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| **MINUTES**  **Ordinary Council Meeting**  **Wednesday, 1 December 2021** | |
| **Date:** | **Wednesday, 1 December 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **Council Chamber, 15 Stead Street, Ballan & Online** |

**Order of Business**

[1 Opening of Meeting and Prayer 4](#_Toc89418825)

[2 Acknowledgement of Country 4](#_Toc89418826)

[3 Recording of Meeting 4](#_Toc89418827)

[4 Present 4](#_Toc89418828)

[5 Apologies 5](#_Toc89418829)

[6 Confirmation of Minutes 5](#_Toc89418830)

[7 Disclosure of Conflicts of Interest 5](#_Toc89418831)

[8 Public Question Time 5](#_Toc89418832)

[9 Petitions 6](#_Toc89418833)

[Nil](#_Toc89418834)

[10 Presentations/Deputations 6](#_Toc89418835)

[11 Chief Executive Officer Reports 7](#_Toc89418836)

[11.1 Appointments to Community Asset Committees of Council 7](#_Toc89418837)

[11.2 Appointment of Councillors to Advisory Committees of Council 12](#_Toc89418838)

[11.3 Council Appointments to Working Groups, Industry Bodies and Forums 17](#_Toc89418839)

[11.4 2021-2025 Moorabool Shire Council Plan - First Quarter Progress for July - September 2021 21](#_Toc89418840)

[11.5 2017-2021 Moorabool Shire Council Plan - Outstanding Actions Progress Report 24](#_Toc89418841)

[11.6 Delegated Committees of Council - Reports 26](#_Toc89418842)

[11.7 Community Asset Committees - Reports 27](#_Toc89418843)

[11.8 Advisory Committees of Council - Reports 28](#_Toc89418844)

[12 Community Planning and Economic Development Reports 29](#_Toc89418845)

[12.1 Planning Scheme Amendment C91 - Flood Overlays - Panel Report 29](#_Toc89418846)

[13 Community Strengthening Reports 39](#_Toc89418847)

[13.1 Darley Park Master Plan (Adoption) 39](#_Toc89418848)

[13.2 Bacchus Marsh Racecourse Recreation Reserve Master Plan (Adoption) 43](#_Toc89418849)

[13.3 Draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy 46](#_Toc89418850)

[14 Customer Care and Advocacy Reports 50](#_Toc89418851)

[14.2 Revenue and Rating Plan - Rate Strategy Review - Community Engagement 50](#_Toc89418852)

[15 Community Assets & Infrastructure Reports 54](#_Toc89418853)

[15.1 Local Roads and Community Infrastructure Program Round 3 54](#_Toc89418854)

[15.2 Local Area Traffic Management Study (Stage 4) Darley 58](#_Toc89418855)

[14.1 September 2021 Quarterly Financial Report 66](#_Toc89418856)

[16 Other Reports 70](#_Toc89418857)

[Nil](#_Toc89418858)

[17 Notices of Motion 71](#_Toc89418859)

[17.1 Notice of Motion - No. 298 - Hard Rubbish Collection 71](#_Toc89418860)

[17.2 Notice of Motion - No. 299 - Transfer Station Vouchers 72](#_Toc89418861)

[17.3 Notice of Motion - No. 300 - Tracks & Trails Strategy 73](#_Toc89418862)

[18 Notices of Rescission 75](#_Toc89418863)

[Nil](#_Toc89418864)

[19 Mayor’s Report 76](#_Toc89418865)

[19.1 Mayor's Report 76](#_Toc89418866)

[20 Councillors’ Reports 77](#_Toc89418867)

[21 Urgent Business 79](#_Toc89418868)

[21.1 Admission of Urgent Business 79](#_Toc89418869)

[21.2 Urgent Business - Parking Safety at MacKenzie's Flat Picnic Area 79](#_Toc89418870)

[22 Closed Session of the Meeting to the Public 80](#_Toc89418871)

[22.1 Future of Aged Care Services in Moorabool 80](#_Toc89418872)

[23 Meeting Closure 93](#_Toc89418873)

1 Opening of Meeting and Prayer

The Mayor opened the meeting with the Council Prayer at 6.00pm

2 Acknowledgement of Country

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting is livestreamed.

4 Present

Cr Tom Sullivan, Mayor West Moorabool Ward

Cr Tonia Dudzik, Deputy Mayor East Moorabool Ward

Cr Moira Berry East Moorabool Ward

Cr David Edwards East Moorabool Ward

Cr Ally Munari Woodlands Ward

Cr Paul Tatchell Central Moorabool Ward

Cr Rod Ward East Moorabool Ward

**Officers:**

Mr Derek Madden Chief Executive Officer

Ms Caroline Buisson General Manager Customer Care & Advocacy

Mr Phil Jeffrey General Manager Community Assets & Infrastructure

Ms Sally Jones General Manager Community Strengthening

Mr Henry Bezuidenhout Executive Manager Community Planning & Economic Development

Mr Phillip Howard Executive Manager Governance & Corporate Compliance

Mr Peter Smith Chief Financial Officer

Mr Chris Gardner Manager Connected Communities

Ms Sarah Kernohan Manager Growth & Development

Ms Belinda Stewart Manager Active Ageing & Diversity

Mr Troy Delia Coordinator Governance & Risk

Ms Jacinta Erdody Coordinator Revenue and Procurement

Ms Manda McDermott Coordinator Community Support Services

Mr Rod Davison Senior Strategic Planner

5 Apologies

Nil

6 Confirmation of Minutes

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| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  **That the minutes of the Ordinary Council Meeting held on Wednesday 3 November 2021 and the Statutory Council Meeting held on Wednesday 24 November 2021, be confirmed.**  **Carried** |

7 Disclosure of Conflicts of Interest

Nil.

8 Public Question Time

| **Name** | **Question/Response** | **CEO/GM/EM** | **Read at Meeting**  **(Yes/No)** |
| --- | --- | --- | --- |
| Ms Johanna Blain, Bacchus Marsh | Question:  Why is the council enforcing Mandatory vaccination for 16years and over to play community sport when it is not a mandated direction from the Victorian government?  This is not mandated for attendance at school yet children cannot play sport. | Ms Sally Jones General Manager Community Strenthening | Yes |
|  | **Response:**  In regards to the response, I was advised this question directly relates to the use of the Bacchus Marsh Leisure Centre. The Bacchus Marsh Leisure Centre is located on the grounds of the Bacchus Marsh Secondary College and has a shared use arrangement between Council and the College.  The current Department of Health directions for community sport currently state:   “*For community sport the vaccination requirements do not apply in relation to any indoor space or outdoor space in a physical recreation premises if that space is being operated only for the purpose of conducting a community sport activity”.  Further advice related to schools also states “Compliance with current Department of Health advice is required, regardless of any pre-existing or previous arrangements agreed with a community sporting club or group”.*  Continued…  As the Leisure Centre is a shared facility with the school, Council require all users of the facility for the purposes of community sport, to be vaccinated to ensure COVID safe use for community and school members. |  |  |
| Mr John Kowarsky, Ballan | Can Council please advise on the progress and timetable for the construction of the pram crossing to Fisken Street for the footpath that was part of the Permit Conditions for the now-occupied building at 22 Fisken Street, Ballan? | Mr Henry Bezuidenhout  Executive Manager Community Planning and Economic Development | Yes |
|  | **Response:**  The pram crossing on the north east corner of Fisken Street and Steiglitz Street is being incorporated into a remodelling of the kerb line at the intersection to improve the streetscape of Fisken Street, correct the damaged pavement and retain the Claret Ash tree of significance in front of 22 Fisken Street, create a DDA compliant pedestrian crossing and improve the safety for all road users.  A project that incorporates all these improvements is currently being designed and will be submitted for consideration as part of the 2022-2023 Council budget.  The developer has provided a monetary contribution toward infrastructure works, including the construction of a pram crossing. It is noted that the developer could not construct the pram crossing as part of his footpath works, as this needs to be incorporated into the overall streetscape improvements works in Fisken Street.  The timeline for delivering the pram crossing has been delayed as this project has been redesigned to make provision for the Claret Ash tree to be retained. |  |  |

9 Petitions

Nil

10 Presentations/Deputations

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| **Item No** | **Description** | **Name** | **Method** | **Position** |
| 12.1 | Planning Scheme Amendment C91 – Flood Overlays – Panel Report | Mr Stephen Kelly | Online & Written | Objector |
| 12.1 | Planning Scheme Amendment C91 – Flood Overlays – Panel Report | Ms Kerrie Homan | Online | Proponent |

11 Chief Executive Officer Reports

11.1 Appointments to Community Asset Committees of Council

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

**Purpose**

The purpose of this report is to appoint Councillor representatives and committee members to Council’s Community Asset Committees for the 2022 year.

**Executive Summary**

 Community Asset Committees support the operation of Council, assist with Council’s decision-making processes, expand stakeholder and community engagement and provide a framework for Council to receive community feedback and external advice.

 This report recommends the appointment of Councillor representatives to the Bacchus Marsh Public Hall and Blacksmiths Cottage & Forge Community Asset Committees; and the appointment of committee members to all Community Asset Committees as indicated.

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| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr David Edwards  **That Council:**  **1. Pursuant to section 65 of the *Local Government Act 2020,* retains the following Committees of Management as Community Asset Committees to assist the Council in performing its functions and duties in the manner as currently prescribed in the Instruments of Delegation approved by the Chief Executive Officer, and appoints the following Councillor representatives and Committee members to the Community Asset Committees as set out below:**   |  |  | | --- | --- | | **Community Asset Committee** | **Councillor Representative and Committee Members 2022** | | **Bacchus Marsh Public Hall** | **Cr Dudzik**  **Committee Members:**  **David Childs**  **Keith Currie**  **Eric Daws**  **Stuart Deagan**  **John Faulkner**  **John Ginnane**  **Gary John Treloar** | | **Blacksmith’s Cottage and Forge** | **Cr Edwards**  **Committee Members:**  **Betty Charge**  **Alan Comrie**  **Lynette Egan**  **Simon Fisher**  **Ron Geurts**  **Heather Robson**  **Margaret Simpson**  **Chrissy Stancliffe**  **Geoff Stancliffe**  **Helen Whitely** | | **Dunnstown Recreation Reserve** | **Committee Members:**  **Jaye Cahir**  **Sam Leneghan**  **Chris Leonard**  **Kellie Leonard**  **Pat Leonard**  **Greg Murphy**  **Joel Murphy**  **Shane Murphy**  **Fran Peterkin**  **Barry Sheehan**  **Trish White** | | **Gordon Public Hall** | **Committee Members:**  **Beryl Forster**  **Frank Higgins**  **Kate Galloway**  **Lin Lawson**  **Maree Brooks**  **Sandra Baker**  **Sandra Jarrett**  **Stephen Derrick**  **Yvonne Blair Thompson** | | **Greendale Recreation Reserve** | **Committee Members:**  **Sarah Duncanson**  **Nick Myrianthis**  **Philip O’Keefe**  **Eddie Salwe**  **John Speed**  **Paul Hilder** | | **Lal Lal Soldiers’ Memorial Hall** | **Committee Members:**  **Ann Crick**  **John Crick**  **Graeme Diamond-Keith**  **Ursula Diamond-Keith**  **Geoff Hewitt**  **Kristina Kitchingman**  **Engels Leoncini**  **John McAuliffe**  **Peter Witherspoon**  **Susanne Witherspoon** | | **Millbrook Community Centre** | **Committee Members:**  **Lindsay Wilfred Grey**  **Amanda Labbett**  **Mark Labbett**  **Michelle O’Brien**  **Georgina Reynolds**  **Luke Reynolds**  **Andrea Weigall**  **Mark Weigall**  **Gerard White**  **Patrick Ryan** | | **Navigators Community Centre** | **Committee Members:**  **Wayne Austin**  **Alan Rogers**  **Rick Stephen**  **Ole Kelderman**  **Michael Clarke**  **Tarsha Gore**  **Ken Turner**  **Mark Ryan**  **Troy Connor** | | **Wallace Public Hall** | **Committee Members:**  **Josie Donegan**  **Leanne O’Neil**  **Darren Quinlan**  **Alan Tiley**  **Karen Tiley** | | **Wallace Recreation Reserve** | **Committee Members:**  **Jason Carey**  **Maurice Mahar**  **Paul Mahar**  **Leanne O’Neil**  **Jacob White**  **Kenneth Williams** |   **2. Notifies each Community Asset Committee of the respective appointments.**  **3. Authorises the Chief Executive Officer to approve the appointment of new members to the Community Asset Committees where extraordinary vacancies and new nominations occur throughout the year.**  **Carried** |

**Background**

The Committees of Management were originally established as special committees under section 86 of the Local Government Act 1989. However, the provisions relating to section 86 special committees which were contained in the *Local Government Act 1989*, have been recently repealed due to the introduction of the *Local Government Act 202*0 (the Act).

The Community Asset Committees are established in accordance with section 65 of *Local Government Act 202*0 (the Act) to manage Council assets.

These committees assist Council by executing specific functions or duties in accordance with their instrument of delegation. Under that Act, the Chief Executive Officer may delegate to the committees such functions and powers of the Council that are deemed appropriate for the management and operations of a community asset in the municipal district.

**Proposal**

The Community Asset Committees act as an agent of Council (not as an independent entity) in managing the Council assets entrusted in the Committee’s care by:

 Undertaking the management of the facilities on Council’s behalf;

 Undertaking improvements to the facilities subject to the Council’s approval;

 Ensuring the facilities are available for public use;

 Collecting rentals and charges from the users of the facilities for casual hire;

 Expending funds on maintaining and improving the facilities for the better use and enjoyment by the community and public; and

 Consulting and collaborating with Council on all major works and capital works development to ensure compliance with legislative requirements.

Therefore, it is appropriate for the Councillor representatives and nominated Committee members to the Community Asset Committees.

The Committees of Management where Councillor representatives were previously appointed are listed in the following table:

|  |  |
| --- | --- |
| **Committees of Management** | **Council Representative** |
| Bacchus Marsh Public Hall | Cr. Dudzik |
| Blacksmith’s Cottage and Forge | Cr. Edwards |

**Council Plan**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.3: Facilitate opportunities for the community to gather and celebrate**

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

**Financial Implications**

There are no financial implications as a result of presenting this report.

**Risk & Occupational Health & Safety Issues**

There are no identified Risks or OH&S implications as a result of presenting this report.

**Victorian Charter of Human Rights & Responsibilities Act 2006**

The model associated with hall and recreation reserve Committees of Management fosters community cohesion and encourages active participation in civic life.

**Officer’s Declaration of Conflict of Interests**

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

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

*Author – Phillip Howard*

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

**Conclusion**

The appointment of Councillor Representatives and Committee members to the Community Asset Committees ensures that Council’s facilities such as its community halls and reserves are being managed in the best interests of the entire Moorabool Community.

11.2 Appointment of Councillors to Advisory Committees of Council

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

Purpose

The purpose of this report is to allow Council to formally elect representatives to Advisory Committees for the 2022 year.

Executive Summary

 The appointment of Councillors as representatives on advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

 This report seeks to consolidate all Councillor appointments; therefore, the Australia Day Award Selection Panel has been incorporated.

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| Resolution  **Moved:** Cr Moira Berry  **Seconded:** Cr Ally Munari  **That Council:**  **1. Appoints representatives to the following Advisory Committees of the Council to assist the Council in performing its functions and duties in the manner as currently prescribed and as provided for in the terms of reference authorised by Council:**  **a) Audit and Risk Advisory Committee**  **Cr Dudzik, Cr Berry and Cr Tatchell (sub)**  **b) Australia Day Award Selection Panel**  **Mayor, Cr Munari and Cr Berry**  **c) Bacchus Marsh District Trails Advisory Committee**  **Cr Berry and Cr Ward (sub)**  **d) Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee**  **Cr Edwards and Cr Dudzik (sub)**  **e) Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee**  **Cr Dudzik and Cr Edwards (sub)**  **f) Economic Development Taskforce Advisory Committee**  **All Councillors**  **g) Heritage Advisory Committee**  **Cr Tatchell and Cr Edwards (sub)**  **h) Lal Lal Falls Reserve Advisory Committee of Management**  **Cr Sullivan and Cr Munari (sub)**  **i) Local Business Advisory Committee**  **Cr Tatchell and Cr Dudzik (sub)**  **j) Maddingley Park Advisory Committee**  **Cr Ward and Cr Berry (sub)**  **k) Moorabool Environment & Sustainability Advisory Committee**  **Cr Berry and Cr Edwards (sub)**  **l) Moorabool Health and Wellbeing Advisory Committee**  **Cr Dudzik and Cr Berry (sub)**  **m) Positive Ageing Advisory Committee**  **Cr Tatchell and Cr Dudzik (sub)**  **2. Notify the Committees of the appointment arrangements.**  **Carried** |

Background

Council has the ability to create a committee by resolution as an Advisory Committee.

These types of Committees have no specific 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 provides substantial expertise to the Council’s planning by way of advisory recommendations.

The performance of specified statutory obligations of the Council are not placed upon these Committees. However, Council has the legislative ability to delegate authority and amend the operations and/or charter of individual Committees should circumstance warrant.

PROPOSAL

The following Advisory Committees have been established by Council.

1. Audit and Risk Committee

The *Local Government Act 2020* provides for Council to establish an Audit and Risk Committee.

The purpose of the Audit and Risk Committee is to support Council by providing oversight of its financial and performance reporting, risk management, fraud prevention systems and control, internal control environment, internal and external audit and Council’s performance with regard to compliance with its policies and legislative and regulatory requirements.

The 2021 representatives for this committee were Cr Dudzik, Cr Munari and Cr Tatchell (sub).

2. Australia Day Award Selection Panel

Each year, Moorabool Shire Council hosts Australia Day Awards in recognition of individuals and community groups who have made an outstanding contribution to Moorabool Shire, or given outstanding service to the local community.

