



# **AGENDA**

## **Ordinary Council Meeting Wednesday, 6 December 2023**

**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Wednesday, 6 December 2023**

**Time: 6.00pm**

**Location: Council Chambers, 15 Stead Street, Ballan &  
Online**

**Derek Madden  
Chief Executive Officer**



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## **1 OPENING OF MEETING AND PRAYER**

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

## **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 Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

## **4 PRESENT**

## **5 APOLOGIES**

## **6 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - Wednesday 1 November 2023

## **7 DISCLOSURE OF CONFLICTS OF INTEREST**

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a Councillor, any other meeting conducted under the auspices of the Council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

## **8 PUBLIC QUESTION TIME**

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with section 3.7.1 of the Council's Governance Rules.

- (a) Question time will take place during the Council Meeting as provided for in the agenda.
- (b) Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.
- (c) A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.
- (d) A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that the:
  - (i) person directing the question is present in the gallery;
  - (ii) question does not relate to a confidential matter;
  - (iii) question does not relate to a matter in respect of which Council has no power to act;
  - (iv) question is not defamatory, indecent, abusive or objectionable in language or substance;
  - (v) question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
  - (vi) question is not asked to embarrass a Councillor, member of Council staff or member of the public.
- (e) Persons submitting questions must be present in the public gallery. If they are not present in the Gallery, the question will be held over to the next meeting only.
- (f) The Chief Executive Officer will read out each question and the Chairperson shall decide who will answer each question.

A Councillor or Council officer may:

- (i) immediately answer the question asked; or
- (ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or

- (iii) elect to submit a written answer to the person asking the question within 10 working days.

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

## **9 PETITIONS**

Nil

## **10 PRESENTATIONS/DEPUTATIONS**

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

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

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

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

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

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

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

## **11 CHIEF EXECUTIVE OFFICER REPORTS**

### **11.1 COUNCIL APPOINTMENTS TO ADVISORY COMMITTEES OF COUNCIL**

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

**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 2024 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.

#### **RECOMMENDATION**

**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 Berry, Cr Dudzik, Cr Tatchell (sub)
  - b) Australia Day Award Selection Panel**  
Mayor, Cr Berry, Cr Dudzik
  - c) Bacchus Marsh District Trails Advisory Committee**  
Cr Berry, Cr Ward (sub)
  - d) Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee**  
Cr Dudzik, Cr Berry (sub)
  - e) Disability Access & Inclusion Advisory Committee**  
Cr Dudzik, Cr Ward (sub)
  - f) Economic Development Taskforce Advisory Committee**  
All Councillors
  - g) Heritage Advisory Committee**  
Cr Ward, Cr Edwards (sub)

- h) **Lal Lal Falls Reserve Advisory Committee of Management**  
Cr Sullivan, Cr Munari (sub)
  - i) **Local Business Advisory Committee**  
Cr Tatchell, Cr Ward (sub)
  - j) **Maddingley Park Advisory Committee**  
Cr Ward, Cr Berry (sub)
  - k) **Moorabool Environment & Sustainability Advisory Committee**  
Cr Berry, Cr Edwards (sub)
  - l) **Moorabool Health and Wellbeing Advisory Committee**  
Cr Dudzik, Cr Berry (sub)
  - m) **Positive Ageing Advisory Committee**  
Cr Tatchell, Cr Dudzik (sub)
  - n) **Public Art and Collections Advisory Committee**  
Cr Munari, Cr Dudzik (sub)
2. **Notify the Committees of the appointment arrangements and requests meeting schedules for 2024.**
- 

## **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 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 2023 representatives for this committee were Cr Berry, Cr Dudzik 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 2023 representatives for this Panel were the Mayor, Cr Berry and Cr Munari.

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 2023 representatives for this committee were Cr Berry and Cr Ward (sub).

4. Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee

This Advisory Committee was established in 2021 to advise Council on matters pertaining to the usage, operations, maintenance and development of the Bacchus Marsh Racecourse & Recreation Reserve and its associated facilities.

The 2023 representatives for this committee were Cr Dudzik and Cr Berry (sub).

5. Disability Access & Inclusion Advisory Committee

This Committee was established in 2021 to monitor the implementation and review of the Disability Access and Inclusion Plan, provide advice to Council on key policy issues that relate to Disability, Access and Inclusion and enable greater communication between the community and Council.

The 2023 representatives for this committee were Cr Dudzik and Cr Ward (sub).

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 2023 representatives for this committee were Cr. Tatchell and Cr Edwards (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 2023 representatives for this committee were Cr Sullivan and Cr Munari (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 2023 representatives for this committee were 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.

The 2023 representatives for this committee were Cr Ward and Cr Berry (sub).

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 2023 representatives for this committee were 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 current partners are endorsed for the life of the current plan:

- Department of Families, Fairness and Housing
- Department of Justice and Community Safety
- Grampians Public Health Unit
- Western Health
- Mecwacare
- Women's Health Grampians
- Sports Central

The 2023 representatives for this committee were 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 2023 representatives for this committee were Cr. Tatchell and Cr Dudzik (sub).

#### 14. Public Art & Collections Advisory Committee

This Committee was established in 2022 and guides the provision, commissioning, maintenance and deaccessioning (removal) of public art within the Shire and guides Council's engagement with third parties who may wish to collaborate on provision of public art on Council land and in open public spaces.

The 2023 representatives for this Committee were Cr Munari and Cr Dudzik (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 – Dianne Elshaug*

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 co-ordinated focus on high level strategic projects, decision making and proposed initiatives.

