



Moorabool
Shire Council

AGENDA

Ordinary Council Meeting Wednesday, 1 November 2023

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

Date: Wednesday, 1 November 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 4 October 2023

Special Council Meeting - Wednesday 25 October 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 AUDIT AND RISK ADVISORY COMMITTEE - INDEPENDENT CHAIR FULL YEAR REPORT 2022/23

Author: Caroline Buisson, General Manager Customer Care and Advocacy

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. **Audit and Risk Advisory Committee - Independent Chair Full Year Report 2022/23 (under separate cover)**

PURPOSE

The Audit and Risk Advisory Committee, in alignment with the *Local Government Act 2020* (Act), requires the Chairperson to prepare a report to Council, on the Committee's activities twice per annum.

This report is presented to Council to note the full year report 2022/23 (**Attachment 1**) prepared by the Audit and Risk Advisory Committee's Independent Chair, Ms Linda MacRae.

EXECUTIVE SUMMARY

- At its meeting of 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with requirements of the *Local Government Act 2020*.
- In accordance with section 54(5) of the *Local Government Act 2020*, and the Audit and Risk Committee Charter, the Chairperson of the Audit and Risk Advisory Committee is required to prepare a biannual report on the activities of the Committee, including its findings and recommendations, and provide a copy of the report for tabling at a Council meeting.
- This is the full year report 2022/23 to be presented to Council. The Committee reviewed the full year report at its meeting held 13 September 2023 and confirmed it is an accurate reflection of the Committee's activities.

RECOMMENDATION

That Council notes the Audit and Risk Advisory Committee Independent Chair Report, provided as Attachment 1.

BACKGROUND

At the Ordinary Meeting of Council on 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with the requirements of the *Local Government Act 2020*, and appointed five members to its Audit and Risk Advisory Committee, consisting of three independent members and two Councillors.

Ms Linda MacRae was declared Chairperson of the Audit and Risk Advisory Committee at its meeting on 9 December 2020.

In accordance with section 54(5) of the *Local Government Act 2020*, and the Audit and Risk Committee Charter, the Chairperson of the Audit and Risk Advisory Committee is required to

prepare an annual report on the activities of the Committee, including its findings and recommendations, and provide a copy of the report for tabling at a Council meeting.

The Committee has agreed that a report on activities will be prepared for the period 1 July to 31 December and a full year report will be prepared to outline how the Committee has discharged its responsibilities outlined in the Audit and Risk Committee Charter.

PROPOSAL

This report seeks Council to note the Audit and Risk Advisory Committee Chairperson’s Report, which has been prepared in accordance with the Act, and the Committee’s Charter.

This is the full year report 2022/23 to be presented to Council. The Committee reviewed the half yearly report at its meeting held 8 February 2023 and confirmed it is an accurate reflection of the Committee’s activities.

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 note the Audit and Risk Advisory Committee Chairperson’s Report is consistent with the Council Plan 2021 – 2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with noting the Audit and Risk Advisory Committee Chairperson’s Annual Report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational Risk	Not upholding good governance in Council processes. Non-compliance with the requirements relating to Audit and Risk Committees under the <i>Local Government Act 2020</i> .	Medium	Noting the Chairperson’s Report, provided in accordance with the <i>Local Government Act 2020</i> and the Audit and Risk Committee Charter. Ongoing adherence to the requirements of the Act and the Charter.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Presentation	Audit and Risk Advisory Committee	Report presented to the Special Audit and Risk Advisory	Darley Civic Hub and Online	13 September 2023	Confirmed accurate report of Committee’s

	Members	Committee			activities
Briefing	Councillors	Chairperson presenting report at Councillor Briefing	Council Chambers, Ballan and Online	27 September 2023	Confirmation by Council

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 – Caroline Buisson

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

CONCLUSION

It is proposed that the Audit and Risk Advisory Committee Chairperson’s Report (**Attachment 1**) meets the requirements of s.54 of *The Local Government Act 2020*, and is in accordance with the Committee’s Charter, and therefore is recommended for noting by Council.

11.2 CROWN LAND RESERVE PEPPERCORN LEASE - BACCHUS MARSH MONTESSORI KINDERGARTEN AT 176 GISBORNE ROAD, DARLEY

Author: Kate Pryor, Governance Officer

Authoriser: Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance

Attachments: Nil

PURPOSE

This report seeks Council's approval to surrender the current 5 year lease with Uniting Victoria Tasmania Limited and re-enter into a 20-year peppercorn lease with Uniting Victoria Tasmania Limited of the Crown Reserve at 176 Gisborne Road, Darley (Bacchus Marsh Montessori Kindergarten) under delegated authority pursuant to section 17D of the *Crown Land (Reserves) Act 1978*.

EXECUTIVE SUMMARY

Moorabool Shire Council under s14 of the *Crown Land (Reserves) Act 1978* (the Act) is the appointed Committee of Management of the Crown Land Reserve at 176 Gisborne Road, Darley. The site is occupied by Uniting Victoria Tasmania Limited (Uniting) who operate the Bacchus Marsh Montessori Kindergarten.

Earlier this year Council under the CEO's delegation entered into a new lease pursuant to s17D of the Act with Uniting for a 5-year term (the ground lease) with no option for renewal.

The Victorian School Building Authority (VSBA), who have responsibility for the Victorian Kindergarten and Schools rebuilding program, recently commenced building works for the Bacchus Marsh Montessori Kindergarten Modular Project.

The VSBA intend to lease the buildings to Uniting under a separate 20-year peppercorn lease and are seeking Council to amend the ground lease to the same terms to ensure the buildings will be utilised as a kindergarten for their intended lifespan.

RECOMMENDATION

That Council authorises the CEO to:

- 1. Enter into a Deed of Surrender with Uniting Victoria Tasmania Limited to terminate the current 5-year lease agreement pursuant to delegated authority under section 17D of the *Crown Land (Reserves) Act 1978*; and**
- 2. Enter into a new lease with Uniting Victoria Tasmania Limited for the land known as 176 Gisborne Road, Darley, pursuant to delegated authority under section 17D of the *Crown Land (Reserves) Act 1978*:**
 - (a) for an annual rent of \$1 per annum (on demand)**
 - (b) for a total period of 20 years**
 - (c) with periodic reviews after 10 years and 15 years**

BACKGROUND

Moorabool Shire Council under s14 of the *Crown Land (Reserves) Act 1978* (the Act) is the appointed Committee of Management of the Crown Land Reserve at 176 Gisborne Road, Darley. The site is occupied by Uniting Victoria Tasmania Limited (Uniting) who operate the Bacchus Marsh Montessori Kindergarten.

The site was historically vacant. Since approximately 2000, the site has been leased to Uniting for a peppercorn rent for the provision of kindergarten services.

Earlier this year Council under the CEO’s delegation entered into a new lease pursuant to s17D of the Act with Uniting for a 5-year term (the ground lease) with no option for renewal.

The Victorian School Building Authority (VSBA), who have responsibility for the Victorian Kindergarten and Schools rebuilding program, recently commenced building works for the Bacchus Marsh Montessori Kindergarten Modular Project.

The VSBA intend to lease the buildings to Uniting under a separate 20-year peppercorn lease and are seeking Council to amend the ground lease to the same terms to ensure the buildings will be utilised as a kindergarten for their intended lifespan.

Figure 1 - Site Plan



PROPOSAL

It is proposed that Council:

- Surrender the current 5 year lease, and
- Enter into a new lease for a term of 20 years for \$1 per annum (on request).

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 1.4: Develop a vision and provide opportunities for rural communities

The proposal to lease the Crown reserve at 176 Gisborne Road, Darley to Uniting for the purposes of operating the Bacchus Marsh Montessori Kindergarten is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Council has been leasing the reserve to Uniting for a peppercorn rent since approximately 2000 and is estimated to save Council between \$250,000-\$350,000 or more per annum as Council do not assume the costs of operating the kindergarten. This is an estimated saving of \$5.7M to \$8.5M over the last 23 years.

