

**Moorabool**  
Shire Council

# **AGENDA**

## **Ordinary Council Meeting Wednesday, 2 August 2023**

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

**Date: Wednesday, 2 August 2023**

**Time: 6.00pm**

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

**Derek Madden  
Chief Executive Officer**



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Nil

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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 5 July 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 APPOINTMENT OF COMMITTEE OF MANAGEMENT UNDER S14 OF THE CROWN LAND (RESERVES) ACT 1978 - DARLEY PARK RECREATION RESERVE

**Author:** Kate Pryor, Governance Officer

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

**Attachments:** Nil

#### PURPOSE

The purpose of this report is to request Council to resolve to divest its interest in Crown Allotments 2039, 2025 and 2042 of parish Korkuperrimul known as the Darley Park Recreation Reserve (the "Land") under section 16 of the *Crown Land (Reserves) Act 1978* (the "Act"), and request to the Department of Energy, Environment and Climate Action (DEECA) to appoint Council as the Committee of Management under section 14 (s14) of the Act to enable Council to enter into leases and licences with prospective tenants without requiring an order of the Governor in Council.

#### EXECUTIVE SUMMARY

Licence Agreements with the Darley Park tenant clubs (Darley Football Netball Club, Darley Junior Football Netball Club and Darley Cricket Club) are prepared for execution for use of the new Darley Community and Sports Centre.

Council has recently been advised by the Department of Energy, Environment and Climate Action (DEECA) that the Crown Allotments 2039, 2025 and 2042 of parish Korkuperrimul known as the Darley Park Recreation Reserve (the "Land") has been vested in Moorabool pursuant to s16(1) of the Act but no order has been made pursuant to s16(2) of the Act to enable Moorabool to grant a licence or lease over the Land. As such, the granting of a licence or lease requires approval from both the Minister and the Governor in Council.

#### RECOMMENDATION

**That Council:**

- 1. Resolves to divest interest in the land identified as Crown Allotments 2039, 2025 and 2042 of parish Korkuperrimul known as the Darley Park Recreation Reserve under s16 of the *Crown Land (Reserves) Act 1978*, and**
- 2. Write to the Department of Energy, Environment and Climate Action (DEECA) requesting the Minister appoint Moorabool Shire Council as the Committee of Management of the land identified as Crown Allotments 2039, 2025 and 2042 of parish Korkuperrimul known as the Darley Park Recreation Reserve pursuant to s14 of the *Crown Land (Reserves) Act 1978*.**

**BACKGROUND**

On 6 November 1985 the Governor in Council by Order in the Government Gazette directed that the Land be vested in trust to the Shire of Bacchus Marsh pursuant to s16(1) of the Act.

**CROWN LAND (RESERVES) ACT 1978**  
*At the Executive Council Chamber, Melbourne, the sixth day of November 1985*

**PRESENT:**  
 His Excellency the  
 Lieutenant-Governor of Victoria  
 Mr Simmonds | Mr Jolly

**“DARLEY RECREATION RESERVE” VESTED IN THE SHIRE OF BACCHUS MARSH**

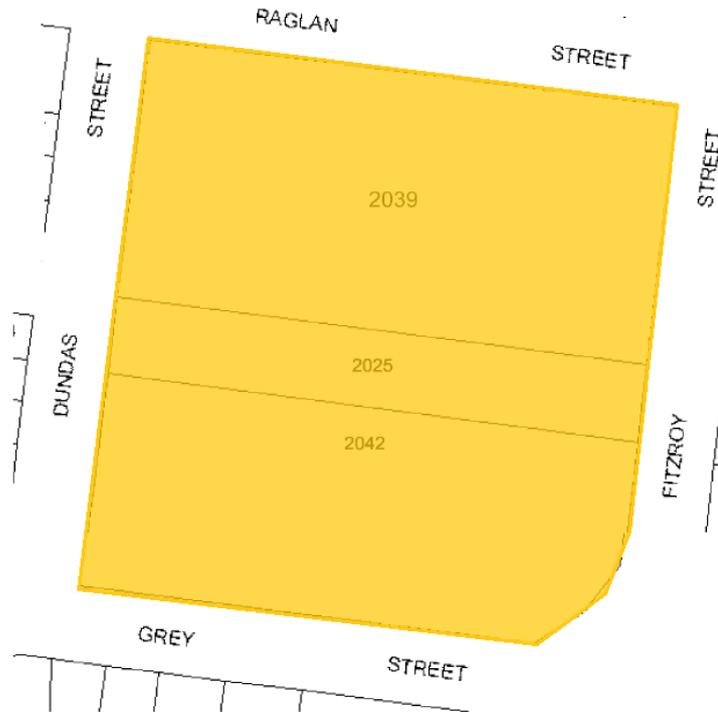
His Excellency the Lieutenant-Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, pursuant to the provisions of section 16 (1) of the *Crown Land (Reserves) Act 1978*, doth hereby direct that the Crown land described in the Schedule hereunder be vested in the municipality of the shire of Bacchus Marsh on trust for the purpose for which the land has been reserved.

