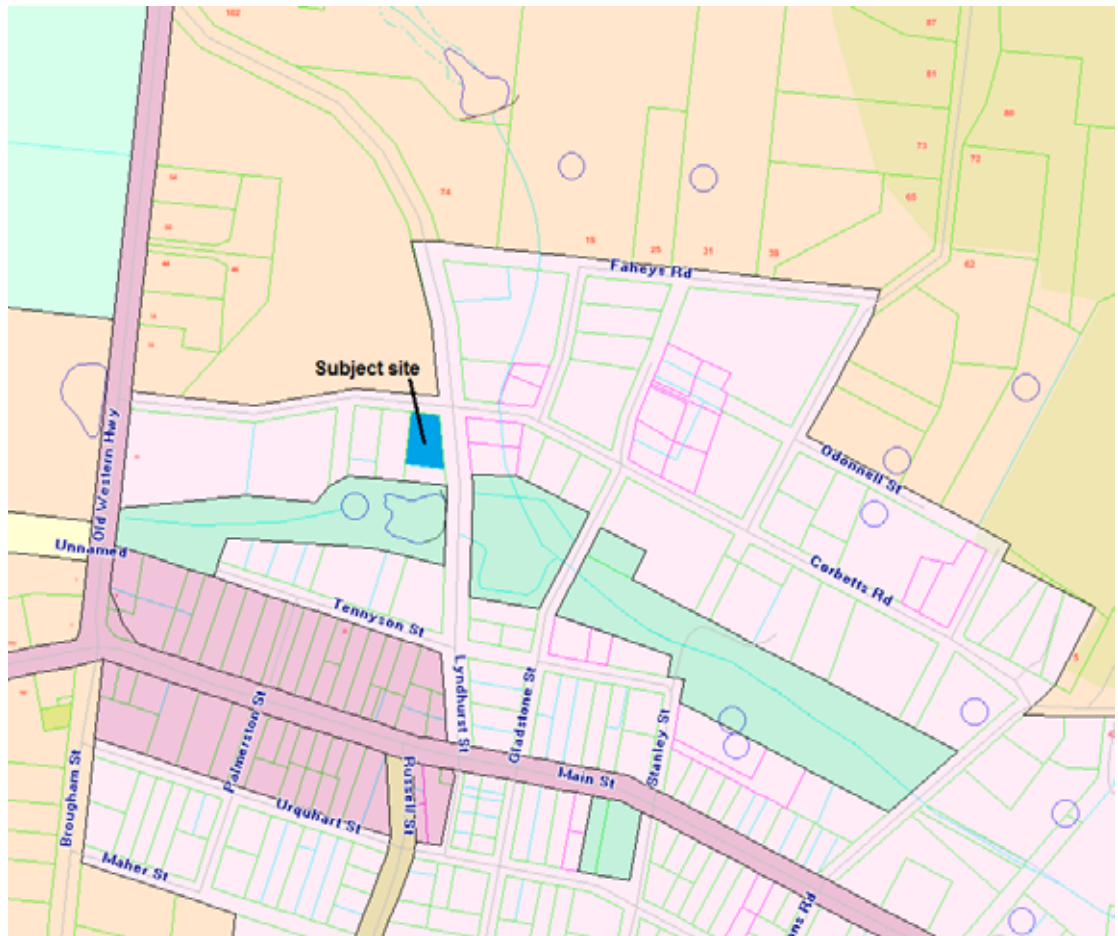
Whilst many lots in this part of Gordon are developed with dwellings, the typically generous lot sizes, established trees, undulating and hilly topography and low scale of development contribute to a distinctly semi-rural character. This is further enhanced by nearby patches of forested land and cleared grazing and horticultural land.

To the north of the site, across Corbetts Road, is a residential agricultural landholding of approximately 7.5ha. To the west is a vacant lot of approximately 2650sq m fronting Corbetts Road. To the south is an old Crown allotment of approximately 930sq m occupied by a shed, beyond which is Paddock Creek reserve. To the east, across Lyndhurst Street are lots of 1792sq m and 1912sq m, the latter containing a dwelling and ancillary outbuildings. Diagonally opposite to the northeast, on the corner of Lyndhurst Street and Corbetts Road is a lot of approximately 2400sq m containing a dwelling and ancillary outbuildings.



Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

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

- 21.03-4 Landscape and Neighbourhood Character
- 21.09-1 Gordon
- 22.02 Special Water Supply Catchments.

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

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

Zone

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

The purpose of the Zone is:

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

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

Overlays

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

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

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

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

Under the SLO2 there is no permit requirement for subdivision.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

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

Clause 56 Residential Subdivision

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

General Provisions

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

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

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council's Infrastructure unit was provided with an opportunity to comment on the proposal.

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

Financial Implications

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

Risk and Occupational Health and Safety Issues

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

Communications Strategy

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

Options

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

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

Conclusion

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

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

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

Recommendation:

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

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

MOTION:

Crs. Toohey/Dudzik

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

Endorsed Plans

1. *The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.*

Subdivision

2. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*
3. *Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision for public open space purposes.*

The permit holder/developer must pay the reasonable costs of Council in having the land valued for this purpose

Telecommunications

4. ***The owner of the land must enter into agreements with:***
 - a) ***A telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
 - b) ***A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provide by optical fibre.***

5. ***Before the issue of Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***
 - a) ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
 - b) ***A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is an area where the National Broadband Network will not be provided by optical fibre.***

Infrastructure

6. ***Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a standard rural residential vehicle crossing to the satisfaction of the Responsible Authority. Any redundant vehicle crossings must be removed, and nature strip reinstated to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossings.***

7. ***Prior to the issue of a Statement of Compliance for the subdivision, the development must be provided with a drainage system constructed to a design approved by the Responsible Authority, and must ensure that:***
 - i. ***The development as a whole must be self-draining.***

- ii. Volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority.*
 - iii. Each lot must be provided with a stormwater legal point of discharge at the low point of the lot, to the satisfaction of the Responsible Authority.*
 - iv. Stormwater runoff must meet the “Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)”.*

- 8. Prior to the commencement of the development design computations for drainage of the whole site must be prepared and submitted to the Responsible Authority for approval.**

- 9. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A legal point of discharge permit must be taken out prior to the construction of the stormwater drainage system.**

- 10. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).**

- 11. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.**

- 12. Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council’s Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.**

- 13. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared and submitted to the responsible authority for approval, detailing but not limited to the following:**
 - i. location of vehicle crossings***
 - ii. details of the underground drainage***
 - iii. location of drainage legal points of discharge***
 - iv. standard details for vehicle crossings and legal points of discharge***
 - v. civil notes as required to ensure the proper construction of the works to Council standard.***

Barwon Water

14. ***Each lot created in the development must be connected to a reticulated sewerage system.***
15. ***No stormwater is to be discharged less than 100 metres from a waterway unless into an approved drainage system***

Central Highlands Water

16. ***Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.***
17. ***Reticulated sewerage facilities must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
18. ***A reticulated water supply must be provided to each lot by the owner of the land (or applicant, in anticipation of becoming the owner) to the satisfaction of the Central Highlands Region Water Corporation. This will include the construction of works and the payment of major works contributions by the applicant.***
19. ***The owner will provide easements to the satisfaction of the Central Highlands Region Water Corporation, which will include easements for pipelines or ancillary purposes in favour of the Central Highlands Region Water Corporation, over all existing and proposed sewerage facilities within the proposal.***
20. ***The owner will provide easements to the satisfaction of Central Highlands Region Water Corporation for pipeline or ancillary purposes through other land in the vicinity, as it is considered by the Authority that such easements are required for the economical and efficient subdivision or servicing of or access to land covered by the subdivision.***
21. ***If the land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.***

PowerCor Australia

22. ***Provide an electricity The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.***
23. ***The applicant shall:***
 - a) ***supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the***

- extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
 - d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**
 - e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.**
 - f) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**
 - g) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.**
 - h) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.**
 - i) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**

Downer Utilities

- 24. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.**

Permit Expiry

- 25. This permit will expire if the plan of subdivision is not certified within two (2) years of the date of issue of the permit.**

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

Statement of Compliance must be achieved and certified plans registered at Titles office within five (5) years from the date of certification.

Permit Notes:

Powercor Australia

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

LOST.

MOTION:

Resolution:


Crs. Toohey/Tatchell

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

CARRIED.

Report Authorisation

Authorised by:



Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: Wednesday 17 May 2017

Cr. Sullivan returned to the meeting 5.44 pm.

10.2.2 Ballan Strategic Directions and Update on Planning Scheme Amendment C69

Introduction

File No.: 13/06/072
Author: Geoff Alexander
General Manager: Satwinder Sandhu

Summary

The purpose of this report is to inform Councillors of progress in implementing a structure plan for Ballan into the planning scheme, and to seek Council's approval to commence exhibition of a document titled *Ballan Strategic Directions*.

As Councillors may be aware, Council adopted the *Ballan Structure Plan* in December, 2015. Shortly thereafter, as per the resolution made, Amendment C69 was prepared. The Department of Environment, Land and Water and Planning (DELWP) issued conditional authorisation in April, 2016.

Some of the authorisation conditions required substantial further work to be undertaken on the original work (i.e. the adopted Structure Plan), particularly to address the following:

- Gaps in strategic justification;
- Various inconsistencies between analysis and recommendations; and
- The strategic basis for proposed application of the Urban Growth Zone to the western and southern growth corridors.

This further work has resulted in a new draft document titled *Ballan Strategic Directions*, which seeks to consolidate the existing town structure and retain the character of the township, provides significantly improved strategic justification, clarity and direction.

As *Ballan Strategic Directions* (draft) proposes variations to the zone and overlay controls proposed under Amendment C69 to better meet DELWP guidelines for updating planning schemes, Council will need to apply for authorisation to prepare and exhibit a new planning scheme amendment. Ultimately this will save time, cost in a panel process, is the best method to expedite a clear direction for future planning in Ballan and avoids confusion between previous and current strategic work.

Prior to Council seeking authorisation for a new amendment, *Ballan Strategic Directions* (draft) needs to be tested through public exhibition and submissions. This will enable Council to consider submissions prior to adopting the new document. This process will help to inform the preparation of a new planning scheme amendment.

This approach was discussed with Councillors who attended the Section 86 Rural Growth Committee meeting on 22 March, 2017.

Background

At a Special Meeting on 17 December, 2015 Council resolved to adopt the *Ballan Structure Plan* and seek Ministerial authorisation to prepare and exhibit an amendment (ultimately Amendment C69) to the Moorabool Planning Scheme, to implement the structure plan. Amendment C69 was authorised by the Minister on 13 April, 2016 subject to a number of conditions which needed to be satisfied before the Amendment could be publicly exhibited. Some of the authorisation conditions required substantial further work to be undertaken, particularly to address the following:

- Gaps in strategic justification;
- Various inconsistencies in the Ballan Structure Plan; and
- The strategic basis for proposed application of the Urban Growth Zone to the western and southern growth corridors.

Council subsequently engaged Mesh Pty Ltd, a consultancy with extensive experience in urban growth planning area, to address the authorisation conditions and modify the amendment as necessary. Mesh undertook a thorough review of the *Ballan Structure Plan*, to identify and address any gaps in strategic justification, ultimately producing a document titled *Ballan Strategic Directions* (draft) (Attachment 10.2.2(a) – please refer to this document distributed separate to the combined Agenda document. It is also shown on Council's website as a separate document).

The review of the *Ballan Structure Plan* noted the ongoing relevance of the key themes contained within the document, but highlighted deficiencies in relation to:

- Incorrect application of the statutory controls (e.g. the document proposes to apply minimum lot sizes to land in the General Residential Zone, however, lot sizes cannot be controlled under this zone);
- Inconsistencies between the plans within the document and no overall 'Ballan Framework Plan';
- Unclear study boundary;
- No reference to other Council strategies that have been prepared and provide specific guidance for Ballan (i.e. retail, industrial, etc.);
- No objectives, strategies or actions to assist with the implementation and success of the document;
- Provides direction to 2026 in part and 2031 in others and is inconsistent with Council's recently prepared strategies which provide direction to 2041;
- Unclear demographic and population projections;
- Minimal neighbourhood character assessments for the whole of the town and therefore, lack of direction for future development;
- Minimal direction on the town's gateways;
- Minimal strategic justification throughout the document for many of the recommendations (e.g. the inclusion of the eastern growth precinct);

- Requiring a Precinct Structure Plan and potentially a Infrastructure Contributions Plan for the western growth precinct is inappropriate due to the small scale of the precinct; noting that the ICP legislation came into effect after the structure plan was adopted in 2015; and
- Unclear overall direction for Ballan and at times difficult to interpret how the document is achieving the identified strategic directions.

Ballan Strategic Directions

In order to address these concerns, Mesh produced a document titled *Ballan Strategic Directions* (draft), which seeks to consolidate the existing town structure and retain the character of the township. The document builds on the recommendations and directions given in relevant background strategies and reports. It is important to note that *Ballan Strategic Directions* (draft) maintains essentially the same extent and general direction of future growth as the *Ballan Structure Plan*, however, the new document has significantly improved clarity and direction in relation to:

- A revised Ballan Framework Plan (i.e. under Clause 21.08 of the Moorabool Planning Scheme), to implement the vision for Ballan to 2041;
- A Residential Settlement Framework similar to the adopted Bacchus Marsh Housing Strategy;
- A detailed neighbourhood character assessment for each established residential precinct and design objectives for future development;
- Strategic justification as to why one growth precinct is preferred over another, including justification on the defined settlement boundary;
- Clear pre-conditions and direction for the development of each growth precinct including timing of development;
- A suite of objectives, strategies and actions for each key theme (urban form and character, residential development, movement network and connectivity, open space and recreation, community facilities and services, non-residential uses and local employment, and drainage and services);
- A clear Implementation Plan including zone and overlay controls that are consistent with the suite of statutory provisions available; and
- The inclusion of an Action Plan.

Ballan Strategic Directions (draft) was scheduled to be discussed at the Section 86 Rural Growth Committee meeting on 22 March, 2017. As there was not a quorum of Councillors for the Section 86 Rural Growth Committee meeting to proceed, the *Ballan Strategic Directions* (draft) was discussed with Councillors who were in attendance. In accordance with discussion, the draft document has since undergone minor revision to include the following:

- Investigation of the need for a future active open space area within the western growth precinct ('Fraser land');
- Investigation of the need for future expansion of the hospital precinct.
- Minor zoning refinements to zoning in precincts 1 and 2 along the eastern (and northern) approach to Ballan.