**11.2 COUNCIL APPOINTMENTS TO WORKING GROUPS AND INDUSTRY BODIES**

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

**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 and Industry Bodies for the 2024 year.

**EXECUTIVE SUMMARY**

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

**RECOMMENDATION**

**That Council:**

- 1. Endorses its participation on the following Working Groups and Industry Bodies and appoints its representatives for 2024 as follows:**
  - a) Bacchus Marsh Aerodrome Management Committee**  
Cr Ward, Cr Tatchell (sub) and Executive Manager Community Planning & 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) Greater Ballarat Alliance of Councils (previously Central Highlands Councils Victoria)**  
Mayor and Chief Executive Officer
  - e) Grow West Implementation Committee**  
Cr Berry, Cr Dudzik (sub) and Manager Environment & Waste
  - f) Municipal Association of Victoria**  
Cr Sullivan and Cr Edwards (sub)
  - g) MAV Emergency Management Committee**  
Chief Emergency Management Officer

- h) Municipal Emergency Management Planning Committee (MEMPC)**  
Cr Munari and Cr Tatchell (sub)
- i) National Timber Councils Taskforce**  
Cr Sullivan
- j) Peri Urban Group of Rural Councils**  
Cr Berry, Cr Munari (sub), Chief Executive Officer and Executive Manager Community Planning and Development
- k) Rural Councils Victoria**  
Mayor
- l) Timber Towns Victoria**  
Cr Sullivan
- m) Victorian Local Governance Association (VLGA)**  
Mayor
- n) Western Highway Action Committee**  
Cr Ward and General Manager Community Assets and Infrastructure

2. That Council notify these Working Groups and Industry Bodies of the reappointment arrangements and requests meeting schedules for 2024.

**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**

By way of background, the 2023 representatives for each working group and industry body are listed below:

<b>Working Groups and Industry Bodies</b>	<b>Council Representative 2023</b>
Bacchus Marsh Aerodrome Management Committee	Cr Ward; Cr Tatchell (sub) Executive Manager Community Planning & Development
Ballarat Rail Action Committee (BRAC)	Cr Edwards; CEO

Central Highlands Community Road Safety Council	General Manager Community Assets and Infrastructure
Greater Ballarat Alliance of Councils (previously Central Highlands Councils Victoria)	Mayor; CEO
Grow West Implementation Committee	Cr Edwards; Cr Dudzik (sub) Manager Environment & Waste Education
MAV Emergency Management Committee	Chief Emergency Management Officer
(MAV) Municipal Association of Victoria	Cr Sullivan, Cr Edwards (sub)
Municipal Emergency Management Planning Committee (MEMPC)	Cr Munari; Cr Tatchell (sub)
National Timber Councils Task Force	Cr Sullivan
Peri Urban Councils	Cr Berry; Cr Munari (sub); CEO and Executive Manager Community Planning and Development
Rural Councils Victoria	Cr Munari
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**

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 – Dianne Elshaug*

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 co-ordinated focus on high level strategic projects, decision making and proposed initiatives.

**11.3 COUNCIL APPOINTMENTS TO COMMUNITY ASSET COMMITTEES**

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

**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 2024 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.

**RECOMMENDATION**

1. That Council, 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 2024
Bacchus Marsh Public Hall	Cr Dudzik Committee Members: David Childs Keith Currie Eric Daws John Faulkner John Ginnane Gary John Treloar Carol Young Anita Jennison
Blacksmith’s Cottage and Forge	Cr Edwards Committee Members: Allan Comrie Simon Fisher

	<p><b>Chrissy Stancliffe</b>  <b>Geoff Stancliffe</b>  <b>Lynette Egan</b>  <b>Heather Robson</b>  <b>Jenny Arrowsmith</b>  <b>Sharon Dickman</b>  <b>Stephanie Latham</b></p>
<b>Dunnstown Recreation Reserve</b>	<p><b>Committee Members:</b></p> <p><b>Jaye Cahir</b>  <b>Sam Leneghan</b>  <b>Chris Leonard</b>  <b>Kellie Leonard</b>  <b>Pat Leonard</b>  <b>Greg Murphy</b>  <b>Joel Murphy</b>  <b>Shane Murphy</b>  <b>Fran Peterkin</b>  <b>Barry Sheehan</b>  <b>Trish White</b></p>
<b>Elaine Recreation Reserve</b>	<p><b>Committee Members:</b></p> <p><b>Dianne Cook</b>  <b>Joanna Adcock</b>  <b>Stephen Ford</b>  <b>Karen Hinkley</b>  <b>Tom Hinkley</b>  <b>Chris Guidotti</b></p>
<b>Gordon Public Hall</b>	<p><b>Committee Members:</b></p> <p><b>Beryl Forster</b>  <b>Frank Higgins</b>  <b>Kate Galloway</b>  <b>Lin Lawson</b>  <b>Maree Brooks</b>  <b>Sandra Baker</b>  <b>Sandra Jarrett</b>  <b>Stephen Derrick</b>  <b>Yvonne Blair Thompson</b></p>
<b>Greendale Recreation Reserve</b>	<p><b>Committee Members:</b></p> <p><b>Sarah Duncanson</b>  <b>Nick Myrianthis</b>  <b>Eddie Salwe</b>  <b>John Speed</b>  <b>Paul Higgins</b></p>

<p><b>Lal Lal Soldiers' Memorial Hall</b></p>	<p><b>Committee Members:</b>  <b>Ann Crick</b>  <b>John Crick</b>  <b>Graeme Diamond-Keith</b>  <b>Engels Leoncini</b>  <b>Peter Witherspoon</b>  <b>Susanne Witherspoon</b>  <b>Geoff Hewitt</b></p>
<p><b>Millbrook Community Centre</b></p>	<p><b>Committee Members:</b>  <b>Lindsay Wilfred Grey</b>  <b>Amanda Labbett</b>  <b>Mark Labbett</b>  <b>Michelle O'Brien</b>  <b>Georgina Reynolds</b>  <b>Luke Reynolds</b>  <b>Andrea Weigall</b>  <b>Mark Weigall</b>  <b>Gerard White</b>  <b>Patrick Ryan</b></p>
<p><b>Navigators Community Centre</b></p>	<p><b>Committee Members:</b>  <b>Wayne Austin</b>  <b>Alan Rogers</b>  <b>Ole Kelderman</b>  <b>Michael Clarke</b>  <b>Tarsha Gore</b>  <b>Kenneth Turner</b>  <b>Mark Ryan</b>  <b>Troy Connor</b>  <b>Rick Stephens</b></p>
<p><b>Wallace Public Hall</b></p>	<p><b>Committee Members:</b>  <b>Josie Donegan</b>  <b>Leanne O'Neil</b>  <b>Darren Quinlan</b>  <b>Alan Tiley</b>  <b>Karen Tiley</b></p>
<p><b>Wallace Recreation Reserve</b></p>	<p><b>Committee Members:</b>  <b>Jason Carey</b>  <b>Maurice Mahar</b>  <b>Paul Mahar</b>  <b>Leanne O'Neil</b>  <b>Jacob White</b>  <b>Kenneth Williams</b></p>

2. **Notifies each Community Asset Committee of the respective appointments and requests meeting schedules for 2024.**
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.**

**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 2020* (the Act).

The Community Asset Committees are established in accordance with section 65 of the *Local Government Act 2020* (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 to appoint 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:

<b>Committees of Management</b>	<b>2023 Council Representative</b>
Bacchus Marsh Public Hall	Cr Ward
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**

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 – Dianne Elshaug*

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.