**Schedule**

The Crown lands in the Township of Bacchus Marsh, Parish of Korkuperrimul, comprising 4.65 hectares, more or less, temporarily reserved by Orders in Council of 6 August 1903 (see *Government Gazette* of 12 August 1903) (revoked as to part by Order in Council of 30 March 1982—see *Government Gazette* of 7 April 1982) and 1 October 1985 (see *Government Gazette* of 9 October 1985) as sites for Public Recreation purposes and known as the “Darley Recreation Reserve”. (Rs. 2350).

And the Honourable Joan Elizabeth Kirner, Her Majesty’s Minister for Conservation, Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

**L. G. HOUSTON**  
 Clerk of the Executive Council



Pursuant to s16(2) of the Act, the Governor can empower the Council to grant leases or licences over the land. However, no order has been made by the Governor pursuant to this section. This means that Council is unable to enter into any lease or licence agreement under the current arrangements without approval from both the Minister and the Governor in Council.

***s16 Governor in Council may by Order direct that reserved land vest in municipality***

- (1) Subject to subsection (5) the Governor in Council may on the recommendation of the Minister by Order notified in the Government Gazette direct that any land reserved under section 4 shall vest in any Council on trust for the purposes for which the land has been reserved.*
- (2) By the same or any subsequent Order the Governor in Council may empower the Council to grant leases or licences for a term not exceeding 21 years of any such vested land for the purposes of the reservation.*
- (3) A Council shall not grant any lease or licence of land vested in it under this section other than in accordance with an Order under this section.*

The process to obtain a Governor’s Order under s16(2) of the Act is as follows:

- 1. Council would approach the Governor of Victoria, Her Excellency the Honourable Linda Dessau AC CVO (the “Governor”), and request that an order be made pursuant to s16(2) of the Act granting Moorabool the right to grant a lease or licence over all or part of the Land;

2. The Governor would then be required to take this request to a meeting with the Executive Council (Governor in Council), and pass an order pursuant to s16(2) of the Act granting Moorabool the power to grant a lease or licence over the Land;
3. If the Governor in Council passed an order to grant Moorabool the right to licence or lease the Land, then this must be reported in the Government Gazette;
4. Moorabool would then be required to seek consent (similar to the above process) from the Governor in Council to any and all proposed leases or licences over the Land.

It is anticipated that the process of obtaining an order and Governor consent for any lease or licence over the land would be lengthy and time-consuming.

With the Darley Community and Sports Centre soon to be completed, a user agreement has been put in place with the clubs as an interim arrangement, however it is preferable to have the relevant legal mechanisms in place before the site is activated to provide prospective tenants and community groups certainty and clarity around access to facilities on the Land.

An alternative approach is for Council to divest its interest in the Land pursuant to s16 of the Act and request to be appointed as the Committee of Management pursuant to s14 of the Act and provide Council relevant powers to enter into lease or licence agreements pursuant to s17 and 17D of the Act. This is consistent with arrangements in place for similar community facilities within the shire.