The purpose of the Australia Day Award Selection Panel is to determine the annual award recipients for Australia Day; the panel meets once per year (usually in late November of each year) to consider nominations and to form recommendations for Council endorsement (usually in December of each year).

As the Awards include a Mayoral Award it is recommended that the Mayor be an appointed panel member.

The 2021 representatives for this Panel were Mayor, Cr Munari and Cr Tatchell.

3. Bacchus Marsh District Trails Advisory Committee

The District Trails Advisory Committee comprises interested community members to advise Council on the development and integration of the community trails in the Bacchus Marsh district.

The 2021 representative for this committee was Cr Berry and Cr Ward (sub).

4. Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

Established in 2003, this Committee was convened for the purpose of regulating the ongoing shared school and community use of the facility and to ensure the effective management and operation of the facility.

The 2021 representative for this committee were Cr Edwards and Cr Dudzik (sub)

5. Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee

This Advisory Committee was established to advise Council on matters pertaining to the usage, operations, maintenance and development of the Bacchus Marsh Racecourse & Recreation Reserve and its associated facilities.

This Advisory Committee was formed in 2021.

6. Economic Development Taskforce Advisory Committee

The Economic Development Taskforce Advisory Committee was established in April 2018. The role of the Committee is to provide an oversight of economic development objectives and to provide advice on the development, promotion and implementation of strategies and initiatives. This includes the identification and development of investment opportunities.

All Councillors are representatives on this Committee.

7. Heritage Advisory Committee

The Heritage Advisory Committee was established to advise Council on the conservation, promotion and education of heritage matters within the Shire.

The 2021 representative for this committee was Cr. Tatchell and Cr Dudzik (sub).

8. Lal Lal Falls Reserve Advisory Committee of Management

The Lal Lal Falls Reserve Advisory Committee was created to provide advice on the development and management of this significant natural reserve.

The 2021 representative for this committee was Cr Sullivan and Cr Edwards (sub).

9. Local Business Advisory Committee

The purpose of the Local Business Advisory Committee is to provide advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development.

The 2021 representative for this committee was Cr Tatchell and Cr Dudzik (sub).

10. Maddingley Park Advisory Committee

This Advisory Committee was established to advise Council on matters pertaining to the usage, operations, maintenance and development of Maddingley Park and its associated facilities.

This Advisory Committee was formed in 2021.

11. Moorabool Environment & Sustainability Advisory Committee

The Moorabool Environment & Sustainability Advisory Committee comprises members of the community with land care experience or interest to advise Council on matters of land care policy, planning and development.

The 2021 representative for this committee was Cr Berry and Cr Edwards (sub).

12. Moorabool Health and Wellbeing Advisory Committee

The Moorabool Health and Wellbeing Advisory Committee comprises community members to assist in the development of Council’s Health and Wellbeing Strategy and Plan.

The following organisations and groups are nominated for the 2021 term:

 Djerriwarrh Health Services

 Department of Justice – Grampians Region

 Victoria Police – Bacchus Marsh

 Central Highlands Primary Care Partnership

 Women’s Health Grampians

 Darley Neighbourhood House and Early Learning Centre

 Ballan and District Community House and Adult Education Centre

 Highlands Local Learning and Employment Network

 Sports Central

 Department of Health and Human Services

 North West Melbourne Primary Health Network

The 2021 representative for this committee was Cr Dudzik and Cr Berry (sub).

13. Positive Ageing Advisory Committee

This Committee provides an opportunity for informed discussion on issues impacting upon older members of the Shire and increases community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The 2021 representative for this committee was Cr. Tatchell and Cr Berry (sub).

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.1: Listen, analyse and understand community needs**

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

Financial Implications

There are no financial implications as a result of presenting this report.

Risk & Occupational Health & Safety Issues

There are no identified Risks or OH&S implications as a result of presenting this report.

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

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

*Author – Phillip Howard*

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

Conclusion

It is considered that in the interest of the whole community, the appointment of Councillors to Advisory Committees will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

11.3 Council Appointments to Working Groups, Industry Bodies and Forums

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

**Purpose**

The purpose of this report is to allow Council to formally elect representatives to Working Groups, Industry Bodies and Forums for the 2022 year.

**Executive Summary**

 The appointment of Councillors as representatives on Working Groups, Industry Bodies and Forums plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

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| **Resolution**  **Moved:** Cr David Edwards  **Seconded:** Cr Ally Munari  **That Council:**   1. **Endorses its participation on the following Working Groups, Industry Bodies and Forums and appoints its representatives as follows:**   **a) Bacchus Marsh Aerodrome Management Committee:**  **Cr Ward and Executive Manager Community Planning & Economic Development**  **b) Ballarat Rail Action Committee:**  **Cr Edwards and Chief Executive Officer**  **c) Central Highlands Community Road Safety Council:**  **General Manager Community Assets and Infrastructure**  **d) Central Highlands Councils Victoria:**  **Mayor and Chief Executive Officer**  **e) Central Highlands Local Learning and Employment Network (CHLLEN):**  **Cr Berry**  **f) Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee CCMA SMO):**  **Executive Manager Community Planning and Economic Development**  **g) Grow West Implementation Committee:**  **Cr Dudzik and Cr Edwards (sub) and Manager Environment & Waste**  **h) Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region:**  **Cr Sullivan and Cr Berry (sub) and General Manager Community Assets and Infrastructure.**  **i) Municipal Association of Victoria:**  **Cr Sullivan and Cr Edwards (sub)**  **j) MAV Emergency Management Committee:**  **Chief Emergency Management Officer**  **k) Municipal Emergency Management Planning Committee (MEMPC):**  **Cr Tatchell and Cr Munari (sub)**  **l) Municipal Fire Management Planning Committee (MFMPC):**  **Cr Tatchell and Cr Munari (sub)**  **m) National Timber Councils Taskforce:**  **Cr Sullivan**  **n) Peri Urban Group of Rural Councils:**  **Cr Berry, Cr Munari (sub), Chief Executive Officer and Executive Manager Community Planning and Economic Development**  **o) Rural Councils Victoria:**  **Cr Munari**  **p) Timber Towns Victoria:**  **Cr Sullivan**  **q) Victorian Local Governance Association (VLGA) :**  **Mayor**  **r) Western Highway Action Committee:**  **Cr Ward and General Manager Community Assets and Infrastructure**   1. **That Council notify these Working Groups, Industry Bodies and Forums of the reappointment arrangements.**   **Carried** |

**Background**

In order for Moorabool Shire Council to pursue its role of advocacy and represent the interests of the community, Council seeks to be represented on a variety of committees and organisations which are established not only within Moorabool Shire, but more broadly within the region and also within industry representative associations. Involvement in these areas provides the Council with a broader perspective in undertaking its policy deliberation role.

**Proposal**

The 2021 representatives for each working group, industry bodies and forums are listed below:

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| **Working Groups, Industry Bodies and Forums** | **Council Representative 2021** |
| Bacchus Marsh Aerodrome Management Committee | Cr. Ward  Executive Manager Community Planning & Economic Development |
| Ballarat Rail Action Committee (BRAC) | Cr. Edwards; CEO |
| Central Highlands Community Road Safety Council | General Manager Community Assets and Infrastructure |
| Central Highlands Councils Victoria | Mayor; CEO |
| Central Highlands Local Learning and Employment Network (CHLLEN) | Cr. Berry |
| Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee | Executive Manager Community Planning and Economic Development |
| Grow West Implementation Committee | Cr. Dudzik;  Manager Environment & Waste Education |
| Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region | Cr. Sullivan  Cr. Berry (sub) and General Manager Community Assets and Infrastructure |
| MAV Emergency Management Committee | Chief Emergency Management Officer |
| (MAV) Municipal Association of Victoria | Cr. Sullivan |
| Municipal Emergency Management Planning Committee (MEMPC) | Cr. Tatchell |
| Municipal Fire Management Planning Committee (MFMPC) | Cr. Tatchell |
| National Timber Councils Task Force | Cr. Sullivan |
| Peri Urban Councils | Cr. Munari, Cr Berry (sub), Chief Executive Officer and Executive Manager Community Planning and Economic Development |
| Rural Councils Victoria | Cr. Sullivan |
| Timber Towns Victoria | Cr. Sullivan |
| Victorian Local Governance Association (VLGA) | Mayor |
| Western Highway Action Committee | Cr Ward and General Manager Community Assets and Infrastructure |

**Council Plan**

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.1: Listen, analyse and understand community needs**

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

**Financial Implications**

There are no financial implications as a result of presenting this report.

**Risk & Occupational Health & Safety Issues**

There are no identified Risks or OH&S implications as a result of presenting this report.

**Victorian Charter of Human Rights & 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**

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*Chief Executive Officer – Derek Madden*

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

*Author – Phillip Howard*

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

**Conclusion**

It is considered that in the interest of the whole community, the appointment of Councillors to external bodies and workings groups will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

11.4 2021-2025 Moorabool Shire Council Plan - First Quarter Progress for July - September 2021

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: 1. Q1 Final Progress Report 2021-2025 (under separate cover)**

Purpose

The 2021 – 2025 Moorabool Shire Council Plan (“Council Plan”) sits within the Council’s planning framework and identifies the main priorities and expectations over a four-year period.

This report provides an update on the status of actions in the first quarter of this year, July – September 2021.

Executive Summary

 Overall, there are 56 Strategic Actions to be achieved this financial year.

 Progress is being made on all required actions of the 2021 - 2025 Council Plan for the first quarter of the 2021/22 financial year.

|  |
| --- |
| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Paul Tatchell  **That Council receives the 2021-2025 Moorabool Shire Council Plan – First Quarter Progress Report for July – September 2021, including Attachment 1 of this report.**  **Carried** |

Background

The three strategic objectives outlined in the Council Plan that guide new initiatives and continuing services are:

1. Healthy, inclusive and connected neighbourhoods

2. Liveable and thriving environments

3. A Council that listens and adapts to the needs of our evolving communities

Each Strategic Objective has a set of priorities, or desired outcomes, which sets out strategic actions to be undertaken over the planned four years to achieve the objectives.

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community. This report presents the first quarter progress performance against the actions set for the   
2021/22 financial year.

Proposal

The 2021 – 2025 Moorabool Shire Council Plan – First Quarter Progress Report July – September 2021 is provided as **Attachment 1** to this report.

Overall there are 56 actions to be achieved this financial year.

Of these actions for the first quarter period, 52 actions have reached 90% or greater of their target for the period, 2 actions have achieved between 60% and 90% of their target and 2 actions are at less than 60% of their target.

The following table summarises the status of those actions set to be achieved in the 2021/22 financial year:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Strategic Objective** | **Completed** | **In Progress** | **Deferred** | **Not Started** | **Total** |
| Healthy, inclusive and connected neighbourhoods | 2 | 14 | 0 | 3 | 19 |
| Liveable and thriving environments | 0 | 17 | 0 | 2 | 19 |
| A Council that listens and adapts to the needs of our evolving communities | 0 | 17 | 0 | 1 | 18 |
| Totals | 2 | 48 | 0 | 6\* | 56 |

\*All 6 actions that have not yet started, are due to commence in subsequent quarters.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.4: Measure performance, communicate our results and continue to improve our services every day**

The proposal to receive the 2021-2025 Moorabool Shire Council Plan – First Quarter Progress Report for July – September 2021, is consistent with the Council Plan 2021-2025.

Financial Implications

The implementation of Council Plan actions is resourced by Council’s adopted annual budget.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

Specific projects are the subject of their own communications strategy, nevertheless this report will be displayed on Council’s website and the end of year progress will be reported in Council’s Annual Report.

Victorian Charter of Human Rights & 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 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

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

*Author – Phil Howard*

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

Conclusion

Overall, there are 56 actions being reported on for 2021/22. Progress is being made on all of the required actions of the Council Plan for the first quarter of the 2021/22 financial year.

11.5 2017-2021 Moorabool Shire Council Plan - Outstanding Actions Progress Report

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: 1. 2017-2021 Outstanding Council Plan Actions (under separate cover)**

Purpose

This report provides an update on the progress of outstanding actions from the 2017-2021 Moorabool Shire Council Plan.

Executive Summary

 10 Strategic Actions were carried over from the 2017-2021 Council Plan. One action has now been completed and 9 remain ‘In Progress’.

 These actions will continue to be reported on until completion.

 The continuing impacts of the COVID-19 pandemic through the 2020 – 2021 year, e.g., restrictive social distancing requirements, contributed to projects requiring community engagement to be postponed and/or extended to ensure appropriate and meaningful engagement can be undertaken.

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| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Tonia Dudzik  **That Council receives the 2017-2021 Moorabool Shire Council Plan – Outstanding Actions Progress Report, including Attachment 1 of this report.**  **Carried** |

Background

Of the strategic actions identified for completion in the final year of the 2017-2021 Moorabool Shire Council Plan, 10 were incomplete at 30 June 2021 and were not captured in Council’s new 2021-2025 Council Plan. Accordingly, reporting will continue for these outstanding Council Plan actions until all actions are complete.

A full report including commentary against these actions is also provided in **Attachment 1**.

**Impacts of COVID-19**

Various outstanding actions can be attributed to the continual impacts of the COVID-19 pandemic. Since March 2020, Council officers have been required to re-prioritise activities, particularly those activities directly associated with community contact. For example there were requirements and restrictions on Council services and operations to meet social distancing requirements and periods of extended isolation. This has resulted in significant increase in workload due to the unexpected and shifting impacts of COVID-19.

Communications in terms of engagement have needed to be reviewed, including the transition from face-to-face engagement to digital platforms. Importantly, those projects requiring community engagement have been heavily affected by social distancing requirements, hence in some instances community engagement has been delayed and/or extended to ensure appropriate and meaningful engagement can be undertaken.

Proposal

Of the 10 outstanding Strategic Actions, 1 has been completed with 9 remaining ‘In Progress’. These actions will continue to be reported on until completion.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.4: Measure performance, communicate our results and continue to improve our services every day**

The proposal to receive the 2017-2021 Moorabool Shire Council Plan – Outstanding Actions Progress Report is consistent with the Council Plan 2021-2025.

Financial Implications

The implementation of outstanding Council Plan actions is resourced by Council’s adopted annual budget.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

Specific projects are the subject of their own communications strategy.

Victorian Charter of Human Rights & 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 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

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

*Author – Phil Howard*

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

Conclusion

Council is committed to completing the outstanding actions from the 2017-2021 Moorabool Shire Council Plan, with continued reporting providing for good governance, in line with the overarching governance principles and supporting public transparency principles of the *Local Government Act 2020*.

Of the 10 outstanding Strategic Actions, 1 has been completed and 9 remain in progress. These actions will continue to be reported on until completion.

11.6 Delegated Committees of Council - Reports

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: 1. Confidential Minutes - Moorabool Growth Management Committee 010921 - Closed (under separate cover)**

**2. Minutes - Moorabool Growth Management Committee 010921 (under separate cover)**

**Purpose**

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 2020*. The Council cannot delegate those powers identified in section 11(2) of the *Local Government Act 2020*.

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

**Executive Summary**

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

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representative |
| Moorabool Growth Management Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/mgmc-minutes-010921.docx) | Wednesday, 1 September 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-180821.docx) | Wednesday, 18 August 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-170921.docx) | Wednesday, 15 September 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-201021_1.docx) | Wednesday, 20 October 2021. | All Councillors |

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| **Resolution**  **Moved:** Cr Ally Munari  **Seconded:** Cr Tonia Dudzik  **That Council receive the following Delegated Committee reports:**  **1. Moorabool Growth Management Committee Meeting Minutes, Wednesday 1 September 2021.**  **2. Development Assessment Committee Meeting Minutes, Wednesday 18 August 2021, Wednesday 15 September 2021 and Wednesday 20 October 2021.**  **Carried** |

11.7 Community Asset Committees - Reports

**Author: Troy Delia, Coordinator Governance & Risk**

**Authoriser: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Attachments: 1. Blacksmith's Cottage & Forge Minutes 28 September 2021 (under separate cover)**

**2. Millbrook Community Centre AGM Minutes 12 October 2021 (under separate cover)**

**3. Navigators Community Centre AGM Minutes 27 May 2021 (under separate cover)**

**Purpose**

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* to manage and maintain Community Assets within the municipal district. 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 2020*. The Council cannot delegate those powers identified in section 11(2) of the *Local Government Act 2020*.

**Executive Summary**

The following Community Asset Committees present the following reports of the Committee Meetings for Council consideration.

|  |  |
| --- | --- |
| Committee | Meeting Date |
| Blacksmith’s Cottage & Forge Community Asset Committee - Minutes | 28 September 2021 |
| Millbrook Community Centre Community Asset Committee – Annual General Meeting Minutes | 12 October 2021 |
| Navigators Community Centre Community Asset Committee – Annual General Meeting Minutes | 27 May 2021 |

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| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  **That Council receive the following Community Asset Committee minutes:**  **1. Blacksmith’s Cottage Community Asset Committee Meeting minutes 28 September 2021;**  **2. Millbrook Community Centre Community Asset Committee Annual General Meeting minutes 12 October 2021;**  **3. Navigators Community Centre Community Asset Committee Annual General Meeting minutes 27 May 2021.**  **Carried** |

11.8 Advisory Committees of Council - Reports

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: 1. Audit and Risk Committee Summary of Minutes 110821 (under separate cover)**

**2. Audit and Risk Committee Summary of Minutes Special Meeting 310821 (under separate cover)**

**Purpose**

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.

**Executive Summary**

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

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representatives |
| Audit and Risk Committee | Wednesday 11 August 2021 | Cr Tonia Dudzik  Cr Ally Munari |
| Audit and Risk Committee (Special) | Tuesday 31 August 2021 | Cr Tonia Dudzik  Cr Ally Munari |

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| **Resolution**  **Moved:** Cr David Edwards  **Seconded:** Cr Ally Munari  **That Council receive the Audit and Risk Committee meetings summaries of minutes, Wednesday 11 August 2021 and Tuesday 31 August 2021.**  **Carried** |

12 Community Planning and Economic Development Reports

Mr Stephen Kelly addressed Council and provided a written statement as an objector to the recommendation for Item 12.1.