The Table in Attachment 10.2.2(b) summarises how *Ballan Strategic Directions* (draft) responds to the *Ballan Structure Plan* recommendations, and provides reasons for any variations from those recommendations. A few notable variations include:

- In some cases, proposed zone and overlay changes have been revised on the basis of identified opportunities for improvement. For instance, the residential component of the old town core was initially proposed to include a mix of both Neighbourhood Residential Zone and the General Residential Zone. This area is now proposed to be entirely General Residential Zone. This is a less restrictive zone and will help to consolidate growth around the core areas of the town with the best access to services and the train station.
- The Ballan Structure Plan proposed the application of the Urban Growth Zone (UGZ) to the western and southern growth precincts (i.e. Precincts 5 and 7). However, the application of the UGZ is not considered appropriate, given the relatively small size of the growth precincts in the context of urban growth planning. The UGZ would require Council to develop a Precinct Structure Plan before any development could proceed. Ballan Strategic Directions (draft) proposes the application of the GRZ with a Development Plan Overlay. This will be far less resource intensive for Council and will shift the burden to the developer, to prepare a development plan and associated technical reports.
- The Ballan Structure Plan proposed that the southern growth precinct would extend as far south as Rowett Lane. However, Ballan Strategic Directions (draft) proposes that this precinct be reduced in extent (per precinct 7 in BSD), so that it only extends to Gillespies Lane in accordance with the existing Ballan Framework Plan in Clause 21.08 of the planning scheme. There is currently no strategic justification or land supply deficiencies to extend this precinct further southwards and, therefore, Ballan Strategic Directions (draft) nominates the area to the south of Gillespies Lane (to Rowett Lane) as a future investigation area.
- The Ballan Structure Plan proposed a large expansion of the industrial precinct to the east and south, to encompass the 'possible future industrial area' shown on the existing Ballan Framework Plan in Clause 21.08 of the planning scheme. However, Ballan Strategic Directions (draft) proposes no expansion of the industrial precinct. There is currently no strategic justification to expand the industrial precinct, as there is plenty of land available and demand for industrial land is low.
- An area deemed to be a residential investigation area near the eastern entrance to the town and previously labelled as "Eastern residential infill area" is now proposed to be rezoned to the NRZ1 with 1400 square metre minimum lot sizes. This area is shown in the Ballan Strategic Directions as Precinct 2. An area directly east of this area, labelled as Precinct 1 in the Strategic Directions, is now proposed to accommodate low density residential living subject to retaining the significant tree screening in this area. Precinct 1 was not previously identified as a future residential area.

It is critically important to ensure that appropriate zones and overlays are selected at the outset, with due consideration to relevant State government planning practice notes, advisory notes, and Ministerial directions.

This was a key finding of the recent audit of Victoria's planning system by the Victorian Auditor General's Office (VAGO), in which Moorabool Shire was a participant.

DELWP is in the process of implementing its Smart Planning Program, a key objective of which is to simplify planning schemes and make them easier to use. In order to achieve this aim, DELWP is encouraging Councils to discuss potential planning scheme amendments and the drafting of provisions with the department as early as possible. With this in mind, Council officers have been involved in extensive ongoing discussion with DELWP staff. Such discussion may result in some further fine-tuning of *Ballan Strategic Directions* (draft) prior to it being formally exhibited for public comment.

Ballan Residential Analysis

Essential Economics were commissioned by Council to undertake a Land Supply Analysis for Ballan. The goal of the analysis was to ensure that the level of residential land supply provided within the Strategic Directions is sufficient to meet a fifteen year land supply or greater.

The document predicts that approximately 125 hectares of residential land is likely to be sufficient to meet the growth needs of Ballan to 2041. The analysis has indicated that the Strategic Directions would provide approximately 210 hectares of residential land supply for Ballan if all the proposed rezonings within the document occurred.

In addition, the document identifies a southern investigation area which would be a logical place to review options for growth if residential land supply in Ballan is deemed to be low at a future time. The investigation area includes approximately 200 additional hectares.

On this basis the Ballan Strategic Directions is considered to provide sufficient land supply for Ballan well beyond the year 2041.

The Process from Here

As *Ballan Strategic Directions* (draft) proposes variations to the zone and overlay controls proposed under Amendment C69, DELWP has advised that Council will need to apply for authorisation of a new planning scheme amendment.

DELWP has also recommended that Council should formally test *Ballan Strategic Directions* (draft) through public exhibition and submissions, prior to lodging a request for authorisation to prepare and exhibit a planning scheme amendment.

It is recommended that the document should be exhibited for a period of 28 days.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

The proposed public exhibition of *Ballan Strategic Directions* (draft) is consistent with the 2013 – 2017 Council Plan.

Financial Implications

The proposed public exhibition of *Ballan Strategic Directions* (draft) will result in Council incurring only minimal additional costs over and above the 2016-17 budget allocation associated with Amendment C69. Exhibition costs will essentially include postal costs, Council officer time and stationary.

Risk & Occupational Health & Safety Issues

There are unlikely to be any risk and occupational health and safety implications for Council.

Communications and Consultation Strategy

The proposed communication strategy is detailed in Attachment 10.2.2(c). In summary, the strategy involves exhibiting *Ballan Strategic Directions* (draft) for a period of 28 days in the following ways:

- Writing to landowners and occupiers affected by *Ballan Strategic Directions* (draft);
- Consulting directly with key community leaders and landowners of greenfield properties;
- Two community consultation sessions, to be held in Ballan on a date to be determined;
- Notices in local newspapers; and
- A notice on Council's Facebook page, with a link to information on Council's website.

There will be further opportunity for community input into the process when the planning scheme amendment is formally exhibited in the coming months.

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 – Geoff Alexander

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

Conclusion

It is now clear that the Ballan Structure Plan is not a sufficiently sound document for the purpose of supporting an amendment to the Moorabool Planning Scheme.

Ballan Strategic Directions (draft), which seeks to consolidate the existing town structure and retain the character of the township, provides significantly improved strategic justification, clarity and direction.

Prior to Council seeking authorisation for a new amendment, *Ballan Strategic Directions* (draft) needs to be tested through public exhibition and submissions. This will enable Council to consider submissions prior to adopting the new document. This process will help to inform the preparation of a new planning scheme amendment.

It is recommended that *Ballan Strategic Directions* (draft) be exhibited for a period of 28 days, in accordance with the proposed communication strategy as detailed in Attachment 10.2.2(c).

Resolution:

Crs. Tatchell/Bingham

That Council, having considered the document titled Ballan Strategic Directions (draft), resolves to:


- 1. Endorses the document titled Ballan Strategic Directions (draft) as suitable for the purpose of public exhibition.***

2. ***Exhibits the document titled Ballan Strategic Directions (draft) for a period of 28 days in accordance with the proposed communication strategy as detailed in Attachment 10.2.2(c).***
3. ***Receives a further report detailing the results of the exhibition of the Ballan Strategic Directions (draft).***

CARRIED.

Report Authorisation

Authorised by:


Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Monday 10 May, 2017

10.2.3 Adoption of the Community Infrastructure Framework

Introduction

Author: Raeph Cumming
General Manager: Satwinder Sandhu

Background

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

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

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

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

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

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

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

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

Timeline of previous Councillor engagement and changes to the Framework

July 2016:

- AOC considers draft Community Infrastructure Framework Methodology.

Feb 2017:

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

Feb-May 2017:

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

Proposal

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

- 1) Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 10.2.3(a)):
 - Provides the policy basis for the Community Infrastructure Framework and the Planning and Design Principles that are to be applied through the Framework.
- 2) Community Infrastructure Planning Process (Attachment 10.2.3(b)):
 - Describes the Framework approach, tools and documentation.
- 3) Priority Community Infrastructure Needs report
 - Part A - Provides a lookup table of priority infrastructure types by location (Attachment 10.2.3(c)).
 - Part B - Summarises the infrastructure priorities identified by Council (Attachment 10.2.3(d)).
- 4) Community Infrastructure Provision Standards report
 - Part A - Provides the Population Standards used by the Community Needs Analysis (Attachment 10.2.3(e)).
 - Part B - Provides the Travel Accessibility Standards (Attachment 10.2.3(f)).

Two supplementary technical reports were prepared that inform the core Framework documents. These reports do not require adoption by Council.

- 1) Community Infrastructure Audit report
 - Lists the community infrastructure recorded by the Audit.

Note: *the full Community Infrastructure Audit runs to over 300 pages. A full copy can be provided by the SSD unit on request or on Council's website.*

- 2) Community Infrastructure Needs Analysis (detailed findings):
- Part A - provides a summary of strategic findings
 - Part B - details the findings from the Quantity Assessment; and
 - Part C - provides mapped results of the Travel Accessibility Assessment.

Note: *the full Community Infrastructure Needs Analysis runs to over 100 pages. A full copy can be provided by the SSD unit on request or on Council's website.*

The primary output from the Framework is the *Priority Community Infrastructure Needs* report (Attachments 10.2.3(c) and 10.2.3(d)). This report highlights which of the shortfalls in infrastructure provision identified through the community needs analysis have been confirmed by service managers as priorities to be addressed. Importantly, this report does not identify actual projects.

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

The Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 10.2.3(a))

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

A key requirement of the Policy is that:

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

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

As a Council Policy that meets the criteria set out in the Policy entitled *Consideration of Items with Affect Beyond the Current Year*, it will now lay on the table. This coincides with the recommendation to invite comments from the public on the four core Framework documents before considering their adoption.

The Community Infrastructure Planning Process (*Attachment 10.2.3(b)*)

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

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

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

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

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

Key findings

As described in the Planning Process document (Attachment 10.2.3(b), section 5.1), the Framework measures four aspects of community need for infrastructure:

1. Quantity assessment: a strategic assessment to determine whether there are enough facilities in relation to population size.
2. Travel accessibility assessment: a strategic assessment to determine whether people can travel to services and facilities within a reasonable journey time.
3. Suitability assessment: facility-specific assessments that determine whether facilities are fit for their purpose and in adequate physical condition.
4. Utilisation assessment: facility-specific assessments that determine whether services and facilities have adequate capacity to meet community demand.

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

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

The Priority Community Infrastructure Needs report (Attachments 10.2.3(c) and 10.2.3(d)).

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

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

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

Community Infrastructure Provision Standards Report (Attachments 10.2.3(e) and 10.2.3(f)).

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

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community.
Objective	Advocate for services and infrastructure that meets the Shire's existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire. Represent Council at a regional level to improve services and infrastructure within the Shire.
Key Result Area	Representation and Leadership of our Community.
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

Key Result Area	Community wellbeing.
Objective	Inclusive, responsive and accessible community services.
Strategy	<p>Undertake social, health and recreation planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council.</p> <p>Work in partnership with government and non-government service providers to deliver early years facilities and services.</p> <p>Advocate, support and deliver youth development programs and services in partnership with other agencies.</p> <p>Advocate, support and provide aged and disability services.</p> <p>Ensure Council's services and facilities are accessible.</p>
Key Result Area	Community wellbeing.
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and activities.
Key Result Area	Enhanced infrastructure and natural and built environment.
Objective	Effective and integrated strategic planning in place to create sustainable communities.
Strategy	<p>Adoption of Moorabool 2041 Framework and vision.</p> <p>Development of Urban and Rural Growth Strategies in conjunction with other related plans.</p> <p>Advocate and lobby government for increased infrastructure funding and ensure state land use plans are in line with the Moorabool community needs.</p>

Undertake integrated infrastructure and land use planning to guide future growth and development of our towns and settlements.

Key Result Area

Enhanced infrastructure and natural and built environment.

Objective

Ensure current and future infrastructure meets the needs of the community.

Strategy

Develop long term social and physical infrastructure plans and funding modelling as part of the Moorabool 2041 Framework including opportunities for development contributions.

Plan and maintain a long term and annual capital improvement program.

Construct physical infrastructure to appropriate standards.

Key Result Area

Enhanced infrastructure and natural and built environment

Objective

Management of assets and infrastructure.

Strategy

Address the infrastructure renewal gap through prudent financial strategies and an accurate understanding of the renewal demand.

Delivery of the annual Capital Improvement Program.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

The core Framework documents and technical reports will be published on Council's website and newspaper advertisements will be placed allowing 28 days for the to make comment. Findings will be presented through reports, data tables and printed maps. A means to provide findings via the interactive map feature of Council's website is being explored.

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Raeph Cumming

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

Conclusion

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

The four core Framework documents presented to Council for its resolution to advertise for public consultation at this time are:

- Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 10.2.3(a)).
- Community Infrastructure Planning Process (Attachment 10.2.3(b)).
- Priority Community Infrastructure Needs report:
 - Part A - Lookup table of priorities (Attachment 10.2.3(c)).
 - Part B - Summary explanation of priorities (Attachment 10.2.3(d)).
- Community Infrastructure Provision Standards report:
 - Part A - The Population Standards (Attachment 10.2.3(e)).

- Part B - The Travel Accessibility Standards (Attachment 10.2.3(f)).

After the consultation period a report will be brought back to the 2 August 2017 Ordinary Meeting of Council. This report will take into account any submissions the Council has received with a recommendation that the Council adopt the Framework at that meeting.

When it adopts the Framework it will commit the Council to:

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

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

Recommendation:

That Council:

1. **Endorses the following Community Infrastructure Framework core documents for 28 days public consultation:**
 - **Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 10.2.3(a));**
 - **Community Infrastructure Planning Process (Attachment 10.2.3(b));**
 - **Priority Community Infrastructure Needs report**
 - **Part A - Lookup table of priorities (Attachment 10.2.3(c));**
 - **Part B Summary explanation of priorities (Attachment 10.2.3(d));**
 - **Community Infrastructure Provision Standards report**
 - **Part A The Population Standards (Attachment 10.2.3(e));**
 - **Part B The Travel Accessibility Standards (Attachment 10.2.3(f)).**
2. **Notes that the Community Infrastructure Framework core documents will be reported to the Ordinary Meeting of Council on 2 August 2017 for adoption following the public consultation.**
3. **Notes the following supporting technical reports that accompany the core Framework documents:**
 - **Community Infrastructure Audit report;**
 - **Community Infrastructure Needs Analysis (detailed findings)**
 - **Part A Summary of strategic findings;**
 - **Part B Results of the Quantity Assessment;**
 - **Part C Results of the Travel Accessibility Assessment.**

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

1. ***Endorses the following Community Infrastructure Framework core documents for eight weeks public consultation:***
 - ***Community Infrastructure Planning Policy and Planning and Design Principles (Attachment 10.2.3(a));***
 - ***Community Infrastructure Planning Process (Attachment 10.2.3(b));***
 - ***Priority Community Infrastructure Needs report***
 - ***Part A - Lookup table of priorities (Attachment 10.2.3(c));***
 - ***Part B Summary explanation of priorities (Attachment 10.2.3(d));***
 - ***Community Infrastructure Provision Standards report***
 - ***Part A The Population Standards (Attachment 10.2.3(e));***
 - ***Part B The Travel Accessibility Standards (Attachment 10.2.3(f)).***
2. ***Notes that the Community Infrastructure Framework core documents will be reported to a future Ordinary Meeting of Council for adoption following the public consultation.***
3. ***Notes the following supporting technical reports that accompany the core Framework documents:***
 - ***Community Infrastructure Audit report;***
 - ***Community Infrastructure Needs Analysis (detailed findings)***
 - ***Part A Summary of strategic findings;***
 - ***Part B Results of the Quantity Assessment;***
 - ***Part C Results of the Travel Accessibility Assessment.***

CARRIED.