## 12 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

### 12.1 C085MOOR WEST MOORABOOL HERITAGE STUDY 2A REVIEW - AUTHORISATION

**Author:** Cliff Bostock, Coordinator Strategic Planning

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

**Attachments:**

1. West Moorabool Heritage Study Stage 2A Review (May 2021) (under separate cover)
2. Moorabool Planning Scheme - Amendment C085 MOOR (under separate cover)

#### PURPOSE

The purpose of the report is for Council to adopt the West Moorabool Heritage Study 2A Review, and to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C085MOOR to apply the Heritage Overlay to those places recommended with the 2A Review. The report also seeks to nominate five places identified within the 2A Review to be included in the Victorian Heritage Register.

#### EXECUTIVE SUMMARY

- The West Moorabool Heritage Study Stage 2A Review (May 2021, Plan Heritage) was undertaken to provide a review of potential heritage places and precincts in the western portion of the municipality to determine whether a Heritage Overlay should be applied.
- The amendment identifies 106 individual places and 7 heritage precincts across Ballan, Blackwood, Bungaree, Gordon, Lal Lal, Millbrook, Mount Egerton and Wallace as meeting the threshold for inclusion within the heritage overlay.
- A planning scheme amendment is required to implement the findings of the review, identified as Amendment C085MOOR.
- Five places identified with the 2A Review are recommended for nomination to the Victorian Heritage Register.

#### RECOMMENDATION

**That Council:**

1. **Adopts the West Moorabool Heritage Study Stage 2A Review (May 2021) (Attachment 1).**
2. **Applies to the Minister for Planning in accordance with Section (8)(a) of the Planning and Environment Act 1987, for authorisation to prepare and exhibit Moorabool Planning Scheme Amendment C085MOOR in accordance with Attachment 2.**
3. **Authorises the Executive Manager Community Planning and Development to make minor changes to the amendment documentation where they do not alter the original intent of the amendment.**
4. **Nominates 225 Bungaree Wallace Road, Bungaree, 323 Bungaree Wallace Road, Bungaree, 14 Clarendon Street, Blackwood, 360 Ballan Egerton Road, Ballan, and the Pinus Radiata at Blackwood Cricket Reserve, Recreation Reserve Road, Blackwood, to be included in the Victorian Heritage Register.**

## BACKGROUND

The West Moorabool Heritage Study Stage 1 and Stage 2A was undertaken by Dr David Rowe, Authentic Heritage Services Pty Ltd and Wendy Jacobs, Architect and Heritage Consultant.

Due to the significant number of potential heritage places identified in Stage 1 (720 heritage places), funding and resourcing constraints, 106 individual places and 7 heritage precincts were identified for progression in Stage 2A. Stage 2A comprised the detailed research of the places identified to progress to a planning scheme amendment. The remaining places will need to be addressed in a future planning scheme amendment.

In April 2013 Council accepted \$100,000 from Heritage Victoria to undertake and implement the West Moorabool Heritage Study Stage 2A. Council has committed \$52,770 to the project since the 2017-2018 budget.

At the August 2016 Ordinary Meeting of Council, Council resolved to endorse the West Moorabool Heritage Study Stage 2A, including the draft Thematic Environmental History for the purposes of consultation. At the September 2017 Ordinary Meeting of Council, Council resolved to adopt the West Moorabool Heritage Study Stage 2A, and to seek Authorisation from the Minister to prepare a planning scheme amendment to implement the recommendations.

The incorporation of the West Moorabool Heritage Study into the planning scheme was also identified as an action in the 2017-2021 Council Plan: *"Incorporate Strategic Documents into the Planning Scheme – West Moorabool Heritage Study"*.

The West Moorabool Heritage Study Stage 2A Review (May 2021) was undertaken by Plan Heritage, providing a final and up to date review of the original study, and ensured amendment documentation complied with the updated Planning Practice Note 1 (PPN1).

## PROPOSAL

To implement the findings of the West Moorabool Heritage Study Stage 2A Review, a planning scheme amendment is required to apply permanent heritage controls to properties identified as meeting the threshold for local heritage significance (Amendment C085MOOR).

Although Council adopted the West Moorabool Heritage Study Stage 2A in 2017, updates have been made to the Amendment documentation based on the Stage 2A Review (Attachment 1). The updated amendment package for C085MOOR can be found in Attachment 2 of this report.

Amendment C085MOOR proposes to amend the Moorabool Planning Scheme to implement the West Moorabool Heritage Study Stage 2A as follows:

- Apply the Heritage Overlay to 106 new individually significant places and 7 heritage precincts.
- Remove the Heritage Overlay from 3 individual heritage places that are to be included in new precincts.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply permanent controls to the identified places and insert application requirements.
- Amend the Schedule to Clause 72.04 (Incorporated Documents) to include 113 Statements of Significance and the Moorabool Shire Heritage Precincts and Places Incorporated Planning Permit Exemptions, May 2021.
- Amend the Schedule to Clause 72.08 (Background Documents) to insert the *West Moorabool Heritage Study Stage 2A Review (May 2021, Plan Heritage)*.

Exhibition of Amendment C085MOOR would commence once authorisation from the Minister for Planning is received. Exhibition will run for 6 weeks to allow any interested parties to make a supporting or objecting submission. Upon completion of the exhibition period, a summary of the exhibition will be reported to Council with the option to refer unresolved submissions to a Planning Panel.