Ms Kerrie Homan addressed Council as the proponent for Item 12.1.

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| **Suspension of Standing Orders** |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  **That Council suspend standing orders to facilitate a discussion on Item 12.1 – Planning Scheme Amendment C91 – Flood Overlays – Panel Report.**  **Carried** |

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| **Resumption of Standing Orders** |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  **That Council resume standing orders to facilitate a return to the business of the agenda.**  **Carried** |

12.1 Planning Scheme Amendment C91 - Flood Overlays - Panel Report

**Author: Rod Davison, Senior Strategic Planner**

**Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Economic Development**

**Attachments: 1. Panel Report (under separate cover)**

**2. Properties affected by recommended changes to LSIO and SBO (under separate cover)**

**3. Amendment Documentation (under separate cover)**

Purpose

To consider the Planning Panel’s report relating to Moorabool Planning Scheme Amendment C91 (the Amendment).

Executive Summary

 The Amendment was considered at the 6 October 2021 Ordinary Meeting of Council. The officer’s recommendation was moved and seconded, but when put to the vote, the motion was lost. No alternative motion was tabled. As the planning authority, Council needs to either adopt or abandon the Amendment.

 The Amendment seeks to apply the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) to land subject to inundation, within the Werribee, Lerderderg and Little River catchments.

 The Amendment was prepared by Council, at the request of Melbourne Water which is the floodplain management authority for the Port Phillip and Westernport catchments.

 The Amendment was exhibited in accordance with the provisions of the Planning and Environment Act 1987 from 12 March to 18 August 2020 and 41 submissions were received. Council considered the submissions on 3 March 2021 and resolved to refer the submissions to an independent Planning Panel.

 A Planning Panel was appointed, and a public hearing was held from 15 to 18 June 2021. The Panel report recommends that the Amendment be adopted as exhibited, subject to changes that were agreed by Council and Melbourne Water during the Panel hearing. These changes will result in the removal of the exhibited LSIO from 39 properties and a reduction in the exhibited LSIO or SBO extent applying to 16 properties.

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| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr David Edwards  **That Council:**   1. **Considers the Planning Panel’s report (provided as Attachment 1 to this report) and accept the Panel’s recommendations in relation to Moorabool Planning Scheme Amendment C91, pursuant to Section 27 of the Planning and Environment Act 1987.** 2. **Adopts Moorabool Planning Scheme Amendment C91, in accordance with the documents included in Attachment 3 to this report, pursuant to Section 29 of the Planning and Environment Act 1987.** 3. **Submits the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the Planning and Environment Act 1987.** 4. **Requires the Chief Executive Officer write to Melbourne Water requesting an investigation of the issues related to the operation and maintenance of the ‘Gosling Street Drain” at Walsh Street, Ingliston Road and Lay Court, Ballan, and that officers report back to Council at a future meeting.** 5. **Requires the Chief Executive Officer to write to Melbourne Water to request establishment of a joint Council and Melbourne Water committee to resolve drainage, waterway and maintenance issues in urban areas of Moorabool.**   **Councillor Moira Berry called for a Division:**  **In Favour:** Crs Tom Sullivan, Tonia Dudzik, David Edwards, Ally Munari, Paul Tatchell, and Rod Ward  **Against:** Cr Moira Berry  **The Resolution was Determined to be Carried** |

Background

The Amendment was prepared by Council, at the request of Melbourne Water which is the floodplain management authority for the Port Phillip and Westernport catchments.

The Moorabool Planning Scheme does not currently contain any overlays to identify land affected by a 1% annual exceedance probability (AEP) flood event (sometimes referred to as a 1 in 100 year flood event).

In Victoria, effective floodplain management is a responsibility of Melbourne Water and catchment management authorities (CMAs) in partnership with local government. Clause 13.2 of the Victorian Floodplain Management Strategy (2016) outlines this partnership stating that *“the CMAs and Melbourne Water will work with LGAs to ensure that planning schemes use the planning controls that align with their flood risks”*. For Moorabool Shire, the floodplain management authorities are Melbourne Water for the Port Phillip catchment area in the eastern half of the Shire, and Corangamite Catchment Management Authority for the western half of the Shire.

It is important that planning decisions are based on all available information. Given that flood extent mapping has been undertaken by Melbourne Water as the relevant floodplain management authority, Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner. The usual controls to identify land affected by a 1% AEP flood event are the Flood Overlay (FO), the Land Subject to Inundation Overlay (LSIO), or the Special Building Overlay (SBO).

*Planning Practice Note 12 -* Applying the flood provisions in planning schemes (DELWP, June 2015) notes the following:

*“Flooding is a natural hazard but, unlike most other natural hazards, floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.*

*Section 6 (2) (e) of the Planning and Environment Act 1987 enables planning schemes to ‘regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous’. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.*

*The statutory authorities responsible for the collection of flood information and for land use planning in flood-affected areas are councils and floodplain management authorities (i.e. Melbourne Water and Catchment Management Authorities).”*

Previous Amendments C14 and C73:

Council has previously proposed to apply flood controls within the Moorabool Planning Scheme on two occasions through Amendment C14 and Amendment C73. Neither of these amendments were progressed beyond the exhibition stage.

2017 Peer Review:

In 2017, Council commissioned Cardno to undertake a peer review of the flood studies and modelling, to address concerns raised about Amendment C73. The peer review concluded that the data, hydrological and hydraulic modelling produced results that are suitable for inclusion in the Moorabool Planning Scheme. However, the peer review recommended that the SBO flood extents for the lower Lerderderg study area should be amended using appropriate filtering techniques, such as those described in Melbourne Water’s 2016 technical specifications.

The SBO mapping for the lower Lerderderg study area was subsequently revised, resulting in a reduced SBO extent.

Proposal

Amendment C91

Following the 2017 peer review, Melbourne Water requested a Planning Scheme Amendment be initiated to introduce the LSIO and SBO in the Moorabool Planning Scheme.

At the ordinary meeting of Council on 4 September 2019, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment. On 25 November 2019 the Minister for Planning granted authorisation to prepare and exhibit the Amendment.

What the Amendment does:

The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees.

The LSIO and SBO maps were derived using current best practice hydrological and hydraulic modelling techniques and have been updated in response to the 2017 peer review.

Specifically, the exhibited Amendment proposes to make the following changes to the Moorabool Planning Scheme:

 Amends local policy Clause 21.02 ‘Natural Environment – Flood Management’, by adding reference to the Little River catchment and the urban drainage system, and adding a new flood management objective and strategy;

 Amends local policy Clause 21.11 ‘Reference Documents’, by adding the following reference documents:

 Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);

 Lower Lerderderg Catchments Flood Mapping Report (Engeny Water Management; December 2011); and

 Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).

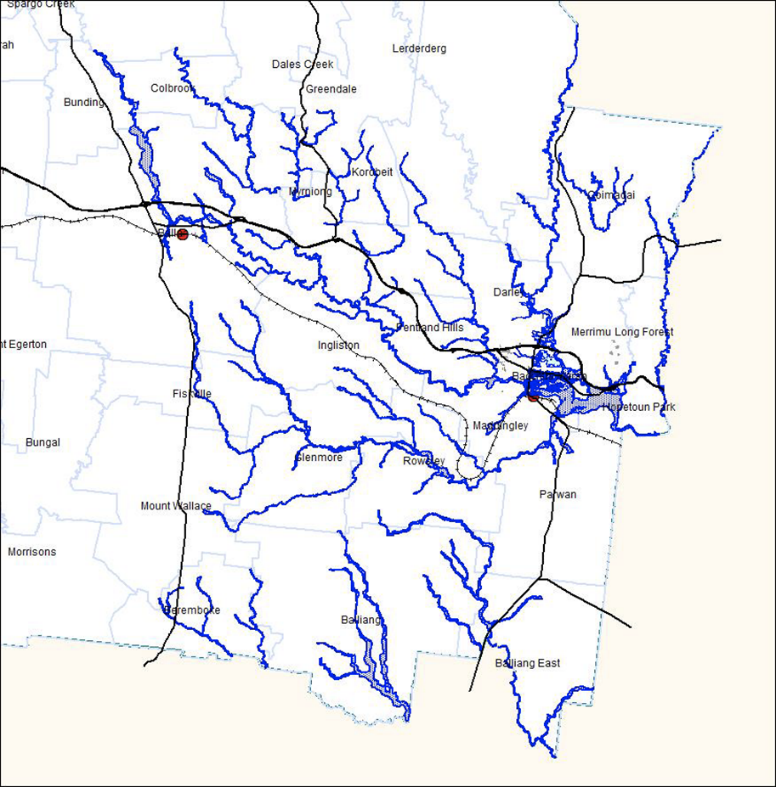
 Inserts Clause 44.04 (LSIO) and associated Schedule 1.

 Inserts Clause 44.05 (SBO) and associated Schedule 1.

 Amends Clause 72.03, by updating the list of maps forming part of the planning scheme.

 Inserts 38 LSIO and SBO maps.

On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works, however, some minor buildings and works will be exempt from the need for a permit. The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development. Whilst the new planning controls will increase the number of planning permits required, it is important to identify the flood hazard to ensure that life and property are not unduly placed at risk.



**Figure 1:** Areas affected by the proposed LSIO and SBO (in blue).

In accordance with Clause 66.03 (Referral of Permit Applications), any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as a determining referral authority.

The proposed LSIO Schedule 1 and SBO Schedule 1 include permit exemptions for some minor buildings and works (e.g., a fence that is 50% permeable). Officers consider that this approach strikes a balance between the need to appropriately consider flood risk, whilst also reducing the number of planning permits triggered by the proposed overlays.

VicSmart provisions will apply to certain types of permit applications under the SBO, providing that a permit is not required under any non-VicSmart provision of the planning scheme. VicSmart is a streamlined permit process designed for simple applications. A VicSmart application is exempt from advertising and a permit decision can be issued by Council within 10 business days. This will assist in fast tracking some permits, such as a single dwelling on a lot larger than 300qm in the General Residential Zone, where the SBO is the only permit trigger. A VicSmart application must have been considered by Melbourne Water within the three months prior to the application being made to Council, and Melbourne Water needs to have stated in writing that it does not object to the granting of the permit for the proposal.

The proposed application of the LSIO and the SBO is consistent with Planning Practice Note 12 - Applying the flood provisions in planning schemes(DELWP, June 2015). These overlays are appropriate planning tools for identifying flood risk and have been applied in the majority of other Victorian planning schemes, including neighbouring municipalities Ballarat, Hepburn, Macedon Ranges, Melton, Wyndham, Greater Geelong and Golden Plains. The flood provisions do not address the cause of flooding, but the way future land development will impact on the flooding problem or be impacted itself by flooding.

Public Exhibition of the Amendment:

The Amendment was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 12 March to 18 August 2020. Notice was provided to all relevant government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News and the Victorian Government Gazette publications.

A total of 41 submissions were received, including 35 which objected or sought changes to the Amendment.

Council’s Consideration of Submissions:

Submissions to the Amendment were considered at the ordinary meeting of Council on 3 March 2021. At this meeting, Council resolved to request the Minister for Planning appoint an independent Planning Panel to hear submissions. A Panel was appointed by the Minister for Planning on 15 March 2021.

Planning Panel’s Consideration of Submissions:

A Directions Hearing was conducted 20 April 2021, followed by a Panel Hearing from 15 to 18 June 2021. The Directions hearing and the Panel hearing were held online via videoconferencing, due to COVID-19 restrictions. The Panel considered all 41 submissions to the Amendment, together with submissions from Council, Melbourne Water and seven submitters who were party to the Panel Hearing.

Council made the following submissions to the Panel:

 Part A submission: - distributed to all parties 2 weeks prior to the commencement of the Panel Hearing. The Part A submission included reference to Council’s recommended changes to the exhibited LSIO and SBO extents, consistent with Council’s resolution of 6 March 2021.

 Part B submission: - presented on the first day of the Panel Hearing. The Part B submission expanded on Council’s Part A submission.

 Closing submission: - presented on the final day of the Panel Hearing. The closing submission sought to refine Council’s position in response to submissions made by other parties during the hearing.

Panel Report:

The Panel report (**Attachment 1**) recommends that the Amendment be adopted as exhibited, subject to the following changes that were agreed to by Council and Melbourne Water during the course of the Panel hearing:

*1. “Delete Clauses 21.02-12 and 21.02-13.*

*2. Amend the application of the Land Subject to Inundation Overlay to 94-98 Main Street, Bacchus Marsh, to the land below 99.86 metres Australian Height Datum as shown in Figure 4 of this report.*

*3. Adopt the post-exhibition changes to the exhibited Land Subject to Inundation Overlay and Special Building Overlay extent as shown in Appendix D of this report.*

*4. Amend the Explanatory Report* *under the heading ‘Does the amendment address relevant bushfire risk?’ to read:*

*The amendment will not result in any increase in bushfire risk, as it only seeks to manage flood risks. The amendment does not involve, nor facilitate, any on-ground works (such as revegetation) which might lead to increased bushfire risk.”*

Regarding recommendation 1, the exhibited planning scheme documents proposed the insertion of the following local planning policy clauses relating to floodplain management:

*“Clause 21.02-12 – Objective - Flood Management*

*To recognise the constraints of floodplains and overland flow paths on the use and development of land.*

*Clause 21.02-13 – Strategy*

*Ensure that new development maintains the free passage and temporary storage of floodwater, integrates with the local drainage conditions, and minimises soil erosion, sedimentation and silting.”*

During the course of the Panel hearing, Council and Melbourne Water agreed that these proposed local policy clauses should be deleted, to avoid duplication of State policy relating to floodplain management at Clause 13.03-1S. Clause 13.03-1S has the following objectives:

*“To assist the protection of:*

 *Life, property and community infrastructure from flood hazard.*

 *The natural flood carrying capacity of rivers, streams and floodways.*

 *The flood storage function of floodplains and waterways.*

 *Floodplain areas of environmental significance or of importance to river health.”*

Relevant strategies under Clause 13.03-1S include:

 *“Avoid intensifying the impact of flooding through inappropriately located use and development.*

 *Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.”*

Regarding recommendation 2, the owner of 94-98 Main Street Bacchus Marsh presented expert evidence and submissions at the Panel hearing, indicating that the whole of the subject land had been filled above the specified flood level and that the LSIO should therefore not be applied. Council requested evidence of the extent of filling and the landowner subsequently produced a certified survey plan during the hearing. However, the survey plan showed that approximately 30% of the land remained below the specified flood level (refer to Figure 4 in the Panel report). The landowner then submitted that, if the subject land was to be filled above the specified flood level before the adoption of the Amendment, then the LSIO should not be applied to the land. Melbourne Water did not support the filling of the whole of the subject land to avoid the application of the LSIO. Council also objected to the proposal, but nevertheless stated that, if the site was filled to the specified height before the adoption of the Amendment and should this be confirmed in a certified survey plan, Council would not seek to apply the LSIO to the site.

After the Panel hearing, the owner of 94-98 Main Street Bacchus Marsh submitted another certified survey plan (Ref. 25602F1, version 3) to Council, which demonstrates that the majority of the land has now been filled above the specified flood level. Having considered the certified survey plan, Melbourne Water has advised that the LSIO should only be applied to a narrow strip of land adjacent to the eastern and northern boundaries, which remains below the specified flood level.

Regarding recommendation 3, the post-exhibition changes to the exhibited LSIO and SBO extents were recommended by Melbourne Water’s expert witness and Council agreed to these changes in its submissions to the Panel. These changes will result in the removal of the exhibited LSIO from 39 properties and a reduction in the exhibited LSIO or SBO extent applying to 15 properties (see Attachment 2 for property details).

Regarding recommendation 4, the explanatory report has been amended to reflect that no bushfire risks is associated with the amendment.

Other key conclusions of the Panel report (**Attachment 1**) were:

 The Amendment implements the relevant sections of the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) and is consistent with the relevant Ministerial Directions and Planning Practice Notes.

 The Amendment is well founded and strategically justified.

 “The Amendment is overwhelmingly supported under the *Planning and Environment Act 1987*, State and local planning policy, and the Victorian Floodplain Management Strategy.”

 The LSIO and SBO are appropriate controls to use given the nature of the flood risks identified in the flood studies.

 The schedules to the LSIO and SBO have been appropriately drafted.

 The technical basis of the Amendment is sound.

 The Amendment is consistent with State policy for flood studies and mapping.

 Any potential impacts on insurance price and availability for affected properties, and on the value of affected properties, are not relevant considerations for the Panel in considering the Amendment.

 Drainage system maintenance and future capital works are not relevant considerations for the Panel in considering the Amendment.

In regard to the flood studies and mapping, the Panel noted that:

*“The Panel received extensive submissions and evidence on the appropriateness of the flood studies to underpin the Amendment. The submissions and evidence indicate that although the flood studies were undertaken some time ago, nothing has occurred in the intervening time period to render them no longer a suitable basis for the Amendment, save some minor on-ground changes due to land development. The Peer Review of the flood studies in 2017 confirmed their suitability, as did Mr Swan’s expert evidence.*

*……………………………..*

*The Panel notes that no evidence was presented to it demonstrating any problems with the flood studies and Melbourne Water modelling such that the work should be disregarded in its entirety.*

*Relevantly, the Panel notes and supports both Council and Melbourne Water’s willingness to review flood mapping for individual sites where development and on-going works have been identified through submissions and where Council and Melbourne Water have agreed to amend the extent of the LSIO and SBO mapping where appropriate.”*

Updated Amendment Documents:

**Attachment 3** contains an updated version of the following Amendment documents, in accordance with the Panel’s recommendations:

 Clause 21.02, updated by deletion of the local policy objective and strategy under clauses 21.02-12 and 21.02-13 (Floodplain Management);

 Planning scheme maps, updated in accordance with the recommended changes shown in Attachment D to the Panel report, together with a reduction of the LSIO extent on 94-98 Main Street Bacchus Marsh, to the land below the specified flood level applicable to the property (taking account of recent filling works).

