

SPECIAL MEETING OF COUNCIL

Minutes of a
Special Meeting of Council
held in the Council Chamber,
15 Stead Street, Ballan on
Wednesday 12 June 2013,
at 7:00 p.m.

Members:

Cr. Pat Toohey (Mayor)	Woodlands Ward
Cr. Allan Comrie	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. Tom Sullivan	West Moorabool Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Shane Marr	General Manager Corporate Services
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

AGENDA

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1. OPENING OF MEETING

The Mayor, Cr. Toohey, opened the meeting with the Council Prayer at 7.03 pm.

2. PRESENT

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

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Shane Marr</i>	<i>General Manager Corporate Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>

3. APOLOGIES

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
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4. DISCLOSURE OF INTERESTS OR CONFLICTS 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)

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.

5. PRESENTATIONS/DEPUTATIONS

The Council has made provision in the business of the Special Meeting 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 the Council on a matter included in the agenda shall inform Council by 1pm on the Friday 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 the 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:

Nil.

6. BUSINESS

6.1 Consideration of Public Submissions for the Proposed 2013-2017 Council Plan

Introduction

File No.: 02/02/002
Author: Shane Marr
Chief Executive: Rob Croxford

This report is presented to Council for consideration of public submissions in relation to the proposed 2013-2017 Council Plan, including the Strategic Resource Plan.

On Wednesday 1 May 2013, Council resolved to place the draft 2013-2017 Council Plan, inclusive of the Strategic Resource Plan, on public exhibition, seeking submissions in accordance with Section 223 of the Local Government Act (1989) (the Act). Notices to advertise the public exhibition period were placed with the regional newspaper, the (Ballarat) Courier, the local newspaper on Council's weekly page in the Moorabool News and via Council's *Have Your Say* online community engagement forum.

In accordance with Section 223 of the Act, Council is required to formally consider any submissions and allow the submitter should they request to, to address Council in relation to their submission.

Background

Part 6, Section 125 of the Local Government Act 1989 determines that Council must prepare and approve a Council Plan within the period of 6 months after each general election or by the next 30 June, whichever is later.

At the conclusion of the public submission period at 5pm on Tuesday 4 June 2013, Council received three submissions (as attached). One of the three submissions was received after the submission closure deadline has been included.

The following is a summary of the submissions that were received including advice to Council from officers:

No.	Submission From	Main Points	Response
1.	Rob Salt	<ul style="list-style-type: none"> • Concerned that the Shire would not be able to sustain an aquatic centre. • Items to be included in future plans: <ul style="list-style-type: none"> • access for people with a disability • family rooms so people can assist those in need . inclusive of change table to adults and children • that all toilets are accessible . not segregated into male/female/disabled • have a section of the pool with a ramp and not steps. 	<p><i>Council is continuing to undertake Business modeling to ensure it can sustain and operate an Indoor Aquatic Facility in Bacchus Marsh.</i></p> <p><i>The design process undertaken considers all requirements of relevant acts and regulations in regards to accessibility to ensure that the facility constructed will be accessible for all abilities.</i></p>
2.	Jeremy Maddox	<ul style="list-style-type: none"> • Supportive of Advocacy priorities of Gordon . would like to see extension of sewerage in Gordon • Would like Council to consider construction of a Wind Farm Policy supporting construction of more wind turbines in Moorabool. 	<p><i>The sewerage provision is based on provision of approximately an extra 150-190 connections. This represents around a doubling of the size of Gordon. The Gordon Structure Plan, which is being exhibited until 5 July 2013 as part of Planning Scheme Amendment C53, provides strategic direction to guide the future development the town. Should the town grow very rapidly and sewerage capacity reaching capacity, it would then be timely to revise the Gordon Structure Plan including articulating the preferred future direction of town growth and sewerage provision.</i></p> <p><i>There is an existing Council Wind Energy Facility Policy. This policy does not preclude the construction of 'wind farms' in the municipality. Rather, it outlines Council's preferred development approach so that all community and stakeholder interests are taken into account.</i></p>