The site has been reserved for educational purposes, which restricts its use.

Additionally, in accordance with the Municipal Association of Victoria partnership agreement with the Department of Education, as well as Council’s Municipal Early Years Plan, Council is required to provide kindergarten infrastructure (land and buildings) to early childhood educators at the lowest possible cost.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The VSBA have indicated that should a longer ground lease not be offered to Uniting, they intend to remove the buildings from the site on termination of the 5-year lease.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Legal action	Potential for legal dispute over building ownership	Medium	Maintain an amicable relationship with the VSBA and Uniting. Remain open to negotiation in regard to building and land governance.
Kindergarten services failing to meet demand	Lack of kindergarten placements due to lack of infrastructure (i.e. if removed by VSBA)	Medium	

COMMUNICATIONS & CONSULTATION STRATEGY

No public consultation strategy is required at this time.

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 – Celeste Gregory

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

Author – Kate Pryor

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

CONCLUSION

The VSBA are in the process of finalising their building lease and are seeking Council to amend the ground lease to match their 20-year term on a peppercorn rent.

As the lease cannot be amended and must be surrendered to enable a new term to be agreed, this report seeks Council's approval to surrender the 5 year lease and enter into a 20 year lease with Uniting under section 17D of the *Crown Land (Reserves) Act 1978* pursuant to delegated authority.

11.3 ANNUAL REVIEW AND UPDATE OF THE GOVERNANCE RULES: FOR ADOPTION

Author: Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. Governance Rules 2023 (under separate cover)

PURPOSE

The purpose of this report is present the Governance Rules for adoption following the community consultation process in line with Council's Community Engagement Policy.

EXECUTIVE SUMMARY

Council Officers undertook a comprehensive and holistic review and update of the Governance Rules. While minor administrative corrections have been made over the last 12 months, a thorough review of the rules had not been undertaken since adoption in 2020.

The review identified the following opportunities for improvement:

- Rule numbering, formatting, automated cross-referencing and numbering functions.
- Realignment of some procedures with current effective practices.
- Consistent public participation timeframes.
- Additional petition rules to make communication with petitioners easier.
- Allowing full participation of Councillors at meetings within a hybrid working environment.

As resolved at the Ordinary Meeting of Council on 6 September 2023, the draft Governance Rules were published for community consultation in accordance with Council's Community Engagement Policy for four (4) weeks from 7 September to 5 October 2023.

Consultation was conducted utilising the following forums:

- Council's Have Your Say Website
- Notice in the Moorabool News

Council received no submissions from the community during the consultation period.

RECOMMENDATION

That Council adopts the Governance Rules.

BACKGROUND

Council Officers undertook a comprehensive and holistic review and update of the Governance Rules. While minor administrative corrections have been made over the last 12 months, a thorough review of the rules had not been undertaken since adoption in 2020.

The review identified the following opportunities for improvement:

- Rule numbering, formatting, automated cross-referencing and numbering functions.

- Realignment of some procedures with current effective practices.
- Consistent public participation timeframes.
- Additional petition rules to make communication with petitioners easier.
- Allowing full participation of Councillors at meetings within a hybrid working environment.

Key changes are highlighted in yellow (where possible) in the attachment, and include:

Change	Reasoning
Improvements to the overall structure and readability of the document and change to from multi-layered legal numbering to simplistic numbering.	<p>The legal-style numbering of the rules led to the document being difficult to read and cross-reference. Several additions to the document resulted in multi-level paragraph numbering presenting up to 10 layers, which is inconsistent with the adopted Corporate Writing Style Guide and Accessibility Guidelines from Vision Australia.</p> <p>Reformatting the number had resulted in a much easier and more accessible document.</p>
Update to the document design, layout, logo and colour scheme.	Updated in line with the adopted Brand Strategy and Corporate Brand Style Guidelines.
Automated numbering and cross-referencing.	<p>The legal-style numbering of the rules made creation of links, automatic updates and cross-referencing not being optimised due to manually typed numbers. This was leading to potential errors when updating the document as each cross-reference and paragraph number had to be manually corrected whenever a change was introduced.</p> <p>This enhancement ensures future updates minimise the potential for errors in the numbering or structure of the document and will ensure all numbering and cross-references are automatically updated for consistency.</p>
Clarification of Mayor election procedures (previously adopted).	An enhancement was made to the section for the election of the Mayor. This has resulted in a clearer procedure when an equal number of Councillors are in attendance, multiple Councillors are nominated and multiple nominees receive an equal amount of the lowest vote.
Procedural Motions Table moved to the Appendices.	To assist with understanding the Procedural Motions Table it has been added as an Appendix to the document rather than in the middle of the text of the document. Moving it to an appendix increases the readability of the document and cross-references have been added in the appropriate sections to the

Change	Reasoning
	<p>appendices.</p>
<p>Changes to public question time procedure.</p> <p>Current rule: Persons submitting questions must either be available through the virtual meeting platform or be present in the public gallery. If they are not present in the Gallery or through virtual attendance, the question will be held over to the next meeting only.</p> <p>The Chief Executive Officer will read out each question and the Chairperson shall decide who will answer each question.</p> <p>New rule: Persons submitting questions should either be available through the virtual meeting platform or be present in the public Gallery. If they are not present in the Gallery or through virtual attendance, the Chairperson shall decide if the question will be read in their absence or held over to the next meeting.</p> <p>If the Chairperson decides that the question will be held over, it shall be held over to the next meeting only.</p> <p>The Chairperson shall decide and nominate who will read out each question and who will answer each question.</p>	<p>Processes which changed during restrictions imposed as part of the State of Emergency were not updated into the Governance Rules. As these changes proved effective this enhancement brings the rule in line with current practice.</p> <p>Presently, public questions are read whether the person is in attendance or not. Additionally, the Chair nominates which Officer will ask and answer the question and is not consistently performed by the CEO.</p> <p>This change provides the Chair with flexibility to decide whether or not questions will be read, and flexibility to refer questions to the appropriate officers.</p>
<p>Requirement for petitions and joint letters to include a head petitioner or representative.</p>	<p>In some instances, Council Officers were unable to respond to petitioners as there was no Head Petitioner included on the form. This made it difficult to update those involved as to the status of the petition. To improve this process, Officers have updated the rule to include contact information of a head petitioner so they may consult with them regarding the petition.</p> <p>This enables Officers to gather more information about the contents of the petition before bringing a report back to Council for consideration.</p> <p>This also allows Officers to communicate with a single point of contact and address the petition in a timely</p>

Change	Reasoning
	manner.
<p>Changes to how Councillors who wish to attend a meeting via electronic means for any reason. This rule has been changed to “Councillors... <i>may</i> notify the Chief Executive Officer. The notification <i>can be</i> made verbally or in writing. The notification <i>should</i> be received no later than 1 hour prior to the meeting”.</p>	<p>All meetings include the operation of Zoom to allow public and Councillor participation by electronic means.</p> <p>While it is a courtesy and encouraged, it is not a requirement to notify Officers of virtual attendance as this does not impact the effective operation of the meeting.</p>
<p>Removal of a part of rule 3.5.3: A Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. The meetings determined by Council as being solely in person meetings are, for example The Statutory and Annual Appointments meeting and any other meeting determined by Resolution of Council.</p>	<p>The removal of this portion of rule 3.5.3 enables consistency with the Governance Rules relating to the hybrid nature of Council meetings in accordance with rules 3.3.1 and 3.3.2.</p>

PROPOSAL

It is proposed that Council adopts the updated Governance Rules.

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 updated Governance Rules is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations in this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues associated with the recommendation within this report.