 Explanatory Report, with updated text under the heading *‘Does the amendment address relevant bushfire risk?’*.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 2: Liveable and thriving environments**

**Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire**

The proposal to introduce the LSIO and SBO into the Moorabool Planning Scheme is consistent with the Council Plan 2021-2025, as it is aligned with priority 1 ‘Develop planning mechanisms to enhance liveability in the Shire’. The proposal is listed as an action in the previous Council Plan 2017 – 2021 which states “Work with relevant authorities to ensure that flooding risks are addressed, and flood mapping incorporated into the planning scheme”.

Financial Implications

Melbourne Water, as the proponent for the Amendment, is paying all costs associated with public notification of the amendment (including advertising costs), together with planning panel hearing fees.

Risk & Occupational Health & Safety Issues

Should Council choose to abandon the Amendment, it would not be meeting its obligations to identify flood prone land in the planning scheme. In the absence of LSIO and SBO controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development under other zone or overlay controls, there is a risk that Council may grant approval without due consideration of flood risk.

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By adopting the Amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

Communications & Consultation Strategy

All submitters were notified in writing of this meeting. If the Amendment is ultimately approved by the Minister for Planning, notices of approval will be published in the Moorabool News and the Victorian Government Gazette.

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Rod Davison*

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

OPTIONS

Council can resolve to either:

 adopt Amendment C91 to the Moorabool Planning as outlined in Attachment 3; or

 abandon Amendment C91 to the Moorabool Planning Scheme.

Conclusion

There is clear strategic justification for this Amendment. Council has a statutory responsibility to introduce flood controls and flood extent mapping to the Moorabool Planning Scheme, given that flood modelling and mapping has been undertaken by Melbourne Water as the relevant floodplain management authority.

The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development.

13 Community Strengthening Reports

13.1 Darley Park Master Plan (Adoption)

**Author: Chloe Beech, Senior Community Recreation Planner**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Darley Park Master Plan (under separate cover)**

Purpose

The purpose of this report is to present the Darley Park Master Plan to Council for adoption.

Executive Summary

The *Darley Park Master Plan* has been developed to align with the Moorabool Shire Council Plan 2017-2021 as an identified action item within the strategic objective of ‘Improving Social Outcomes’ under ‘Health & Wellbeing’. The plan has been developed by the appointed consultant @ Leisure Planners in partnership with the Darley Park Recreation Reserve stakeholders, and Moorabool Shire Council officers. The outcomes of the plan also align with the Moorabool Shire Council Plan 2021-2025 strategic objective of ‘Improve the health and wellbeing of our community’ under the pillar of ‘Healthy, inclusive and connected neighbourhoods’. The draft plan follows the directions of the Project Brief which have been approved by the Project Control Group (PCG) and includes representatives from various units within Council.

|  |
| --- |
| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr David Edwards  **That Council adopts the Darley Park Master Plan, provided as Attachment 1 to this report.**  **Carried** |

Background

The Master Plan provides strategic direction for future development and investment at the Reserve over the next 10 years and identifies potential longer term uses of the Reserve to serve the community. The Master Plan provides rationale for the recommendations made based on a needs assessment at the Reserve to provide justification for future developments.

The priorities outlined within the draft plan are provided with an implementation plan for the short, medium and long term development of the Reserve. The priorities are key components within the Reserve which have been identified by the user groups to assist with club sustainability in the short-medium term, whilst also having a vision for future uses of the Reserve in the broader context of recreation facilities within the Darley community.

The plan was presented to the community for a 4 week public exhibition period. At the conclusion of the public exhibition period, 8 September – 6 October 2021, a total of 2 submissions were received via Council’s Have Your Say Engagement Portal.

The submissions were positive, and issues highlighted were predominantly around the support of a future skate park at the Reserve.

Prior to the public exhibition of the draft plan, and as part of the consultation process per the project community engagement plan, a community survey was open for a period of four (4) weeks and had a positive response rate with 77 submissions received. These survey results have provided key information on the Reserve which have helped inform the draft plan. Phone calls were also held with each of the Reserve user groups to gain a thorough understanding of their usage of the Reserve, current issues and their priorities moving forward. These findings formed part of the preliminary site analysis and have informed the Master Plan.

Proposal

It is proposed that Council adopt the Darley Park Master Plan.

The Darley Park Master Plan is contained in **Attachment 1**.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.1: Improve the health and wellbeing of our community**

The proposed Darley Park Master Plan is consistent with the Council Plan 2021-2025.

Financial Implications

Council’s 2020/21 adopted budget includes an allocation of $200,000 to the master plan implementations.

The Master Plan has identified the need for significant financial investment in site services, landscaping and facility upgrades at the Reserve over the coming 10 years. These priorities have been recommended as either short term (1-2 years), medium term (2-5 years), long term (5-10 years) or future directions (10+ years) outcomes and cost estimates have been provided against each priority item.

External funding opportunities through Sport and Recreation Victoria (SRV) grant programs have also been identified as potential sources to leverage funds against to help deliver identified projects.

A strategic approach towards project funding will be required to implement the priorities outlined in the draft master plan. The priority projects and costings will need to be considered in Council’s Strategic Financial Plan and Capital Improvement Program to allow for external funding applications to be prepared and funding contributions to be sourced from the Reserve user groups and the community.

Risk & Occupational Health & Safety Issues

| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| --- | --- | --- | --- |
| Financial – Inadequate funds to finish project | Funding required to implement any of the infrastructure priorities outlined within the master plan | High | Financial resources will need to be allocated within Council’s Strategic Financial Plan to allow for grant applications to be made to provide the external funding required to deliver such projects. |
| Community needs | User groups required to have a strong business model in place to ensure the community outside the tenant clubs has access to the facilities. | Medium | User agreements in place with strict parameters. |

Communications & Consultation Strategy

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| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Community groups | Meetings with groups | Online | January 2021 | Community survey open to be completed via the ‘Have Your Say Moorabool’ online community engagement portal. |
| Consult | Reserve user groups | Interviews with groups | Telephone | December 2020 | Meeting outcomes summarised and form part of the site analysis and draft plan. |
| Consult | Council service units | Meetings with groups | Online | April 2021 | Feedback from various service units compiled to form part of the site analysis and draft plan. |
| Consult | General public | Draft Master Plan available for comments and feedback | Online | September 2021 | Feedback obtained via ‘Have Your Say Moorabool’ online community engagement portal. |

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Sally Jones*

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

*Author – Chloe Beech*

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

Conclusion

The Darley Park Master Plan will provide a framework and strategic approach for the future provision, development and usage of the Reserve to meet the long-term needs of all users and the community. The plan has been developed in partnership with the Reserve user groups and broader community input has been gathered via the strong community survey response rate.

Following the public exhibition period, the Master Plan evidently has community support, and the adoption of the Master Plan will be welcomed by the public and particularly user stakeholders.

13.2 Bacchus Marsh Racecourse Recreation Reserve Master Plan (Adoption)

**Author: Chloe Beech, Senior Community Recreation Planner**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Stages 2 and 3 BMRRR Master Plan**

Purpose

The purpose of this report is to recommend that Council adopt the Stages 2 and 3 Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Master Plan.

Executive Summary

Council Officers engaged a principal consultant to progress finalisation of the Stages 2 and 3 Master Plan including the Active Sports Precinct. The Master Plan has been developed with input from BMRRR user groups, State Sporting Associations (SSA’s) and internal Council service units. The Plan aligns with the Moorabool Shire Council Plan 2017-2021 as an identified action item within the strategic objective of ‘Improving Social Outcomes’ under ‘Health & Wellbeing’. The Plan also aligns with the Moorabool Shire Council Plan 2021-2025 within the strategic objective of ‘Healthy, inclusive and connected neighbourhoods.’

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Rod Ward  **That Council:**   1. **Adopts the Stages 2 and 3 Bacchus Marsh Racecourse Recreation Reserve Master Plan, provided as Attachment 1 to this report.** 2. **Actively seeks funding opportunities to bring forward the Dog Park and walking track components of the Master Plan.** 3. **Brings back a further report on the proposed entrance way and driving range after further discussions with the Bacchus Marsh West Golf Club.**   **Carried** |

Background

The Master Plan was developed with input from BMRRR user groups, State Sporting Associations (SSA’s) and internal Council service units.

At the conclusion of the public exhibition period, 13 September – 11 October 2021, a total of 10 submissions were received via Council’s Have Your Say Engagement Portal.

Majority of submissions were positive, and comments referenced various components of the proposed Stage 2 and 3 works.

From the submissions, 5 respondents were users of the Reserve and 5 were local residents. Bacchus Marsh Racecourse Recreation Reserve user groups, and State Sporting Associations have been consulted and offered approval on the Stages 2 and 3 Master Plan. Internal Council service units have also been engaged in the process and have been given the opportunity to provide input.

Proposal

It is proposed Council adopt the Stages 2 and 3 BMRRR Master Plan.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.1: Improve the health and wellbeing of our community**

The proposed Stages 2 and 3 BMRRR Master Plan is consistent with the Council Plan 2021-2025.

Financial Implications

The development of the BMRRR Master Plan and active sports precinct will be referred to the future budgeting process as part of the Capital Improvement Program and the Strategic Financial Plan.

The total cost of Stage 2 is estimated to be $14.49m. To-date council have been successful in receiving $4 million in Sport and Recreation Victoria (SRV) funding to attribute towards the Master Plan implementation of the active sports precinct.  This $4 million state government funding will contribute towards funding:

* AFL/Cricket oval with perimeter fencing, players benches and 100 lux LED lighting.
* 2 netball and 2 tennis hardcourts with lighting.
* All Abilities Adventure Playground.
* Construction of two new full-sized soccer pitches with a cricket overlay, including installation of a hard cricket wicket and 100 lux LED lighting.
* Irrigation and drainage.

Council will continue to seek additional external funding to secure the delivery of the masterplan.

Risk & Occupational Health & Safety Issues

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| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Community need and reputation | Exposes Council to a  number of service gaps if  priorities in master plan  not implemented | High | Value management and applications for future funding explored. |
| Financial – Inadequate funds to finish project | Inadequate financial management | High | Close supervision and pursue external funding options. |

Communications & Consultation Strategy

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| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | BMRRR user groups | Engagement sessions with groups | Various | December 2020 – February 2021 | Understanding of group requirements required to be reflected in Master Plan. |
| Consult | SSA’s | Engagement sessions with groups | Online | February 2021 | Expertise input into development of precinct received. |
| Consult | General public | Public exhibition of draft Master Plan | Online, Moorabool’s Have Your Say engagement portal | October 2021 | Submissions and feedback from public received. |

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Sally Jones*

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

*Author – Chloe Beech*

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

Conclusion

The Stages 2 and 3 Master Plan for the active sport precinct at BMRRR has been prepared and provides a shared vision and framework for the Reserve’s future use and integrated development. Extensive consultation with BMRRR representatives/user groups has occurred, including input from the community. Needs analysis has informed the active sports requirements, and the services investigation has taken into consideration future requirements and/or key infrastructure upgrades required to support the proposed facilities.

Following the public exhibition period, the Master Plan evidently has community support, and the adoption of the Master Plan will be welcomed by the public.

13.3 Draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy

**Author: Chloe Beech, Senior Community Recreation Planner**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Draft Female Friendly Strategy (under separate cover)**

Purpose

The purpose of this report is to recommend that Council endorses the draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy for the purposes of public exhibition for a period of four (4) weeks.

Executive Summary

* The draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy has been developed to align with the Moorabool Shire Council Plan 2021-2025 as an identified action item within the strategic objective of ‘Healthy, inclusive and connected neighbourhoods’ under ‘Provide access to services to improve community connection in the Shire.’
* The draft strategy has been developed by the appointed consultant InsideEdge Sport and Leisure Planners in partnership with local women and girls, and Moorabool Shire Council staff.
* The draft strategy follows the directions of the Project Brief which have been approved by the Project Control Group (PCG) and the Project Working Group (PWG) which includes representatives from various units within Council.

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| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Ally Munari  **That Council:**   1. **Approves the draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy as provided as Attachment 1 to this report for the purpose of a public exhibition period of four (4) weeks; and** 2. **Receives a further report at the conclusion of the exhibition period for consideration of feedback and finalisation of the Strategy.**   **Carried** |

Background

Council was successful in obtaining funding through Sport and Recreation Victoria’s (SRV) Local Sport Infrastructure Fund 2020, to contribute to the development of a sport and recreation Female Friendly Strategy. Currently statistics show there are less women and girls within Moorabool participating in physical activity, and the development of this strategy will solidify Council’s commitment to growing female participation within the community. It is intended the strategy will drive opportunities to become and stay active, increasing the overall health and wellbeing profile. The aim is to create, facilitate and recognise the importance of women and girls’ involvement in physical activity, and promote and celebrate local female achievements.

 It is acknowledged the focused outcomes of the strategy are directed at women and girls, however the implementation of its actions and recommendations will see benefits to all residents regardless of gender. By improving the wellbeing of women and girls, including the broader community through sport and recreation, will contribute to a more successful, healthy and productive Shire.

The strategy has been developed through extensive feedback and consultation with stakeholders, whilst keeping in mind a collaborative delivery and investment. There is recognition that Council will work with project partners for support and delivery of actions and recommendations, acknowledging a partnership approach and collaborative effort will achieve the greatest results. The draft strategy has been developed by principal consultant InsideEdge Sport & Leisure Planning in partnership with Council and SRV.

Throughout the development of the strategy, the project team sought to identify ways in which women and girls within Moorabool can be encouraged to undertake physical activity through sport and recreation. The strategy has been designed to assist Council to lead and respond to the needs of local women and girls over the next 10 years.

To inform the strategy, the following tasks were undertaken:

 Literature review of national, state and local policies.

 Review of relevant physical activity and health indicators state-wide and locally.

 Review of state-wide and local participation trends for women and girls.

 Review of strategic priorities for sport and recreation providers.

 Review of Moorabool’s demographic and community profile.

 Audit of all Moorabool Shire sport and recreation facilities to measure their ability to accommodate, welcome and facilitate participation by women and girls.

 Robust and meaningful community and stakeholder engagement including surveys, focus groups, Project Control Group (PCG) meetings and Project Working Group (PWG) workshops.

Following the completion of the above tasks and the extensive community engagement, the consultant underwent an evaluation of key themes and issues and the following strategic priorities were identified:

1. Access and opportunity

2. Celebration and promotion

3. Welcoming facilities

4. Safe and sociable

5. Leadership and capacity

For each of these strategic priorities, actions have been developed~~,~~ and activities identified to be implemented across years one to three of the strategy to achieve the actions. These actions have been determined and based on the perceived level of impact they will have on women and girls’ participation in sport and recreation within Moorabool. While this is a 10-year strategy, it is intended the action plan is reviewed annually, to ensure the activities continue to align with strategic directions and emerging trends. Furthermore, a strategic review to reprioritise and update actions based on data analysis and assessment of outcomes is recommended in year three and then again in year 6 of the strategy.

Extensive consultation has been conducted throughout the community to provide input into the development of the strategy. Responses from 142 women and girls were received from a community survey, five social media posts were circulated, and 1,315 views were received on the project page on Council’s website.

Seventeen focus group participants provided input during sessions facilitated by InsideEdge Sport & Leisure consultants, in partnership with Victoria University. Furthermore, four local project ambassadors were engaged who currently participate in activities such as walking, AFL, camp drafting and weightlifting. These four women assisted in the promotion and engagement period and provided stories around their journey to being physically active.

Proposal

It is proposed that Council endorse the draft Female Friendly Sport and Recreation Participation and Infrastructure Strategy for the purposes of public exhibition for a period of four (4) weeks.

Following the exhibition period and consideration of feedback, the final strategy will then be presented to Council in early 2022 for adoption.

The draft strategy is contained in **Attachment 1**.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.5: Provide access to services to improve community connection in the Shire**

The proposed Female Friendly Sport and Recreation Participation and Infrastructure Strategy is consistent with the Council Plan 2021-2025.

Financial Implications

A budget bid for the 2021/2022 Council budget has been submitted to secure funds to allocate towards the implementation of the Year 1 Strategy actions.

The Strategy has identified a significant number of activities to be delivered in Years 1 to 3. External funding opportunities through various grant programs have also been identified as potential sources to leverage funds against to help deliver identified activities and actions.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Community need and reputation | Exposes Council to a number of service gaps if priorities in strategy are not implemented | High | Budgeting and applications for future funding explored |
| Financial – Inadequate funds to implement project | Inadequate financial management | High | Close supervision and pursue external funding options |

Communications & Consultation Strategy

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| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Local women and girls | 2 x focus group sessions held  Community survey on Council’s Have Your Say engagement portal | Online | April 2021 – October 2021 | Feedback obtained to influence Strategy |
| Consult | State Sporting Associations and Health Providers | 2 x workshops held | Darley Council Office and online | March 2021, October 2021 | Feedback obtained to influence Strategy  Commitment to partner with Council in delivering activities and actions |
| Consult | Internal Council units | 2 x workshops held | Darley Council Office and online | March 2021, October 2021 | Feedback obtained to influence Strategy |

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Sally Jones*

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

*Author – Chloe Beech*

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

Conclusion

It is recommended the draft strategy proceeds to a four-week public exhibition period. Feedback will be obtained during the public exhibition period to inform the development of the final strategy which is intended to be presented for adoption in early 2022.

14 Customer Care and Advocacy Reports

Item 14.1 - September 2021 Quarterly Financial Report, was considered following Item 15.2 on the agenda.

14.2 Revenue and Rating Plan - Rate Strategy Review - Community Engagement

**Author: Jacinta Erdody, Co-ordinator Revenue & Procurement**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. Rate Review - Community Engagement Paper (under separate cover)**

Purpose

Council’s existing Rate Strategy entered into its final year and in accordance with the development of the new Revenue and Rating Plan under the new Local Government Act 2020, Council is now conducting a Rate Review for incorporation into 2022/23 rating year forward.