Report Authorisation**Authorised by:****Name:** Satwinder Sandhu**Title:** General Manager, Growth & Development**Date:** Thursday 18 May 2017

10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

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

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

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

Introduction

At the Ordinary Meeting of Council held on 4 November 2015, Council resolved to: approve that a Licence agreement be implemented ending at the conclusion of the existing Leisure Facilities Contract at June 30 2017 with Acrofun Gymnastics; and pursue funding opportunities for Acrofun Gymnastics Club to relocate to a more suitable facility at the conclusion of the two year Licence agreement or earlier, and that a further report be brought to Council on this matter at an appropriate time.

The current two-year Licence agreement with the Acrofun Gymnastics Club (Acrofun) expires on the 30 June 2017. Throughout the last two years, Council Officers have been working with Acrofun to identify a suitable alternative facility. However, despite the efforts of both parties a suitable relocation option has not been identified at this point in time. In discussions with Officers, Acrofun has requested that Council consider an extension to the Licence Agreement for a further two years.

Background

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

Acrofun has approximately 250 active members/participants and report that they are operating at capacity due to a lack of suitably qualified and experienced coaches hindering their ability to increase membership. They provide exercise and gymnastic activities for children through to adults, for both male and female participants. Acrofun contributes significantly to the recreation, health and physical activity opportunities available to the community.

Acrofun is registered as a Not for Profit Incorporated Association Tier 1 (turn-over less than \$250,000). Acrofun hold an ABN but are not registered for GST which suggests they have a turn over less than \$150,000. Accordingly they have been regarded as a community organisation rather than a commercial entity.

The Recreation & Leisure Strategy 2015-2021 identified that there is a demand within the Bacchus Marsh area for additional indoor court space for activities such as basketball, netball, badminton and volleyball. This demand is primarily due to the courts at Bacchus Marsh Leisure Centre operating at capacity levels. Other groups such as BMLC Group Fitness has also raised the Civic Hub Stadium as a possible location for their activity.

The Darley Civic Hub Stadium is limited in its capacity to cater for this demand if it was available, as the court does not meet competition standards for most indoor sports. (Due to limited "run-off" space)

Council has recently received State Government funding to undertake an Indoor Facility Feasibility Study to identify indoor space needs and develop a strategy for addressing these needs over the next 5 years.

Proposal

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

It is acknowledged that there may be other users looking to gain access to the facility such as group fitness and sports training, however the needs of these groups are being considered through other processes.

Acrofun provides the community with access to physical activity opportunities, particularly for children. This should be recognised by Council when considering pricing options for use of the facility.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Participation in diverse sport, recreation and leisure activities.
Strategy	Promote community health and wellbeing through the provision of recreation facilities, open space, programs and services.

The development of the Lease Agreement for a 2-year year period is consistent with the objectives of the 2013-2017 Council Plan and the Recreation & Leisure Strategy 2015-2021.

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

Financial Implications

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

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

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

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

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

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

Prior to finalising the new lease Acrofun will be asked to provide financial statements for the past 2 years to confirm their status as a not for profit entity.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Council Officers have facilitated discussions between a range of stakeholders with an interest in the operation of the Darley Civic Hub Stadium. This has included:

- Acrofun Gymnastics Club.
- BMLC Group Fitness Participants.
- BMLC Older Adults Gym members.
- Bacchus Marsh Basketball Association.

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Conclusion

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

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

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

Recommendation:

That the Council:

- 1. Enter into a new Lease Agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of two years commencing 1 July 2017.**

2. Endorse the following fee structure for the term of the agreement:

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

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

MOTION:

Cr. Sullivan/Dudzik

That the Council:

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

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

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

LOST.

MOTION:

Resolution:

Crs. Tatchell/Bingham

That the current licence agreement continues until such time that the information on the business and governance arrangements requested by Council be supplied and a further report is brought back to the next meeting of Council.

CARRIED.

Report Authorisation

Authorised by: 

Name: Danny Colgan

Title: General Manager, Social & Organisational Development

Date: Tuesday 30 May 2017

10.3.2 Appointment of Chairperson for the Bacchus Marsh Racecourse and Recreation Reserve

File No.: 534900
Author: Ian Waugh
General Manager: Danny Colgan

Introduction

The purpose of this report is to recommend that the Council appoint a Chairperson for the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management, consistent with the Appointments and Delegations policy adopted by Council on the 6 April 2016.

Background

The Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is a section 86 Committee of Council in accordance with the Local Government Act 1989. At the Ordinary Council Meeting in April 2016, the Council adopted the Appointments and Delegations Policy.

The members of the Bacchus Marsh Recreation and Racecourse Reserve Committee of Management were appointed for a period of up to two years at the Ordinary Meeting of Council held on the 3 May 2017. Council also resolved to seek nominations for the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management through public advertisement with a further report to be presented to Council proposing appointment of the Chairperson.

The Position Specification contained in Attachment 10.2.3 for the Chairperson position informed potential applicants that the position is an independent Chairperson of the Committee of Management appointed by and responsible to the Council. The purpose of the position is to lead the Committee of Management in accordance with the functions and responsibilities outlined by Council via the appointments and delegations policy and the requirements outlined in the position specification. The Chairperson is to act as an independent appointee without affiliations with any individual user groups.

Appointment of Chairperson to the Committee of Management

An advertisement was placed in the local paper on 16 May 2017 inviting nominations for the position of Committee Chairperson. This advertisement was also sent to all Committee of Management members along with the Position Specification and Council's Appointment and Delegations Policy. These documents were also placed on Council's website with the advertisement for the position of Chairperson. Applications for the position closed on Tuesday 30 May 2017.

Chairperson Position

Following the advertising period, one nomination was received for the position of Chairperson from Mr Allan Comrie. In accordance with the Appointments and Delegations policy, Council is required to ratify the appointment of the Chairperson.

Proposal

It is recommended that Council appoint Allan Comrie as Chairperson for a period of up to two years.

Mr Allan Comrie was appointed as a Community Representative at Council's meeting on Wednesday 3 May 2017. As a result of this decision, Mr Comrie will need to step down from the Community Representative position. There will be no need for advertising for another person to fill the vacant Community Representative position, as the Committee of Management will still be the correct size as set out in Council's Appointment and Delegations Policy.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Community Well Being
Objective	Community Self Reliance
Strategy	Actively support Committees of Management of community assets.

The proposal to appoint the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is consistent with the 2013-2017 Council Plan.

Financial Implications

Council provides operational funding to Bacchus Marsh Racecourse and Recreation Reserve as part of the Recreation Reserve Funding Policy. An Annual Management Agreement is in place outlining the service level for maintenance, roles and responsibilities in management of both Council and delegated to the Committee of Management.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Vacant chairperson position	Position remains vacant and the committee is unable to operate effectively	Low	Appoint chairperson to committee or Council manage the reserve.

Communications and Consultation Strategy

The outcomes of this report will be communicated directly to the applicants for the Chairperson Position, and members of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Conclusion

The Bacchus Marsh Racecourse and Recreation Reserve Committee of Management is a Section 86 Committee of Management and is delegated management and maintenance responsibilities at the reserve on behalf of Council. The appointment of the chairperson will ensure that the Committee of Management can continue to support Council to perform this function in the future.

Resolution:

Crs. Keogh/Dudzik

That the Council appoint Allan Comrie as the Chairperson of the Bacchus Marsh Racecourse and Recreation Reserve Committee of Management for a period of up to two years.

CARRIED.

Report Authorisation

Authorised by:

Name: Danny Colgan

Title: General Manager Social & Organisational Development

Date: Tuesday 30 May 2017



10.3.3 Victorian Government Community Sports Infrastructure Fund 2018-19

File No.: 02/14/001(1)
Author: Ian Waugh
General Manager: Danny Colgan

Introduction

The purpose of the report is recommend that the Council endorse the submission of projects for funding under the Victorian Government Community Sports Infrastructure Fund 2018-19.

Background

The Community Sports Infrastructure Fund is a Victorian Government funding program that helps provide high quality, accessible community sport and recreation facilities across Victoria by encouraging:

- Increased sport and recreation participation for all Victorians
- Increased female and junior participation
- Increased access to sport and recreation opportunities
- Better planning of sport and recreation facilities
- Innovative sport and recreation facilities
- Environmentally sustainable facilities
- Universally designed facilities

The Community Sports Infrastructure Fund provides grants for planning, building new, and improving existing infrastructure where communities conduct, organise and participate in sport and recreation. Funding is in the following categories:

- **Better Pools** - up to \$3 million is available to provide high-quality aquatic facilities through new or redeveloped aquatic leisure centre.
- **Major Facilities** - up to \$650,000 (where total project is more than \$500,000, excl GST) is available to develop or upgrade sub-regional and regional sport and recreation facilities.
- **Small Aquatic Project** - up to \$200,000 is available to improve and upgrade aquatic facilities, seasonal pools and develop new water play spaces.
- **Minor Facilities** - up to \$100,000 for any one project (where total project cost is up to \$1,000,000 excl GST) is available for community sport and recreation groups, working in partnership with local government, to develop or upgrade community sport and recreation facilities.
- **Female Friendly Facilities** - up to \$100,000 is available to build new or upgrade existing, outdated change facilities at sports clubs that cater for female sport, with a focus on promoting female and family friendly environments.

- **Cricket Facilities** - up to \$100,000 is available to assist local councils, cricket associations and local cricket clubs to upgrade and develop cricket specific club infrastructure including new buildings, grounds, and training facilities.
- **Planning** – projects that address the future sport and recreation needs of communities through better information gathering, consultation and strategic planning, including:
 - up to \$30,000 for projects focusing on recreation planning or facility feasibility in one municipality
 - up to \$50,000 for regional planning initiatives that demonstrate inter-municipal needs and financial support from multiple local government authorities
 - up to \$30,000 for female participation strategies.

It should be noted that:

- One application can be made for the Better Pools, Major Facilities and Small Aquatic Projects.
- Up to three applications can be submitted for the Minor or Cricket Facilities.
- Up to three applications can be submitted for Female Friendly Facilities.
- Only one application can be submitted for the Planning category.

Only Local Governments can apply directly to the Department of Health & Human Services for funding from this program. Councils are required to discuss their project with their Sport and Recreation Victoria representative before submitting their proposal/s. Community organisations can only access funds by submitting an Expression of Interest form directly to Council for consideration. If successful, the funding will be made available as of 1 July 2018.

Project proposals are to be submitted to Sport and Recreation Victoria by 11:59pm on Wednesday 7 June 2017.

The application process with Sport and Recreation Victoria is a 4-step process.

- Step 1 – Make contact with SRV regional representative.
- Step 2 – Submission of Project Proposals to SRV.
- Step 3 – SRV notification of which proposals are to be submitted for full application.
- Step 4 – Full applications submitted to SRV for assessment by September 11

The Victorian Government has also announced details of the 2017/18 round of the Country Football Netball Funding Program. Applications to this program close on the 27 July 2017 and will be the subject of a future report to Council.

Proposal

It is proposed that the Council endorse the submission of the following projects for funding under the Victorian Government Community Sports Infrastructure Fund:

Project	Description	Category	Budget	Council Funds	Club Funds	Grant Request
Elaine Reserve Irrigation Project	Installation of irrigation system, connected to tanks to harvest water from the tennis courts. The water will be utilised to irrigate the centre of the cricket ground and provide a safer more attractive location for cricket.	Cricket Facility	\$120,000	\$40,000	\$15,000	\$80,000
Bacchus Marsh Lawn Tennis Resurfacing Project	Conversion of 3 existing grass/lawn courts to synthetic surface to allow for year round use for juniors	Minor Facility	\$430,000	\$50,000	280,000 (plus in-kind)	\$100,000
Darley Park Lighting Upgrade	Upgrade of current ground lights to 200 lux and conversion to LED.	Minor Facility	\$250,000	\$50,000	\$100,000 (TBC)	\$100,000
Sportsground Lighting Audit	Conduct and audit of Sportsgrounds to plan for upgrading lights to meet the minimum standard for training.	Planning	\$45,000	\$15,000		\$30,000

Although the following two projects were considered by Council Officers as suitable in respect to the criteria in the Community Sports Infrastructure Fund Guidelines, it is proposed that the projects not be submitted for funding. As this funding round is for the 2018-19 Financial Year, successful projects cannot commence until July 2018. The Committee of Management at Ballan Recreation Reserve have advised they are unable to wait until July 2018 for the funds to be made available. It is proposed that Officers work with the committee to repair the courts at the conclusion of the 2017 netball season.

Project	Description	Category	Budget	Council Funds	Club Funds	Grant Request
Ballan Reserve Playground Redevelopment	<p>The Current playground is in a state of disrepair and requires urgent attention.</p> <p>Officers will work with the community to ensure current playground is safe pending completion of the proposed master plan for the reserve.</p>	Minor Facility	\$150,000	\$30,000	\$20,000 Community Fundraising	\$100,000
Ballan Netball Club Court Resurfacing Project	<p>Repair & Resurfacing of netball court to meet Netball Victoria standards and construction of court shelter.</p> <p>The club and Committee of Management has undertaken minor works to allow the 2017 season to continue.</p> <p>Council has allocated \$40,000 in the 2017/2018 Capital Budget to project which was the subject of an unsuccessful application for funding under the Country Football Netball Project.</p> <p>It is recommended that the \$40,000 be re-directed and carried over into 2017/18 to allow the courts to be repaired and re-surfaced at the conclusion of the 2017 season.</p>	Female Friendly	\$100,000	\$40,000		\$60,000

Policy Implications

The 2013–2017 Council Plan provides as follows:

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

The proposal to submit applications for funding under the Victorian Government Community Sports Infrastructure Fund is consistent with the 2013-2017 Council Plan.

Financial Implications

The Council contribution for successful applications will be required to be submitted for inclusion in the 2018-2019 budget. SRV expects announcements of successful projects in November 2017. If successful, the funding will be made available as of 1 July 2018. The following Council contributions would be required if any or all of the applications were successful: Elaine Cricket Club Irrigation Project (\$40,000); Bacchus Marsh Lawn Tennis Resurfacing Project (\$50,000); Darley Park Lighting Upgrade (\$50,000); and Sportsground Lighting Audit Project (\$15,000).

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community Needs	Risk management issues associated with using the facilities if improvements are not implemented	High	Future strategic planning for high priority recommendations identified in context of other community priorities
Financial	Funding required to progress future development of the facilities	Medium	Business cases will be prepared for consideration in future Council's budgets.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Resolution:

Crs. Sullivan / Tatchell

That the Council:

1. ***endorse the submission of the following projects for funding under the State Government Community Sports Infrastructure Fund 2018-19***
 - ***Elaine Cricket Club Irrigation Project***
 - ***Bacchus Marsh Lawn Tennis Resurfacing Project***
 - ***Darley Park Lighting Upgrade***
 - ***Sportsground Lighting Audit Project.***

2. ***Approve the carry forward of \$40,000 allocated to the Ballan Netball Club Court Resurfacing Project in the 2017/2018 Capital Budget to the next financial year to allow the courts to be repaired and re-surfaced at the conclusion of the 2017 season.***

CARRIED.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Tuesday 30 May 2017

Consideration of Presentation – Future Use of Bacchus Marsh Leisure Centre Fitness Space

Mr. Geoffrey McKay addressed Council in relation to the Future Use of Bacchus Marsh Leisure Centre Fitness Space.