		<ul style="list-style-type: none"> • Rejects the implication under %Community Wellbeing+that wind turbines are a threat to residentsq health & well-being:- there is scant evidence for this. Taken in conjunction with %Review Councilq wind farm policy in line with Council policy+. Reads this as support for an anti-turbine position and suggests can only be a response to the agitation of a very small minority of residents. • States that residents who live in close proximity to proposed turbines should have their interests considered and protected to a reasonable degree, but the phrase %impacted by the effects of wind farms+presupposes adverse effects. • Suggests that the statement %Review Councilq wind farm policy in line with Council policy+, is not an honest, clear statement of position or intent; it implies but does not expose a discrepancy between the two. • Suggests that the strategy to pursue initiatives to reduce greenhouse gases could be strengthened to %support initiatives to reduce greenhouse gases or prevent their increase+. 	<p><i>Council has four wind farms approved within its Municipality. At this stage, regardless of forming any policy for Wind Energy Facilities the requirements under the State Government guidelines, specifically regarding not within 2km of a dwelling without consent, means there would be very few new wind farm locations available within the Shire that have not already received a permit.</i></p> <p><i>The series of points point regarding “Community Wellbeing” are noted.</i></p>
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		<ul style="list-style-type: none"> • Suggests that Council not advocate but give consideration to the wellbeing of residents living near proposed wind farms. 	
3.	Margaret Scarff <i>Items 1 - 11</i>	<p>1. Road infrastructure in the centre of Bacchus Marsh, especially Grant Street and Gisborne Road, cannot accommodate any new growth especially an increase in cars coming from the new estate in Maddingley. Halletts Way on/off ramps have not yet been funded by State government and traffic has to come into town to get to the new estate West of Bacchus Marsh.</p> <p><i>It is not correct therefore to say Bacchus Marsh has established infrastructure to accommodate growth.</i></p>	<p><i>The Moorabool 2041 Growth Strategy Framework will incorporate an integrated approach to long term infrastructure planning, including consideration of traffic and transport issues.</i></p> <p><i>A Traffic and Transport Study is proposed in 2014.</i></p> <p><i>Bacchus Marsh does have an array of infrastructure and services that can be built upon as the town grows. However, this growth will need to be carefully planned and managed so that infrastructure gaps – such as road capacity issues – can be accommodated. The Moorabool 2041 Framework seeks to achieve this outcome.</i></p>

		<p>2. We will value our people, providing them with learning opportunities, leadership development, a safe and functional workplace and a sense of wellbeing.+ <i>Who are "our people"? If they are staff why not say so.</i></p>	<p><i>The term 'our people' refers to staff and is an acknowledged turn of phrase.</i></p>
		<p>3. Relations between Council and other levels of government deteriorated during the previous Council, and continues to deteriorate. <i>A concerted effort is needed to build relations between Council and other levels of government.</i></p>	<p><i>This key result area states that "Council will build mutually beneficial partnerships with federal and state governments"</i></p>
		<p>4. Under Advocacy Priorities - Resources for our growing community+ <i>What do 'resources' cover?</i></p>	<p><i>Resources cover all services and facilities to support the needs of our growing community.</i></p>
		<p>5. Undertake training of staff in the use of Council's Community Engagement ...+ <i>Include all Councillors in the Community Engagement Framework training.</i></p>	<p><i>The Councillors are committed to Community Engagement and the adopted Community Engagement Framework and are well equipped to undertake community engagement.</i></p>