After understanding the framework and exploring options, the next phase of this review will focus on providing a range of opportunities for our community to provide feedback on the models explored and will seek to gain any further ideas for improvement to help guide our rate structure path forward.

Executive Summary

 Council has commenced their Rate Strategy Review and the next phase of the review will aim to seek a broad range of community feedback regarding the explored rating options

 The attached Rating Propositions Papers will support the engagement opportunities for our communities to provide constructive feedback on the components of the review that they can influence.

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  **That Council adopts the Rate Strategy Review Community Engagement proposal and associated documentation to assist our communities in understanding the rating framework and provide feedback on the components of the review that they can influence.**  **Carried** |

Background

To date, Councillors have had a number of workshops with an appointed consultant who is assisting with the review and have explored the:

 Rating Legislative Framework;

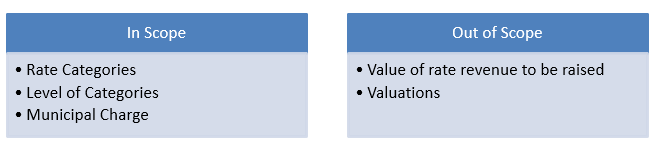
 Rate Tool Kit options;

 Rate models utilising the various tool kit options; and

 Impact of the different models on different sectors of our community.

The next phase of this review is to undertake community engagement regarding the Councillor preferred rate model(s). The community engagement will provide various opportunities to our community to provide feedback via various platforms, including:

The engagement will seek to educate our community and put context on what is within the scope of this review and engagement opportunity, versus what is within the State Government control and outside the context of this review.



Proposal

The models which will be presented to our community are outlined within the proposition paper, but summarised below:

|  |  |
| --- | --- |
| Model/Option | Detail |
| Option 1 | Make no change to the current differential categories and associated rating levels |
| Option 2 | Decrease the farm land differential from 78% to a range between 70% and 65% and extractive industries from 312% to a range between 280% and 260% of general rates and make no change to the other differential categories |
| Option 3 | Introduce a municipal charge of between $100 and $200 and make no change to the current differential categories and associated rating levels |

The community engagement approach will include:

Setting out proposed rate structure and its financial impact on the community. The document will comprise a short version and a longer version.

Completed electronically via Council’s Have your Say portal.

Opportunities for the community to meet with the consultant at designated location/times.

Feedback will seek to understand:

 Where in our community, engagement is coming from (locality);

 What their property is currently rated under and what value of rates they are currently paying;

 Gauge their level of understanding in relation to the framework and tools available from a rating perspective;

 Rank the three different rate model options; and

 Provide an opportunity to provide feedback regarding potential improvements to the structure which should be considered as part of this review.

The above feedback will then assist Councillors in making informed decisions whilst putting in context a balanced weighting to the feedback and ensure a holistic approach is considered beyond this phase of the review.

The community engagement will remain open from the start of December (post the Ordinary Meeting of Council) through until the end of January 2022 with a Councillor Briefing scheduled for mid February 2022 to consider all community feedback.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.1: Listen, analyse and understand community needs**

The proposal to review Council’s Rate Structure is consistent with the Council Plan 2021-2025.

Financial Implications

The Rate Strategy Review does not have a financial implication as it does not determine the level of rate revenue raised within our annual budget process. However, the failure to adopt an updated structure and associated Revenue and Rating Plan may have a compliance impact with the requirements of the *Local Government Act 2020* and ability to generate annual rate revenue to fund future budget processes.

Risk & Occupational Health & Safety Issues

Council, at the end of the Rate Structure Review, will be required to endorse a preferred rate model which will determine how rate revenue will be derived from our community. This model will need to comply with the legislative constraints and utilise the options available to them within the rates tool box. The adopted rate model will then be incorporated into a future version of the Revenue and Rating Plan. Failure to arrive at a final endorsed decision will have significant impact to Council to generate rate revenue and continue to comply with legislative provisions.

Communications & Consultation Strategy

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| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Communication** | **Date** | **Outcome** |
| Consult and Collaborate | Property Owners and Ratepaying Tenants | Written submissions  Online Survey  Drop-in sessions | Council’s webpage and social media platform  Local printed media | December 2021 to end of January 2022 | Feedback from community collated and presented back to Councillors for consideration. |

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

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

*Author – Jacinta Erdody*

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

Conclusion

That Council consider the proposed community engagement approach and the associated Rating Propositions Papers which will support the education of our community to enable constructive feedback which focuses on the areas that are within scope of this review and enable Council to make an informed decision as to the distribution of rate revenue from the 2022/23 rating year forward.

15 Community Assets & Infrastructure Reports

15.1 Local Roads and Community Infrastructure Program Round 3

**Author: Bivish Ghimire, Asset Management Coordinator**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: Nil**

Purpose

The purpose of this report is to allocate a list of projects for delivery through the Commonwealth Local Roads and Community Infrastructure Program, Round 3. The purpose of the program is to support local Councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Executive Summary

 In May 2020 the Australian Government announced a new $500 million Local Roads and Community Infrastructure (LRCI) Program. Moorabool was allocated $1,281,703 via the first round of LCRI funding and included a list of 13 projects in its 2020/21 budget.

 Through the 2020-21 budget, the Australian Government announced a $1 billion extension of the LRCI Program. Moorabool was allocated $1,775,796 via second round of LRCI funding and included a list of 10 Projects.

 Following strong community and local government support, the Australian Government has committed to Phase 3 of the LRCI Program. An additional $1 billion was announced in the 2021-22 budget and will continue to boost Australia’s economic recovery.

 This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

 Councils will be able to access funding under the extension to the LRCI Program Extension from 1 January 2022 and projects must be completed by 30 June 2023. The funding is made available on a use it or lose it basis.

 Moorabool has been allocated $2,563,406 in round 3 of the program and two road projects and seven community infrastructure projects are proposed for nomination.

|  |
| --- |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr David Edwards  **That Council approves the allocation of the third round of the Local Roads and Community Infrastructure Program Grant funds to the following nominated road and community infrastructure projects:**  **1. Elaine Mount Mercer Road Rehabilitation, Elaine**  **2. Bungeeltap South Road Rehabilitation, Mount Wallace**  **3. Gordon Public Park Reserve Upgrade, Gordon**  **4. Ballan Splash Park, Ballan**  **5. Mill Park Toilet Replacement, Ballan**  **6. Telford Park 1000+ Steps, Darley**  **7. Greendale Myrniong Road footpath construction, Greendale**  **8. Ballan Recreation Reserve Goal Netting, Ballan**  **9. Blackwood Tennis Court extension**  **Carried** |

Background

On 22 May 2020 the Australian Government announced the $500 million Local Roads and Community Infrastructure Program. Through the 2020–21 Budget, the Australian Government announced a $1 billion extension of the LRCI Program. The LRCI Program is administered by the Federal Department of Infrastructure, Transport, Regional, Development and Communications.

Following strong community and local government support, the Australian Government has committed to Phase 3 of the LRCI Program. An additional $1 billion announced in the 2021-22 budget will continue to boost Australia’s economic recovery. This brings the total Australian Government commitment to the LRCI Program to $2.5 billion.

The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia and to support them in managing the economic impacts of the COVID-19 pandemic.

The LRCI Program aims to deliver benefits to communities such as improved road safety, accessibility, and visual amenity. There are three rounds of grant funding and this report focuses specifically on round three.

LRCI funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to Council-owned assets (including natural assets) that are generally accessible to the public. As an eligible funding recipient, Moorabool Shire Council will enter into a legally binding grant agreement with the Commonwealth. Co-contributions are not required under the LRCI Program but grant money can only be used on eligible projects which meet the program requirements and deliver benefits to the community.

In the first round, Council nominated thirteen priority projects proposed to be delivered through the program and funds were made available from 1 July 2020. In the second round of funding, Council nominated ten priority projects proposed to be delivered through the program and funds were made available from 1 January 2021. Now, in third round of funding, it is proposed to nominate a further nine projects and submit the list to the Department of Infrastructure, Transport, and Regional Development for approval.

Proposal

The allocation of this funding allows Council to bring forward a range of projects identified in the Long-Term Capital Improvement Program (LTCIP) that would have otherwise been funded in later years.

The table below identifies those ‘shovel ready’ priority projects listed within the LTCIP that would see a range of community outcomes and improvements across multiple asset classes. In developing the list of projects, the main criteria to bring forward projects from Council’s long term capital works program, to fund projects that replace unsuccessful grants and to allocate funding to replace Council’s contribution to a project thus freeing up future capital funds.

|  |  |  |  |
| --- | --- | --- | --- |
| **Project Location** | **Proposed Works** | **Background** | **Cost Estimate** |
| *Road Projects* | | | |
| Elaine-Mount Mercer Road, Elaine | Road rehabilitation from Midland Highway intersection to 2.8km west. | Identified safety issue (edge drop) and programmed for 2021/22 shoulder re-sheet program. This project is brought forward from future programs and chosen because of ease of implementation given the timeframes. This section of road is currently in poor condition. | $396,298.00 |
| Bungeeltap South Road, Mount Wallace | Road rehabilitation from Ballan Meredith road to 2.6km south. | Brought forward from future programs and chosen because of ease of implementation given the timeframes. This section of road is currently in poor condition. | $210,108.00 |
| *Community Infrastructure Projects* | | | |
| Gordon Public Park, Gordon Stage 2 | Reserve upgrades based on masterplan recommendations. | Projects identified in Council’s advocacy documents. Funding allows for the delivery of upgrades at the reserve. | $325,000.00 |
| Ballan Splash Park & Playground | Implementation of aquatic masterplan recommendations. | Brought forward from future programs. Projects identified in the reserve masterplan. | $760,000.00 |
| Mill Park Toilet Replacement | Replacement and relocation of toilet block. | Project brought forward from future programs. Project identified in the reserve masterplan. | $185,000.00 |
| Telford Park - All Accessibility Trail (1000+ Steps - Stage 2) | Construction of 1000+ Steps Project | Council’s contribution to the $1.6M grant for 1000+ Steps project. | $400,000.00 |
| Greendale-Myrniong Road Footpath - Stage 3 | Footpath renewal from Shuter Avenue to Hastings Road. | Brought forward from future programs. Renewal of footpath construction from Shuter Avenue to Hasting Road. Partial renewal of footpath from Shuter Avenue to LaCote Road currently funded through Council budget. | $125,000.00 |
| Ballan Recreation Reserve - Goal Netting | Implementation of masterplan recommendations. | Council’s contribution to SRV grant. | $22,000.00 |
| Blackwood Reserve | Tennis Court extension and resurfacing | Project brought forward from future programs. Funding allows for the delivery of upgrades at the reserve | $140,000.00 |
|  |  | **Total Program** | **$2,563,406.00** |

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.1: Improve the health and wellbeing of our community**

The proposal is consistent with the Council Plan 2021-2025.

Financial Implications

There are no financial implications associated with the recommendation within this report. All the fund allocations nominated in the report are grant funds.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Delivery timeframes | Delayed completion resulting in return of grant funding | Medium | Projects selected are ‘shovel ready’ and able to be delivered within the required timeframes.  Approved program provided by contractors on each project to ensure completion by 30 June 2023.  Ongoing project supervision and reporting by Council staff. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Inform | Councillors, community and relevant user groups | Regular updates provided to stakeholders.  Required signage erected on project sites.  Ongoing progress reporting. | Various | Ongoing | Relevant stakeholders informed about scope and timing of works. |

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Phil Jeffrey*

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

*Author – Bivish Ghimire*

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

Conclusion

Council has been allocated $2,563,406 through round three of the LCRI Program. With Council endorsement, officers will submit project nominations for each of the projects listed within this report to the Department of Infrastructure, Transport and Regional Development for their review and approval.

15.2 Local Area Traffic Management Study (Stage 4) Darley

**Author: Ohid Morad, Traffic & Transport Engineer**

**Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure**

**Attachments: 1. Local Area Traffic Management Plan (Stage 4) - Darley Area (under separate cover)**

**2. Existing Conditions Report (Stage 4) - Darley Area (under separate cover)**

Purpose

Following significant public consultation processes, the purpose of this report is to present the final Local Area Traffic Management Plan (Stage 4) Darley to Council for adoption.

Executive Summary

 To address the traffic impacts of growth within the Bacchus Marsh township and to help inform planning and management of road space usage, a Local Area Traffic Management Study (Stage 4) Darley has been completed and final plan has been developed.

 As Bacchus Marsh continues grow, there has been a significant increase in the number of traffic related enquiries. The purpose of a Local Area Traffic Management (LATM) Study is to review traffic management on a precinct basis rather than an individual location.

 The study area is located in the Darley township and is bounded by Albert Street, Halletts Way, Ramsay Crescent in the south; Lerderderg River and the Bacchus Marsh Golf Club in the east; Pamela Court and Augusta Place in the north; and Manning Boulevard in the west.

 The development of a LATM Study supports key infrastructure objectives from the 2021-25 Council Plan.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Rod Ward  **That:**  **1. Council adopts the Local Area Traffic Management Plan (Stage 4) for Darley Area, provided as Attachment 1 to this report, and requests that a copy be made available on Council’s website.**  **2. Officers write to residents within the Local Area Traffic Management Study area, thanking them for their input and advising of Council’s decision.**  **3. Projects within the Local Area Traffic Management Plan be referred to the Long-Term Capital Improvement Program.**  **Carried** |

Background

The Bacchus Marsh Integrated Transport Strategy (BMITS) presents the vision for the transport network for Bacchus Marsh. One of the key recommendations of the strategy is to ‘introduce the use of Local Area Traffic Management (LATM) studies and refer recommendations to Council’s Capital Improvement Program’.

The preparation of a LATM study within a precinct of Bacchus Marsh aims to improve traffic management and road safety within the area. The LATM study, which has been funded by a grant from the TAC, seeks to view traffic management and associated treatments on a precinct basis rather than by individual street.

At present, Council receives a high volume of traffic related customer enquiries from the community that, due to the lack of such a precinct plan, are considered in isolation. This creates an ad-hoc approach to traffic issues and the implementation of traffic management solutions.

The development of a LATM study will assist in providing a consistent approach to traffic related issues in the local area and supports key infrastructure objectives from the 2021-25 Council Plan.

The study area is located in the Darley township and is bounded by Albert Street, Halletts Way, Ramsay Crescent in the south; Lerderderg River and the Bacchus Marsh Golf Club in the east; Pamela Court and Augusta Place in the north; and Manning Boulevard in the west.

**The Study Objectives**

The preparation of a LATM study considers both the technical and community aspects and is intended to meet a number of key objectives, with consideration given to the likely impact on the surrounding network. The key objectives aim to:

 Provide an integrated approach to managing traffic in local areas across all transport modes, through:

 Investigating and addressing connectivity and safety along local travel routes

 Consideration and integration of local land use and their specific needs

 Use of appropriate and effective traffic calming measures

 Making efficient and appropriate use of local on-street car parking provisions

 Ensuring that future population growth and transport demand are understood and accounted for and

 Defining the function of local streets as appropriate to their surrounding land uses, pedestrian, cycling and traffic volumes, natural features, and connectivity to surrounding areas.

 Reduce traffic volumes and speeds in local streets

 Increase amenity and improve safety and access for residents, especially pedestrians and cyclists

 Provide guidance for planners and engineers associated with the design, development, and management of residential precincts

 Ensure that transport issues are addressed in a manner that balances amenity, safety, and mobility for all transport modes

 Improve the environment, economic and social outcomes of the area

 Identify future priority projects to be considered for inclusion in Council’s Capital Improvement Program and

 Ensure the local community are engaged and consulted in the identification of issues and the development of treatments to mitigate these issues.

**The LATM Area**

The township has been divided into three key areas for the purpose of undertaking LATM studies over the coming years:

LATM Area 1 Darley;

LATM Area 2 Bacchus Marsh (completed); and

LATM Area 3 Maddingley.

Area 1 (Darley) forms the focus area for the fourth LATM study to be undertaken. LATM Stage 3

has already dealt with the remaining area of the Darley precinct. The area for the current LATM

study (Stage 4) is outlined below.



**The LATM Process**

The following key activities will be undertaken as part of the development of the LATM study:

|  |  |
| --- | --- |
| **1. Existing Conditions Assessment** | |
| Initial works:   Review of background information pertaining to the study area and other documents that may have an impact on key decisions   Preparation of a Project Management Plan and Community Engagement Plan   On-site inspections of the study areas to gain a thorough understanding of the existing conditions | Complete |
| Community consultation letter and online survey (electronic and print distribution and use of interactive mapping) relating to traffic issues in the local area | Complete |
| Collection and analysis of traffic data | Complete |
| Preparation of an Existing Conditions Assessment Report | Complete |
| **2. Development of Draft LATM Plan** | |
| Preparation of draft concept plans and proposed LATM treatments | Complete |
| Preparation of draft LATM plan | Complete |
| Community consultation letter and web survey (electronic and print distribution, and interactive map) | Complete |
| Community engagement workshop via online (Teams) | Complete |
| **3. Finalisation of LATM Plan** | |
| Collation of results of community engagement. | Complete |
| Final LATM Study Report and Plan. | Complete |
| Presentation to Council for endorsement. | December 2021 |
| Final community consultation letter. | December 2021 |

The LATM Study involved extensive consultation with the community to help identify local traffic issues and potential improvements, in conjunction with engineering investigations in addition to the collection of traffic volume and speed information, and review of publicly available crash data.

The community consultation component of the study included two phases of engagement, involving letter drop and an online interactive map as well as online community workshops, in order to understand the community’s thoughts regarding necessary areas for improvement, as well as the suitability of proposed treatments.