Ms. Kathy Whye addressed Council in relation to the Future Use of Bacchus Marsh Leisure Centre Fitness Space.

Ms. Chris Kiss addressed Council in relation to the Future Use of Bacchus Marsh Leisure Centre Fitness Space.

The business of the meeting then returned to the agenda.

10.3.4 Future Use of Bacchus Marsh Leisure Centre Fitness Space

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

The purpose of this report is to update Council on the outcomes of the recent Expressions of Interest process for operation of the health and fitness space at Bacchus Marsh Leisure Centre and to recommend that Council directly operate health and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters: (1) the current gym and health club space be utilised to operate a limited gym and as a base for group fitness programs; (2) programs will operate utilising a mix of Centre Staff, paid sessional instructors and community agency volunteers (e.g. Disability, Aged Services, and Sports Associations); (3) programs will operate on a cost recovery basis, i.e. programs will be expected to recover costs such as instructors, facility maintenance and specialist equipment fees; (4) programs that are unable to cover operational costs will be discontinued and replaced with other viable options in consultation with patrons; (5) Council will work closely with existing volunteer groups and patrons to ensure programs are viable and meet the minimum attendance levels: and (6) A further report on the operation of the health and fitness programs be presented to the Council in April 2018.

Introduction

The Ordinary Meeting of Council held on the 1 February 2017 considered a report regarding the management and operation of Moorabool Leisure Facilities. The Council resolved to: “lease the Gym to an external provider of Gym and/or fitness services. If an external operator cannot be found Council will, after formal consultation with the community, provide a further report to Council on other options for this space”.

Background

An Expressions of Interest process was undertaken between 21 March and 28 April 2017. Advertisements were placed in local media, Council’s Tenderlink portal and distributed to peak industry bodies such as Fitness Australia and Parks and Leisure Australia.

No Expressions of Interest were received in response to the advertising. Accordingly, Officers commenced implementation of the second part of the Council resolution and have convened meetings with various stakeholders including:

- Group Fitness participants
- Leisure Centre Older Adults Gym Group
- Merrimu Disability Group
- Bacchus Marsh Basketball Association
- Belgravia Leisure

Feedback has also been received from a number of individual Health Club members regarding the potential for Council to maintain operation of the Health Club.

Summary of Feedback from Stakeholders

Stakeholder	Feedback
Group Fitness Participants	<ul style="list-style-type: none"> • Want the Health Club to continue • Concern for older participants and disability group • Seeking continuance of Group Fitness Program particularly the operation of the “Les Mills” Programs. • Interested in relocating group fitness to Darley Civic & Community Hub • Need to offer improved service and child care (crèche) if program is to grow and be sustainable • Suggested Council “acquire” current equipment at the Centre and continue to operate the Health Club whilst relocating Group Fitness
Older Adults Gym Group	<ul style="list-style-type: none"> • Health Club should continue in some form • Want to remain at the Bacchus Marsh Leisure Centre (BMLC) • Council should “acquire” current equipment from Belgravia Leisure and continue to offer programs at the centre • Accept that current membership is low but attribute this to lack of investment in facility and previous poor management practices • Believe that there is a need for low cost options to cater for disadvantaged groups • Other providers are not offering what their group wants/needs

Stakeholder	Feedback
Merrimu Disability Group	<ul style="list-style-type: none"> • Keen to continue to attend the Centre • Very happy with current program • Other providers not able to offer suitable programs • Need to minimise cost to participants
Bacchus Marsh Basketball Association (BMBA)	<ul style="list-style-type: none"> • Primarily concerned with lack of indoor courts • Pleased with Councils decision to manage facilities directly • Minor concern regarding cost implications for court use • Interested in accessing office space at the centre • Keen to ensure other programs and services at the centre benefit their members e.g. Kiosk offers suitable food and beverages when basketball operates • Fitness programs do not operate on courts during peak times
Belgravia Leisure	<ul style="list-style-type: none"> • Discussions on possibility and costs associated with Council “acquiring” current equipment

The discussions and consultation with the various stakeholders has highlighted a number of issues regarding the provision of health and fitness programs at the Centre. It is apparent that the current operation of the gym provides a valuable and inclusive services to a number of disadvantaged groups such as the older adults and Merrimu disability group. These groups expressed that they are attracted to the Centre due to its location; relatively low cost of programs; and social connections built within the centre and are the primary reasons why they believe Council should continue to operate programs that meet their needs.

As noted above some groups may be disadvantaged and may not be able to identify an alternative provider for their activity programs. These groups may discontinue any involvement in physical activity opportunities at the conclusion of the current contract.

The issues regarding the group fitness program have previously been considered by the Council. The Group Fitness Program has been operating for some time with low participation numbers and high operating costs. (Both to Council, which has subsidised the classes, and Belgravia Leisure as the contractor). The Group Fitness group’s insistence on the provision of Les Mill’s programs is not substantiated by the numbers of people attending the sessions and certainly does not warrant the substantial Licence fees required to operate the program.

The Group Fitness members have also proposed that group fitness programs be operated from the former Library Space at the Darley Civic and Community Hub with access to the Council's occasional care service. The Council at its meeting on 1 March 2017 resolved to reserve the former Library Space for priority services including Family Violence Intervention and Support Services and Mental Health Services.

In mid-May the State Government announced funding for a family violence therapeutic intervention service which will have its base in the former Library Space. It is expected that the service will commence within the next three months. The Occasional Care service operates from 9am-2pm each day with limited places available. It is not likely that the service would be available at the hours that group fitness program would most likely operate. Therefore, space at the Darley Hub is not suitable or available.

The suitability or fit for purpose of the current facility has also been questioned. Ageing and run down facilities do not attract and encourage participation. This has led to the Program being financially unsustainable as Council is unable to continue subsidising the cost for such few participants, and for Belgravia to meet their commercial objectives.

It is clear from the recent Expressions of Interest process undertaken by Council that there is no interest from the commercial sector in operating the health and fitness facilities at the Centre.

An option for the Council to address the service gap would be to directly operate specific programs that cater for the disadvantaged groups, utilising a mix of Centre staff, sessional instructors and voluntary community organisations. These programs could utilise existing equipment (subject to agreement being reached with Belgravia Leisure regarding access and cost of the equipment) or Council could either lease or purchase its own new equipment.

Officers are currently discussing options and costs with Belgravia Leisure and other Fitness Equipment suppliers to determine the best option for Council. It should be noted that there is currently no provision in the Council's 2017/18 Draft Budget for the acquisition of equipment.

Cost estimates for leasing equipment have been obtained from suppliers as follows:

- Exercise bikes & treadmills, valued at \$35,000 from \$829.50 per month.
- Universal gym machines, valued at \$15,000 from \$363.00 per month.
- Multi-Use Equipment package worth \$10,000 from \$258.00 per month.

Approximate costs to lease \$40,000 worth of equipment are as follows:

	12 Months	24 Months	36 Months	48 Months	60 Months
Weekly payment	\$893.54	\$434.77	\$324.00	\$261.23	\$219.69
Monthly	\$3,872.00	\$1,884.00	\$1,404.00	\$1,132.00	\$952.00

Proposal

It is proposed that the Council directly operate the health and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters:

1. The current gym and health club space be utilised to operate a limited gym and as a base for group fitness programs.
2. Programs will operate utilising a mix of Centre Staff, paid sessional instructors and community agency volunteers (e.g. Disability, Aged Services, and Sports Associations).
3. Programs will operate on a cost recovery basis, i.e. programs will be expected to recover costs such as instructors, facility maintenance and specialist equipment fees.
4. Programs that are unable to cover operational costs will be discontinued and replaced with other viable options in consultation with patrons.
5. Council will work closely with existing volunteer groups and patrons to ensure programs are viable and meet the minimum attendance levels.

A draft program has been developed as follows:

	Mon	Tue	Wed	Thur	Fri	Sat	Sun
AM							
7:00 AM	GF		GF		GF		
9:00 AM	GF		GF		GF		
10:00 AM	OAD		OAD		OAD		
11:00 AM		OAD		OAD			
PM							
6:00 PM		GF		GF			
7:00 PM		GF		GF			
	(GF)GROUP FITNESS = 10 sessions per week						
	(OAD)Older Adults & Disability = 5 sessions per week						
	TOTAL 15 Sessions X 40 weeks = 600 p.a						

The Program would operate on a cost recovery basis with a minimum of 10 participants at each session. Participants would be required to book sessions

at least 24 hours in advance. Sessions not attaining the minimum number of participants will be cancelled and participants notified by via the centre web site or SMS message.

A forecast-operating budget for the draft Program is contained in the Financial Implications section of this report.

If the program proves to be viable it may be expanded to include additional sessions or other gym based options.

It should be noted that given the impending transition to Council management, that the proposed arrangements if approved by the Council may not be able to be implemented by the 1 July 2017.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

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

Financial Implications

The Council's 2017/18 Draft Budget contains an estimated rental of \$35,000 for the health gym/group fitness space. However this will not be realised due to there being no responses to the Expressions of Interest process. As such, revenue included in the budget for the BMLC is already down by \$35,000 and consequently increases the net cost to the Council.

The Draft 2017/18 Budget does not include a financial allocation for the proposed acquisition of the fitness equipment or cost of instructors required to support the draft program. Resources to enable this to occur would need to be provided in the 2017/2018 budget.

Draft Program Forecast Budget

Expenditure			
Instructor	600 hrs @ \$55	33,000	
Equipment		20,000	
Marketing Promotion		2,500	
Misc		1,000	
		56,500	
Income			
GF 10 per session @ \$10		40000	
OAD 10 per session @ \$5:50		11,000	* Concession Rate
		51000	
** Sessions do not proceed without min of 10 participants			
** Participants required to book min 24hrs in advance			
** Older Adults & Disability sessions are at cost recovery rate			

The proposed budget for the draft program shows that it can achieve close to a break-even position providing the participation numbers achieve the minimum targets. Officers will closely monitor the program to ensure on-going viability. Volunteers and participants will be asked to play a role in the promotion and marketing of the program to attract additional participants and ensure operational targets are achieved. In particular, the Group Fitness participants have consistently lobbied Council in an attempt to demonstrate that the programs are viable. This is an opportunity for them to work collaboratively with Council and accept some responsibility in securing the continued operation of the program.

Officers have reviewed the 2017/18 forecast operating budget for the BMLC to accommodate the loss of revenue from Health Club rental (\$35,000) and identified expenditure savings to allow suitable fitness equipment to be sourced to operate the Draft Program. This results in an increase in overall operating costs for the centre of \$11,000. This is regarded as a positive result as it allows Council to continue to provide fitness programs at the centre in a financially responsible manner.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Political & Reputational	Health Club members and general users may	Possible	Ensure reasons for the review and outcomes are clearly and directly communicated with all affected individuals
Financial	Forecast revenues and expenditures may vary due to reduction in demand	Possible	Detailed budgets to be developed and financial performance monitored closely

Communications Strategy

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

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Recommendation:

That Council directly operate health and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters:

- 1. The current gym and health club space at the Bacchus Marsh Leisure Centre be utilised to operate a limited gym and as a base for group fitness programs.**
- 2. Programs will operate utilising a mix of Centre Staff, paid sessional instructors and community agency volunteers (e.g. Disability, Aged Services, and Sports Associations).**
- 3. Programs will operate on a cost recovery basis, i.e. programs will be expected to recover costs such as instructors, facility maintenance and specialist equipment fees.**
- 4. Programs that are unable to cover operational costs will be discontinued and replaced with other viable options in consultation with patrons.**
- 5. Council will work closely with existing volunteer groups and patrons to ensure programs are viable and meet the minimum attendance levels.**

6. **An additional \$11,000 be allocated in the 2017/2018 operating budget towards the costs of operating the gym and fitness programs for an initial period of 12 months.**
7. **A further report on the operation of the health and fitness programs be presented to the Council in April 2018.**

Cr. Toohey left the meeting at 6.37pm.

Cr. Toohey returned to the meeting at 6.41pm.

Resolution:

Crs. Bingham/Tatchell

That Council directly operate health and fitness programs at the Bacchus Marsh Leisure Centre within the following parameters:

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

CARRIED.

Cr. Keogh called for a Division.

Councillors Voting for the Resolution:

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

**Councillors voting Against the Resolution:
Cr. Dudzik, Cr. Sullivan, Cr. Toohey**

The resolution was determined to be CARRIED.

Report Authorisation

Authorised by: 

Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Wednesday 31 May 2017

10.3.5 Portable Audio Recording System for Council Meetings

Introduction

File No.: 02/01/001
Author: John Whitfield
General Manager: Danny Colgan

Background

At the Ordinary Meeting of Council held on Wednesday 1 February 2017 Council resolved to approve an investigation into a suitable portable audio recording system. Specifically, it resolved as follows:

*Resolution:
Crs. Bingham/Keogh*

- 1. That the Chief Executive Officer be delegated the authority to reply to requests by the media and the public to record Council meetings and Special Committee meetings subject to the terms and conditions of the Meeting Procedure Local Law No. 9 and that the Chief Executive Officer advise Councillors to whom consent to record meetings has been granted or refused.*
- 2. That Council approves an investigation into a suitable portable audio recording system be conducted and that a report be brought back to a future meeting of the Council.*

CARRIED.

The report to the February 2017 Ordinary Meeting of Council aligns with the Council's Meeting Procedure Local Law No. 9 where in Part 11 it deals with the recording of Council meetings. It says:

PART 11 PROVISIONS TO RECORD COUNCIL MEETINGS

11.1 Webcasting and Recording Proceedings

- a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct electronic broadcasting by any means of the proceedings of the Council Meeting.*
- b) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Special Committee Meeting using a suitable electronic recording device.*
- c) Recordings will be retained and available to the public for viewing or listening for a period of three (3) months from the date of the meeting.*
- d) Media representatives may, with the consent of Council or the Special Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Special Committee Meeting. The consent of Council or the Special Committee must*

not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.

- e) *Members of the public must not operate recording equipment at any Council or Special Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by Council or the Special Committee as the case may be.*

The 'Victorian Ombudsman's Report – Investigation into the transparency of local government decision making – December 2016', identified the benefits of recording Council Meetings as:

- providing the public greater access to decision making by the council
- encouraging wider community involvement in council meetings
- assisting in the preparation of complete and accurate minutes
- verifying minutes where specific issues of accuracy are raised
- providing transparency and accountability
- reducing the need for voluminous minutes
- deterring unprofessional behaviour and increase the quality of debate
- ensuring local media reporting of what happens in meetings is 'a little bit more honest'.

Proposal

Based on the Victorian Ombudsman's Report, a list of 43 Councils that create audio/video recordings of their Council Meetings was created. These Councils were contacted and asked about their recording systems and processes.