#### **s14 Appointment of committees of management**

*(1) Where any land has been permanently reserved under this Act for the purposes of a public park or garden or for the recreation convenience or amusement of the people and has been granted to trustees or jointly to the Minister and trustees the Governor in Council may on the application of the trustees or of the Minister and the trustees (as the case may be) appoint a committee of management thereof and may at any time on a similar application revoke any such appointment or remove any person appointed as a member of the committee.*

#### **s17(2) Powers of trustees or committees of management**

*(2) Notwithstanding anything in this Act but subject to any regulations made under section 13 relating to the land concerned the trustees or committee of management of any land certified under subsection (1)—*

*(a) may grant licences to enter and use any portion of such land or any building thereon for any purpose consistent with the purpose of the reservation of the land for a period not exceeding three years;*

*(b) may enter into agreements to operate services and facilities consistent with the purpose of the reservation for a period not exceeding three years; and*

*(c) may enter into tenancy agreements with persons to erect buildings and other structures for any purpose consistent with the purpose of the reservation and any such agreement—*

*(i) (repealed)*

*(ii) shall be for a specific term which shall not exceed three years;*

*(iii) shall be subject to termination at any time by direction of the Minister; ...*

**17D Leases for up to 21 years for other purposes**

*(1) Where land reserved under section 4 is managed by trustees or a committee of management, the trustees or committee of management may, with the approval of the responsible Minister, lease any part of the land for any purpose approved by the responsible Minister, for a specific term of not more than 21 years.*

Benefits of changing Council’s status to a s14 Committee of Management include:

- (a) Giving Council the powers pursuant to s17 and 17D of the Act to enter into leases and licences of up to three years, or up to 21 years with ministerial consent.
- (b) Faster processing time to appoint Council as the Committee of Management, as the Minister’s Delegate has the authority to make appointments pursuant to s14 of the Act (DEECA has recommended this option to Council).
- (c) Faster processing time to obtain ministerial consent to subsequent leases and licenses.

**PROPOSAL**

It is proposed that Council divest interest in the Land under s16 of the Act and request DEECA to appoint Council as the Committee of Management of the Land pursuant to s14 of the Act. The benefit of this arrangement is to allow Council to grant licence agreements and leases on the Land pursuant to s17 and 17D of the Act. This is a positive outcome for community groups, giving groups certainty and clarity around access to facilities on the Land.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to divest interest in the Land under s16 of the Act and request DEECA to appoint Council as Committee of Management of the Land under s14 of the Act is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

Should Council be appointed as the Committee of Management of the Land under s14, Council will have the ability to issue licence agreements or leases on the Land, allowing the recipient community groups the opportunity to generate revenue at facilities on the Land. Council will also have the mechanism to charge a fee for licence agreements and leases on the Land.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
The land remains vested in Council pursuant to s16 of the Act	Council is unable to issue licence agreements or leases on the Land without and order from	High	Request to DEECA to become Committee of Management under s14

Risk Identifier	Detail of Risk	Risk Rating	Control/s
	the Governor in Council. Community groups face uncertainty around use of the facilities of the Land		
Council will require Landowner consent from DEECA to undertake works under a s14 appointment	Council will not have the freedom to undertake works or improvements on the Land without DEECA consent under the Native Title Act 1993 obligation.	Medium	Council can obtain consent by requesting approval of works from DEECA prior to commencement. This process is undertaken at all other DEECA owned Reserves within Moorabool.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Moorabool Executive Group	Presentation of report summary	Darley	June 2023	Report received and approval to present report to 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.

*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**

It is recommended that Council divest interest in the Land under s16 of the Act and request DEECA to appoint Council as Committee of Management of the Land under s14. This will allow Council to issue licence agreements and leases on the Land pursuant to s17 of the Act, giving community groups increased access and certainty of use.

**11.2 DRAFT CCTV POLICY****Author:** Angela Menzies, Governance Officer**Authoriser:** Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance**Attachments:** 1. Draft CCTV Policy (under separate cover)**PURPOSE**

The purpose of this report is to present the Draft CCTV Policy to proceed to a four-week community consultation.

**EXECUTIVE SUMMARY**

- Council does not currently have an adopted CCTV Policy to guide decisions around implementation, maintenance and ceasing use of CCTV systems.
- A Draft CCTV Policy has been created to address Council's current requirements of CCTV.
- Councillor and Manager feedback was sought on the Draft CCTV Policy, which has been incorporated into a revised Draft CCTV Policy.
- Community feedback is sought on the draft policy through a community consultation process.

**RECOMMENDATION**

**That Council approves to progress the Draft CCTV Policy to a four-week community consultation phase.**

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**BACKGROUND**Appetite for a CCTV Policy

There has been interest in the development of a CCTV (Closed Circuit Television) policy from multiple service units, Councillors and community groups such as sporting organisations.