### Victorian Heritage Register

The West Moorabool Heritage Study Stage 2A 2016 recommended that four places within the Study be nominated for inclusion in the Victorian Heritage Register. This recommendation was supported by the West Moorabool Heritage Study 2A Review 2021, along with an additional fifth place. These places are listed below:

- Hunterson, 360 Ballan-Egerton Road, Ballan
- Former Police Quarters & Court House, 14 Clarendon Street, Blackwood
- Monterey Pine, Blackwood Cricket & Recreation Reserve, Blackwood
- Former London Bank of Australia, 323 Bungaree-Wallace Road, Bungaree
- Former Police Residence & Lock Up, 255 Bungaree-Wallace Road, Bungaree

These five places proposed for nomination to the Victorian Heritage Register are outstanding examples of that particular age, design, type of heritage place, and are either directly comparable to places already on the Victorian Heritage Register, or are heritage places where there are limited, or no other known examples of its type within Victoria. In the case of the Monterey Pine, it is an outstanding example of this species.

### **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 implement the West Moorabool Heritage Study 2A review by applying the Heritage Overlay is consistent with the Council Plan 2021-2025. Heritage strongly contributes to the identity and culture of our towns, a community sentiment that has come through strongly in recent consultation, and assists in attracting visitors, tourists, and investment to the region.

The incorporation of the West Moorabool Heritage Study into the planning scheme was also identified as an action in the 2017-2021 Council Plan: *"Incorporate Strategic Documents into the Planning Scheme – West Moorabool Heritage Study"*.

### **FINANCIAL IMPLICATIONS**

The amendment will double the number of places currently within the Heritage Overlay. A small percentage of planning applications are triggered only by the Heritage Overlay. There may be a small increase in these applications, although this is offset by Council's ability to provide input and assistance into the works that impact upon identified values of heritage places.

Costs associated with the planning scheme amendment, including expert evidence and the planning panel process are budgeted for with Growth and Developments recurrent budget.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Demolition of heritage assets	Demolition of heritage places prior to protection	Medium	Interim heritage controls if demolition proposed

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Individual property owners and community	Mail out to affected properties and drop-in sessions	Blackwood Ballan Lal Lal Bungaree	May –August 2016	West Moorabool Heritage Study 2A review adopted Sept 2017 OMC
Consult	Individual property owners	Mail out and offer to discuss with Council’s Heritage Advisor	Various	Approximately 40 business days from receipt of authorisation (Likely 2024)	Submissions will be reported to Council. Unresolved submissions can be referred to an independent Planning Panel

**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 – Cliff Bostock*

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

**CONCLUSION**

Amendment C085MOOR seek to implement the findings of the West Moorabool Heritage Study Stage 2A Review into the Moorabool Planning Scheme. The application of the Heritage Overlay will assist in the protection of heritage values that contribute to the character, amenity, and identity of the Shire, and ensure that it remains an appealing municipality to live, work, and visit.

### 13 COMMUNITY STRENGTHENING REPORTS

#### 13.1 ADVISORY COMMITTEES OF COUNCIL - REPORTS

**Author:** Kaylene Bowker, Executive Assistant

**Authoriser:** Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Bacchus Marsh Racecourse and Recreation Reserve Advisory Committee Meeting - 24 November 2022 (under separate cover)
  2. Minutes - Bacchus Marsh Racecourse and Recreation Reserve Advisory Committee Meeting - 23 February 2023 (under separate cover)
  3. Minutes - Bacchus Marsh Racecourse and Recreation Reserve Advisory Committee Meeting - 29 June 2023 (under separate cover)
  4. Minutes - Maddingley Park Advisory Committee Meeting - 6 February 2023 (under separate cover)
  5. Minutes - Maddingley Park Advisory Committee Meeting - 17 April 2023 (under separate cover)
  6. Minutes - Public Art and Collections Advisory Committee Meeting - 18 July 2023 (under separate cover)
  7. Minutes - Public Art and Collections Advisory Committee Meeting - 5 September 2023 (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
Bacchus Marsh Racecourse and Recreation Reserve Advisory Committee (BMRRR)	Thursday 24 November 2022 Thursday 23 February 2023 Thursday 29 June 2023	Cr Tonia Dudzik Cr Moira Berry (Sub)
Maddingley Park Advisory Committee	Monday 6 February 2023 Monday 17 April 2023	Cr Rod Ward Cr Moira Berry (Sub)
Public Art and Collections Advisory Committee (PACAC)	Tuesday 18 July 2023 Tuesday 5 September 2023	Cr Ally Munari Cr Tonia Dudzik (Sub)

**RECOMMENDATION**

**That Council receive and note the following Advisory Committee Minutes:**

- 1. Bacchus Marsh Racecourse and Recreation Reserve Advisory Committee Meeting Minutes for Thursday 24 November 2022, Thursday 23 February 2023 and Thursday 29 June 2023.**
  - 2. Maddingley Park Advisory Committee Meeting Minutes for Monday 6 February 2023 and Monday 17 April 2023.**
  - 3. Public Art and Collections Advisory Committee Meeting Minutes for Tuesday 18 July 2023 and Tuesday 5 September 2023.**
-

**13.2 COMMUNITY ASSET COMMITTEES - REPORTS**

**Author:** Kaylene Bowker, Executive Assistant

**Authoriser:** Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Bacchus Marsh Public Hall AGM - 26 September 2022 (under separate cover)
  2. Minutes - Bacchus Marsh Public Hall CAC - 26 June 2023 (under separate cover)
  3. Minutes - Bacchus Marsh Public Hall CAC - 24 July 2023 (under separate cover)
  4. Minutes - Elaine Recreation Reserve CAC - 18 June 2023 (under separate cover)
  5. Minutes - Blacksmith's Cottage & Forge CAC - 27 June 2023 (under separate cover)
  6. Minutes - Blacksmith's Cottage & Forge CAC - 25 July 2023 (under separate cover)
  7. Minutes - Blacksmiths Cottage & Forge - 22 August 2023 (under separate cover)
  8. Minutes - Greendale Assets - 23 August 2023 (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
Bacchus Marsh Public Hall Community Asset Committee AGM and Meetings	26 September 2022, 26 June 2023, 24 July 2023
Elaine Recreation Reserve Community Asset Committee	18 June 2023
Blacksmith’s Cottage & Forge Community Asset Committee	27 June 2023, 25 July 2023, 22 August 2023
Greendale Assets Community Asset Committee	23 August 2023