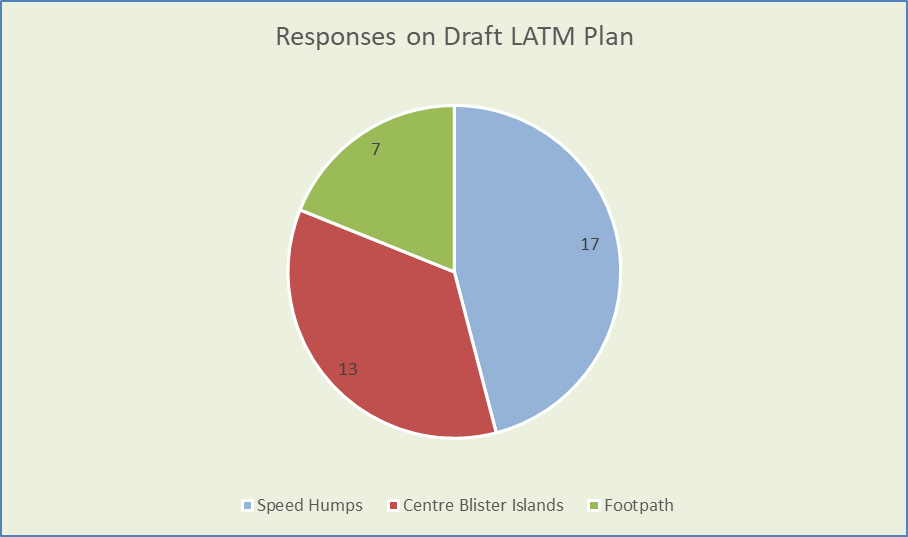
Throughout the project consultation phases, almost 680 individual engagements with the community occurred via the different feedback mechanisms (online and hardcopy feedback), including information on traffic issues being experienced, suggesting remedial actions and proving feedback on proposed treatments.

Proposal

The objective of this study was to prepare a Local Area Traffic Management (LATM) plan for stage 4, which addresses the main traffic issues in the Darley area and reflects the requirements and expectations of the local community.

Information collected from the various consultation methods was used in conjunction with traffic data to provide the basis for formulating recommendations. The key issues identified generally related to traffic concerns such as heavy vehicle volumes, pedestrian and cyclist safety, traffic speed, irresponsible driving, and traffic volumes.

Following the draft plan being presented to Council on 2 June 2021, a further phase of consultation was conducted. The draft LATM Plan was open for public comments over 8 weeks through online interactive map, Social Pinpoint from 7 June until 1 August 2021. Further, due to Covid-19 restrictions two face to face consultations were arranged on 16 and 21 September 2021 via online platform “MS Teams”. During the second-round consultation a total of 47 responses by 34 individual users were received through social pinpoint. The majority of the responses were related to request for speed humps, centre blister islands and footpaths. However, only one customer attended anw online consultation. A summary of the responses and key themes from the second-round community consultation is provided below:

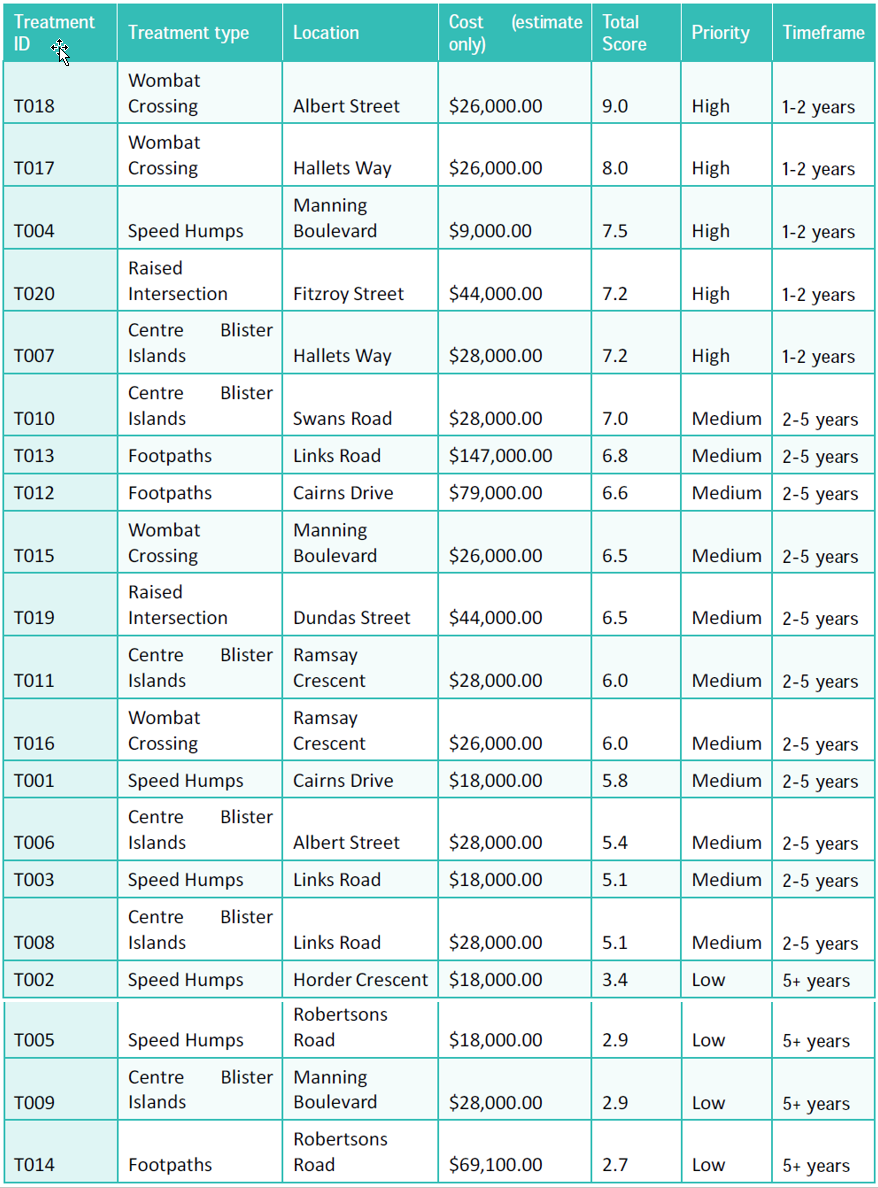


In response to the community feedback on draft LATM plan, some minor amendments have been made to the plan (refer pages 5 and 6 of the attached Final LATM Plan document) including the following:

 Replacement of two speed humps on Dundas Street to two raised intersection treatments at the intersection of Dundas Street / Victoria Street, and at the intersection of Dundas Street / Conn Court; and

 Replacement of two speed humps on Fitzroy Street to two raised intersection treatments at the intersection of Fitzroy Street / Napier Street, and at the intersection of Fitzroy Street / Tate Street.

Based on the preceding assessment undertaken by Salt3 and community feedback on the proposed LATM Plan, the below list of treatments was developed.



Following the LATM process undertaken as outlined above, it is now recommended that Councillors adopt the Local Area Traffic Management Plan (Stage 4) for the Darley area.

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 1.2: Improve access and opportunities for integrated transport**

The proposal is consistent with the Council Plan 2021-2025.

Financial Implications

The development of the LATM Plan is a funded project, included in the 2021-25 Council Plan.

The total estimated value of treatments (Council) recommended in this plan is approximately $736,100, some of which is already in the long-term capital program via other strategies. Implementation of minor treatments may be able to be completed within existing budgets and other major treatments will be referred to Council’s Long -Term Capital Improvement Program for consideration. Where applicable, grant funding may also be sought to assist in the implementation of treatments.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Financial | Inadequate financial management resulting in insufficient funds to complete the project | Low | Adequate project scope and budget, procurement process, ongoing supervision of project financials. |
| Community expectation | Community expectation of key project outcomes outside of the project scope | Low | Well scoped community consultation process and documentation, clear project objectives documented. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult and Involve | Residents within the study area | Direct mail out, online engagement and hardcopy distribution | Various | March 2021 | Residents encouraged and supported to provide feedback on key issues and draft documents. |
| Inform, Consult and Involve | Residents within the study area | Direct mail out, online engagement and hardcopy distribution | Various | June-September 2021 | As above. |
| Inform | Residents within the study area and wider community | Direct mail out, online engagement | Various | December 2021 | Residents advised of the outcome. |

Community participation is an important component of the study to assist in understanding the local issues. Significant community consultation was be undertaken throughout the project, including the following:

 Direct mail outs to the study area;

 Community questionnaire (electronic and hardcopy);

 Interactive online mapping tool;

 Online engagement (Council website and social media pages);

 Online community workshops (1) in Bacchus Marsh; and

 Reports to Council (2).

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Phil Jeffrey*

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

*Author – Ohid Morad*

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

Conclusion

To address the traffic impacts of growth in the Bacchus Marsh township and help inform planning and management of road space usage, a LATM Study (Stage 4) Darley has been completed and final plan developed. It is now recommended that Council adopts the Local Area Traffic Management Plan (Stage 4) Darley.

14.1 September 2021 Quarterly Financial Report

**Author: Aaron Light, Senior Accountant**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. September 2021 Quarterly Financial Report (under separate cover)**

**Purpose**

The purpose of this report is to inform Council of the financial performance for the first quarter ending 30 September 2021, in accordance with Section 97 of the Local Government Act 2020.

**Executive Summary**

 This Quarterly Report provided in Attachment 1 outlines the year-to-date financial position of Council for the period from 1 July 2021 to 30 September 2021.

 The Income Statement reports the year to date adjusted underlying result is a surplus of $28.188 million that is a $0.103 million unfavourable when compared to budget. The Adjusted underlying result extracts the impact of the non-recurrent capital income items, including one-off capital grants, donated assets from subdivisions, and developer contributions. The main reason for the unfavourable variance is an increase in Materials and Services ($0.838 million) due to works for Storm Recovery.

 The Statement of Capital Works reports year to date expenditure of $2.520 million that is a $1.663 million less than budget. The variance primarily relates to the timing of contract payments and delays due to COVID lockdowns and restrictions.

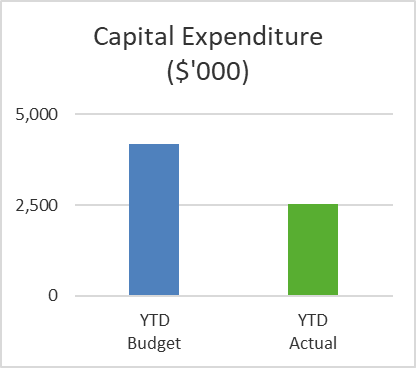
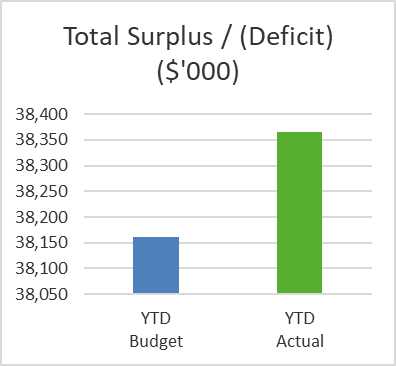
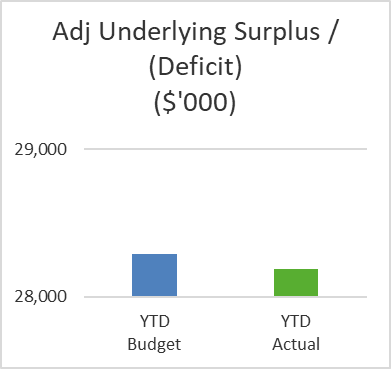
 Council cash as at 30 September 2021 was $33.783 million, which was $0.689 million unfavourable compared to year to date budget. The year-to-date rates collection was $6.163 million, which was $0.328 million more compared to same time last year.

 Council’s overall financial position at the end of September 2021 is considered sound and continues to be closely monitored to ensure the achievement of budgeted outcomes whilst closely monitoring the impact of the pandemic.

|  |
| --- |
| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Paul Tatchell  **That Council receives the Quarterly Financial Report – September 2021, provided as Attachment 1 to this report.**  **Carried** |

**Background**

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





*Income Statement*

The main changes within the Income Statement are as follows:

 Operating Income - $0.555 million favourable

 Favourable in “Grants - operating” ($0.536m) due to new funding received since the adoption of the budget.

 Operating Expenses - $0.658 million unfavourable

 Unfavourable in “Materials and services” ($0.838m). This is primarily due to unbudgeted works for Storm Recovery.

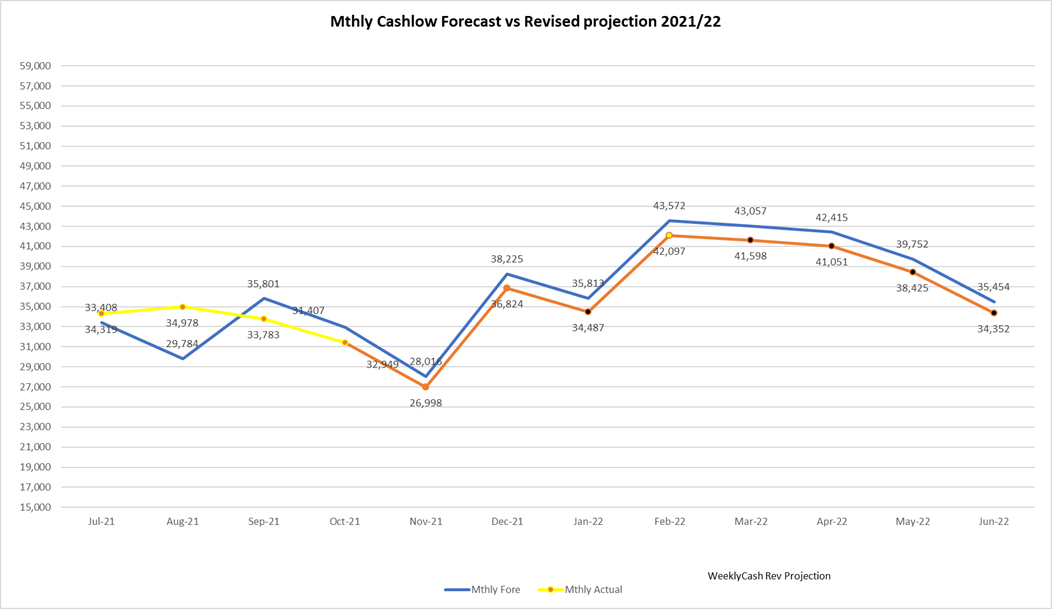
*Balance Sheet and Cashflow Statement*

The Balance Sheet reflects Council’s financial position as at 30 September 2021 and is prepared in compliance with the Australia Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council is showing a cash position of $33.783 million, which is $0.689 million less than the year-to-date budget.

Council’s year to date rates debtor collection was $6.163 million, which was $0.328 million more than same time last year. Current rate debtor balance is $35.797 million.

Council’s Balance Sheet continues to show a strong net position. This is represented by $706.578 million of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are $34.640 million, which results in net assets of $671.938 million.



\*graph is prepared on a weekly basis and not a fixed month end

*Capital Improvement Program (CIP)*

Total capital expenditure at the end of September 2021 is $2.520 million, which is $1.663 million less than the year-to-date budget. This is mainly due to timing variances with contract payments and delays due to COVID lockdowns and restrictions. The major items of expenditure so far are: Ballan Depot Relocation, Preplanning for Bacchus Marsh Indoor Recreation Facility, Parwan Employment Precinct Gas Connection, and Aqualink Stage 1.

**Proposal**

That Council receives the Quarterly Report – September 2021.

**Council Plan**

The Council Plan 2021 - 2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.4: Measure performance, communicate our results and continue to improve our services every day**

The proposal to adopt the Quarterly Report – September 2021 is consistent with the Council Plan 2021 - 2025.

**Risk & Occupational Health & Safety Issues**

There are no identified risks associated with this process.

**Communications & Consultation Strategy**

To Council, through the Ordinary Meeting of Council on 1 December 2021, and to the Audit and Risk Committee meeting on 10 November 2021.

**Victorian Charter of Human Rights & 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 130 of the Local Government Act 2020, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

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

*Acting Co-ordinator Financial Services – Aaron Light*

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

**Conclusion**

That Council’s overall financial position at the end of September 2021 is considered sound and Council note the September Quarterly Report.

16 Other Reports

Nil

17 Notices of Motion

17.1 Notice of Motion - No. 298 - Hard Rubbish Collection

**Attachments: Nil**

I, Councillor Rod Ward, give notice, in accordance with Council’s Governance Rules – Part 3.4.4(d) – Notices of Motion, that at the next Ordinary Meeting of Council to be held on 1 December 2021, I intend to move the following motion:

|  |
| --- |
| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Tonia Dudzik  **That Council:**  **1. Request the Chief Executive Officer prepare a report on the provision of 1 x Hard Waste collection service to all Moorabool Shire Council properties on 1 occasion per annum, commencing in the 2023/24 Financial Year.**  **2. Request consideration in the report the following:**  **(a) Residents’ support for such a service**  **(i) This may also take into consideration whether some areas of Council (for example East Moorabool) desire such a service whilst other Wards may not.**  **(b) Benchmarking against other neighbouring Councils**  **(c) Potential advantages of such a service**  **(d) Potential disadvantages of such a service**  **(e) Costs involved for the provision of such a service, to:**  **(i) Moorabool Shire Council – and per tenement if only a particular Ward/s supports such a service**  **(ii) Residents via any increase Waste Management Charge**  **Carried** |

Rationale

In my opinion the benefits of providing this service will be as follows:

 Likely decrease in illegal dumping of rubbish – currently the issue of illegal dumping across the MSC is a significant and growing issue and the provision of 1 X Hard Rubbish Collection per annum will likely lead to a significant decrease in illegal dumping.

 Potential financial savings for residents due to possible reduced use of Transfer Station

 An increase in resident satisfaction

 It aligns with services provided to residents of neighbouring Councils. E.g Ballarat, Melton

I commend this Notice of Motion to Council.

17.2 Notice of Motion - No. 299 - Transfer Station Vouchers

**Attachments: Nil**

I, Councillor Rod Ward, give notice, in accordance with Council’s Governance Rules – Part 3.4.4(d) – Notices of Motion, that at the next Ordinary Meeting of Council to be held on 1 December 2021, I intend to move the following motion:

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| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Tonia Dudzik  **That Council request the Chief Executive Officer prepare a report on the possible provision of two (2) 1m3 Transfer station Vouchers with each annual rates notice commencing in the 2022/23 Financial Year, and that the report investigates the possibility of inclusion of a $39 increase per tenement in the ratepayers Waste Management Charge in the 2022/23 Budget to cover the cost increases in providing these vouchers.**  **Carried** |

Rationale

This matter was previously presented to Council on 3 April 2019 where it was not approved.