COMMUNICATIONS & CONSULTATION STRATEGY

The draft Governance Rules were published for community consultation on 7 September 2023 for a period of four (4) weeks concluding 5 October 2023. Consultation was conducted utilising the following forums:

- Council's Have Your Say Website
- Notice in the Moorabool News

Council received no submissions from the community during the consultation period.

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 – Celeste Gregory

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

CONCLUSION

Following from the community consultation process, it is recommended that the updated Governance Rules are adopted by Council.

11.4 COUNCILLOR EXPENSES POLICY UPDATE

Author: Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. Councillor Expenses Policy (under separate cover)

PURPOSE

The purpose of this report is to seek adoption of the changes made to the Councillor Expenses Policy as a result of an internal audit reviewing statutory compliance.

EXECUTIVE SUMMARY

- Updates to the Councillor Expenses Policy have been made as a result of an internal audit review of the processes and key controls associated with Council capturing and disclosing Councillor expenses completely and accurately.
- The audit noted three findings relating to:
 - Inaccurate disclosure of Council expenses for 21/22 financial year.
 - Lack of a formalised approval process for expenses greater than \$500.
 - Failure to include s 42(a) of the Local Government Act (2020) for consideration of disability requirements.

RECOMMENDATION

That Council adopts the changes made to the Councillor Expenses Policy to align with statutory requirements.

BACKGROUND

Council expense entitlements are outlined and required to be monitored as per section 40-42 Local Government Act 2020. Council's internal auditors conducted a review of Councillor Expenses processes and key controls with the final report issued April 2023.

The report noted three findings with an overall risk of medium associated with:

- Policy and procedures being established and adhered to across Council.
- Monitoring and reporting activities are in place to accurately track and report on expenses.

Audit Findings

1. The disclosed reporting of Council Expenses for the 2021-2022 financial year did not accurately record all expenses in accordance with section 40-42 of the Local Government Act (2020) including the use of the Mayor's fleet vehicle, training conference and memberships.
2. The Councillor Expenses Policy does not capture a formalised approval process for expenses greater than \$500.

3. Failure to include section 42(a) of the Local Government Act (2020) for the consideration of support that may be required by a Mayor, Deputy Mayor or Councillor because of disability.

PROPOSAL

The following changes/inclusions have been made to the Councillor Expenses Policy:

Finding / Opportunity for Improvement	Action	Change in Policy
<p>1. Annual Disclosure of Councillor Expenses</p> <p>Assessment of Councillor expenses over the 2021-2022 financial year identified a number of expenses that were not disclosed as required by section 40-42 of the Local Government Act (2020). Additionally, how expenses are to be calculated regarding the provision of a Council fleet vehicle to the Mayor has not been determined.</p>	<p>a) Ensure all councillor expenses including those paid for by Council are captured within annual reporting.</p> <p>b) Determine a methodology for calculating the fleet vehicle use by the Mayor. This should be captured within the Councillor expenses policy and may need to consider:</p> <ul style="list-style-type: none"> • Value of the vehicle • Total use • Council / personal use percentage • On costs such as fuel, registration and maintenance 	<p>a) Section 8 Reporting</p> <p>Councillor expenses subject to S40, S41 and S42 of the Local Government Act 2020 will be reported in the annual Performance Statement and Annual Report. This will include:</p> <ul style="list-style-type: none"> • Carer and dependent expenses • Attendance at meetings and /or conferences and functions • Travel • Professional development, training and memberships • Stationery, consumables and minor equipment • Cultural, arts and charitable events <p>b) Section 5.3 Travel Expenses</p> <p>For the purposes of annual reporting, the usage of a Council vehicle will be calculated based on the kilometres travelled within the reporting period and the rate applied by the manufacture for fuel using the following:</p> <ul style="list-style-type: none"> • Value of the vehicle • Total use • Council/personal use percentage • On costs such as fuel, registration and maintenance.

<p>2. Approval of Councillor Expenses</p> <p>There is a lack of formal approval processes regarding Councillor expenses that are paid for by Council on behalf of Councillors.</p> <p>While we recognise that more formal approval is sought for expenses over \$500, this is not captured within the Councillor Expense Policy.</p> <p>For context, where a reimbursement is required, a reimbursement form is completed and signed off by the CEO, however as all the Councillor expenses incurred for the period assessed were paid for by Council this process did not apply.</p>	<p>The Councillor Expenses Policy will be reviewed and updated to include the approval process for those expenses which may require threshold limits and require Chief Executive Officer review and approval prior to reimbursement to Councillors.</p>	<p>Section 6. Approval of Expenses</p> <p>The CEO will review expenses to ensure they are within reasonable limits for each type of expense. In doing so, this reduces the risk claims are outside of tolerances expected for and would be considered reasonable. Expenses which may be unreasonable will be discussed with the Councillor.</p>
<p>3. LGA 2020 Policy Requirements</p> <p>The Councillor Expenses Policy does not fully align to all requirements outlined within the Local Government Act 2020.</p> <p>Specifically, requirements under sections 42 (a) Consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability, have not been addressed.</p>	<p>The Councillor Expenses Policy will be updated to include the requirements of Section 42 (a) of the Local Government Act to consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability.</p>	<p>Section 5. Policy</p> <p>In respect to the Mayor, Deputy Mayor (if elected) and Councillors, Council will make available reasonable resources and facilities reasonably necessary to enable them to effectively perform their role. Council will in accordance with the Act S42(2(a) consider the support which may be required because of a disability.</p>
<p>4. Mayoral Approval to attend Cultural , Arts & Charitable Events.</p> <p>Councillors are encouraged to actively support local cultural, arts and charitable events. The Mayor will determine the appropriateness of attendance. The cost of the tickets (at the publicly advertised price) will be treated as a reimbursable and reportable Councillor expense.</p>	<p>Removal of the sentence “The Mayor will determine the appropriateness of attendance.”</p>	<p>5.6 Cultural, Arts and Charitable Events.</p> <p>Councillors are encouraged to actively support local cultural, arts and charitable events. The cost of the tickets (at the publicly advertised price) will be treated as a reimbursable and reportable Councillor expense.</p>

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 Councillor Expenses Policy update is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

No financial implications.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Failure to update the Councillor Expenses Policy may result in inaccurate disclosure of Council expenses and breach the Local Government Act (2020).

COMMUNICATIONS & CONSULTATION STRATEGY

Updates to the Councillor Expenses Policy are statutory in nature as a result of the audit and therefore consultation is not required.

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 – Celeste Gregory

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

CONCLUSION

The changes to the Councillor Expenses Policy will ensure complete and accurate disclosure of expenses and administered in accordance with legislative requirements.

11.5 ADOPTION OF CCTV POLICY**Author:** Angela Menzies, Governance Officer**Authoriser:** Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance**Attachments:**

1. CCTV Policy (under separate cover)
2. Community Feedback - CCTV Policy (under separate cover)

PURPOSE

The purpose of the Closed Circuit Television (CCTV) Policy is to provide a framework under which Moorabool Shire Council can utilise CCTV systems for various purposes including but not limited to community safety, asset security and monitoring of illegal dumping.

The Draft CCTV Policy was approved at the 2 August 2023 Ordinary Meeting of Council to progress to a four-week consultation period, between 10 August 2023 and 7 September 2023.

EXECUTIVE SUMMARY

- The Draft CCTV Policy (Attachment 1) was made publicly available through Moorabool's Have Your Say digital platform.
- Community consultation was made available between 10 August 2023 and 7 September 2023 for which comment on the draft policy was invited.
- Six (6) submissions were received via the Have Your Say platform, with five (5) submissions received from within the Shire and one of unknown location.
- A summary of the submissions is detailed in Attachment 2.
- The submissions received highlighted broad support for the policy, with some concerns raised regarding privacy of the community. There were also several requests for CCTV systems be implemented at specific locations.
- Feedback received from the submissions will be incorporated, where appropriate, into procedures that will be created to compliment the policy once adopted.