Council received a total of 27 responses from the 43 Councils contacted. In some instances where Council's did not provide feedback, their websites were viewed to ascertain any additional information that would assist in the decision making process.

There is a wide range of recording options used by Councils. At one end was a system involving a complex hard-wired, non-portable system costing around \$150K whose meetings are live streamed via YouTube with an audience up to 2500 during meeting proceedings. On the other end of the scale were Councils using hand held devices to record meetings.

Of the 27 Councils who responded to our enquiries, 16 make their audio/visual recordings available to the public, either online or via live stream and/or podcast. The remaining 11 Council's use audio recordings for minute verification, although it was noted that some were looking to make their recordings available to the public in the future.

The quality of recordings reported by other Councils varied with generally the more expensive systems producing better quality. These Councils were looking to do more than hold recordings for their own minute taking purposes. The systems that were less expensive still provided recordings of an acceptable standard to be used to verify minutes.

Some discussion then took place with suppliers of recording equipment. As a result of considering the information collected, a product was loaned to Council by a Ballarat business. This was tested by Council officers and at the May 2017 Ordinary Meeting to determine the suitability of the device.

The device tested was a Tascam DR-40 recorder. The record of the meeting was clear to staff when using a headset to listen to the recording. The recorder is inexpensive and retails for \$352. It is portable and able to be used at Council's Ordinary meeting venues of Bungaree, Ballan and Bacchus Marsh.

While it is not necessary at this point in time, enhancements such as external microphones and software that can enhance and edit the file can be added to this device.

This report proposes that the responsibilities of the set up and testing of audio recordings pre Council Meeting will be that of the Minute Taker. It also proposes that the responsibility for the production of the audio recording at Council Meetings is that of the Minute Taker.

As well as assisting with minute preparation, Councillors will note that the current Meeting Procedure Local Law No. 9, says that audio recordings of meetings will be retained and available to the public for listening for a period of three (3) months from the date of the meeting.

Only the section of Council meetings open to the public will be recorded for the purpose of minute taking.

Policy Implications

The 2013–2017 Council Plan provides as follows:

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

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

Financial Implications

The recommended solution is at a small cost to the Council so there are no financial implications.

Risk & Occupational Health & Safety Issues

Debate is part of the decision making process at Council Meetings and there may be a perceived risk that community members or elected representatives who make personal comments that harm another person's reputation during debate or discussion, may risk action being taken against them for defamation.

Communications and Consultation Strategy

It is recommended that the Order of Business in Part 6.1 (c) of the Meeting Procedure Local Law No. 9 be amended to insert a section headed 'Recording of Meeting' immediately after the Acknowledgement to Country agenda item to enable the Chairperson to announce that a recording of the meeting is being taken and by whom.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – John Whitfield

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

Conclusion

There is a trend for Victorian Councils towards greater transparency at its meetings and this means in part that Council meetings will be recorded by the Council, the media and the public subject to Council's Meeting Procedure Local Law No. 9.

With the media now recording Council meetings, it is considered even more important that the Council should do so itself in order to ensure a high standard of minute taking. It is recommended that Council purchase a Tascam DR-40 audio recorder to enable this.

Resolution:

Crs. Sullivan/Bingham

- 1. That Council purchase a Tascam DR-40 audio recorder for the purpose of enabling the recording Ordinary Meetings of Council, Special Meetings of Council and Special Committees of Council as set out in Part 11 of the Meeting Procedures Local Law No. 9 in order ensure a high standard of minute taking.***

2. ***That the Order of Business in Part 6.1 (c) of the Meeting Procedure Local Law No. 9 be amended to insert a section headed 'Recording of Meeting' immediately after the Acknowledgement to Country agenda item to enable the Chairperson to announce that a recording of the meeting is being taken and by whom.***

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Social and Organisational Development
Date: Wednesday 17 May 2017

10.4 INFRASTRUCTURE SERVICES

Consideration of Presentation – Know Your Council; Moorabool Shire

Mr. Peter Toohey addressed Council in relation to Know Your Council; Moorabool Shire.

The business of the meeting then returned to the agenda.

10.4.1 Know Your Council – Moorabool Shire

Introduction

File No.: 07/01/011
Acting General Manager: Steve Ivelja

The 'Know your Council' website provides an opportunity for the community and Council to access consistent information in regard to the performance of local councils across Victoria.

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

Based on the results of the 2015/16 annual reporting cycle, with respect to key financial performance and sustainable capacity indicators, Moorabool Shire faces a number of challenges when compared to similar sized councils and councils across Victoria.

The report findings indicate that Moorabool Shire is significantly disadvantaged on a number of fronts as compared to other Councils as indicated by low levels of financial support from state and federal governments.

As a result of these findings, Council has the opportunity to complement its existing advocacy strategy to ensure that the inequities and financial challenges faced by the community are addressed in a meaningful way.

Background

The LGPRF is a key initiative to improve the transparency and accountability of council performance to ratepayers and to provide a more meaningful set of information to the public. The framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of council performance.

In relation to a council's financial performance and financial sustainability, there are 18 measures within the LGPRF framework assigned under 2 different categories. The first category titled "Financial Performance" contains 12 performance measures containing information about the effectiveness of

financial management in local government including efficiency, liquidity, obligations, operating position and stability.

The second category titled “Sustainable Capacity” contains 6 performance measures which provide relevant information about whether local governments have the capacity to meet the agreed service and infrastructure needs of their community

Proposal

Based on the 2015/16 annual reporting cycle, Moorabool Shires comparative performance is shown below in the following 2 tables;

Table 1: Financial Performance

Financial Performance	Moorabool Shire 2015/16	Similar Council 2015/16	All Councils 2015/16
Average residential rate per residential property assessment	1,460.85	1,574.86	1,524.69
Expenses per property assessment	2,677.65	3,133.51	2,948.33
Current assets as a percentage of current liabilities	195.20	224.99	241.56
Asset renewal as a percentage of depreciation	118.98	81.06	75.71
Loans and borrowings as a percentage of rates	51.28	23.59	22.66
Non-current liabilities as a percentage of own source revenue	44.51	30.59	24.65
Adjusted underlying surplus (or deficit) as a % of underlying revenue	-2.64	-5.76	-1.22
Rates as a percentage of adjusted underlying revenue	70.41	63.58	64.01
Percentage of staff turnover	9.91	12.51	11.55
Unrestricted cash as a percentage of current liabilities	33.65	104.45	110.72
Loans and borrowings repayments as a percentage of rates	7.46	4.34	4.60
Rates as a percentage of property values in municipality	0.50	0.51	0.47

information taken from Knowyourcouncil.vic.gov.au

Table 2: Sustainable capacity

Sustainable Capacity Measure	Moorabool Shire 2015/16	Similar Council 2015/16	All Councils 2015/16
Expenses per head of municipal population	1,410.85	2,037.24	1,834.40
Infrastructure per head of municipal population	14,704.57	16,302.61	13,443.42
Population density per length of road	21.97	15.45	102.15
Own-source revenue per head of municipal population	1,089.31	1,494.76	1,393.06
Recurrent grants per head of municipal population	268.03	400.13	354.89
Relative Socio-Economic Disadvantage of the municipality	7.00	5.16	5.47

Key Observations and Findings

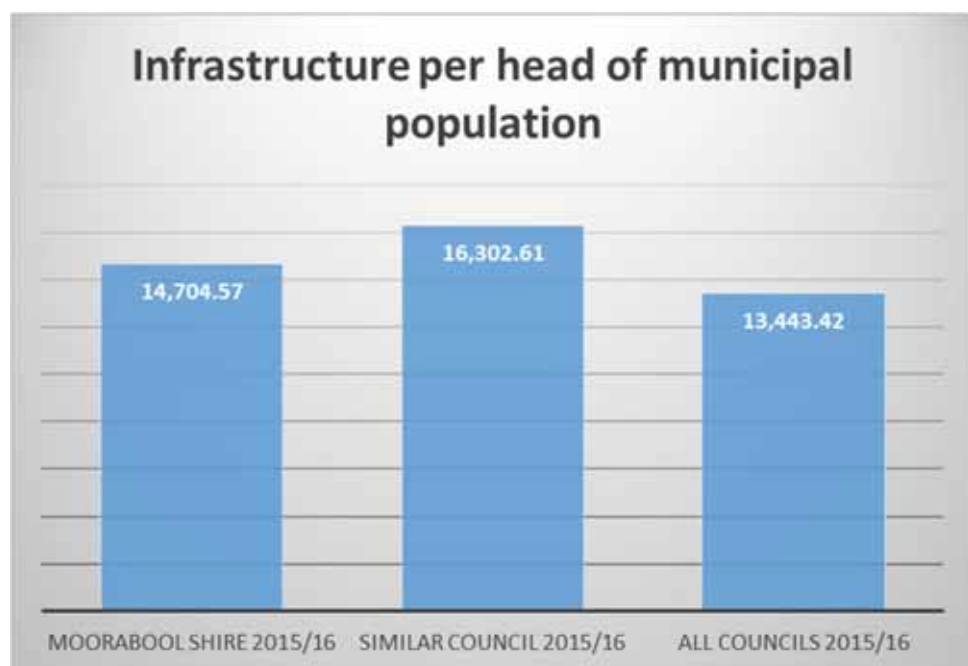
From the comparative information as shown on the “know your council” website, Council can draw some interesting observations from the data to assist in both understanding some of the unique pressures that Moorabool Shire faces and in raising awareness through it advocacy campaigns.

Whilst the statistics can be considered in isolation, the overall results should not be considered as mutually exclusive but rather as a “cause and effect”. When considered in this light, a number of observations have been inferred as a result of the 18 performance measures namely;

1. **Moorabool Shire has some unique challenges;** as indicated by a relatively low population density per length of road and a relatively high value of infrastructure per head of municipal population (as compared to the Victorian average)

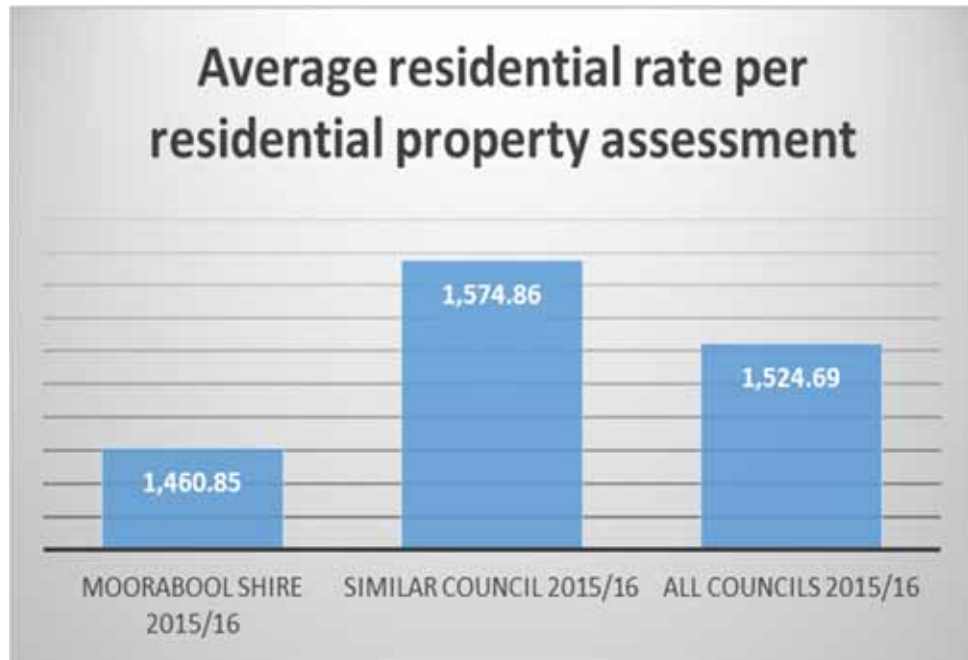
Moorabool Shire has a population density of 21.97 people per length of road. This compares unfavourably to the Victorian average of 102.15 people per length of road. Whilst a score of 21.97 is marginally better than the 15.45 population density of similar councils, it nevertheless represents a significant challenge that Moorabool Shire faces.

Equally, Moorabool Shire has \$14,704 worth of infrastructure per head of population which is greater than the state average of \$13,443. Moorabool Shires infrastructure is also spread across a large geographical area.

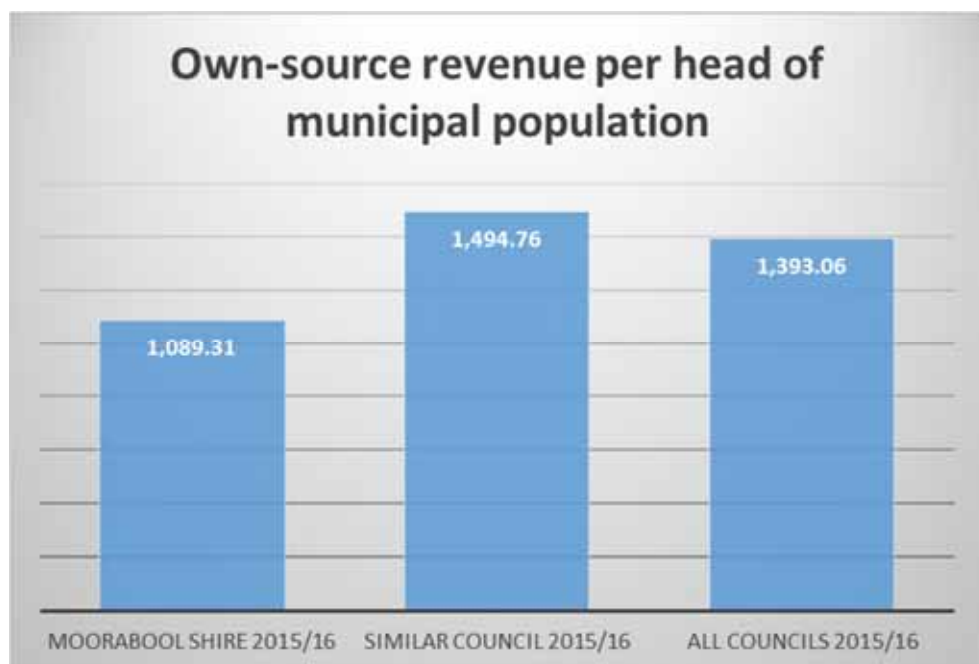


2. **The statistics indicate that Moorabool Shire has comparatively lower revenue base than other councils;** Moorabool Shire has lower levels of residential rates and generates significantly lower levels of non-rate related revenue (mainly user fees and charges) per head of population than other Councils.