In my opinion the benefits of providing this service will be as follows:

 Likely decrease in illegal dumping of rubbish – currently the issue of illegal dumping across the Moorabool Shire is a significant and growing issue and there is some reason to believe that the cost of visiting a Transfer Station may be a contributing factor. The provision of 2 Transfer Station vouchers per rateable property will likely lead to a decrease in illegal dumping as it removes the cost of visiting a Transfer Station for ratepayers on 2 occasions per financial year.

 An increase in resident satisfaction.

 Potential financial savings for residents as the $39 per tenement Fee is significantly lower than the current gate charge which is $64 for a heaped Trailer (equivalent to 1m3 Trailer).

 This is expected to lead to a further increase in the use of Transfer Stations and a further reduction in illegal dumping.

 It aligns with services provided to residents of neighbouring Councils (e.g. Ballarat, Melton).

I commend this Notice of Motion to Council.

17.3 Notice of Motion - No. 300 - Tracks & Trails Strategy

**Attachments: Nil**

I, Councillor Rod Ward, give notice in accordance with Council’s Governance Rules – Part 3.4.4(d) – Notices of Motion, that at the next Ordinary Meeting of Council to be held on 1 December 2021, I intend to move the following motion:

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| Motion  **Moved:** Cr Rod Ward  **Seconded:** Cr David Edwards  **That Council requests the Chief Executive Officer prepare a report investigating the possible engagement of a Consultant to develop a Moorabool Shire Council “Tracks and Trails Strategy”, and the viability of applying to the Local Sports Infrastructure Fund – Planning funding program for $30,000 (Note funding ratio - Sport and Recreation Victoria $2 to Local $1) to assist in funding the development of this Strategy.**  **The Motion was LOST** |

AIMS & OBJECTIVES

The creation of an updated Moorabool Shire Council “Tracks and Trails Strategy” will identify how Council can best promote and showcase what is a significant tourism offering that is currently not being fulfilled to its greatest capacity, and which will be further enhanced when projects such as the Aqualink and 1,000+ steps are complete and open for use.

The aim of the Moorabool Shire Council “Tracks and Trails Strategy” will be to:

 Provide an inventory of tracks and trails within the Moorabool Shire.

 Identify gaps, deficiencies, and opportunities to “link” existing tracks and trails.

 Increase usage of trails by locals and visitors.

 Provide direction to Council regarding future provision and investment in tracks and trails.

 Develop a prioritised set of recommendations for future provision of tracks and trails, and which provide the best value to the community.

 Identify supporting infrastructure, where required, to support the Moorabool Shire network of tracks and trails (e.g. bike racks, seating, signage and shelters).

 Focus on the development of a suite of information, both printed and digital, including the redevelopment of existing material, to better reflect and promote Moorabool Shire Council’s tracks and trails.

The strategic priorities of a “Tracks & Trails Strategy” will be to:

 Restoring and upgrading existing tracks (where required) to a suitable standard.

 Addressing pedestrian safety.

 Providing links within townships to community facilities.

 Establishing connected networks of tracks and trails, including activity circuits.

 Developing tracks and trails along natural features like rivers, creeks, and ridge lines, where feasible.

 Properly signing tracks and trails (directional signage of tracks and to destinations of tracks).

 Linking townships without school to townships with schools, where feasible.

 Linking nearby townships, where feasible.

Rationale

The Bacchus & District Tracks & Trails Advisory Committee drafted a “Bacchus Marsh & District Trails Master Plan” in 2004.

Whilst this was a comprehensive document drafted, it is now time to prepare an updated Moorabool Shire Council “Track and Trail Strategy”. The purpose of updating the Moorabool Shire Council “Tracks and Trails Strategy” allows for the development of a strategic document to identify current and future track and trail opportunities across Moorabool Shire, and provides a strategic direction relating to future investment.

Moorabool Shire offers an incredible number of multi-use trails of varying surfaces through open countryside and native bushland, and also increasingly through our urban areas (e.g. Bacchus Marsh, Ballan, etc.).

These include walking trails along the Lerderderg Gorge and Lerderderg River, and also the Werribee River and Werribee Gorge, and throughout the Wombat State Forest. Most recently, Moorabool Shire Council has commenced work on the Bacchus Marsh Aqualink, and construction of the Bald Hill 1,000+ steps has commenced. These are expected to be very popular additions to our tracks and trails.

Notably, some key findings from the recently completed Moorabool Shire Council “*Female Friendly Sport & Recreation Participation & Infrastructure Strategy 2021 – 2031”* were that:

 The most popular activities for women (18+) in Moorabool Shire were walking and bush walking.

 The most popular activities for girls (12-17yo) in Moorabool Shire was walking.

 The most popular location to undertake activities in Moorabool were “walking/running/hiking trails”.

Whilst data is not available for adult and adolescent males, I am confident that the results would not be dissimilar.

This further supports the business case for updating the Moorabool Shire “Tracks and Trails Strategy”.

In my opinion, the development of a new Moorabool Shire “Tracks and Trails Strategy” which outlines well designed tracks and trails reflective of the community needs now and into the future will help create active, vibrant, healthy and connected Moorabool Shire communities and also lead to further increase in resident satisfaction.

I commend this Notice of Motion to Council.

18 Notices of Rescission

Nil

19 Mayor’s Report

19.1 Mayor's Report

**Author: Dianne Elshaug, Co-ordinator CEOs Office**

**Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: Nil**

Purpose

To provide details to the community on the meetings and events attended by the Mayor since the last Ordinary Meeting of Council.

Executive Summary

 That the Mayor’s Report be tabled for consideration at the Ordinary Meeting of Council.

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| **Cr Tom Sullivan – Mayor’s Report** | |
| ***Date:*** *1 December 2021* | |
| 10 November | * Councillor Briefings – Revenue & Rating Plan; Darley Park Masterplan; Bacchus Marsh Racecourse Recreation Reserve Stage 2 & 3 Masterplan; Future of Aged Care; Review of the DAC Agenda; General Business |
| 11 November | * Ballan RSL Sub-Branch Remembrance Day Service and Wreath Laying, Ballan Cenotaph, Ballan |
| 17 November | * Councillor Briefings - Training on new ICT Equipment in Council Chambers (Ballan); Amendment C91 Flood Controls; Local Roads & Community Infrastructure Program; Draft Female Friendly Strategy; Review of the OMC Agenda; General Business * Councillor Only Session – Statutory & Annual Appointments Meeting * Development Assessment Committee |
| 24 November | * Statutory & Annual Appointments Meeting |
| 26 November | * MAV Representatives and CEOs Meeting |
| 1 December | * Economic Development Taskforce Meeting * Ordinary Meeting of Council |

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| Resolution  **Moved:** Cr Moira Berry  **Seconded:** Cr Paul Tatchell  **That Council receives the Mayor’s Report.**  **Carried** |

20 Councillors’ Reports

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| **Cr Moira Berry** | |
| ***Date:*** *1 December 2021* | |
| 11 November | * Bacchus Marsh RSL Remembrance Day Service, including wreath laying |
| 25 November | * MAV Meeting Procedures Workshop |
| 29 November | * Western Victoria Transmission Network Project, Darley Civic Hub |

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| **Cr Tonia Dudzik** | |
| ***Date:*** *1 December 2021* | |
| 11 November | * Bacchus Marsh RSL Remembrance Day Service, including wreath laying |

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| **Cr Rod Ward** | |
| ***Date:*** *1 December 2021* | |
| 11 November | * Bacchus Marsh RSL Remembrance Day Service, including wreath laying |
| 29 November | * Western Victoria Transmission Network Project, Darley Civic Hub |

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| **Cr Ally Munari** | |
| ***Date:*** *1 December 2021* | |
| 11 November | * Ballan RSL Sub-Branch Remembrance Day Service and Wreath Laying, Ballan Cenotaph, Ballan |
| 26 November | * Western Victoria Transmission Network Project, Myrniong |
| 29 November | * Western Victoria Transmission Network Project, Darley Civic Hub |

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| **Cr Paul Tatchell** | |
| ***Date:*** *1 December 2021* | |
| 11 November | * Ballan RSL Sub-Branch Remembrance Day Service and Wreath Laying, Ballan Cenotaph, Ballan |
| 23 November | * Opening of Central Highlands Victorian Emergency Management Training Centre, Ballan |

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| Resolution  **Moved:** Cr Ally Munari  **Seconded:** Cr David Edwards  **That Council receives the Councillors’ Reports.**  **Carried** |

21 Urgent Business

Cr Berry raised an item of Urgent Business in relation to Parking Safety at MacKenzie’s Flat Picnic Area, Lerderderg Gorge Road.

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| 21.1 Admission of Urgent Business |
| **Resolution**  **Moved:** Cr Moira Berry  **Seconded:** Cr Paul Tatchell  **That Council resolves to admit the item of Urgent Business in relation to Parking Safety at MacKenzie’s Flat Picnic Area, Lerderderg Gorge Road.**  **Carried** |

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| 21.2 Urgent Business - Parking Safety at MacKenzie's Flat Picnic Area |
| **Resolution**  **Moved:** Cr Moira Berry  **Seconded:** Cr Tonia Dudzik  **That Council:**   1. **Direct the Chief Executive Officer to write to Parks Victoria outlining the risks associated with the lack of available car parking at MacKenzie’s Flat Picnic Area, Lerderderg Gorge Road, Bacchus Marsh, as reported by the community, and request Parks Victoria to address this dangerous issue by extending the car parking spaces or by other relevant measures.** 2. **Request a response from Parks Victoria outlining their proposed actions to mitigate the risk.**   **Carried** |

22 Closed Session of the Meeting to the Public

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Moira Berry  **That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:**  **22.1 Future of Aged Care Services in Moorabool**  This matter is considered to be confidential under Section 3(1) confidential information - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.  **Carried** |

Council approved the following report and details from the resolution for Item 22.1 Future of Aged Care Services in Moorabool, to be included in the open session of Council Minutes.

22.1 Future of Aged Care Services in Moorabool

**Author: Sally Jones, General Manager Community Strengthening Authoriser: Derek Madden, Chief Executive Officer**

**Attachments: 1. Appendix One - Principles and Values (under separate cover)**

PURPOSE

This report seeks Council consideration and in-principle decision on its future role as a provider of services under the Commonwealth Home Support and Victorian Home & Community Care for Young People programs.

This report will initiate service agreement, transparency, and industrial obligations to provide notice and advice of its decision to the following parties:

* Commonwealth and Victorian governments.
* Clients and families.
* Affected staff and unions.

EXECUTIVE SUMMARY

* Moorabool Shire Council is a long-term provider of aged and disability services for its community.
* Significant Commonwealth reforms have been implemented in the past decade and these changes to the funding and operating environment have resulted in Council being ill- equipped and not suited to continuing as a provider.
* The current *Commonwealth Home Support Program* (CHSP) transitions to the new *Support at Home* program after 30 June 2023 and it is recommended in the best interests of the community that it seeks to transition out of the service delivery function. It will however seek to influence to appointment of a values-aligned local provider to build local service system capacity.
* In considering this recommendation, Council understands it has responsibilities to clients and families, long service staff and the broader community to manage the transition effectively and to anticipate and mitigate risk.
* This first decision is recommended to be on an in-principle basis to enable direct engagement with clients, families, staff, and unions. It will also allow Council to conduct an expression of interest process on a confidential basis to identify a potential values-aligned future provider.
* If the officer’s recommendation is carried, Council will receive a further report in March 2022 at which time it will amend or confirm its decision and make a recommendation to the Commonwealth.

Resolution

**That Council:**

1. **Notes that since 2011, the Commonwealth has progressed implementation of a consistent and integrated national aged care service system based on increased consumer choice and control and competition between providers to drive quality improvements and service efficiencies with a final transition date of 1 July 2023.**
2. **Accepts that due to inherent service cost, financial constraints, competition policy and other structural challenges, Moorabool Shire Council along with many other Victorian councils will not be able to play a meaningful future role in service delivery.**
3. **Determines on an in-principle basis that it will transition out of direct service delivery roles in the following programs:**
   1. **All funded Commonwealth Home Support Programme services**
      1. **Domestic Assistance**
      2. **Personal Care**
      3. **Flexible Respite**
      4. **Centre Based Respite**
      5. **Social Support – Group**
      6. **Social Support – Individual**
      7. **Home and Property Maintenance**
      8. **Home Modifications**
      9. **Delivered Meals**
      10. **Occupational Therapy**
      11. **Sector Support & Development**
   2. **All HACC-PYP funded services**
      1. **Domestic Assistance**
      2. **Personal Care**
      3. **Social Support Group**
      4. **Centre Based Respite**
      5. **Home and Property Maintenance**
      6. **Delivered Meals**
      7. **Occupational Therapy**
      8. **Volunteer Coordination**
   3. **Regional Assessment Service**
4. **Commits to working with the Commonwealth and Victorian governments to negotiate timing and transition processes that will protect the interests of clients, their families, much valued staff, and the broader community.**
5. **Notes that under its service agreements all processes and matters related to the transition process (i.e. names of future providers) will remain confidential until the Commonwealth and Victorian governments provide consent for release of information.**
6. **Affirms that in taking this decision it will continue to play an active role in ensuring its community will receive high-quality aged care services and will advocate for the needs of vulnerable members of the community.**
7. **Commits to the values and principles outlined in Appendix A to underpin and support decision making through the transition process, provided as Attachment 1 to this report.**
8. **Notes that Council intends to be involved in the selection of a new Commonwealth Home Support Programme provider and will make recommendations to the Commonwealth for their consideration during the appointment process.**
9. **Realigns its policy direction towards future investment in age-friendly or positive-ageing initiatives and ensuring that Council’s universal services and facilities are designed to meet the needs of a growing population of older residents. Further policy work and recommended directions will be referred to the 2022/23 budget process for review and approval.**
10. **Notes that Council’s policy objective of ensuring that older adults seeking to live independently in the community will be provided with quality home support services will not be compromised by this decision. Services will continue to be provided and Council will be able to reinvest its current ratepayer subsidy into alternative strategic priorities.**
11. **Provides delegated authority to the Chief Executive Officer, or their nominee, to undertake or commission all tasks and activities related to the implementation of this council decision.**
12. **Appoints the Mayor and CEO as spokespersons for all matters related to the Home Support Transition process.**
13. **Approves immediate notification of its in-principle decision to, and appropriate consultation with:**
    1. **Clients and families**
    2. **Staff and union representatives**
    3. **Media and other communications**
    4. **Broader community**
14. **Receive a further report in March 2022 to confirm this decision and the details of transition including timing of transition, the process for appointment of new provider(s), safety-net provisions, transition arrangements for clients, client information, transition support for staff, implications for Council assets and facilities and communications to the broader community.**

**BACKGROUND**

Moorabool Shire Council (the Council) is an important provider of home and community care services to assist older people and those recovering from acute care to continue to live independently in the community. Through the previous Home and Community Care (HACC) program this was an important part of the core mission for Victorian Local Government for almost 40 years. The HACC program was initiated in the early 1980s and most Victorian Local Government is invested in the development of a highly coordinated and integrated suite of services across assessment, domestic assistance, personal care, respite care, home maintenance, delivered meals, senior citizens centres and social support. This highly integrated system was peculiar to Victoria and was not replicated in other states.

The investment and organisational commitment to provision of services has over time become emblematic of the supportive relationship between Local Government and its community. Investment in HACC services was a means of expressing a strong commitment to many vulnerable members of the community: this included older people, people with a disability or mental illness and people at risk of homelessness.

The National Aged Care reforms

Australia’s integrated national aged care program has been undergoing significant reforms over the past 10 years following Commonwealth agreement to take full responsibility for aged care in August 2011 and establishment of the National Disability Insurance Scheme at around the same time.

The key drivers for the aged care reforms included:

* the number of people in Australia requiring aged care (in some form) would increase by 350% between 2011 and 2050
* significant system weaknesses (difficult navigation, limited services, variable quality, and no consumer choice) and inefficiencies (duplication of effort, no competition, and high-cost structures) that needed to be eradicated, and
* real concern that the cost of providing adequate care for older people in future would be unaffordable as a nation.

Attributes of the current aged care model include:

* CHSP – ‘entry level’ basic home support and community-based services – domestic assistance, personal care, shopping etc – this program provides services to 839,400 older Australians nationally
* Home Care – four levels of ‘packaged care’ funded from basic to high care to maintain independence – services were provided to 175,000 older Australians
* Residential Care – funded residential aged care (respite and permanent) – 310,000 older Australians nationally

In 2019/20 the total Commonwealth aged care budget in 2020/21 was $21.5 billion or $5,063 per older person; this comprised Residential Care $13.64 billion and Home Care and Home Support

$6.7 billion.

Design principles for the aged care reforms have remained very consistent since initiation, these include:

* **Consumer Choice and Control** – funding is provided directly to the clients based on assessed need to support choice and control – the client purchases services from a range of providers. This has a strong human rights and philosophical basis but introduces competition and signals the end of ‘block funding’ certainty for providers in most circumstances.
* **A Simplified Gateway** – My Aged Care is the single point of entry for all Australians to access aged care services – the 2017 Legislated Review of Aged Care has recommended merging of the RAS (Home Support) and Aged Care Assessment Teams (ACAT) (Residential Aged Care) into a streamlined national assessment service.
* **Demand Driven System** – the current ‘block funded’ and supply driven system will progressively move to a ‘demand driven’ funding system to ensure consistent services are delivered to where they are needed rather than what areas funding is allocated.
* **Competition Policy** – there is a renewed national focus on competition policy to drive economic growth, productivity, and efficiency in service delivery. It is more likely than not that future program design will be based on market and competition principles meaning that Local Government will face direct market exposure and ratepayer subsidy will be in effect prohibited.
* **Monopoly Market** – the current protected market arrangements are being completely dismantled to facilitate open competition and improved efficiency. Local Government is not equipped to effectively operate under market conditions. (Block funding may be retained for some niche programs and regional and remote areas, but most of the program will likely be on a ‘most efficient’ multiple provider basis.)
* **Market Efficiencies** – the Commonwealth is seeking to reduce transaction costs by having fewer contracts with larger organisations who can operate across large geographic areas – it is unclear whether there will be direct contracts between the Commonwealth and individual Local Governments after June 2023.
* **Client Contribution** – the Commonwealth expects that all Australians will make a consistent contribution to care depending on their capacity and capability.