RECOMMENDATION

That Council adopts the CCTV Policy.

BACKGROUND

Moorabool Shire Council does not currently have an adopted policy on implementing CCTV systems in public or Shire spaces. The policy will provide a broad framework under which a set of purpose-specific procedures will be developed to allow Council to implement systems for varied purposes. This may include, but is not limited to, CCTV systems in public spaces such as recreation reserves to deter and monitor anti-social behaviour, providing an additional layer of security on Council assets such as buildings, as well as the use of mobile and/or temporary systems to monitor

illegal behaviour such as waste dumping. The development of procedures will take place post-adoption.

Community feedback received for the Draft CCTV Policy broadly supported the policy, as provided in Attachment 2.

PROPOSAL

Six (6) submissions to the Draft CCTV Policy were received through the Have your Say platform throughout the four-week consultation period. A summary of such is provided below:

Submission 1

This submission supported public CCTV due to an increase in violence, robberies and graffiti.

Officer's Response: The implementation of a CCTV system in a public area is supported by this policy and the particular details of how such implementation is to occur will be detailed in a procedure to be developed post policy adoption.

Submission 2

This submission did not agree with Council utilising CCTV in any public spaces, with concerns around privacy and the potential for facial recognition cameras to be used. There were also concerns around the legality of implementing such systems and Council's ownership status of the land on which systems would be installed.

Officer's Response: Maintaining the privacy of community members is extremely important and is embedded throughout the policy. Sections 5.2 Location of Cameras, Section 5.4 Collection and Storage of Data and 5.5 Access to Use Footage relate directly to how Council will ensure the privacy of individuals when using CCTV systems. All relevant regulations and legislation must be followed, including but not limited to the *Privacy and Data Protection Act 2014*.

The scope of the policy addresses where CCTV cameras may be implemented, including areas owned, managed or controlled by Council and further defines public spaces where systems may be present as reserves, roads, buildings and footpaths. Council will not implement a system where it does not have ownership, management or control of the land on which the system is to be placed.

Council does not have any plans to implement CCTV systems that utilise facial recognition technology.

Submission 3

This submission supported the use of CCTV, citing an increase in violence within the Shire. It was noted that appropriate legislative requirements must be followed and that at least two people should be present when footage is being reviewed to prevent tampering with footage, as well as a register to log access to footage.

Officer's Response: Legislative requirements were assessed when the policy was being developed and a requirement to adhere to legislation is addressed in Section 5.4 Collection and Storage of Data in the policy. The requirement for two people to be present when accessing footage, where appropriate and feasible, is not part of the current policy but will be incorporated into procedures to be developed post policy adoption. Similarly, an access log provides good governance around footage access management and will be incorporated into procedures.

Submission 4

This submission highlighted support for CCTV to be placed on Council assets, including Council Depots.

Officer’s Response: This policy supports the use of CCTV systems within non-public areas such as Council Depots. This anonymous submission has also been passed on to the Operations team for their consideration of security at Council Depots.

Submission 5

This submission suggested that Council should consider the use of Automatic Number Plate Recognition (ANPR) cameras when implementing CCTV systems at entrance locations to Hopetoun Park and other strategic locations such as entry and exit points from the Western freeway, Gisborne Road in Darley and Bacchus Marsh-Geelong Road in Maddingley for crime prevention and detection.

Officer’s Response: The use of CCTV systems at entry and exit points of towns has been discussed with Victoria Police. Implementation of such systems would require the establishment of a Memorandum of Understanding between Council and Victoria Police. The policy allows for such an agreement to take place.

Submission 6

This submission supported Council utilising CCTV to stop vandalism, graffiti and acts of violence around parks, including Rotary Park.

Officer's Response: The possibility of installing CCTV systems within recreation reserves has been explored and Council will work with Victoria Police to identify public areas where implementation of a system would support public safety. Victoria Police have indicated that Rotary Park is one such area that would benefit from such a system being installed. The implementation of such a system would require a Memorandum of Understanding between Council and Victoria Police, which this policy allows for.

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 adopt the CCTV Policy is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with adoption of the CCTV Policy.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
CCTV Policy is not adopted	Council does not have appropriate levels of governance around service unit implementation of a CCTV system, compliance with legislation, e.g. <i>Privacy & Data Protection Act 2014</i> , may be compromised.	Medium	The CCTV Policy ensures that all systems will have oversight from the Executive Group at the approval stage and from the Governance team at the implementation stage.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Consultation through Have Your Say platform	Online	10 August 2023 – 7 September 2023	Six submissions 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.

Executive Manager – Celeste Gregory

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

Author – Angela Menzies

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

CONCLUSION

The CCTV Policy provides a framework within which officers can assess the suitability of proposals to install, maintain and cease use of CCTV systems on Council assets and in public spaces. The feedback received from community members through the Have Your Say platform has been considered and will primarily be incorporated into the development of a set of post-adoption procedures specific to each requirement. The policy's adoption is recommended, as it is essential for the sound guiding of decisions made around CCTV use within the Shire that affect the community and MSC staff.

12 COMMUNITY STRENGTHENING REPORTS

12.1 COMMUNITY ASSET COMMITTEES - REPORTS

Author: Kaylene Bowker, Executive Assistant

Authoriser: Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Bacchus Marsh Public Hall CAC - 27 March 2023 (under separate cover)
 2. Minutes - Bacchus Marsh Public Hall CAC - 22 May 2023 (under separate cover)
 3. Minutes - Blacksmith's Cottage & Forge CAC - 18 April 2023 (under separate cover)
 4. Minutes - Elaine Recreation Reserve CAC - 24 April 2023 (under separate cover)
 5. Minutes - Greendale CAC - 19 April 2023 (under separate cover)
 6. Minutes - Greendale CAC - 17 May 2023 (under separate cover)
 7. Minutes - Millbrook Community Centre CAC - 16 May 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	27 March 2023, 22 May 2023
Blacksmith's Cottage & Forge Community Asset Committee	18 April 2023
Elaine Recreation Reserve Community Asset Committee	24 April 2023
Greendale Community Asset Committee	19 April 2023, 17 May 2023
Millbrook Community Centre Community Asset Committee	16 May 2023

RECOMMENDATION

That Council receive the following Community Asset Committee Minutes:

- 1. Bacchus Marsh Public Hall CAC Minutes for 27 March 2023 and 22 May 2023.**
 - 2. Blacksmith's Cottage & Forge CAC Minutes for 18 April 2023.**
 - 3. Elaine Recreation Reserve CAC Minutes for 24 April 2023.**
 - 4. Greendale CAC Minutes for 19 April 2023 and 17 May 2023.**
 - 5. Millbrook Community Centre CAC Minutes for 16 May 2023.**
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12.2 HEALTH AND WELLBEING PLAN 2021-2025 - YEAR TWO REVIEW**Author:** Nichole Knight, Health Promotion and Gender Equality Officer**Authoriser:** Leigh McCallum, General Manager Community Strengthening**Attachments:** 1. Attachment 1 - Health and Wellbeing Plan Year 2 Actions Report (under separate cover)**PURPOSE**

The purpose of this report is to provide Council with an overview of action progress for the second year of the Moorabool Health and Wellbeing Plan 2021-2025.

EXECUTIVE SUMMARY

- The Moorabool Health and Wellbeing Plan 2021-2025 included a total of 80 actions for completion in the second year. Three additional actions were included as roll over actions from year one.
- Of these actions, 81 have been completed, and two actions have not yet commenced and are recommended to be carried forward to year three.
- The review of actions completed was undertaken through evaluation of the action plan, an analysis of the Department of Health's annual review guidelines and a review of Council's Health and Wellbeing Committee meetings.