Average residential rates per property assessment for Moorabool Shire was \$1460.85 for the 2015/16 reporting year. In comparative terms, this was on average \$114 less than similar councils and \$63.84 less than the Victorian average. This is also demonstrated in the graph below;

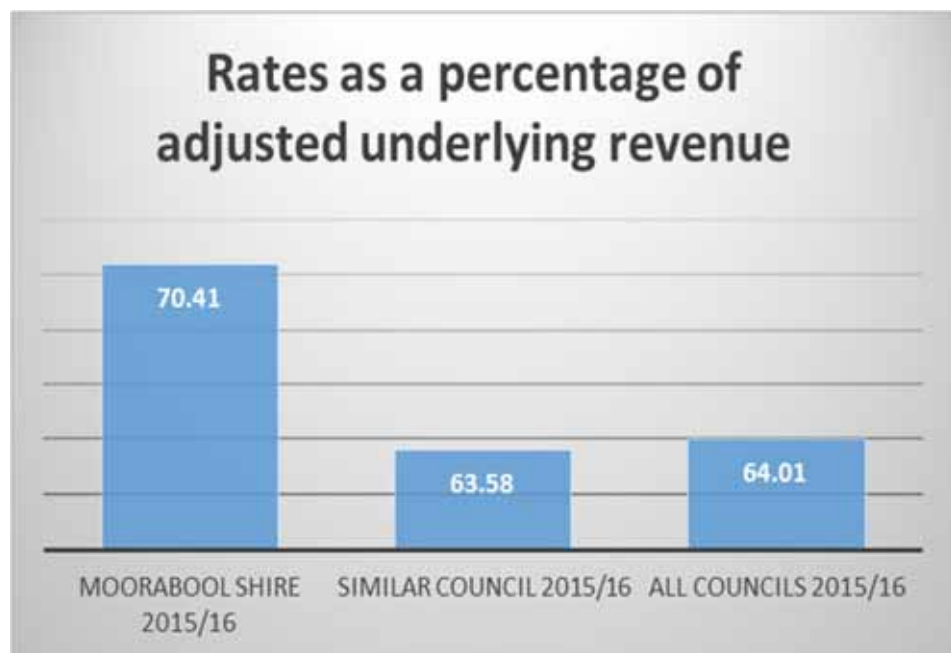


In addition to this, Moorabool Shire generates significantly lower levels of revenue per head of municipal population as indicated by the “own source revenue per head of population”. Own source revenue relates to revenue generated from rates and charges, statutory fees and user charges on an aggregate basis. As per the comparative data shown below, Moorabool Shire generated on average \$1,089.31 per head of municipal population. This is on average \$405 less revenue per head of population than similar sized councils and on average \$304 less revenue per head of population than the Victorian average.



Importantly, this information serves to highlight that Moorabool Shire in comparative terms is generating significantly less revenue per head of population than both similar councils and the Victorian average. To an extent, this is to be expected as rural councils will generally have a lower capacity to generate significant other revenue sources as compared to metro councils with larger population densities. Irrespective of this however, the trends indicate that Moorabool Shire is generating significantly less own source revenue as compared to similar councils. In a rate cap environment, this could represent an opportunity for council to increase its revenue base.

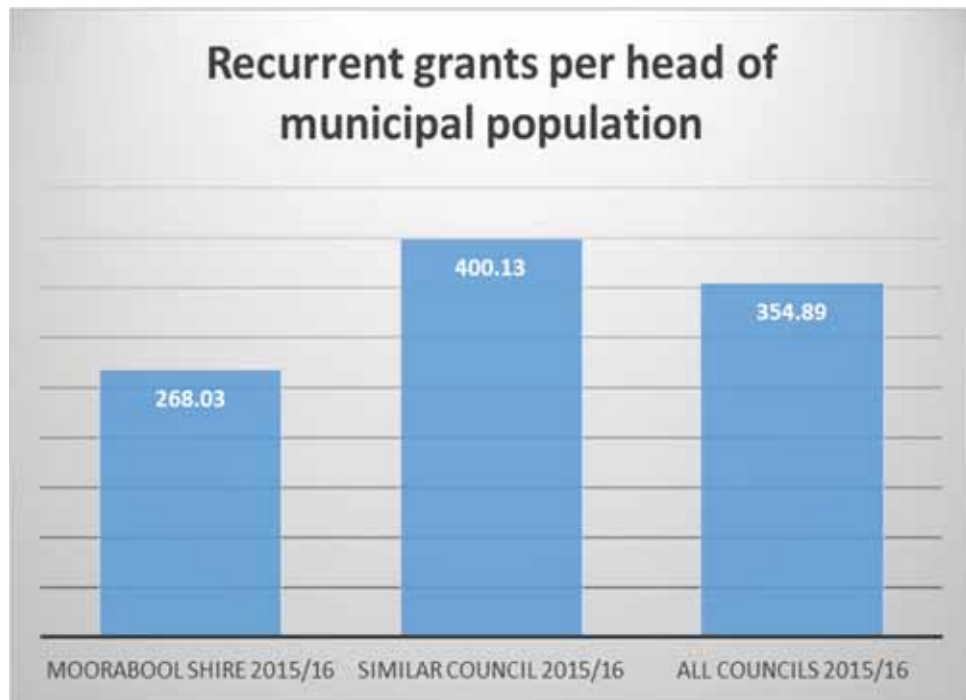
As a further extension to this, the comparative data as presented in the financial benchmarks indicate that Moorabool Shire has a greater reliance on rate revenue than other Victorian councils as shown below;



Rate revenue accounts for 70.41% of adjusted underlying revenue which points to Moorabool Shire having a greater dependency on rate revenue than both similar councils and the overall Victorian average. As a result, Moorabool Shires finances are more sensitive to the impacts of increased government regulation on the generation of rate revenue, namely rate capping.

3. Moorabool Shire receives significantly less in recurrent grants per head of population than other Victorian Councils.

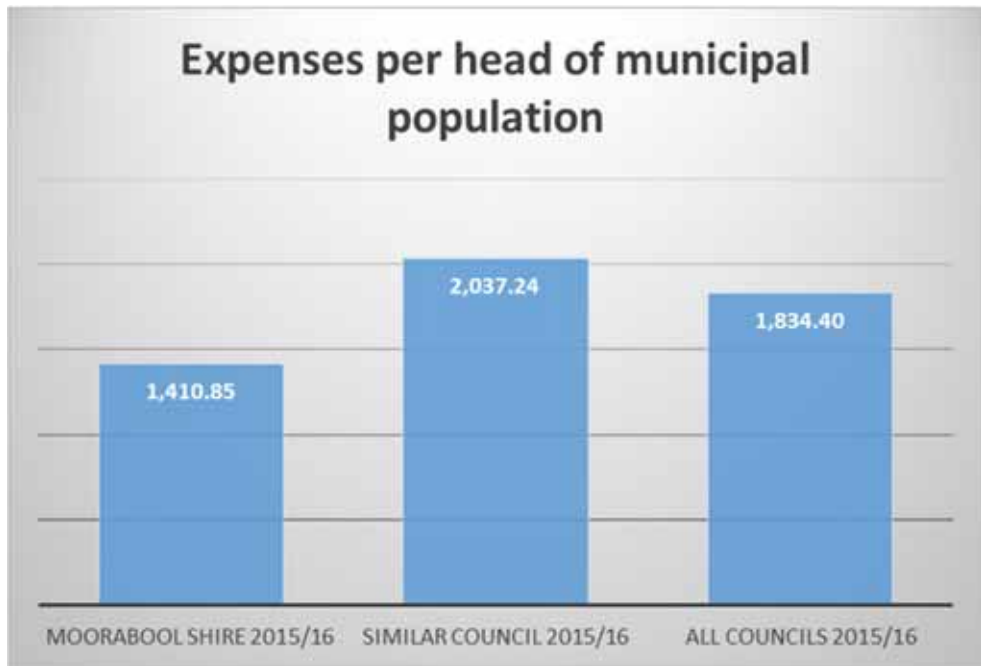
Issues relating to a comparatively lower revenue base are further compounded by the results which prove that Moorabool Shire receives significantly less in recurrent grants per head of population than other Victorian Councils. On average, Moorabool Shire receives \$132.10 less per head of population than similar sized councils and \$86.86 less per head of population than the Victorian average.



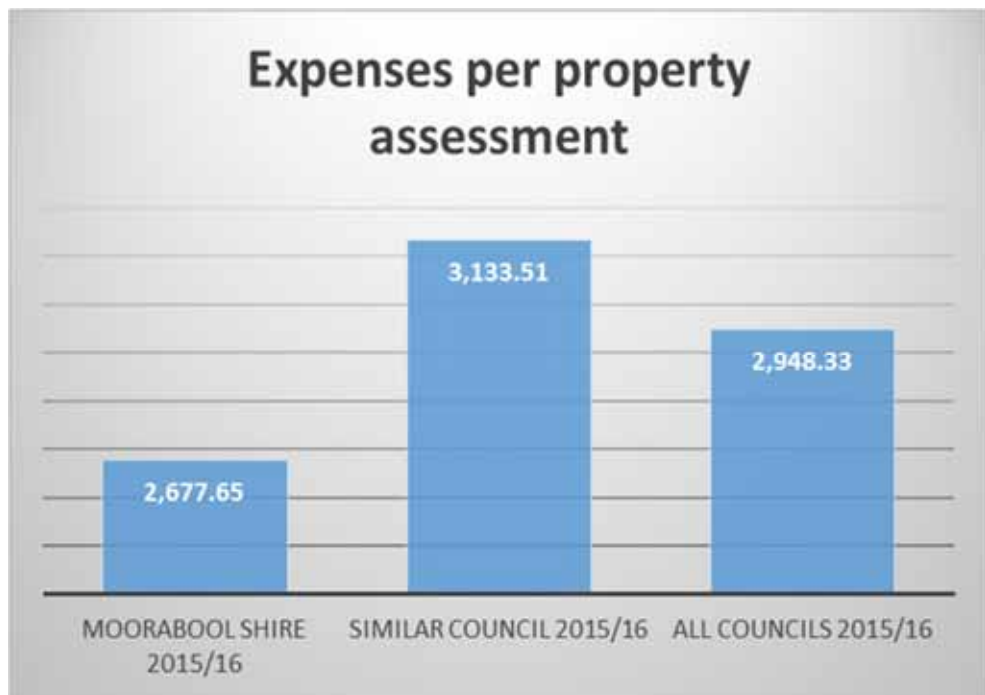
In absolute dollar terms and based on a reported population of 31,469 as at the 30 June 2016, Moorabool Shire receives between \$2.733m to \$4.158m less in recurrent grants on an annual basis.

4. As a result of a low revenue base Moorabool Shire spends significantly less than other Victorian Councils; Moorabool Shire spends significantly less per head of population and per property assessment and is amongst the lowest cost council in Victoria.

The statistics show that Moorabool Shire is amongst the lowest cost council of all councils in Victoria. As shown below, Moorabool Shire spends \$1,410.85 per head of population which is significantly lower than expenditure levels for both similar councils (\$2,037.24) and the Victorian average (\$1,834.40).



Equally, when comparing total expenditures per property assessment Moorabool Shire also ranks amongst the lowest in the State. It spends \$2,677.65 per property assessment as compared to \$3,133.51 for similar councils and \$2,948.33 for all councils.



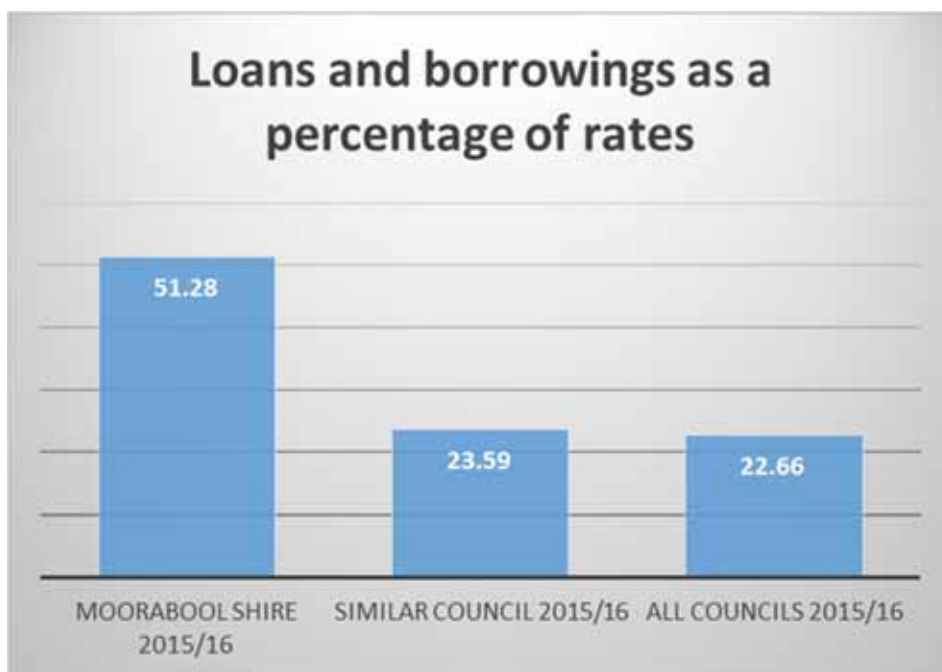
It is important to note that whilst low level of expenditures on a per capital basis and per assessment basis could indicate a high level of resource efficiency as compared to other councils, it could also potentially indicate that Council may be underinvesting in the provision of services and maintenance of infrastructure.

Irrespective of how the data is interpreted, there is sufficient evidence in the comparative data to indicate that Moorabool Shire's lower levels of expenditure on service provision, infrastructure and maintenance is the result of a lower revenue base which is further compounded by low levels of grants funding from other tiers of government.

There is the potential for considerable upside for Council in the future if it is able to address some of these issues.

5. A lower revenue base results in a need for reduced expenditure and places debt pressure on council; Moorabool Shire has comparatively high levels of debt as compared to other Victorian Councils.

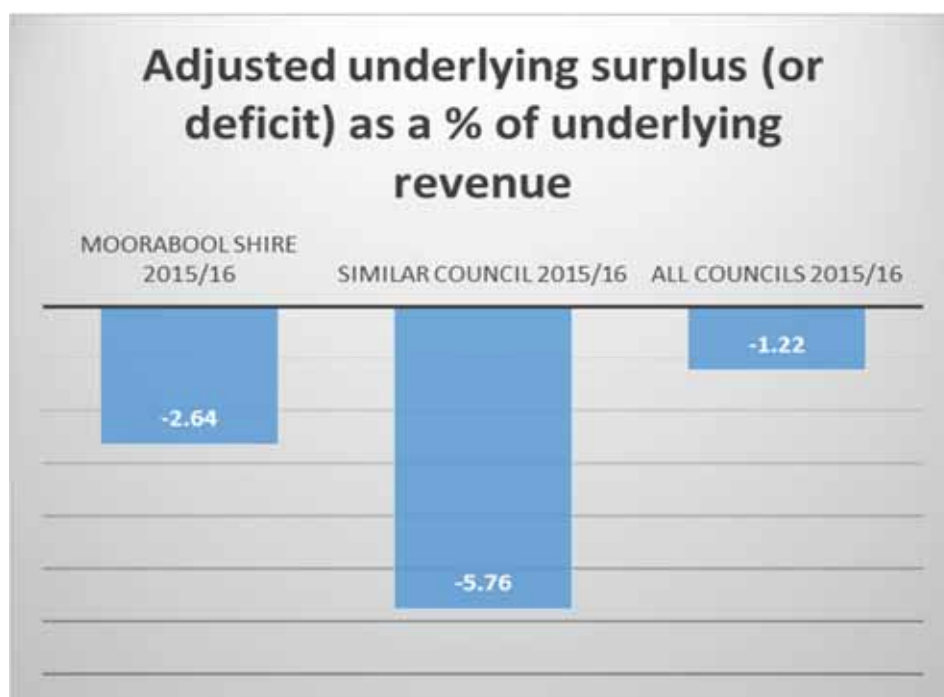
As mentioned above, the comparative data indicates that Moorabool Shire is amongst the lowest cost council of all Victorian Councils. In addition, a comparatively lower revenue base and low levels of grant funding have placed pressure on council to raise cash inflows from other sources, namely debt. As a result, Moorabool Shire has significantly higher levels of debt than similar sized councils and the Victorian average.