Council does not currently have an adopted CCTV policy to guide CCTV implementation in public spaces or on Council assets. The development of this policy aims to put governance around decisions relating to CCTV use at Moorabool Shire Council.

Potential Uses of CCTV

The Draft CCTV Policy (the policy) (**Attachment 1**) aims to address the differing needs of CCTV across Council, including but not limited to:

- Monitoring illegal and anti-social behaviour in public spaces, such as at recreation reserves
- Providing additional security to assets e.g. Council buildings, community assets
- Monitoring of illegal dumping practices across the Shire

The policy has been developed to allow for the varying requirements of service units when looking to implement a CCTV system.

#### Scope of CCTV Policy

The policy has been drafted as a broad framework under which individual service units can create a procedure for a CCTV system. As highlighted above, the requirements of service units will differ significantly and as such, a single procedure for all CCTV uses is not appropriate.

The policy allows for Council to implement permanently asset-fixed camera systems, independently mounted systems as well as mobile CCTV systems which can be utilised for small amounts of time and moved frequently.

The development of individual procedures for CCTV operation will be dependent on the types of system being utilised. Responsibility of the development of procedures will sit with the corresponding service unit, in consultation with Governance.

#### Development of CCTV Policy

The policy has been drafted in consultation with stakeholder service units to ensure that the policy will meet the needs of the teams who are seeking to implement CCTV systems.

Benchmarking with the existing policies of other Councils has also guided the development of the policy.

Initial discussions have also occurred with Victoria Police to establish the requirements of CCTV in public spaces, which would require a Memorandum of Understanding between Council and Victoria Police when implementing systems in public spaces. This would be established when a CCTV system is being proposed.

#### Revision of Draft CCTV Policy

An initial draft policy was brought to a Councillor Briefing in February 2023 for feedback. Feedback was also sought from Managers on the draft policy.

The main issues raised from feedback were:

- Maintenance responsibilities of Council-managed CCTV systems.
- CCTV footage access provisions for members of the public.
- The types of assets the policy covers.
- Appropriateness of CCTV systems being added to Asset Register.

As a result, the following changes have been made to the policy:

- Item 5.3.2 has been amended to remove individual service unit responsibility for maintenance of systems.
- An additional item has been included to address access requests from members of the public.
- The scope of the policy has been broadened to systems installed within Council owned, managed and controlled areas, as well as defining that the policy is aimed at optimising safety of staff.
- Item 5.3.2 has been expanded to differentiate between assets to be included in Council's Asset register and those that will not be.

Amendments to the initial draft policy have been finalised and the policy (**Attachment 1**) is ready for community consultation.

**PROPOSAL**

It is proposed that the Draft CCTV Policy is approved for a four-week community consultation period. Following public exhibition and incorporating public feedback obtained during the exhibition period, the policy will be finalised for Council adoption at a future Ordinary Meeting of Council.

**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 present the Draft CCTV Policy for community consultation is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with public exhibition of the Draft CCTV Policy.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Delay of public exhibition of Draft CCTV Policy	Delay in community consultation would incur delay in having a CCTV policy adopted by Council. Adoption of the policy is required for Council to guide appropriate use of CCTV across Council spaces within the Shire.	Medium	The Draft policy is approved for public exhibition

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Consultation through the Have your Say Portal	Online	August 2023	To be approved

**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**

A CCTV Policy is essential for guiding decisions on implementing CCTV systems in public spaces as well as on Council Assets. The Draft CCTV Policy provides a framework within which officers can assess the suitability of proposals to install, maintain and cease use of CCTV systems.

To progress this policy, it is recommended that Council proceed to community consultation of the Draft CCTV Policy.

## 12 COMMUNITY STRENGTHENING REPORTS

### 12.1 FINAL ECONOMIC DEVELOPMENT AND VISITOR ECONOMY STRATEGIES 2023 - 2027

**Author:** Bec Carey-Grieve, Coordinator Arts and Economic Development

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

**Attachments:**

1. **Moorabool Shire Stakeholder Engagement Summary Report (under separate cover)**
2. **Moorabool Shire Economic Development Strategy Summary (under separate cover)**
3. **Moorabool Shire Economic Development Strategy (under separate cover)**
4. **Moorabool Visitor Economy Strategy Summary (under separate cover)**
5. **Moorabool Shire Visitor Economy Strategy (under separate cover)**

#### PURPOSE

The purpose of this report is to present the final Economic Development and Visitor Economy Strategies for Council adoption.