RECOMMENDATION

That Council adopts the Year Two progress report for the Moorabool Health and Wellbeing Plan 2021-2025, inclusive of the attached Year Two action summary.

BACKGROUND

The Moorabool Health and Wellbeing Plan 2021-2025 was adopted by Council at the Special Meeting of Council on 27 October 2021. The Moorabool Health and Wellbeing Plan 2021-2025 is a four-year plan aimed at enhancing the health and wellbeing of Moorabool communities. The plan captures the health and wellbeing status of our communities and presents a plan in partnership with local health providers and community organisations.

The Victorian Public Health and Wellbeing Act 2008 requires that Council conduct an annual review of the Municipal Public Health Plan, which is the Moorabool Health and Wellbeing Plan (MHWP) 2021-2025. This process ensures that actions identified in the plan are being implemented satisfactorily and remain the best way for Council to invest in health and wellbeing over the life of the plan. The process also requires a review of the measures Council has implemented to prevent family violence and respond to the needs of victims of family violence in the community.

The review and development of this report was undertaken through the following:

- Review of Council's Health and Wellbeing Committee meetings for the past 12 months;

- Review of the first-year action plan; and
- Analysis of the Department of Health annual review guidelines.

The outcomes of the second year of the 2021-2025 HWB Plan are as follows:

Total Year Two Actions	80
Year two actions completed	78
Total Year one rollover actions completed	3
Actions not started from year two to be carried over to year three	2

A full overview of the status of year two actions is included as Attachment 1 – Health and Wellbeing Plan Year Two Actions Report. Acronyms are used in the attachment to identify themes in the Health and Wellbeing Plan for each action: Being active (BA), Food we eat (F), Keeping ourselves safe (KS), Liveability (L), Mental health (MH), Reducing harmful addictions (HA).

The following is an overview of some key highlights achieved in each of the themes.

- In the “Being Active” theme, the Bacchus Marsh Leisure Centre has provided additional sessions for older people and young people. Seniors’ classes have increased from 2 to 4 sessions per week in response to community interest and group capacity. Youth Services implemented a gym program at the Leisure Centre 8 times per term.
- In the “Food We Eat” theme, Moorabool Shire Council (MSC), Darley Community Art Garden and Ballan Friendship Garden developed a local brochure on community gardens, their activities, and the health and environmental benefits of growing your own produce. The brochure is being distributed by the gardens and Council, to raise awareness of local food gardens, and to engage more volunteers, members and visitors.
- In the “Keeping Ourselves Safe” theme, WRISC Family Services and Council have collaborated on updating a hand sized Family Violence information booklet, to include The Orange Door, Elder abuse, CALD and LGBTQIA+ services. Cards have been distributed to the community through WRISC, internal MSC Teams with community facing services and programs, Emergency Management, libraries, community houses, Victoria Police, Child and Family Services (CAFS), Food Relief agencies, and community events.
- In the “Liveability” theme, a Detox Your Home event was held in partnership with Sustainability Victoria at the Ballan Transfer Station – enabling residents to safely dispose of household chemicals at no cost. 57 people attended and 1,237 kg of household chemicals were dropped off for safe disposal. A free green waste drop off month in November 2022 was provided to allow clean-up of garden material in preparation for fire season. 1,128 residents accessed the service.
- In the “Mental Health” theme, Local Aboriginal Groups were consulted, and Aboriginal artists engaged to develop two art installations in Moorabool at Spargo Creek Mineral Springs, and Ballan Mineral Springs at Bostock. Wadawurrung artists consultancy Murri Yul created artwork and interpretive information exploring traditional owner connections to mineral springs.

- Reconciliation Week was celebrated with a welcome to country smoking ceremony, flag raising ceremony and morning tea at the Village Green in Bacchus Marsh. Celebrations in Ballan included a welcome to country and smoking ceremony. Members of the Moorabool community joined together in celebrating and acknowledging the 2023 National NAIDOC Week. Eight events were held across Moorabool. IDAHOBIT day was acknowledged with a flag raising ceremony at the Ballan Council Offices.
- In the “Reducing Harmful Addictions” theme, Council was successful in obtaining a \$40,000 VicHealth Grant to fund an Alcohol Harm Prevention Officer for 12 months, to work with internal and external stakeholders including sports clubs, to audit sporting venues and to develop policy to reduce alcohol related harm at Council owned and managed facilities.

The following actions from year one of the 2021-2025 MHWP were rolled over and are now completed:

- Implement Health Choices policy for Council’s Leisure Services.
- Develop a policy for sporting clubs to prevent consumption of alcohol at junior functions.
- Update guidelines for Council’s community grants to exclude applications for clubs of organisations who receive alcohol or gambling venue sponsorship.

The following actions from Year Two were not started and are recommended to be carried forward to Year Three for action:

- Mental Health Training to support young people - Due to reduced staffing capacity training was not delivered in 2023.
- Update landscaping guidelines to ensure streetscapes and private developments respond to climate issues - more trees, appropriate species, and Water Sensitive Urban Design – This action is awaiting the employment of a Coordinator to progress.

Review of Family Violence actions and measures

The eight actions relating to prevention of violence and in response to victims of family violence included as year two actions within the plan have been completed. Actions include gender equality measures, prevention campaigns and training, advocacy and promotion of victim support services. Full details are available within Attachment 1.

Health Profile

The data included in the health profile is considered relevant and current. Additional data received through the 2021 Census will be analysed and applied to the action plan where indicated.

PROPOSAL

It is proposed that Council adopt the report on the review of the second year of the Moorabool Health and Wellbeing Plan 2021-2025, inclusive of the summary included as 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 proposal to adopt the Moorabool Health and Wellbeing Plan 2021-2025 Year 2 review report is consistent with the Council Plan 2021-2025 requirement to implement the annual actions of the Health and Wellbeing Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications from the recommendations proposed.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Health and Wellbeing Plan	Council is required to review the Health and Wellbeing Plan annually under the Public Health and Wellbeing Act 2008	Medium	Council reviews the Health and Wellbeing Plan annually in accordance with the Act

COMMUNICATIONS & CONSULTATION STRATEGY

The following community engagement activities have been undertaken, in accordance with the Council’s Community Engagement Policy and Framework:

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Involve	Health and Wellbeing Committee	Review and workshop at meetings. Submissions on draft report	Various	7 August 2023 (meeting) September 2023	Committee members provided feedback on the status of actions.
Inform	State Government	Provide a copy of the Year Two report once adopted by Council	Not applicable	3 November 2023	State Government is informed of Council progress 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.

General Manager – Leigh McCallum

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

Author – Nichole Knight

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

CONCLUSION

Council has fulfilled the requirements stipulated in the Victorian Public Health and Wellbeing Act 2008 to conduct an annual review of Health and Wellbeing Plan. The review of the Health and Wellbeing Plan 2021-2025 has determined that of the 80 actions scheduled for completion in year two, 78 have been completed. Three actions rolled over for completion from year one have been completed. Two actions from year two are recommended to be carried forward for completion. It is recommended that Council adopt the annual review report of the second year of the Moorabool Health and Wellbeing Plan 2021-2025.

12.3 AUGUST 2023 COMMUNITY GRANT RECOMMENDATIONS

Author: Nichole Knight, Acting Coordinator Community Development and Engagement

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments: 1. Attachment 1 - Community Grants August 2023 Round (under separate cover)

PURPOSE

The purpose of this report is to make recommendations to Council regarding funding applications for the August 2023 round of the Community Grants Program.