As shown above, Moorabool Shire's debt levels expressed as a percentage of rate revenue is significantly greater than both similar councils and the Victorian average. Whilst Moorabool Shire has shown a greater willingness than most councils in the use of debt funding as a source of income, it can be argued that this has only come about due to some of the structural disadvantages that Moorabool Shire faces, as demonstrated by low levels of recurrent grant funding.

6. **Council's ongoing financial sustainability is impacted by all these factors;** Council historically has generated underlying annual deficits. Operating costs have generally exceeded operating revenues by a significant margin. Council has addressed over time this by generally spending less (as indicated by the above indicators)

Moorabool Shire has historically generated operating deficits on an annual basis. Notwithstanding the structural disadvantages that Moorabool Shire faces, it has made significant improvements in its overall financial health mainly through cost cutting and expenditure restraint over many years. As per the comparative data, Moorabool Shire generated an underlying deficit of 2.64% for the 2015/16 financial year. Significantly, it generated a smaller loss than similar councils which averaged an underlying deficit on average of 5.64%.



Policy Implications

The 2013 – 2017 Council Plan provides as follows:

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

The consideration of the financial indicators as part of the LGPRF is consistent with the 2013-2017 Council Plan.

Financial Implications

The data presented in this report relates to the historical performance of council on a number of performance measures as part of the local government performance reporting framework and has no direct financial implication. It however aims to highlight a number of issues and inequities that council faces and should seek to address via its advocacy strategy. If Council is successful in securing better outcomes for the community, there will be a significant financial benefit for the community.

Communications Strategy

It is recommended that the information as presented through the “know your council” portal be used to assist council in its ongoing advocacy for the benefit of Moorabool Shire and its residents.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Author – Steven Ivelja

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

Acting General Manager – Steve Ivelja

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

Conclusion

The comparative data as presented via the “know you council” website indicates that Moorabool Shire faces a number of present and future challenges summarised as follows;

1. Unique challenges as presented by population, infrastructure and geography.
2. A comparatively low revenue base for rates and other council controlled revenue with a very high reliance on rate revenue.
3. Significantly lower levels of recurrent grant funding received which costs the community between \$2.733m to \$4.158m per annum.
4. Statistics which indicate that Moorabool Shire has a relative socio-economic advantage as compared to other councils.

5. Comparatively low levels of expenditure compared to other Victorian councils mainly due to low levels of grant funding and own source revenue.
6. High levels of debt due to structural inequities.
7. Moorabool Shires ongoing financial sustainability is compromised as a result of the challenges and inequities it faces.

The information as presented in the report represents an opportunity for Council to complement its existing advocacy strategy to ensure that the inequities and financial challenges faced by the community are addressed in a meaningful way.

Equally, the information as presented may also assist the Council in developing longer term strategies to address some factors (such as low levels of user fees and charges and own source revenue) that are more directly within its control.

Resolution:


Crs. Sullivan/Tatchell

1. ***That Council receives the report.***
2. ***That Council uses the data to support advocacy to State and Federal Governments which seeks to address inequities around lower levels of recurrent grant funding which costs the community between \$2.733m and \$4.158m per annum in grant funding foregone.***
3. ***That a further report be presented to Council to better understand the factors resulting in Moorabool Shire generating significantly lower levels of own source revenue per head on population as compared to similar councils.***

CARRIED.

Report Authorisation

Authorised by:

Name: Steve Ivelja 
Title: Acting General Manager Infrastructure
Date: Tuesday 30 May 2017

Consideration of Presentation – Adoption of the Road Management Plan 2017 to Supersede Road Management Plan 2013

Mr. Geoff Parker addressed Council in relation to the Adoption of the Road Management Plan 2017 to Supersede Road Management Plan 2013

The business of the meeting then returned to the agenda.

10.4.2 Adoption of the Road Management Plan 2017 to Supersede Road Management Plan 2013

Introduction

Author: Phil Jeffrey
Acting General Manager: Steve Ivelja

Background

Moorabool Shire Council is a Road Authority as defined in Section 37 of the Road Management Act 2004, and under this legislation, road authorities may choose to develop and publish a Road Management Plan (RMP).

The RMP is an operational document that provides road users with an overview of Council's road management responsibilities and maintenance practices.

Under the Regulations, Council is required to undertake a review of its RMP every four years, in line with Council elections and the major review of the Council Plan. The amended RMP is required to be adopted by 30 June of the year following elections, in this instance 30 June 2017.

The draft Road Management Plan 2017 was presented at the Ordinary Meeting of Council on Wednesday 5 April 2017 where the following was resolved:

Resolution:

Crs. Toohey/Tatchell

That Council:

- 1. Receives the report in relation to the review of the Road Management Plan.*
- 2. In accordance with the provisions of the Road Management (General) Regulations 2005, authorises the Chief Executive Officer to give public notice that the draft Road Management Plan 2017-2021 has been prepared and is available for public inspections.*
- 3. Resolves to allow 28 days for submissions to be made by members of the public.*
- 4. Requests a further report be presented to Council at the conclusion of the public consultation period considering all submissions received prior to formally completing its review of the Road Management Plan.*

CARRIED.

Proposal

At the conclusion of the public consultation period, 7 submissions were received.

A summary of those submissions and an officer response is outlined in the table below. A copy of the full submissions also form an appendix to this report.

Submission 1
<p><u>Summary:</u></p> <p>The submission raises concerns in relation to the existing conditions along Holts Lane, Bacchus Marsh, specifically speed hump height, width, lighting and reflective paint, road width, and kerb and channel. Concerns regarding future use of the road are also highlighted.</p>
<p><u>Response:</u></p> <p>The RMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its road assets. The plan does not address upgrades to infrastructure or provide strategic direction for future transport provision.</p> <p>As a result of the submission a number of maintenance items have been scheduled and a response to the submitter has been provided in relation to the specific issues raised. No amendments to the RMP are recommended as a result of this submission.</p>
Submission 2
<p><u>Summary:</u></p> <p>The submission raises concerns in relation to the current condition of Foxes Lane, Gordon, and requests consideration be given to upgrading sections of the road.</p>
<p><u>Response:</u></p> <p>The RMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its road assets. The plan does not address upgrades to infrastructure.</p> <p>As a result of the submission a customer request has been logged for an inspection of the area and maintenance works will be scheduled as required. An interim response to the submitter has been provided in relation to the specific issues raised with a further response to be provided in due course.</p> <p>No amendments to the RMP are recommended as a result of this submission.</p>

Submission 3Summary:

The submission raises concerns in relation to traffic impacts from future development in Bacchus Marsh.

Response:

The RMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its road assets. The plan does not provide strategic direction for future transport provision.

A response to the submitter has been provided in relation to the specific issues raised referring to the Bacchus Marsh Integrated Transport Study. No amendments to the RMP are recommended as a result of this submission.

Submission 4Summary:

The submission raises concerns in relation to the existing conditions along Duncan Street, Ballan, specifically the current condition of kerb and channel, storm water pit, and road edge.

Response:

As a result of the submission a customer request has been logged for an inspection of the area. Maintenance works will be scheduled as required and a further response will be provided to the customer in due course.

A response to the submitter has been provided in relation to the specific issues raised. No amendments to the RMP are recommended as a result of this submission.

Submission 5Summary:

The submission requests an upgrade of the unsealed section of Bourkes Road, Darley, to a sealed pavement.

Response:

The RMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its road assets. The plan does not address upgrades to infrastructure.

However, a customer request has been logged for an inspection of the area and maintenance works will be scheduled as required. An interim response to the submitter has been provided in relation to the specific issues raised with a further response to be provided in due course.

No amendments to the plan are recommended as a result of this submission.

Submission 6Summary:

The submission raises concerns in relation to the current condition of shared path adjacent the Gisborne Road service road, between Jonathan Drive and Somerton Court, and also requests consideration of upgrading the road to a sealed pavement.

Response:

The RMP outlines Council's responsibilities, maintenance standards and inspection regimes required to manage its road assets. The plan does not address upgrades to infrastructure however, a customer request has been logged for an inspection of the area and maintenance works will be scheduled as required.

A response to the submitter has been provided in relation to the specific issues raised. No amendments to the plan are recommended as a result of this submission.

Submission 7Summary:

The submissions raises a number of concerns in relation to the RMP and roads in rural farming areas as outlined below:

1. That proposed amendments to the inspection frequencies and intervention levels within the plan will have a negative impact in rural areas.
2. That the RMP does not adequately address Council's obligations in relation to road assets, outside of the Road Management Act 2004.
3. That other assets within the road reserve, such as trees and other vegetation, have not been given adequate consideration within the plan, and that such items create a fire hazard, harbour vermin, and generate a safety hazard for motorists, cyclists and pedestrians. The submission recommends that Council increase maintenance in around trees and vegetation.
4. That service levels within the plan do not reflect the needs of the rural farming community based on risk.
5. That the RMP provides inadequate information in relation to the maintenance of boundary roads.
6. That the plan provides little detail in relation to service levels for rural roads.

Response:

Officers provide the following responses to each of the points raised:

1. The RMP is developed based on internal policy, operational objectives and available resources. Based on the current inspection records and defects recorded, it is anticipated that the recommended changes will not have a detrimental impact in rural areas.
2. The Road Management Act 2004 was introduced to establish a legislative framework to allow each road authority to determine its own appropriate RMP. Development of an RMP is not a legislated requirement, however the majority of Victorian Councils have opted to develop a plan to outline its responsibilities in regards to managing road assets.

The RMP identifies responsibilities, maintenance standards and inspection regimes required to manage civil liability as well as demonstrate that Council, as the road authority, is responsibly managing all the road assets under its control. The RMP addresses Council's responsibility as per the requirements of the Act only.

3. These assets are addressed within other documentation including Council's Roadside Management Plan, and Municipal Fire Management Plan. Vegetation clearance for safety is included in the RMP intervention levels. The response times within the plan are based on internal policy, operational objectives and available resources
4. The RMP is based on risk, taking into consideration traffic volume, hierarchy, location, and historical data. As above, service levels are also based on internal policy, operational objectives and available resources. It is anticipated that the recommended changes will not have a detrimental impact in rural areas.
5. Council has agreements in place for boundary roads, which outline the responsibilities of both adjoining Councils. There is no requirement for the specifics of each agreement to be included within the RMP. As such, those roads will be listed within the register of the responsible Council, and managed and maintained in accordance with their hierarchy. Specifically, City of Ballarat is the responsible Council for maintenance of Pryors Road, and as such should be listed within their road register.
6. All road assets are allocated a hierarchy based on the criteria within the RMP. The service levels for each road hierarchy are then outlined within Appendix B of the document.

No amendments to the plan are recommended as a result of this submission.

During the public exhibition period, officers also reviewed the road register to ensure that a consistent hierarchy was applied across all road lengths and provide a logical approach in relation to inspection regimes and response times. As a result, some minor amendments have been made to the attached register and maps (Attachments 10.4.2(a) and (b)).

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Enhanced infrastructure and natural and built environment
Objective	Management of assets and infrastructure
Strategy	Proactive maintenance of roads, bridges and footpaths at documented standards in the Road Management Plan

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

Financial Implications

The resource implications, if any, resulting from the amended categorisation of road assets or associated response timeframes can be accommodated within the existing operational budget.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Legal – Civil Liability	Civil liability risk to Council where it is unable to achieve the commitments within its RMP	Medium	Reasonable and achievable standards and timeframes outlined in Council's RMP

Communications and Consultation Strategy

The review of the Road Management Plan involved a 28 day public consultation process including statutory requirements, as outlined below:

- Advertising in local newspapers and the Government Gazette on the dates listed below, advising of Council's intention to update the RMP and how the community can make submissions to the draft version
 - Ballarat Courier Saturday 15 April 2017
 - Moorabool News Tuesday 18 April 2017
 - Government Gazette Thursday 13 April 2017
- Advertising on 'Have Your Say Moorabool' for the full public consultation period
- Link uploaded onto Council's website
- Media release
- Social media posts.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Steve Ivelja

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

Author – Phil Jeffrey

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

Conclusion

Having undertaken a review the Road Management Plan including a public consultation process as outlined within this report, it is recommended that Council now formally adopt the Road Management Plan 2017-2021 to supersede the Road Management Plan 2013-2017.

Resolution:

Crs. Keogh/Sullivan


That Council:

- 1. *In accordance with section 53 of the Road Management Act 2004, formally adopts the Road Management Plan 2017-2021 as attached.***
- 2. *Makes the document publically available by placing a copy on Council's website.***
- 3. *Notes that a periodic (at least annual) review of the Register of Public Roads and Paths will be undertaken in line with Council's policies, as delegated to the General Manager Infrastructure.***

CARRIED.

Report Authorisation

Authorised by:

Name: Steve Ivelja 
Title: Acting General Manager Infrastructure
Date: Friday 12 May 2017

10.4.3 Draft Asset Management Policy

Introduction

Author: John Miller
Acting General Manager: Steve Ivelja

Background

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

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

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

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

That the Place Making Advisory Committee:

Received the Asset Management Policy; and

Requests that the report be presented to the June Ordinary Meeting of Council endorsing the following recommendation:

That, in accordance with Moorabool Shire Council Policy Protocol, Consideration of Items which affect beyond the Current Year, the Asset Management Policy (ISO10/Version 2) as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

Proposal

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



Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and natural and built environment
Objective	Management of assets and infrastructure
Strategy	Develop Asset Management Plans for all asset classes

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Steve Ivelja

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

Officers have reviewed and updated Council's existing Asset Management Policy (Attachment 10.4.3) to ensure that it is current and meets the relevant standards and guidelines. The Policy has been audited to ensure its compliance with the National Asset Management Assessment Framework.

Resolution:

Crs. Sullivan/Keogh


That Council:

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

CARRIED.