#### EXECUTIVE SUMMARY

- In October 2021 Council engaged Urban Enterprise to develop the Economic Development and Visitor Economy Strategies.
- Extensive consultation was undertaken with local business and industry experts. The Moorabool Shire Stakeholder Engagement Summary Report was produced and is attached highlighting key insights and themes.
- The draft strategies have been informed by consultations and research.
- Broader feedback from the community was invited via public exhibition of the draft Strategies from 6 May – 11 June 2023.
- Feedback has now been incorporated into the final documents and the final strategies are now presented to Council for adoption.

#### RECOMMENDATION

**That Council adopts the Economic Development and Visitor Economy Strategies 2023 - 2027.**

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#### BACKGROUND

Moorabool Shire has been identified as a growth municipality and to maximise its economic, tourism and local jobs potential the development of an Economic Development Strategy and a Visitor Economy Strategy have been identified as a priority in the Council Plan 2021-2025.

The process for developing these strategies was as follows:

- October 2021: Through a competitive tender process Urban Enterprise was engaged to prepare both the Economic Development Strategy and the Visitor Economy Strategy.
- October – December 2021: Extensive internal and external consultation took place as part of phase one of the consultation plan. The Moorabool Shire Stakeholder Engagement Summary Report was produced.
- January – May 2022: Draft Economic Development and Visitor Economy strategies were developed.
- July – October 2022: Transition of the economic development function to the Community Strengthening directorate.
- November 2022 – February 2023: The draft strategy documents were refreshed to include up to date data including the impact of COVID-19 and the 2021 Australian Bureau of Statistics census information.
- March – April 2023: Council briefings took place to seek further feedback and inform the draft Strategies.
- May 2023: Draft strategies were endorsed at the Ordinary Meeting of Council for public exhibition.
- May – June 2023: Draft strategies on public exhibition, inviting community feedback.

## **PROPOSAL**

Council received seven submissions, four via public consultations, and three online. Feedback ranged from:

- Population growth and the need to increase residential and commercial land use;
- Engagement with Traditional Owners;
- Townships and placemaking, signage and how smaller towns are addressed within the Strategies; and
- Increased awareness of the Shire's key assets.

This feedback has been assessed and incorporated into the Strategies where appropriate. The final Economic Development and Visitor Economy Strategies have been prepared for Council consideration and adoption.

## **COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

#### **Priority 2.4: Grow local employment and business investment**

The proposal to present the draft Economic Development and Visitor Economy Strategies for public exhibition is consistent with the Council Plan 2021-2025.

## **FINANCIAL IMPLICATIONS**

The development of the strategies has been funded from the 2021/22 and 2022-2023 adopted Council budgets. Budget from the 2023/24 Economic Development cost centre will be allocated to the year one action plan. Budget proposals will be developed to support recommended actions and submitted through the annual budget process. The strategies and available budget will be

leveraged to secure external funding opportunities and partnerships to further support implementation. Council has endorsed a further Council budget allocation of \$30,000 over the next three years for membership to Tourism Midwest Victoria.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
The final strategies are not adopted by Council	Community expectations will remain unmet. Missed opportunities to leverage arts and culture as a tool to achieve Council and community goals.	High	The strategies are adopted by Council.
Reputation – A negative perception of the final Economic Development and Visitor Economy Strategies	The draft strategies receive negative feedback during public exhibition.	Medium	Extensive public consultation and communication has been undertaken to ensure the Strategies meet community expectations. Further communications will occur during the public exhibition period. Community feedback during public exhibition will be taken on board in development of final strategies.
Financial - implementation of the Strategies exceeds the allocated budget	There are not enough resources to implement the Strategies.	Medium	An annual plan developed including budget allocation request. Further funding will also be sort from State, Federal and other funding sources.