EXECUTIVE SUMMARY

- The Community Grants Program provides funding to community organisations to deliver projects that build on local strengths to develop healthy, inclusive and connected neighbourhoods.
- Council received 22 applications across the five program categories: Community Arts and Culture, Community Strengthening, Community Events, Community Development and Sustainability and Environmental Engagement.
- A combined value of \$146,159 was requested, with \$190,400 available this round.
- From 22 submitted applications, 20 were deemed eligible. The applications were assessed by a community grants assessment panel consisting of nine Council officers from a diverse range of departments.
- This report presents Council with a list of recommended grants for the August 2023 funding round prepared by the community grants assessment panel (Attachment 1- Community Grants August 2023 Round).
- 18 community groups applied for 20 eligible projects in total (two groups applied for two different projects each), with 17 groups recommended to receive \$141,751 in funding.
- The proposed allocation of this sum is detailed in the funding recommendations within this report and in Attachment 1- Community Grants August 2023 Round.

RECOMMENDATION

That Council approves the allocation of community grants to the value of \$141,751 as outlined in Attachment 1 to this report.

BACKGROUND

This report provides an assessment of applications received for the Community Grants Program August 2023 Round. The grant round was opened 1 August and closed 31 August 2023, with 18 community groups submitting applications. A combined value of \$146,159 was requested, with \$190,400 available this round. Eligible applications were assessed by an assessment panel.

Council's Community Grants Program enables not for profit community groups to apply for funding to support projects that result in broad community benefit for the Moorabool community. An annual allocation of \$270,400 is available in 2023/2024 with \$190,400 available this round. The grants program has the following five program categories:

- **Community Arts and Culture Grants:** Supporting local artists and organisations to use a creative approach to the development of community projects and initiatives (\$10,000 available this round).
- **Community Strengthening Grants:** Community projects, programs and initiatives with a specific focus on connecting communities and building community capacity (\$60,000 available this round).
- **Community Events Grants:** Non-recurrent, seed funding designed to encourage and promote the development of sustainable local events (\$10,000 available this round).
- **Community Development Fund Grants:** Supporting community infrastructure projects which significantly impact on community development (\$100,000 available this round).
- **Sustainability and Environmental Engagement Grants:** Supporting the community in reducing expenditure of gas and electricity, investing in sustainability measures and providing opportunities to raise awareness of environmental issues to the broader community (\$10,400 available this round).

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3,000 for Arts, Events and Sustainability Grants. Groups need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening projects under \$1,000 are not required to demonstrate an applicant contribution.

A Grant Assessment Panel of Council officers assessed the applications against a set of criteria. Applications need to achieve a score of 70 or above to be recommended by the assessment panel to receive funding, subject to Council's endorsement.

The assessment criteria are as follows:

- Project description and why the applicant wants to complete the project – 10%
- Why is the project needed in your community? – 20%
- What will this project achieve? – 20%
- Who will be involved in the project? – 15%
- How will you carry out your project (including risk management)? – 15%
- Project budget and explanation of how the group arrived at the costs – 20%

Each criterion is assessed out of 10 and weighted according to the criteria percentage. The maximum possible score of any application is 100. The scoring guide is as follows:

- 0 Did not address criteria
- 1-2 Minimal
- 3-5 Satisfactory
- 6-8 Good
- 9-10 Excellent

PROPOSAL

August 2023 Community Grant Recommendations

In total, 20 eligible applications were received across the five program categories as follows:

- Community Arts and Culture Grants (2)
- Community Strengthening Grants (12)
- Community Events Grants (1)
- Community Development Grants (3)
- Sustainability and Environmental Engagement Grant (2)

All 20 submitted applications were individually assessed by a panel of Council officers prior to a Grant Assessment Panel meeting. A total of \$144,752 was requested with \$190,400 available this round. The assessment panel recommends a total value of \$141,751 to be awarded to 17 applicants. It is recommended that the Community Development Fund requested amount is provided in full. Whilst this is a small overspend of \$268 in this category, overall, the spend across other categories is below the amount available. This community grant funding will contribute to local projects worth \$353,788 in total.

Category	Applications Received	Amount Available	Amount Requested	Amount Recommended	Applications Recommended
Community Arts and Culture Grants	2	\$10,000.00	\$6,000.00	\$6,000.00	2
Community Strengthening Grants	12	\$60,000.00	\$33,041.00	\$31,633	11
Community Events Grants	1	\$10,000.00	\$3,000.00	\$3,000.00	1
Community Development Fund Grants	3	\$100,000	\$100,268.00	\$100,268.00	3
Sustainability and Environmental Engagement Grants	2	\$10,400.00	\$3,850.00	\$850.00	1
Total	20	\$190,400	\$146,159	\$141,751	18

The recommendation provided in Attachment 1 – Community Grants August 2023 Round recommendations represents all the community grant applications from the August 2023 grant round.

Applicant Support

The Community Grant Guidelines specify that applicants are required to liaise with a Community Development Officer prior to lodging an application to ensure applicants receive clear guidance on eligibility and how to best present their applications. All applicants received support and advice

from Council officers before lodging their application. Additional support was provided after the funding round closed to clarify any ambiguity in applications.

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 allocation of grants under the August 2023 round of the Community Grants Program is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Consistent with the Community Grants Policy and 2023/2024 budget allocation, a total of \$190,400 is available for allocation in the August 2023 Community Grants Program.

The following amounts are recommended:

- \$6,000 for Community Arts and Culture Grants
- \$31,633 for Community Strengthening Grants
- \$3,000 for Community Events Grants
- \$100,268 for Community Development Fund Grants
- \$850 for Sustainability and Environmental Engagement Grants

An allocation of \$141,751 is recommended, and \$9,550 remaining from the Sustainability and Environmental Engagement stream available to be rolled over to the March 2024 community grant round.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines.	Medium	Terms and conditions agreements required to be signed by grant recipients. Scheduled monitoring of projects.
Financial – Inadequate funds to finish project	Grant recipients misappropriate expenditure of Council funds.	Medium	Terms and conditions agreements required to be signed by grant recipients. Grant acquittal required upon completion of projects.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community Groups	Advised of Community Grants opening and encouraged to apply.	Via direct email	July/August 2023	Community Groups are aware of the grant opportunities and can put forward a submission.
Inform	Moorabool residents	Promotional flyers at libraries, community centres, and noticeboards Libraries, Arts and Culture E-News Council website Facebook Moorabool News advertisements Township Entrance Banners	Across the shire	July/August 2023	Council's Community Grants Program is well promoted to the Moorabool community.
Inform	Moorabool residents	Grant Writing Workshops and Drop-in sessions.	Online and in person	August 2023	The community can learn about the Community Grants Program and develop their applications.
Inform	Successful applicants	Letter of formal notification.	Via email	November 2023	Following a decision of Council, successful grant applicants are notified.
Inform	Unsuccessful applicants	Letter of formal notification. Advised of future grant writing workshops. Provided an opportunity to meet with staff.	Via email	November 2023	Unsuccessful grant applicants are notified and provided feedback on their application. Applicants will be supported where applicable to redevelop their application for a following round.

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 – Leigh McCallum

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

Author – Nichole Knight

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

CONCLUSION

The August 2023 community grants round resulted in 22 applications. 20 applications were deemed eligible and assessed by an assessment panel. Based on the application assessment process and funding criteria, it is proposed that Council allocates funding to the value of \$141,751 to be distributed to 17 organisations through the Moorabool Shire August 2023 Community Grant Program per the recommendations provided in Attachment 1.

13 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

13.1 BACCHUS MARSH AVENUE OF HONOUR MANAGEMENT STRATEGY & PRESERVATION PLAN

Author:	Lace Daniel, Acting Manager Operations
Authoriser:	Phil Jeffrey, General Manager Community Assets & Infrastructure
Attachments:	1. Draft Bacchus Marsh Avenue of Honour Management Strategy (under separate cover) 2. Draft Bacchus Marsh Avenue of Honour Preservation Plan (under separate cover)

PURPOSE

Following a community engagement process, the purpose of this report is to present the final draft Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan to Council for formal adoption.