**RECOMMENDATION**

**That Council receive the following Community Asset Committee Minutes:**

- 1. Bacchus Marsh Public Hall CAC Minutes for AGM held on 26 September 2022 and Meetings held on 26 June 2023 and 24 July 2023.**
  - 2. Elaine Recreation Reserve CAC Minutes for 18 June 2023.**
  - 3. Blacksmith's Cottage & Forge CAC Minutes for 27 June 2023, 25 July 2023 and 22 August 2023.**
  - 4. Greendale Assets CAC Minutes for 23 August 2023.**
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**14 CUSTOMER CARE AND ADVOCACY REPORTS**

**14.1 AUDIT AND RISK ADVISORY COMMITTEE OF COUNCIL - REPORTS**

**Author:** Kaylene Bowker, Executive Assistant

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

- Attachments:**
1. **Audit and Risk Advisory Committee Summary of Minutes - 9 August 2023 (under separate cover)**
  2. **Audit and Risk Advisory Committee Summary of Minutes - 13 September 2023 (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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representatives</b>
Audit and Risk Advisory Committee	Wednesday 9 August 2023	Cr Moira Berry Cr Tonia Dudzik
Audit and Risk Advisory Committee (Special Meeting)	Wednesday 13 September 2023	Cr Moira Berry Cr Tonia Dudzik

**RECOMMENDATION**

**That Council receive the Audit and Risk Advisory Committee Summary of Minutes for meetings held on Wednesday 9 August 2023 and Wednesday 13 September 2023 (Special Meeting).**

**14.2 SEPTEMBER 2023 QUARTERLY FINANCIAL REPORT****Author:** Aaron Light, Senior Accountant**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy**Attachments:** 1. September 2023 Quarterly Report (under separate cover)**PURPOSE**

The purpose of this report is to inform Council of the financial performance for the period ending 30 September 2023, 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 2023 to 30 September 2023.
- The Income Statement reports the year to date adjusted underlying result is a surplus of \$31.498 million that is \$1.109 million favourable 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 Statement of Capital Works reports year to date expenditure of \$10.055 million that is \$0.035 million more than budget. The variance primarily relates to the timing of contract payments.
- Council's cash balance as at 30 September 2023 is \$26.086 million, which is \$2.027 million unfavourable compared to year to date budget.
- Council's overall financial position at the end of September 2023 is considered sound and continues to be closely monitored to ensure the achievement of budgeted outcomes.

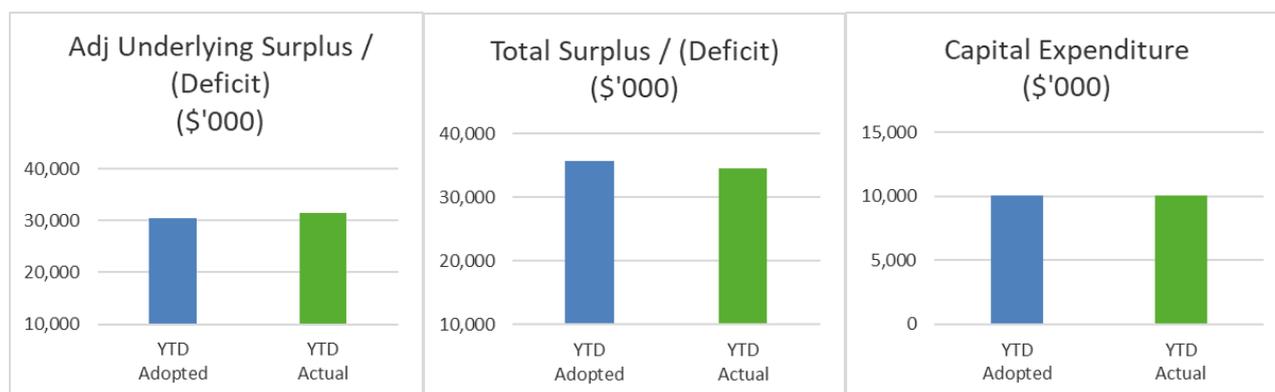
**RECOMMENDATION**

**That Council receives the Quarterly Financial Report – September 2023, provided as Attachment 1 to this report.**

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**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.



	Year to Date				Annual Adopted Budget \$'000
	YTD Adopted \$'000	YTD Actual \$'000	Variance		
			\$'000	%	
Operating Income	46,654	46,485	(169)	0%	62,591
Operating Expenses	16,265	14,987	1,278	8%	62,745
<b>Adj Underlying Surplus / (Deficit)</b>	<b>30,389</b>	<b>31,498</b>	<b>1,109</b>	<b>4%</b>	<b>(155)</b>
Capital / Non-recurrent income	5,260	2,923	(2,337)	-44%	41,061
<b>Total Surplus / (Deficit)</b>	<b>35,649</b>	<b>34,422</b>	<b>(1,227)</b>	<b>-3%</b>	<b>40,906</b>
<b>Capital Expenditure</b>	<b>10,020</b>	<b>10,055</b>	<b>35</b>	<b>0%</b>	<b>56,413</b>

*Income Statement*

The main changes within the Income Statement are as follows:

- Year to Date Operating Income - \$0.169 million unfavourable
  - Unfavourable in “Grants - operating” (\$0.753m). This is just a timing issue with the recognition/receipt of grants relating to School Crossings, Bush Fire Preparedness, Outdoor Activation, and Best Start.
- Year to Date Operating Expenses - \$1.278 million favourable
  - Favourable in “Materials and services” (\$1.358m). This is mainly due to timing issues with contract payments in Waste collection/disposal, and also Community Grants, Tree Inspections, Software costs, and Library contract.