		<p>6. %Advocate for the health and wellbeing of our residents impacted by the effects of wind farms+.</p> <p><i>The same advocacy needs to happen for the potential effects of new coal mines on the health and wellbeing of residents. Council should give equal importance to the development of policy on coal mining as it does to wind farms.</i></p>	<p><i>At its meeting of Wednesday 15 May 2013, Council resolved the following:</i></p> <ol style="list-style-type: none"> 1. <i>To note the many legitimate concerns regarding the exploration for and extraction of coal and coal seam gas and calls on the Victorian Government to address these concerns including the impacts of coal and coal seam gas extraction on: -</i> <ol style="list-style-type: none"> a. <i>The sustainability of water resources including aquifers;</i> b. <i>Productive farmland and local food security;</i> c. <i>Local community health and wellbeing over the long term;</i> d. <i>Natural biodiversity; and</i> e. <i>Levels of greenhouse gas emissions.</i> 2. <i>To write to the State and Federal Ministers responsible for energy and earth resources requesting that Council be advised of:</i> <ol style="list-style-type: none"> a. <i>Progress on discussions with the Federal Government on the National Harmonisation Regulation Framework for Coal Seam Gas;</i> b. <i>Any potential changes to legislation relating to mineral exploration or extraction of coal and coal seam gas, and</i> c. <i>The potential impact of the draft framework and legislative and policy changes on Moorabool Shire.</i> 3. <i>To call on the Victorian Government to institute a moratorium on all new coal and on-shore unconventional gas operations until there has been a thorough, independent investigation into the likely impacts of this industry on water resources, farmland and food security, local communities, natural biodiversity and greenhouse emissions.</i>
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		<p>7. %Support police and other community safety initiatives and programs.+</p> <p><i>Council needs to consider what it can do to improve safety for women including exploring ways to include safety concerns into all town planning activities and initiatives like walking tracks and new estates. All town planning proposals should have to say how they have considered the safety of women e.g. natural surveillance and lighting.</i></p>	<p><i>The planning scheme is based on policy, zones, overlays, particular and general provisions and incorporated documents.</i></p> <p><i>Policies are intended to be considered in every exercise of discretion (PSA or permit). There are several state policies relating to "community safety" in the wider sense (safer by design, healthy, flood / fire / landslip/ contamination/ buffers etc. These are often reinforced in zones decision guidelines, specific overlays and in particular provisions and incorporated documents.</i></p> <p><i>To use the example given - safety of women / lighting / surveillance, there is state policy on urban design, neighbourhood design and design for safety.</i></p>
		<p>8. +Pursuing efficiencies in managing sporting facilities in partnership with Section 86...+</p> <p><i>What initiatives are being considered? As with many of the statements throughout this plan they are vague and lacking detail or even a hint of what is to come.</i></p>	<p><i>Council will be reviewing its policies and procedures in the management of recreation reserves and the support of Section 86 Committees of Management. These include the Appointment and Delegations Policy, Sports ground Management processes and procedures and the Reserve Funding Policy.</i></p> <p><i>Council will continue to advocate to State and Federal Government for financial support toward the development of reserve infrastructure and facilities.</i></p>
		<p>9. %Number of groups assisted by community grants+</p> <p><i>How can this number increase past 45 when the amount of grant money hasn't increased? This indicator would result in selectors favouring small grants so they can approve more.</i></p>	<p><i>The Community Grants Program is currently under review, with a revised program to be implemented for the Winter round 2013. This review will consider a broad range of issues with the aim of improving the equity and accessibility of the grant program. Number of groups assisted by the community grants refers to increasing the number of applicants to the grant program to ensure that a range of both projects and community groups from across the Shire are considered each round, not the number of grants funded.</i></p>

		<p>10. %Number of library items borrowed+</p> <p><i>This is only one indicator. Suggest others such as the number of people using the bank of computers to access the Internet; the number of people attending events like book readings and children's programs. These add value to the library. To only record book borrowings is an old fashioned indicator and doesn't represent the many services offered at our library.</i></p>	<p><i>The Council has adopted a Library Strategic Plan that contains a number of key performance indicators that encompass a wide variety of functions of the library, including participation in library programs, use of the library website and people using the library. The Library Strategic Plan contains a number of key actions aimed to achieve these key performance indicators. The draft Council Plan has reflected one of these key performance indicators; however the library service will be measured on all key performance indicators contained in the Library Strategic Plan</i></p>
		<p>11. Councillors and management rely heavily on reports written by staff to help the decision making process.</p> <p><i>They must be well researched, rigorous and less biased toward working to Council's 'desired' outcome. There is room for more credible data and analysis. An indicator for this may see improvement.</i></p>	<p><i>Council Officers are skilled and knowledgeable in their areas of expertise and conduct research according to all legislative acts and regulations inclusive of obtaining data and analysis relevant to the matter for consideration.</i></p>

In line with Section 223 of the Local Government Act, none of the submitters indicated that they wish to speak to Council in relation to their submission.

Policy Implications

The 2009. 2013 Council Plan provides as follows:

Key Result Area	Continuous Improvement in Council Services
Objective	Effective strategic and business planning for a growing community.
Strategy	Develop, implement and maintain relevant strategic and business plans

The proposal to consider public submissions in relation to the draft 2013-2017 Council Plan is consistent with the 2009-2013 Council Plan.