EXECUTIVE SUMMARY

- The Bacchus Marsh Avenue (the Avenue) is an important community asset with historical, aesthetic and scientific significance, and is managed and maintained by Moorabool Shire.
- Many of the original trees along the Avenue are over 100 years old, and as such ageing, and are less tolerant of changes in the environment and have structural defects present.
- The draft Bacchus Marsh Avenue of Honour Management Strategy (the Strategy) and Preservation Plan (the Plan) has been developed to ensure the Avenue is effectively managed, conserved and enhanced as a living memorial, commemorating the soldiers of the Bacchus Marsh district.
- The draft documents outline the history of the Avenue, principles for its management, and Council's proposed methodology in strategically replacing the existing trees over time to ensure that the Avenue is preserved for future generations.
- Following in principle endorsement by Council, a public consultation period and range of engagement activities was undertaken over a 28-day period, and it is now recommended that the draft Strategy and Plan be adopted by Council.

RECOMMENDATION

That Council:

- 1. Adopts the Bacchus Marsh Avenue of Honour Management Strategy and Bacchus Marsh Avenue of Honour Preservation Plan; and**
- 2. Requests that copies of the adopted documents are uploaded to Council's website and the relevant stakeholders are advised as outlined in the Communications Strategy within this report.**

BACKGROUND

The Bacchus Marsh Avenue extends approximately 3.3km along Bacchus Marsh Road, between Fiskens Street and the Lerderderg River.

The Avenue is largely dominated by Dutch Elms and comprises three distinct sections:

- The Western Approach: between Fiskens Street and Pearce Street, this approach is made up of 40 sites, originally planted circa 1880s.
- The dedicated Avenue of Honour: between Pearce Street and the flag poles (approximately 300m prior to the Lerderderg River), this section is made up of 281 sites, originally planted in 1918. Within this section on each tree is a plaque in recognition of a soldier from the Bacchus Marsh district. The Avenue of Honour is listed on the Victorian Heritage Register.
- The Eastern Approach: between the flag poles and the Lerderderg River, this approach is made up of 39 sites, originally planted circa 1960s.

The Avenue is an iconic part of the Bacchus Marsh landscape and is of historical, aesthetic and scientific significance at a state level.

Whilst Bacchus Marsh Road is a Department of Transport managed road, management of the avenue trees is assumed by Moorabool Shire. This includes ongoing inspections, significant and specialist maintenance, emergency response, removal and replacement plantings.

The ongoing management of this important heritage listed landscape is complex and requires considered planning to ensure the preservation of the Avenue for future generations.

The draft Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan has been developed to replace the existing Avenue of Honour Management Plan (2004) to ensure that the Avenue is effectively managed, conserved and enhanced as a living memorial, commemorating the soldiers of the Bacchus Marsh district. The review of the current plan is also an action contained within the current Council Plan 2021-25.

The Strategy outlines the history and management principles for the Avenue, and the Preservation Plan provides the operational information in relation to trees, sites and the forward replacement program.

Management of the Avenue

The Useful Life Expectancy (ULE) of a tree is an estimation of how long it can be safely retained and provide a positive contribution to the landscape. The regular and significant arboriculture management from Moorabool Shire Council over the last decade has reduced the associated risk, however an increasing number of trees have an ULE of less than 20 years, which is considerable in terms of tree replacement within this landscape in the short to medium term.

The original trees are over 100 years in age, and some are becoming senescent, less able to cope with changes to their environment or environmental stresses. The short ULE of these trees reflects their age and the presence of structural defects.

A detailed arboricultural assessment of the trees was undertaken to inform the draft Preservation Plan, which outlines Council's proposed methodology in strategically replacing the existing trees over time to ensure that the Avenue is preserved for future generations. The assessments considered various issues that may affect the avenue including health, risk and aesthetics, focussing on the integrity of the Avenue, the health and longevity of the trees, future climate predictions, the critical connection between the trees and individual service persons, infrastructure and development conflicts and ongoing maintenance regimes.

The program will allow this transition to the next generation of trees to continue in a strategic and systematic fashion.

Community Engagement

Given the local, State and wider significance of the Avenue, a number of stakeholders were identified and directly engaged during the development of the draft documents as well as the 28-day community engagement period, following endorsement by Council at the August Ordinary Meeting of Council.

These stakeholders included Heritage Victoria, the Bacchus Marsh RSL Sub-Branch, Moorabool Heritage Advisory Committee (including the Bacchus Marsh Historical Society) and expert consultants in arboriculture and heritage.

During the engagement period, the following activities were undertaken and were well received by the community and stakeholders:

- Four community drop-in sessions (morning, afternoon and evening) at the Lerderderg Library. Community members that attended these sessions were able to view the plans, further information on the Avenue of Honour and ask questions of Council officers and expert consulting arborists. Attendance was generally low (approximately 30), however the sessions were well received by those that participated.
- Face to face presentations and discussion with the Bacchus Marsh RSL and Moorabool Heritage Advisory Committee.
- Print promotions including a letterbox drop to avenue landowners, posters and advertising in the local newspaper.
- Online promotions including Council website and boosted social media posts. The reach of these promotions was significant, however minimal relevant comments or questions were posted as a result.

Further discussions are also currently in progress with Heritage Victoria to obtain their endorsement of the plans and provide pre-approval for the tree replacements proposed from years 0 to 10 in order to streamline the implementation process.

During the engagement period the draft documents were made publicly available (online via Council's Have Your Say portal and in hard copy) to allow the community the opportunity to review and provide submissions. Although visits to the online platform were significant, no formal submissions were received.

Document Updates

Following the above, and a further internal review of the documents, the following amendments have been made from the initial draft version:

- Removal of the Resting Poppy project due to this no longer being pursued.
- Update of the references to the Department of Transport Eastern Link Road Planning Study, following the announcement of the preferred alignment.
- Updates to the action plan to include priorities and responsibilities etc.
- Minor grammatical and formatting updates.
- Moving of one tree (dedicated avenue) from years 0 to 2.5, to years 5 to 10, following a request from the family at a community drop-in session, and assessment of tree health.

PROPOSAL

Following input from a range of stakeholders and subject matter experts, and significant engagement with the community, it is now recommended that the draft Strategy and Plan be formally adopted.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.2: Beautify our Shire including our parks, gardens, streetscapes, public and open spaces

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

FINANCIAL IMPLICATIONS

Management and maintenance of the Bacchus Marsh Avenue of Honour is funded by Council as part of its annual operational budget. There are no additional financial implications associated with the recommendation within this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Injury, damage and liability/financial	Risk of a tree/limb falling on a person or property due to poor health	High	An adopted strategic management plan in place, and adequate and regular maintenance of the Avenue trees undertaken in accordance with the plan
Reputational	Risk to the perception of Council if trees are perceived to be mismanaged or an incident occurs due to declining health without action	Medium	An adopted strategic management plan in place, and adequate and regular maintenance of the Avenue trees undertaken in accordance with the plan
Injury	Risk of injury to staff when performing inspection or maintenance works on trees and in close proximity to traffic	Medium	Utilisation of contractors with specialist skills, experience and equipment to undertake inspections and maintenance. Ensuring that the appropriate plans and processes are in place in relation to safety, traffic management etc.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Key stakeholders and wider community	Documents loaded onto Council’s website Drop-in session attendees directly notified of the outcome Key stakeholders (Bacchus Marsh RSL, Heritage Advisory Committee etc) directly notified of the outcome	Online	November 2023	Key stakeholders advised of the outcome and adopted documents publicly available

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 – Lace Daniel

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

CONCLUSION

Following the community engagement period, it is now recommended that Council adopt the Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan.