*Balance Sheet and Cashflow Statement*

The Balance Sheet reflects Council’s financial position as at 30 September 2023 and is prepared in compliance with Australian Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council is showing a cash position of \$26.086 million, which is \$2.027 million less than the year-to-date budget.

Council’s Balance Sheet continues to show a strong net position. This is represented by \$863.870 million of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are \$57.096 million, which results in net assets of \$806.775 million.

*Capital Improvement Program (CIP)*

Total capital expenditure at the end of September 2023 is \$10.055 million, which is \$0.035 million more than the year-to-date budget. This is mainly due to timing variances with contract payments.

**PROPOSAL**

That Council receives the Quarterly Report – September 2023.

**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 2023 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 6 December 2023, and to the Audit and Risk Committee meeting on 15 November 2023.

**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.

*Senior Accountant – 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 2023 is considered sound and Council note the September Quarterly Report.

## 15 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

### 15.1 CAPITAL IMPROVEMENT PROGRAM - QUARTERLY REPORT SEPTEMBER 2023

**Author:** Ewen Nevett, Manager Engineering Services

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

**Attachments:** 1. 2023-2024 CIP Project Update Report (under separate cover)

#### PURPOSE

To provide Council with an overview of the progress of Council's 2023-2024 Capital Improvement Program to 30 September 2023.

#### EXECUTIVE SUMMARY

The 2023-2024 Capital Improvement Program (CIP) consists of 76 projects reported to Council with the delivery principally managed by two Services Units, Engineering Services (42 capital works projects) and Major Projects (27 major projects).

Delivery of the 2023-2024 CIP is on schedule with 9.2% of projects already completed and a further 55.3% of the projects either underway, soon to commence, or soon to be awarded.

#### RECOMMENDATION

**That Council resolves to receive the Capital Improvement Program Quarterly Report to 30 September 2023.**

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#### BACKGROUND

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

#### PROPOSAL

This quarterly report provides Council with an overview of the progress of Council's 2023-2024 Capital Improvement Program to 30 September 2023.

#### Implementation of the 2023/2024 Capital Improvement Program

The 2023-2024 CIP currently consists of 76 projects reported to Council. This number may be adjusted throughout the year as other projects become active. Three projects (totalling \$846,018) have already been added since the 2023-2024 Budget was adopted.

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

- Projects carried forward from 2022-2023 program
- 2023-2024 Council funded projects
- Grant funded projects

The Community Assets & Infrastructure Directorate nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status.

The table below summarises the overall program status at 30 September 2023.

CIP Program Delivery Stage	Actual as of 30 September 2023				
	No. of Projects				%
	Capital Works	Major Projects	Other	Total	
Not Commenced - inactive/"On Hold"	0	0	1	1	1.3
Not Commenced	1	2	0	3	3.9
Documentation/Design Preparation	14	7	2	23	30.3
Tender/Quote Stage	12	6	0	18	23.7
Project Awarded – Waiting Commencement	6	0	0	6	7.9
In Progress/Under Construction	7	9	2	18	23.7
Complete	2	3	2	7	9.2
<b>TOTAL</b>	42	27	7	76	100.0

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

As at 30 September 2023, the current budget is \$60.2M with an anticipated carry forward from multi-year projects and projects "On Hold" of \$13.1M. The final outcome will be dependent on the physical progress of projects and any impacts from unforeseen events.

Program Status

*Capital Works Projects*

At this stage of the financial year the program is on schedule for completion by 30 June 2024.

64.3% of the capital works projects are either completed, underway, soon to commence or soon to be awarded, with a further 33.3% at design or document preparation stage.

13 capital works projects are behind the original scheduled delivery timeframes. Eight of these relate to availability of design resources, availability of material supplies (playground equipment, furniture, concrete pipes), and/or site access and conditions. Three are road projects carried forward from 22/23 due to unseasonable wet spring in 22/23.

All projects currently behind are still programmed to be completed this financial year.

*Major Projects*

Given the timeframe to deliver major projects, the projects being delivered this year are a mixture of projects finishing this year and over the next two financial years.

In total there are 27 projects, with 26% of projects in the design phase, 30% of projects in construction and 22% in the procurement phase for construction services.

### *Other Projects*

Connor Court drainage improvements remains “on Hold” pending advice/action from Melbourne Water. All other projects are either complete or on schedule for completion in line with planned delivery.

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

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

### **FINANCIAL IMPLICATIONS**

Reporting of the Capital Improvement Program has been resourced as part of Council’s budget. At this point in time the program is within the budget parameters, including any predicted over expenditure, previously advised to Council. The program is being closely monitored to identify areas for savings to maintain the expenditure within these budget parameters.

### **RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

### **COMMUNICATIONS & CONSULTATION STRATEGY**

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

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

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

### **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 – Ewen Nevett*

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

**CONCLUSION**

This report provides a summary of the progress of the Capital Improvement Program for the first quarter of the 2023-2024 period for the information of Councillors.

**15.2 WERRIBEE RIVER TURBIDITY - UPDATE****Author:** Ewen Nevett, Manager Engineering Services**Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure**Attachments:** Nil**BACKGROUND**

At the Ordinary Meeting of Council (OMC) held on 1 February 2023 a Notice of Motion was raised about the issues of turbidity within the Werribee River. As part of this Notice of Motion there was a request for a report into the large amount sediment within the Werribee River, as well as the effectiveness of the sediment barriers along Werribee Road at the base of the Stonehill development. The report was presented to the Ordinary Meeting of Council on 7 June 2023 (item 15.2). Council "Noted" the report and requested a follow up report be brought back to Council in six months' time.

**EXECUTIVE SUMMARY**

This report has been prepared as per resolution for Item 15.2 on 7 June 2023 OMC. The purpose of the report is to provide a summary of the actions taken within the infrastructure sites since the OMC on 7 June 2023.

The previous report identified the sources for the Turbidity and assessed the effectiveness of the environmental control measures based on the Environment Protection Authority (EPA) Guidelines. It also detailed where a significant amount of the sediment arose from (large stockpiles adjacent to waterways) and the actions that Council took with respect to eliminating or managing the risk.