Financial Implications

This four-year forecast is Council's accountability to the community in the way it will deliver on the 3 key result areas as set out in the 2013-2017 Council Plan being:

1. Representation and Leadership of our Community
2. Community Wellbeing
3. Enhanced Infrastructure and Natural and Built Environment

The Strategic Resource Plan for each financial year is subject to final determination as part of Council's Annual Budget Process.

Communications Strategy

Community consultation and engagement is essential in preparing a new Council Plan. In line with Section 223 of the Local Government Act advertisements were placed in regional and local papers to notify the community of an opportunity to provide submissions to the Draft Council Plan either in writing or via Council's [Have your Say](#) web page. This public submission period was conducted over a four weeks from May 4 closing on June 4, 2013. Results from the website indicated that the [Have Your Say](#) page received 218 page views, 74 visitors and 43 document downloads. One of the 3 submissions was received via this online portal.

In accordance with the Local Government Act 1989, the 2013-2017 Council Plan and Strategic Resource Plan will progress through the following adoption process:

Timetable for the Proposal and Adoption of Council Plan and Strategic Resource Plan	
Consider Public Submissions as per Section 223 (1)(b) of the Local Government Act 1989 for draft 2013-2017 Council Plan and Strategic Resource Plan at a Special Meeting of Council.	12 June 2013

Formally adopt 2009-2013 Council Plan and Strategic Resource Plan	19 June 2013
Public Notice - Adoption of 2009-2013 Council Plan and Strategic Resource Plan	22 June 2013
Submit 2009-2013 Council Plan and Strategic Resource Plan to Minister for Local Government by:	27 June 2013

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Chief Executive Officer – Rob Croxford

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

Author – Shane Marr

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

Conclusion

Council's consideration of Council Plan submissions is a statutory requirement necessary to formally adopt the 2013-2017 Council Plan for Moorabool Shire Council and forward it to the Minister.

As a result of the public submission process, in accordance with section 223 of the Local Government Act 1989, to place on public exhibition inviting public submissions during the prescribed period of 28 days as required under the Act, the three submissions received in relation to the draft 2013-2017 Council Plan and Strategic Resource Plan are presented for Council's consideration

Recommendation:

1. That Council acknowledge the receipt of submissions from:

- **Rob Salt**
- **Jeremy Maddox**
- **Margaret Scarff**

2. That having considered the public submissions, the adoption of the 2013-2017 Council Plan, including any amendments required, is referred to the Ordinary Meeting of Council of Wednesday 19 June 2013 to be held at 7.00pm in the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.
3. That following the adoption of the 2013-2017 Council Plan, a response be provided to each of the Submitters.

Resolution:

Crs. Dudzik/Tatchell

1. *That Council acknowledge the receipt of submissions from:*
 - *Rob Salt*
 - *Jeremy Maddox*
 - *Margaret Scarff*
 - (a) *That the Council Plan be amended to say moving to appropriate infrastructure to accommodate growth.*
 - (b) *That the reference to our people in the Council plan be amended to refer to Council Staff*
2. *That having considered the public submissions, the adoption of the 2013-2017 Council Plan, including any amendments required, is referred to the Ordinary Meeting of Council of Wednesday 19 June 2013 to be held at 7.00pm in the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.*
3. *That following the adoption of the 2013-2017 Council Plan, a response be provided to each of the Submitters.*

LOST.

Resolution:

Crs. Sullivan/Edwards

1. *That Council acknowledge the receipt of submissions from:*
 - *Rob Salt*
 - *Jeremy Maddox*
 - *Margaret Scarff*

2. ***That having considered the public submissions, the adoption of the 2013-2017 Council Plan, including any amendments required, is referred to the Ordinary Meeting of Council of Wednesday 19 June 2013 to be held at 7.00pm in the James Young Room, Lerderderg Library, 215 Main Street, Bacchus Marsh.***

3. ***That following the adoption of the 2013-2017 Council Plan, a response be provided to each of the Submitters.***

CARRIED.

Report Authorisation

Authorised by: 

Name: Shane Marr
Title: General Manager Corporate Services
Date: Wednesday 6 June 2013

**7. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION
OF COUNCIL**

Nil.

8. MEETING CLOSURE

The meeting closed at 7.21 pm.

Confirmed.....Mayor.