13.2 MOORABOOL ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE

- Author:** Caroline Rantall, Coordinator Sustainable Environment
- Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure
- Attachments:**
- 1. Community Consultation Feedback - MESAC (under separate cover)**
 - 2. Draft Terms of Reference - MESAC (under separate cover)**

PURPOSE

To seek support for an update to the Terms of Reference for the Moorabool Environment and Sustainability Advisory Committee (MESAC), and to retain the current members and align the appointment of new committee members with the commencement of the Council term in 2024.

EXECUTIVE SUMMARY

- The Moorabool Environment and Sustainability Advisory Committee was established in 1998 and was formerly titled the Moorabool Landcare Advisory Committee.
- The Committee was renamed Moorabool Environment and Sustainability Advisory Committee in 2019 following the adoption of the Sustainable Environment Strategy.
- A review found that the current Terms of Reference is outdated, specifically role and function, governance, membership and consistency.
- A new Terms of Reference has been drafted which addresses issues identified in the review.
- The draft Terms of Reference was released for community consultation for a period of four weeks in June/July 2023.
- A revised draft Terms of Reference was created incorporating community feedback.
- Following adoption of the new Terms of Reference the current members will be retained and the appointment of new members to align with the commencement of the Council term in 2024.

RECOMMENDATION**That Council:**

- 1. Adopts the new Moorabool Environment and Sustainability Advisory Committee Terms of Reference as per Attachment 2; and**
- 2. Resolves to retain the current members and align the appointment of new members with the commencement of the Council term in 2024.**

BACKGROUND

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

The Committee formed in 1998 and was formerly titled the Moorabool Landcare Advisory Committee (MLAC). Meetings were held monthly, and an Annual General Meeting was conducted each April. The original Terms of Reference for the Committee was reviewed and adopted in May 2002.

The Moorabool Sustainable Environment Strategy was adopted by Council in April 2017. This strategy established a broader policy and operational scope for Council, and it was resolved on 13 November 2019 that the former Moorabool Landcare Advisory Committee be renamed to Moorabool Environment and Sustainability Advisory Committee (MESAC). It was seen that this name better reflects the range of matters being considered by the Committee.

The responsibility for the Committee was transferred to the Environment and Waste team in 2020 following an internal restructure within the organisation.

Terms of Reference Review

Discussions held with the existing members of the MESAC group have identified that the Terms of Reference is outdated and needs to be reviewed. Identified issues include:

Governance

Meetings are not conducted as per correct meeting guidelines, and minutes of meetings are not tabled at Council meetings.

Role and function

Inconsistency with the role and function of an Advisory Committee, with the Committee having little clarity on what Council require from the group and what their role is.

Membership

Representatives from 21 groups can be appointed to the Committee, there is no current list of active representatives and many of the groups and agencies no longer exist, are inactive and do not attend Committee meetings.

The current members who attend are representatives of local environment groups such as the Moorabool Landcare Network, Moorabool Environment Group, Friends of Groups and the Bacchus Marsh Platypus Alliance.

Consistency

Current Terms of Reference is on an outdated template and missing components relating to Conflict of Interest and Confidentiality, Quorum, Membership and Resignation of Members.

Committee Consultation

Current Committee members are aware that a review of the Terms of Reference is being undertaken and a presentation was delivered to the Committee at the MESAC meeting held on Monday 20 February 2023.

This presentation included an outline of the new Terms of Reference template and the items within the template that can be adapted to the Committee, and an outline of clauses and sections that were not present in the current Terms of Reference document.

Within the presentation it was communicated to the group that the intent of the Advisory Committee is to provide recommendations, input and advice to Council.

At the June MESAC meeting Council officers presented the draft Terms of Reference to the current committee and sought feedback.

On 7 June 2023 the draft Terms of Reference was presented to Council who resolved that the Terms of Reference be placed on community consultation for a period of four weeks.

The Terms of Reference was placed on Council's Have your Say platform on 22 June 2023 for four weeks closing on 27 July 2023.

Within the consultation period there was 140 page views with the document downloaded 53 times. A total of five submissions were made, with four received via Have your Say and one received via email.

A consultation table has been created listing the feedback received, officer response and action taken (Attachment 1).

A further consultation session was held with the existing committee members on 4 September 2023 to present the feedback received and the revised draft Terms of Reference.

PROPOSAL

A new Terms of Reference has been drafted (Attachment 2). Key changes to the Terms of Reference include:

- Use of consistent Terms of Reference template.
- Term of appointment changed from 12 months to 4 years (with a review after 2 years) to align with the duration of the Council term.
- Purpose and objectives adapted to ensure the Committee can provide input and advice on matters relating to conservation, biodiversity, environment, pest and weed programs on Council owned and managed land and roadsides, waste and circular economy, water quality, sustainability and related matters within the municipality as referred by Council.
- The purpose was further refined following community consultation.
- Membership changes reducing membership from 25 members to ten members. The reduction in representation is to ensure a more manageable Committee size and is based on past attendance by committee members. Following consultation, the number of members was increased from eight to ten to ensure there can be a diverse range of members appointed.
- The Terms of Reference also allows non-voting representatives from relevant Government agencies such as water authorities, EPA, Department of Energy, Environment and Climate Action to be invited to speak to relevant topics.
- Selection process will change to the Appointment to Committee process outlined within the new Terms of Reference.
- Tabling of Committee minutes at Council meetings, including member reports that have been submitted to Council.

Due to the Council term ceasing in 2024, Council will retain the current members and will release an expression of interest in the later part of 2024 to align with the start of the new Council term.

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 update the Terms of Reference for the Moorabool Environment and Sustainability Advisory Committee to ensure effective governance is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The appointment of a new Committee can be accommodated within the 2023/2024 budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Not representative of the community	There is no current list of active representatives and many of the groups and agencies no longer exist, are inactive and do not attend Committee meetings	Medium	Update Terms of Reference and appoint new members under the process outlined within.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Current MESAC members	Outline that a review is being undertaken and present new template to the Committee members	Online MESAC meeting	20 February 2023	Current members aware update of Terms of Reference is being undertaken.
Consult	Community	Draft Terms of Reference released for comment	Online Have your Say	22 June 2023 – 27 July 2023	Feedback reviewed and incorporated into draft Terms of Reference.
Consult	Current MESAC members	Presentation of draft Terms of Reference	Online MESAC meeting	4 September 2023	Feedback reviewed and incorporated into draft Terms of Reference.

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 – Caroline Rantall

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

CONCLUSION

The existing MESAC Advisory Committee Terms of Reference is outdated. A review found that elements of the Terms of Reference, in particular the role and function, governance and membership sections require updating.

A new Terms of Reference has been drafted which addresses issues identified in the review.

Community consultation was undertaken with the draft Terms of Reference released on Councils Have your Say portal for a period of four weeks in June/July. Feedback has been incorporated into the draft Terms of Reference.

Following adoption of the new Terms of Reference the current members will be retained, with a process to seek and appoint new members to the Committee in the later part of 2024 to align with the new Council term.

14 OTHER REPORTS

Nil

15 NOTICES OF MOTION

Nil

16 NOTICES OF RESCISSION

Nil

17 MAYOR'S REPORT

17.1 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.

18 COUNCILLORS' REPORTS

19 URGENT BUSINESS

20 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*:

20.1 C03-2023/2024 - Hogan Road and Densley Street, Ballan - Upgrade

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.

20.2 C06 2023/2024 Mill Park Splash Park and Amenities Design & Construct Contract

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.

20.3 C14 2023/2024 Dunnstown Pavilion and Navigators Community Hub

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.

20.4 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.

20.5 Contract C11-2022/23; Supply of Emulsion & Bituminous Products

This matter is considered to be confidential under Section 3(1) - g(ii) 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 if released, would unreasonably

expose the business, commercial or financial undertaking to disadvantage.

20.6 Confidential Bacchus Marsh Bowls Club Facility

This matter is considered to be confidential under Section 3(1) - g(ii) 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 if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

21 MEETING CLOSURE