Report Authorisation

Authorised by:

Name: Steve Ivelja 
Title: Acting General Manager Infrastructure
Date: Thursday 18 May 2017

10.4.4 Property Valuation Changes; Moorabool Shire

Introduction

Author: Steven Ivelja
Acting General Manager: Steven Ivelja

The 2017/18 State Budget announced significant changes to the land valuation process in Victoria. The State Budget indicated that the Valuer General will take control of the valuation process and revaluations will now be completed annually. There are significant unknowns about the proposed reforms and the local government sector and the MAV are currently in the process of better understanding the detail of the suggested changes and the potential implication for councils.

At a glance, there are a number of potential issues that arise from the proposal including significant cost issues relating to the costs of conducting more frequent valuations, issues surrounding the management of supplementary valuations, legal issues surrounding the standing of existing valuation contracts and a myriad of other issues that are yet to be understood or answered.

The Bill is currently before parliament and it is understood that legislation to give effect to the proposed changes will be introduced in the coming weeks.

Background

The current property valuation system in place (enduring for a century or more) is that the valuation processes have been the responsibility of Local Government i.e. individual councils. The Office of the Valuer General has had an overseeing role, essentially to ensure probity. Land valuations undertaken as part of the process have then been provided to the State Revenue Office for the purpose of assessing Land Tax and various other state based taxes and levies.

Relatively recent changes in 2009 allowed Councils to have the option of transferring their responsibilities for valuation processes to the Valuer General. Since that time, 18 Councils (mostly smaller rural municipalities) have since opted to relinquish control of all of their valuation functions.

Proposal

The proposed "State Taxation Amendment Bill" which is currently before parliament proposes two key changes to the current framework in the way that property valuations are undertaken for rating and taxation purposes. Specifically, it intends that;

1. the Valuer General shall take over the responsibility for all valuations for rating and tax purposes; and
2. all valuations shall be undertaken annually.

These changes will have significant implications for local government. Currently, there are a number of questions and queries in relation to the proposed changes including;

- The proposed changes are quite fundamental to local government at a number of levels, why has there been no consultation or stakeholder engagement?
- What is the impact as to cost in moving to annual as opposed to the current bi-annual valuations? Based on the increased frequency of valuations, Moorabool could expect a potential doubling of the current cost burden to future budgets.
- Considering that Local Government derives the vast proportion of its incomes driven by valuation processes, will the sector have any say in the processes of contracting out and generally?
- What will be the standing of existing valuation contracts (including options)? Moorabool Shire entered into a valuation contract in 2017 with a new service provider.
- Supplementary Valuations are a very important operational issue for many Councils. How can the sector be confident that this will be given the resources / handled to ensure this significant revenue is not threatened? In a rate capped environment, Moorabool Shire is increasingly dependent on the timely return of supplementary rate revenue to ensure council revenues keeps up with cost growth pressures.
- What protections will there be for maintaining professional standards; and what steps will be in place to ensure the probity function of the Valuer General over the process currently will continue to be objective as they move to a contract administrator role.
- How will the inevitable legal costs and processes associated with objections and appeals be allocated and what control if any might stakeholders have?
- What will be the allocation of potential costs of redundancies for councils with in house valuation staff across the state?
- Replacement / integration of established Council systems will cause massive disruption and likely significant cost; how would this be implemented and funded? Moorabool Shires existing corporate systems are struggling to keep growth with increasing legislative complexity and rule changes. As a result there are unintended consequences for the impact on staff and electronic systems.
- Given the vital role of valuation processes in driving revenues, what steps are in place to ensure that the State Government is sufficiently resourced to achieve annual valuations in the relatively short time frames set out in the legislation?
- The time and energy distraction that this is causing for the sector that can be better deployed delivering services to our residents.

Given the fundamental nature of the changes and the impacts on local government, it is surprising that specific details in relation to the measures have been few and far between and even more surprising that there has been no stakeholder engagement. To this end, it can be theorised that the changes proposed represent a key structural shift that will provide the State Government with significant control over property valuations and in turn, a greater ability to influence taxation and revenue outcomes for state based taxes and levies.

Unfortunately for local government and ratepayers, there will be very little upside to the proposed changes. The vast majority of consequences will be negative for both local government and ratepayers.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

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

The consideration of this report is consistent with the 2013-2017 Council Plan.

Financial Implications

Based on the proposed changes, there are a number of potential financial implications including increased costs of moving from bi-annual valuations to annual valuations, financial issues around the generating of supplementary rates, cost issues that may arise due to existing contract and legal arrangements in addition to various other costs associated with resourcing, systems and capability issues.

Communications Strategy

It is recommended that as part of this report that letters be forwarded to relevant Minister and local members expressing concerns over the proposal to introduce these measures across Victoria from 01/07/18.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Acting General Manager – Steven Ivelja

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

Author – Steven Ivelja

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

Conclusion

The changes proposed to property valuations as part of the 2017/18 State Budget represents a key structural shift that will have a significant impact on Moorabool Shire and Councils in general.

It is currently unclear why the State Government has chosen to implement the changes immediately and with little to no consultation with key stakeholders. Nevertheless, under the changes proposed the State Government will now have significant control over the property valuation process which raises a number of issues of probity, independence and the system of state based levies and taxes which rely on these valuations.

The Council noted that a letter from Tim Pallas MP, Treasurer of Victoria, dated 6 June 2017 was tabled for the Council's information in relation to this Item.

Resolution:

Crs. Sullivan/Dudzik

1.1 That letters be forwarded to the following recipients;

- **Mr Timothy Pallas MP** **Treasurer**
- **Hon Natalie Hutchins MP** **Minister for Local Government, Aboriginal Affairs and Industrial Relations**
- **Hon Michael Anthony O'Brien MP** **Shadow Treasurer**
- **Hon David Davis MLC** **Shadow Minister for Local Government**
- **Mr Greg Barber MLC** **Leader, Victorian Greens**

Expressing MSC concern over the proposal to introduce annual revaluations of property across Victoria from 01/07/2018 on the basis that;

- **There has been no consultation with stakeholders impacted by the changes.**
- **There are no details as to the cost implication of moving from bi annual revaluations to annual revaluations.**
- **Will the sector have any say in the processes of contracting out in the annual revaluation process?**
- **There are no details as to the standing of existing Valuation contracts for which Moorabool Shire is in the first year of a new contract.**
- **What arrangements will be in place to ensure a timely return of supplementary rate valuations.**


- ***What arrangements will be in place to ensure probity and independence of the valuation process is maintained?***
- ***How will inevitable legal costs and processes associated with objections and appeals be apportioned and what control if any will stakeholders have?***
- ***What arrangement are in place relating to the potential costs of redundancies for councils with in house valuation staff across the state?***
- ***What measures are in place to avert large scale disruption and significant costs to established council systems and increased staffing costs associated with more frequent valuations?***
- ***What arrangements are in place to ensure that the State Government is sufficiently resourced to achieve annual revaluations in light of the short timeframes?***

1.2 That a copy of this resolution be forwarded to the MAV as a matter of urgency.

CARRIED.

Report Authorisation

Authorised by:

Name: Steve Ivelja 
Title: Acting General Manager Infrastructure
Date: Wednesday 24 May 2017

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

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

- Assembly of Councillors – Wednesday 3 May 2017 – Confidential Matter

Resolution:

Tatchell/Bingham

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

- ***Assembly of Councillors – Wednesday 3 May 2017 – Confidential Matter***

CARRIED.

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
Development Assessment Committee <i>To download a copy of the minutes, go to the MSC website:</i> https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2017	Wednesday 12 April 2017 Wednesday 10 May 2012	Cr. Dudzik Cr. Keogh Cr. Tatchell Cr. Toohey

Resolution:

Crs. Tatchell/Keogh

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

- ***Development Assessment Committee meeting of Wednesday 12 April 2017 and Wednesday 10 May 2017.***

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.

Committee	Meeting Date	Council Representative
Bacchus Marsh & District Trails Advisory Committee	Tuesday 2 May 2017	Cr. Bingham
Audit and Risk Advisory Committee	Wednesday 10 May 2017	Cr. Dudzik Cr. Tatchell

Resolution:

Dudzik/Keogh

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

- ***Bacchus Marsh and District Trails Advisory Committee meeting of Tuesday 2 May 2017.***
- ***Audit and Risk Advisory Committee meeting of Wednesday 10 May 2017.***

CARRIED.

12. NOTICES OF MOTION***Consideration of Presentation – Cr. Edwards: N.O.M. No. 265 – Council Funding for Bacchus Marsh Men’s Shed***

Mr. John Spain addressed Council in relation to Cr. Edwards: N.O.M. No. 265 – Council Funding for Bacchus Marsh Men’s Shed

The business of the meeting then returned to the agenda.

12.1 Cr. Edwards: N.O.M. No. 265 – Council Funding for Bacchus Marsh Men’s Shed**Motion**

That Council:

1. That Council allocate a maximum of \$3,000 from the East Moorabool Development Works Fund to supplement an “in kind” and cash contribution from the Laurel’s Bacchus Marsh Men’s Shed and support a grant application from the Laurels Bacchus Marsh Men’s Shed to the Department of Human Services 2017 Men’s Shed Funding Round.
2. That the Chief Executive Officer be authorised to disburse the allocated funds subject to the following conditions:
 - a) The success of the grant application to the DHS 2017 Men’s Shed Funding Round by the Laurels Bacchus Marsh Community College Inc acting on behalf of the Laurels Bacchus Marsh Men’s Shed;
 - b) The completion of works by qualified and licensed local building contractors in accordance with the project plans supporting the grant application to DHS;
 - c) The sighting by the CEO or delegate of invoices for materials and allowances in conjunction with in-kind activities;
 - d) The sighting of an authorised Memorandum of Understanding between the Laurels Bacchus Marsh Community College Inc and the Laurels Bacchus Marsh Men’s Shed group as to the continued use of the refurbished buildings on a shared basis for Men’s Shed purposes for a minimum of five years.
 - e) The CEO being satisfied that the refurbished building are suitable for the intended use by the Men’s Shed and the Laurels Bacchus Marsh Community College.

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

1. ***That Council allocate a maximum of \$3,000 from the East Moorabool Development Works Fund to supplement an "in kind" and cash contribution from the Laurel's Bacchus Marsh Men's Shed and support a grant application from the Laurels Bacchus Marsh Men's Shed to the Department of Human Services 2017 Men's Shed Funding Round.***
2. ***That the Chief Executive Officer be authorised to disburse the allocated funds subject to the following conditions:***
 - a) ***The success of the grant application to the DHS 2017 Men's Shed Funding Round by the Laurels Bacchus Marsh Community College Inc acting on behalf of the Laurels Bacchus Marsh Men's Shed;***
 - b) ***The completion of works by qualified and licensed local building contractors in accordance with the project plans supporting the grant application to DHS;***
 - c) ***The sighting by the CEO or delegate of invoices for materials and allowances in conjunction with in-kind activities;***
 - d) ***The sighting of an authorised Memorandum of Understanding between the Laurels Bacchus Marsh Community College Inc and the Laurels Bacchus Marsh Men's Shed group as to the continued use of the refurbished buildings on a shared basis for Men's Shed purposes for a minimum of five years.***
 - e) ***The CEO being satisfied that the refurbished building are suitable for the intended use by the Men's Shed and the Laurels Bacchus Marsh Community College.***

CARRIED.

13. MAYOR'S REPORT

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

Cr David Edwards – Mayor's Report	
<i>May - June 2017</i>	
6 May	<ul style="list-style-type: none"> • <i>Remembrance Service and commemorative Victoria Cross Paving Stone and Signage unveiling, Rupert Moon VC</i>
19 May	<ul style="list-style-type: none"> • <i>Official Opening of the Festival of Stories & Launch of the Moorabool Writers Craft Anthony #2</i> • <i>Lunch at The Plough, Myrning hosting delegates from Singapore</i>
23 May	<ul style="list-style-type: none"> • <i>Blacksmith Cottage and Forge Committee Meeting</i>
26 May	<ul style="list-style-type: none"> • <i>Lal Lal Estate Evening Gala</i>
28 May	<ul style="list-style-type: none"> • <i>Mt Wallace Hall & Reserve Family Fun Day</i>
3 June	<ul style="list-style-type: none"> • <i>Official Opening of the Moorabool Wind Farm Information Centre</i>
5 June	<ul style="list-style-type: none"> • <i>Australian Citizenship Ceremony, Ballan</i>
7 June	<ul style="list-style-type: none"> • <i>Assembly of Councillors – Instrument of Delegation from Council to Members of Staff</i> • <i>Assembly of Councillors – Peri Urban Briefing to Councillors</i> • <i>Ordinary Meeting of Council</i>

Resolution:

Crs. Tatchell/Keogh

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:

Cr. Sullivan	
May 2017	
24 May	Central Highlands Water Meeting – Ballan
26 May	Lal Lal Estate - Gala dinner
31 May	Onsite Meeting with Geoff Howard MP Re: Footpath Link from Town to Recreation Reserve - Clarendon

Cr. Bingham	
May 2017	
22 May	The Great Walk from Robe – commemorating the walk that Chinese immigrant took to the goldfields
May	VCAL students designing Youth Hub

Cr. Dudzik	
May – June 2017	
6 May	Remembrance service and commemorative Victoria Cross Paving Stone and Signage unveiling, Rupert Vance Moon VC
19 May	Volunteer Week – Community celebrations - attended on behalf of the Mayor
30 May	Community Grants Presentation
31 May	Melbourne Town Hall ALGWA High Tea – recognising staff member Michelle Richards receipt of the Bursary Award
3 June	Reconciliation Week Event

Cr. Keogh	
May - June 2017	
22 May	The Great Walk from Robe – commemorating the walk that Chinese immigrant took to the goldfields
3 June	Official Opening of the Moorabool Wind Farm Information Centre

Cr. Tatchell	
May - June 2017	
	<i>Recognised the passing of Roy Huggins and the great work that he had done for the community.</i>

Resolution:

Crs. Sullivan/Toohey

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS

Nil.

AJOURNMENT OF MEETING – 8.01pm

Crs. Sullivan/Toohey

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

RESUMPTION OF MEETING – 8.11pm

Crs. Sullivan/Toohey

That the meeting now be resumed.

CARRIED.

Cr. Tatchell left the Meeting at 8.11pm.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**CLOSURE OF THE MEETING TO THE PUBLIC – 8.12PM**

Resolution:

Crs. Sullivan/Keogh

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 is a confidential item and
therefore not included
as part of these Minutes.

MOTION:

Resolution:

Crs. Toohey/Sullivan

- 1. *That Central Highlands Water be requested to include reference to the sewerage of Bungaree and Wallace in its 2018-2022 Water Plan.***
- 2. *That Council contributes an amount of \$50,000 in 2016/17 towards the finalisation of the design and funding mechanisms for the future project.***

CARRIED.

Councillor Keogh called for a Division.

Councillors voting for the resolution:

Cr. Sullivan, Cr. Toohey, Cr. Edwards, Cr. Dudzik

Councillors voting against the resolution:

Cr. Bingham, Cr. Keogh.

The resolution was determined to be CARRIED.

17. MEETING CLOSURE

The meeting closed at 8.34 pm.

Confirmed.....Mayor.