Council officers have been carrying out daily inspections and weekly audits to ensure the endorsed Environmental Management Plans (EMP) have been implemented in the development sites in accordance with EPA Guidelines. Council officer have also increased the engagement with the contractors, consultants, contractors, Melbourne Water and EPA by organising a fortnightly meeting to discuss environmental related issue including sedimentation.

**RECOMMENDATION**

**That Council notes the Werribee River Turbidity Update report.**

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**FINDINGS ACROSS THE LAST SIX MONTHS**

The previous report identified sources of turbidity in the Werribee River which includes:

- Removal of Southern Rural Channel
- Active Construction Sites
- New House construction
- Existing Sodic Soils in the undeveloped land to the west of Stonehill Development

Since the last report, several measures have been taken to reduce sedimentation from these sources.

### Removal of the Southern Rural Channel

Prior to the commencement of the Stonehill Development, a Southern Rural Channel was intercepting stormwater flows from land to the south of the channel. Removal of the channel during the construction of Stonehill Stages 24/25 caused stormwater to cross the boundary of the development site into a Swale Drain on McCormacks Road which ultimately drains into the Werribee River. The removal of this channel (as conditioned by Southern Rural Water) was carefully designed with Water Sensitive Urban Design facilities to control the water quantity and quality. Five (5) sediment basins have been constructed to manage sediment and detain stormwater flows from the development site. These basins are still under the management of the developer as sediment basins due to active construction site. Into the future these basins will be planted out with carefully selected plants and handed over to Council for ongoing maintenance to ensure that the water quality is maintained into the future.



**Figure 1 – Southern Rural Water Channel (left) and Newly Constructed Basins (Right)**

### Active Construction Sites

Environmental control measures within the development sites were observed to have breached by heavy rain events in late 2022 resulting in the transportation of sediments to the river. Silt Fences are designed to withstand 1 in 10-year rain events in accordance with the EPA Guidelines. Since these storms Council, the Developer and Consultants have carefully reviewed the sites to ensure the controls are more robust and investigated on a regular basis. Council officers have been carrying out daily inspections and weekly audits to ensure the endorsed EMP and controls have been implemented in the development sites in accordance with EPA Guidelines. These will continue to be inspected and managed not only on these sites but all the development sites within Moorabool.

### Private Housing Construction Sites

Private building sites have been one of the main sources of sediment and litter within the growth areas. It has been observed a number of times that the mud and litter from these sites are washed/transported to the waterway via the underground stormwater drainage system and surface run off. Investigation of the sediment basins has identified several building construction debris and high sedimentation from building sites. These issues are sent on to Council's planning department for further investigation and local law enforcement.



**Figure 2 – Earthworks on Building Site**



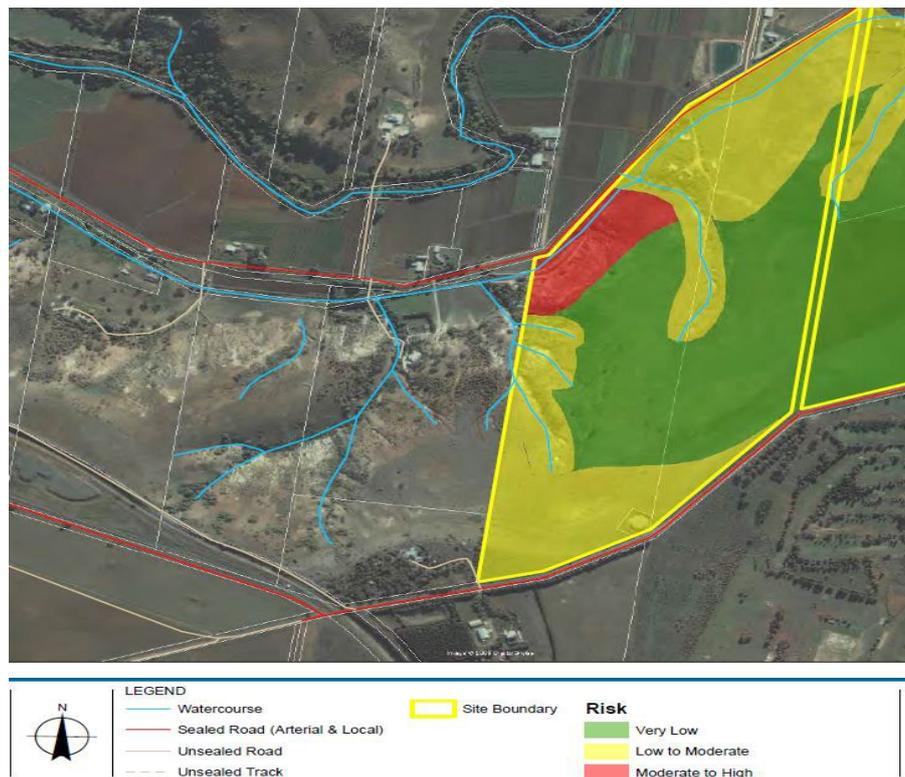
**Figure 3 – Mud on Road washed to the underground drainage system.**

### Natural Sodic Soil

A large portion of the Stonehill Development and the adjacent undeveloped land development to the west is covered by Sodic Soils which are easily erodible during storm events. Sodicty degrades soil properties by weakening the bond between soil particles and results in run-off being extremely high in suspended solids.

Due to the development sites being completed in these sodic soils, run-off management has been a very difficult process. However, since the OMC on 7 June 2023 the stages immediately adjacent to the river (Underbank Stages 9-19 and Stonehill Stages 24-25) have been completed and now there is a buffer between the construction and the river and is one of the main contributors to the increased turbidity within the river.

The recently completed stages of Stonehill Development (Stages 24 and 25) had a significant natural slope (%) which accelerates the erosion. Similarly, the undeveloped land to the west of the Stonehill Development also contributes to the turbidity at the Werribee River. The erosion from the undeveloped neighbouring land is likely to continue causing some turbidity on the Werribee River.



**Figure 4 – Sodic Soils within the Stonehill Development**

**INFRASTRUCTURE INSPECTIONS**

Following the turbidity issue raised by the community, the infrastructure team has taken several actions to manage and mitigate the turbidity issue within the Werribee River. These actions include, on an ongoing basis:

- Daily Check of the Development Sites
- Weekly Audits of the Development Site
- Fortnightly Walk around the development sites.