Recent reform decisions

The May 2021 Federal Budget announced a significant response to the Aged Care Royal Commission in its May budget, this included:

* $6.5 billion for 80,000 additional aged care packages
* $3.9 billion for improved front line residential care
* $630 million improved access for vulnerable Australians
* $365 million for better transition to residential care
* $230 million to strengthen aged care quality and compliance
* $49.4 million for aged care training
* $21 million for improved sector governance
* $13.4 million to Primary Health Networks to drive better coordination

The budget included an announcement of an extension of the CHSP program to 30 June 2023 to enable the design and roll-out of the new ‘Support at Home’ program. The original reform timing was for completion by 30 June 2018, and this has been subject of four extensions: one to 2019, then to 2020, again to 2022 and now to 2023.

The ‘Support at Home’ program will be a new integrated program commencing 1 July 2023 that combines CHSP, Home Care Packages, Residential Respite and Short-term Restorative Care. This integrated model will most likely be client-directed, offer a range of providers (i.e., a market-based model) and require that providers offer a suite of services across in-home, personal, nursing, and allied health.

The Regional Assessment Service that undertakes intake and assessment for the CHSP and HACCPYP programs was on a pathway to a national streamlined model by 1 July 2020. This initial plan was delayed pending the outcomes of the Aged Care Royal Commission and the Commonwealth announced in May 2021 that that it will initiate a unified assessment model in 2022, and this new program will have responsibility for the new ‘support at home’ program from July 2023.

The Aged Care Royal Commission and broader aged care reforms have a critical focus on quality and compliance frameworks. This is already reflected in the rigorous requirements of the Aged Care Quality Standards which have applied since 1 July 2019 bringing an increased focus on training of staff, compliance, and outcomes for clients. Enhancing quality and safety is a major focus of the final Royal Commission Report and the Commonwealth has confirmed that there will be an increased emphasis on compliance and reporting for all providers

The Commonwealth has advised that the 2022/23 extension period for CHSP will be based on “payment in arrears”. CHSP providers will invoice at the end of each month for actual services delivered rather than Council being paid in advance each quarter with any unspent funds being recouped through the end of year acquittal or subsequent audit. The Commonwealth has identified four benefits of this approach:

* Alignment with future reforms – the Support at Home program will support availability of services through funding following the individual client in most cases, payment in arrears facilitates this process and ensures a consistent consumer experience across all levels of care
* Better consumer choice – payment in arrears encourages a more direct relationship between services that are available and what consumers want. It also ensures access to services in a timely manner.
* Accountability – paying for services that have been delivered is a more accurate and accountable use of government funds.
* Reducing unspent funds – payment in arrears reduces unspent funds and allows reallocation of funding to where it is most needed as quickly as possible.

Moorabool Shire Service Profile

Moorabool Shire Council is considered a small provider of home and community care services. The largest Victorian Local Government providers deliver over 120,000 hours of in-home services per annum compared with Moorabool’ 20,000, this is in comparison with some larger not-for-profit providers which deliver many hundreds of thousands of hours of service across CHSP and Home Care Packages.

Council services are funded under two main programs:

* CHSP is a national program aimed maintaining independent living for people over 65 (or 55 for Aboriginal & Torres Strait Islander people) funded by the Commonwealth, and
* HACCPYP is a state-based program that provides services for people under the age of 65 with a disability or chronic illness.

Services are funded from three main sources:

* Unit price – under block funding the government pays Moorabool Shire a unit price for services delivered under each program
* Client contribution – the client or carer pays a fee for service depending on their means
* Ratepayer – the cost of delivery is subsidised by income from rates

**KEY ISSUES**

Support at Home Program

Moorabool Shire Council has considered that it may not be able to play a meaningful role as a provider of services under the future *‘Support at Home’* program and that it is in the broader public interest that it considers transitioning out of direct service delivery to focus on broader policy areas such as positive ageing, health and wellbeing and adaptation of universal services to better meet the needs of older citizens.

Participation in ‘*Support at Home’* will likely require Council to extend its suite of programs well beyond current entry level services into allied health, nursing, and more complex personal care. This extension will require higher standards and clinical governance further adding to costs and complexity.

Mandate to operate

Council’s current mandate was established over 30 years ago and has been as a ‘block-funded’ service provider for the majority of CHSP program hours and units for the municipality. Block- funding provided certainty and security for Council in how services could be planned and delivered.

A future mandate under the Support at Home program will most likely be on the following criteria:

* Area – preference will be given to providers operating across one or more Aged Care Planning Regions or even state-wide or national basis.
* Consumer directed funding – most funding will be directed to the consumer, and they will have choice and control over which provider they will select. This automatically places Council under market or competition arrangements and severely reduces certainty.
* Payment in arrears – payment will be based on delivered units and paid following submission of monthly invoices. Council will need new business systems and sufficient cashflow to sustain operations.
* Expanded service suite – there will be an expectation to single providers will span entry-level to complex care requirements, this will invoke increased quality, compliance, and clinical governance requirements.

Workforce

Most Local Government providers have experienced significant competition for qualified direct care workers in recent years, and this has been exacerbated in Moorabool Shire by housing affordability and other barriers to the local employment of key workers.

The chronic shortage of qualified workers has meant that Council has not been able to meet service delivery targets which means that Commonwealth policy objectives have not been met.

Cost of Services

In the context of what the Commonwealth is seeking to deliver, Victorian councils are a relatively inefficient and expensive provider of services. Unit costing analysis conducted on over 30 councils found that the delivery of all in-home services requires a ratepayer subsidy of between $20.00 and

$35.00 per hour to deliver.

Unit costing for Moorabool Shire undertaken in August 2021 based on 2020/21 budget data identified a direct unit cost of $58.41, when local overheads were included the unit cost increased to $88.58 per hour of service delivered. (This excludes consideration of corporate overheads.) This is the equivalent of a ratepayer subsidy of $30 per hour of in-home service delivered.

This equates to a ratepayer subsidy of approximately $500,000 per annum for CHSP and HACCPYP services.

From a public interest perspective, if Council was not the provider, the Commonwealth will be responsible and accountable for the delivery of services and the ratepayer subsidy could be redirected to alternative priority areas.

Other financial implications of this decision include:

* the Commonwealth is facing an incredibly significant increase in demand for services (> 350%) and must find the most efficient means of delivering a universal service platform for all Australians, no matter where they live,
* the Commonwealth believes services can be delivered for a cost equal to the funding provided plus the fee paid by the client with no other subsidy (around $50.00 per hour),
* all levels of government should be seeking to achieve the most efficient means of delivering outcomes for the community. Market sounding completed by Mach2 Consulting indicates that there are regional and national aged care providers who would be able to deliver CHSP and HACC PYP services in Moorabool Shire,
* Victorian ratepayers are currently subsiding a service that is the responsibility of another level of government (essentially voluntary cost-shifting) – the Commonwealth has taken full responsibility and does not require Local Government support or subsidy to deliver services, and
* National Competition Policy states that any level of government should not subsidise services where there is a reasonable alternative.

**POTENTIAL PATHWAY OPTIONS**

There are three pathway options that have been provided for Council’s consideration as follows:

Option 1 – Plan for service provision beyond 30 June 2023

**This option is not recommended.**

Preparation for service provision under the future Support at Home program will require Moorabool Shire to completely redesign its service and business model as well as reduce its cost structures by at least 30% to 35%.

Expansion of the traditional service model into more complex care will significantly increase risk and require commitment to clinical governance.

Market competition will be used as a driver of quality and efficiency under the new program, and this will invite commercial risk and application of National Competition Policy competitive neutrality principles.

Local Government cost structures are inflexible and the biggest barrier for Moorabool Shire (and all Local Government providers) is scale of service provision and inability to amortise local overhead costs.

Option 2 – Transition out of direct service delivery and focus on broader policy

**This option is recommended as being in the public interest and aligned with Council’s broader obligations to the community.**

Council accepts that Commonwealth policy is moving towards a consistent national integrated aged care system and that this will require more efficient providers who can deliver services across a broad spectrum of needs.

The decision to transition out of its long-term commitment to service delivery is a significant decision and not taken lightly. Council has an obligation to resource and support an effective transition for clients and staff.

Council will proactively manage an effective transition out of service delivery and ensure that all clients (and especially those clients that are vulnerable or at risk of social isolation) are provided with support.

Council accepts its moral and industrial obligations to all staff affected by this decision.

Option 3 – Transition through partnership or sub-contract

In this scenario Council would retain its service agreements and seek to contract with local or regional partners for delivery.

**This option is not recommended as the 2-year time frame left for the CHSP program is not sufficient to prepare, commission, and implement an effective procurement process (for both Council and the potential contractor).**

Sub-contracting several other industrial and commercial risks including transfer of business and potential for increased costs due to contract supervision.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 1: Healthy, inclusive and connected neighbourhoods**

**Priority 3.3: Focus resources to deliver on our service promise in a sustainable way**

The proposal is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

This report has significant financial implications for Council.

The ongoing ratepayer subsidy (estimated at between $450,000 and $550,000 in recent years) is not required to deliver Commonwealth policy objectives of an integrated aged care program to support older people to live independently in the Moorabool community.

Council will need to commit resources to support an effective transition process which is estimated to be around $65,000 over the next 12 to 18 months.

Should Council endorse the Officer recommendation, additional costs will also be required to meet the industrial obligations to staff.

It is recommended that Council’s Audit Committee receive a review report at the end of the transition process that summarises all costs and addresses lessons learnt.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

A comprehensive risk and community impact analysis has been completed for Moorabool Shire Council; the high-level risks associated with this decision include:

* **Future Cost of Services** – the current estimated ‘cost to council’ for the main Home Support services of approximately $500,000 per annum is based on ‘block funding’ and a consistent demand for service. It is highly likely that with increasing demand, the introduction of competition and consumer directed care the future cost of service will increase and that there will be higher volatility and commercial risk.
* **Avoided risks** – by choosing to transition out of service delivery Council is avoiding a significant number of risks, these include commercial risk, business continuity, competition policy and clinical governance.
* **Investment in Innovation** – if Council seeks to remain as a provider of services post-2023 it will need significant investment to support the reorientation of its operating model. This will require renegotiation of industrial arrangements, investment in business processes and technology, reduce overheads, working capital (move to payment in arrears) and capability to quickly increase and reduce scale of operations.
* **Unit Cost** – the unit cost of delivery by Local Government is relatively high when compared to the level of funding provided and the operating costs of not-for-profit and other non- government organisations. Significant industrial and operating reform would be required to seriously change Local Government cost structures.
* **Commercial Risk** – the introduction of ‘consumer directed care’ and likely end of ‘block- funding’ will introduce significant commercial risk for Council. Councils have operated in a highly collaborative, almost monopoly market for 30 years and will have difficulty in adapting operating models to meet these challenges.
* **Scale of Operations** – some councils have examined if growing the scale of operations might be a solution to responding to the reforms. Investigation of this option has indicated that growth in a highly competitive market is unlikely due to inability to expand geographic boundaries, inherent cost structures, limited range of service offerings and lack of experience.
* **Full Cost Attribution** – most local government budgets reflect only direct operating costs and local management overhead. Full cost attribution will reflect direct and indirect operating costs, local and corporate overheads, costs of assets deployed in service delivery and adjustments for tax and other advantages derived from being a level of government.
* **Market Competition** – it is more likely than not that ‘limited or full-market competition’ will be introduced in the commissioning of aged care services. Council will need to restructure its operating model and cost structures to adapt to this emerging challenge.
* **National Competition Policy** – NCP requires council to completely remove underlying rate- payer subsidies or pass costs on to consumers. Council can undertake a Public Interest Test, but it is not likely to be able to justify continued subsidisation when in competition.
* **Stranded Services** – if active markets for aged and disability services develop in populated areas, it may result in Councils being left with only remote or rural areas with a very high costs of delivery. Council will be the provider of last resort with diminishing market share and significantly increasing unit costs.
* **Thin Market** – the lack of viable alternate providers is a real risk in regional areas. The responsibility for ‘market stewardship’ and ensuing viable providers sits with the Commonwealth and Victorian governments who have significant market power and influence.
* **Industrial and Employee Relations** – every scenario or pathway for Council contains industrial and employee relations risks which include industrial obligations under Enterprise Agreement, renegotiation of employment arrangements and a moral obligation to long- serving staff.
* **Managing Transitions** – Council will need to manage the transition of many individual clients over the coming 12 to 18 months, significant investment will be required to provide a safety- net to ensure positive outcomes for clients and community.
* **Addressing Vulnerability** – most clients will make a transition with limited support from Council. It is understandable that Council has a high level of concern for vulnerable members (mental illness, social isolation, at risk of homelessness, intellectual disability etc) of the community and therefore it will invest in transition programs and safety-nets to provide appropriate support structures.
* **Advocacy** – There is a clear need for strong advocacy to the Victorian and Commonwealth Governments on the risks for Local Government arising from the reforms. This includes holding the Commonwealth and Victorian governments accountable for service delivery outcomes; ensuring the market stewardship roles are fulfilled; and making representations on the needs of vulnerable communities.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Significant consultation with the Community has identified that supporting our ageing population is an important priority for the community.

Council officers have engaged with Commonwealth and Victorian government agencies to provide notice and advice of the decision-making process.

Should Council endorse the officer’s recommendation, this in-principle decision will trigger a comprehensive communications and consultation exercise which would include:

* Clients and families will be informed that Council is commencing an in-principle decision process and will be provided with a contact number to raise any questions or concerns during the process.
* A proactive media engagement strategy to explain the rationale for Council’s decision, the intended process and long-term benefits for the community.
* The Australian Services Union, acting as the industrial representatives of staff will be advised of the intention of Council to make an in-principle decision on this matter. Staff briefings will be held as soon as possible with ongoing communication to be provided to ensure staff are updated throughout this process.
* A comprehensive ‘Frequently Asked Questions’ document will be available via Council’s website and customer service centres.

**LEGISLATION AND POLICY**

Commonwealth Policy

The Commonwealth took full policy, funding, and commissioning responsibility for an integrated aged care program in August 2011 and has proceeded to implement a range of reforms based on very consistent design principles. The Commonwealth is seeking to design and deliver a nationally consistent consumer centred, integrated, and flexible aged care system that meets the needs of all older Australians.

National Competition Policy

A constraint on Council decision making is the application of National Competition Policy to Local Government in Victoria. The Commonwealth is more than likely to apply market principles to a future Home Support service model and that National Competition Policy and Competitive Neutrality Principles would therefore apply to Local Government operations.

Competitive Neutrality Principles apply to the significant business activities of Councils and not to non-business or non-profit activities. The concept of ‘significance’ is defined on a case-by-case basis looking at the importance of competition in a specific market.

Given the Commonwealth is more than moving to a market-based model for delivery of future services, it is reasonable to assume that there will be a high degree of focus on ensuring the market is not distorted or disrupted by government subsidised activity.

There is a mandated ‘public interest test’ that must be undertaken if Council wishes to continue to provide services that are subsidised in competition with other ‘not-for-profit’ and ‘for-profit’ providers. There is no viable or significant public interest in Council continuing to be a provider in competition with more efficient and more effective non-government providers.

Industrial obligations

Council has industrial obligations to staff to ensure notification of change and consultation and engagement on significant decisions that impact the workplace.

The changes anticipated by this in-principle decision will trigger these obligations and therefore Council must be clear on its position around engagement of staff and notification of unions.

A final decision to exit the program will trigger redundancy provisions of the Enterprise Agreement, exploration of redeployment opportunities and payment of retrenchment packages for affected staff.

An industrial risk that Council must be aware of is transfer of business, this is where a Council seeks to transfer its funding agreement directly to another local provider through a sub- contracting or partnership arrangement. A transfer of business occurs where work, operations, employees, and assets transfer from one entity to another. The implications include that some, or all the employment conditions (wage rates, enterprise agreement, flexibility arrangements etc) of the original employer can, in some circumstances transfer to the new employer.

For a “transfer of business” to occur it relies on whether a range of requirements are satisfied, these include:

* employees transfer between the two entities within a 3-month period,
* employees are terminated by the old employer,
* the work is the same or substantially the same as with the old employer, and
* there is an association between the old employer and the new employer.

Moorabool Shire considers the risk of a transfer of business higher in a sub-contracting arrangement as compared with an arrangement where a service agreement is terminated, employees paid retrenchment benefits and funding returned to the Commonwealth.

Human Rights

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

Probity and confidentiality

The expression of interest process that is recommended must meet the probity and confidentiality requirements of the Commonwealth. This will be an important decision criterion in any ‘without prejudice’ recommendation to be made to the Commonwealth by Moorabool Shire.

**VICTORIAN CHARTER OF HUMAN RIGHTS & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*CEO – Derek Madden*

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

*Author – Sally Jones; General Manager Community Strengthening*

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

**CONCLUSION**

It is recognised that Commonwealth policy is moving towards a consistent national integrated aged care system and that this will require more efficient providers who can deliver services across a broad spectrum of needs.

The decision to consider transitioning out of its long-term commitment to service delivery is a significant decision and not taken lightly. Should the officer’s recommendation be endorsed, Council has an obligation to resource and support an effective transition for clients and staff to ensure the Moorabool community to continue to access high quality services when required.

23 Meeting Closure

**The Meeting closed at 8.00pm.**

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**CHAIRPERSON**