In the last 6 months there have been very few occasions when non-compliances have been observed. These have all be rectified within an appropriate timeframe as set out by Council inspectors.

Daily Inspections of the Development Sites

The most important action in sediment control is being proactive and trying to prevent sediment reaching waterways. Council inspectors carry out daily surveillance of all development sites to make sure that sediment control measures are implemented and maintained in accordance with the endorsed Environmental Management Plan and EPA guidelines. If any none-compliance is identified, council inspectors directly raise it with the site foreman/project manager to rectify the issue and continue monitoring on daily bases.



**Figure 5 – Silt fencing for sediment control**

#### Weekly Audits of the Development Sites

In addition to the daily audits, Council inspector undertakes formal weekly audits of the development sites. The weekly audits include checks on, but not limited to, the following:

- Silt fences, coir logs, haybales and all other sedimentary control measures are in place and do not require any maintenance.
- Drainage pits have pit covers over the top and free of any pollutants or sediments.
- Stockpiles are covered with silt fences and hydroseeded or covered with grass.
- Water cart is available onsite.
- Site compound is equipped with emergency response kits.
- Temporary construction fences and pedestrian access are being maintained.
- Raise and report any extraordinary issues identified within the site.

#### Fortnightly Audits

Council staff also undertake EMP review meetings with each of the construction companies and their consultants. The agenda of this meeting is to raise the issues identified on daily basis and also during our Audits. Following these discussions, a formal walk of the site is conducted with all parties where the current state of the controls are reviewed and discussed. Following these meetings, the developer's consultant will then send through details of all items raised and timeframes as agreed onsite with Council for enforcement and accountability perspectives.

Although audits are undertaken at all sites, special attention is given to the sites that have a direct outlet into waterways. Development sites which have a direct outlet to waterways are inspected on daily bases. These include:

- Stonehill Estate
- Underbank Estate
- Hillview Estate

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 2: Liveable and thriving environments****Priority 2.3: Enhance our natural environments**

This report is in response to the motion for the Werribee River and is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputation – Negative perception from the community	Negative feedback is received from the community	Medium	Undertake adequate surveillance to ensure compliance with agency guidelines and standards

**COMMUNICATIONS & CONSULTATION STRATEGY**

Officers continue to engage with other agencies to ensure control measures associated with the subdivision development are acceptable, are adapted for the specific issues with sodic soils and meet relevant construction standards and guidelines.

**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 – Ewen Nevett*

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

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*Author – Ewen Nevett*

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

**CONCLUSION**

In the last six months the Infrastructure Team has implemented several measures to prevent Turbidity entering the Werribee River. The measures taken include daily inspections, and weekly and fortnightly audits of the development sites. As a result, the turbidity of the water in the Werribee River has been significantly reduced.

The Infrastructure Team will continue to monitor the sediment control measures within development sites on regular bases until construction is completed.

**16 OTHER REPORTS**

Nil

## 17 NOTICES OF MOTION

### 17.1 NOTICE OF MOTION - SNAKE REMOVAL SERVICE

**Attachments:** Nil

I, Councillor Rod Ward, give notice that at the next Ordinary Meeting of Council to be held on 6 December 2023, I intend to move the following motion:

#### MOTION

**That Council:**

- 1. Requests the Chief Executive Officer prepare a report on the provision of a snake removal service for MSC residents for the 2024/25 summer; and**
- 2. Investigates the cost and possible options for the provision of this service as a trial for the 2024/25 summer.**

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#### RATIONALE

The majority of snake-bite related injuries happen when people choose to attempt to relocate the snake themselves (as a cost saving measure or due to a lack of education).

Moorabool Shire Council is such a diverse municipality in many ways, but in terms of snakes is home to some of the most venomous snakes in the world, and the only municipality in Australia to house all of Red-Bellied Black Snakes, Eastern Brown Snakes, Eastern Tiger Snakes and Copperheads, all of which are highly venomous.

Due to the rapid growth in some areas of MSC there are housing estates increasingly being built that are encroaching into areas that are traditionally a safe habitat for snakes. This has led to increased snake sightings and will likely lead to further increased sightings and a growing risk of snake bites for residents.

Neighbouring and nearby Councils that have a free snake removal service in place include City of Hume, City of Melton, Brimbank City Council and Hobsons Bay Council.

Hume City Council is probably the closest Council in terms of similarity (open farmland) so they have a clause in the contract that state that snakes must be within 10 metres of a property for residents to qualify for the program.

All Councils state that residents must have physically seen the snake and keep a constant eye on it until the catcher arrives.

Snake catchers are required by the Wildlife Act to record all catches (making it easier for Council to review the service) and are required to release the snake within 5km of capture site away from homes in a suitable habitat.

As we enter the 2023/24 summer, there has been an increasing number of snake sightings on various "resident pages" on social media, and also a story in the print media of two family pets killed by snake bites highlighting the growing dangers to Moorabool residents.

I understand that the other Councils I have listed first conducted a trial period, and then at the end of the snake season it was simply revisited and reviewed for discussion whether to continue or not.

Feedback from residents in neighbouring Councils is that residents believe this service provides comfort and reassurance to residents that assistance is available if needed, and that it shows that their Council not only cares about their safety but that it also cares about wildlife conservation.

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.

#### **RECOMMENDATION**

**That Council receives the Mayor's Report.**

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**20 COUNCILLORS' REPORTS**

**21 URGENT BUSINESS**

## **22 CLOSED SESSION OF THE MEETING TO THE PUBLIC**

### **RECOMMENDATION**

**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 Procurement Australia Contract 2403/0109; Bulk Fuels**

This matter is considered to be confidential under Section 3(1) confidential information - (g) 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 private commercial information, being information provided by a business, commercial or financial undertaking that

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

#### **22.2 Extension of Audit and Risk Advisory Committee Independent Member - Simon Dalli**

This matter is considered to be confidential under Section 3(1) - h 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 confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

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**23 MEETING CLOSURE**