**COMMUNICATIONS & CONSULTATION STRATEGY**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Inform	Moorabool Community	Promotion and Communication Social Media Posts Direct Emails Have Your Say Page	Across the Shire	November 2021	Engagement opportunity promoted broadly to the Moorabool Community.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
	Councillor Briefing	An overview of key findings from the survey and research were presented.	Online	November 2021 March/April 2022	Councillor’s provided insights and feedback
Consultation	Local Residents Local businesses	Online and in person workshops with Community representatives.	Bacchus Marsh, Ballan, Gordon Greendale, Blackwood and surrounds Online	November - December 2021	44 participants across all workshops
	Consultations with key staff	1-1 interviews Online forum Internal Teams Group		November – December 2021	Extensive interviews conducted by Urban Enterprise
	Public Survey	A survey was published on Moorabool’s ‘Have Your Say’ Engagement hub	Have Your Say Moorabool web page.	November 2021	256 surveys were received, and responses were collated to inform the Strategies.
	External Industry stakeholders	Online workshops conducted	Visitor Information Centre Volunteers Local Business Advisory Committee Ballan Chamber of Commerce Parwan and Co. Kryal Castle Farming Moorabool Naturipe Fruits	March 2021	In depth data was collected from respondents who may not have seen the survey or who were tourists who lived outside the Shire.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
			City of Ballarat Ballarat Regional Tourism Local real estate agents and businesses		
	Traditional Owner Consultations	Online consultations were conducted with Wurundjeri, Wadawurrung	Online	November 2021	Two online workshops with representatives from Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation and Wadawurrung Traditional Owners Aboriginal Corporation
2023 Public Exhibition Consultation	Local Businesses	Business and Growth Monthly E-news (May edition). PowerPoint presentation at the Ballan Chamber of Commerce. Distribution of flyer including the QR link to the Strategies at the Bacchus Marsh Career Expo. Direct email to the Local Business Advisory Committee for	Online  Across the Shire	May 6 – June 11	Broad awareness of the strategies across local business. 120 attendees across both business forums. Four submissions received vis public consultation.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
		feedback. Installation of posters at the public libraries and community centres. Two business Forums. Four drop-in sessions.			
	Local community	Have Your say page	Online	May 6 – June 11 2023	Wide engagement with the Strategies with views of 1,790 and 332 document downloads. Three written submissions received
	Local Community	Social Media – Facebook and Instagram	Online	May 6 – June 11 2023	5,454 unique views with 170 click throughs

### **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 – Coordinator Arts and Economic Development - Bec Carey-Grieve*

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

**CONCLUSION**

The Economic Development and Visitor Economy Strategies development was identified as a key action in the Council Plan.

The Strategies, after considerable community consultation, provide Council with direction on key priorities and actions, investment of resources and outline the role of Council over the next four years.

It is recommended the Economic Development and Visitor Economy Strategies 2023 - 2027 are adopted by Council.

## **13 CUSTOMER CARE AND ADVOCACY REPORTS**

### **13.1 WORKCOVER PREMIUM 2023/24**

**Author:** Joshua Warner, Executive Manager People and Culture

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

**Attachments:** Nil

#### **PURPOSE**

The purpose of this report is to provide information to Council regarding the increase to the WorkCover Premium 2023/24 and to seek permission to make payment of the account prior to 14 August 2023.

#### **EXECUTIVE SUMMARY**

- This report provides Council with a summary of changes to our WorkCover premium.
- A 42% rise in premium from last year with total account estimated at \$730,862.00 plus GST.
- A premium discount of 5% (\$36,543.10) is available if the account is paid by 14 August 2023 or 3% if paid by 1 October 2023.

#### **RECOMMENDATION**

**That Council authorises the WorkCover 2023/24 premium be paid prior to 14 August 2023 to enable Council to receive a 5% discount.**

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#### **BACKGROUND**

The Victorian Government has acknowledged the difficulties the WorkCover scheme has been facing over recent years, and changes are afoot from 1 July 2023 aimed to modernise the Victorian scheme in line with the other states and territories in Australia.

The Victorian Government has confirmed that the average premium rate will move from 1.27% to 1.8% from 1 July, an increase of 42%. The Victorian Government has confirmed changes to premium rate capping, which will move from 30% to 75%.

For general information on premiums including FAQs on changes to the 2023-24 premium rate visit: [www.worksafe.vic.gov.au/2023-24-workcover-premium-changes](http://www.worksafe.vic.gov.au/2023-24-workcover-premium-changes).

You can read more about the Victorian Government's plans to modernise WorkCover and other initiatives being introduced to support those with mental injuries here: <https://www.vic.gov.au/workcover-modernisation>.

#### **PROPOSAL**

The impact on Council will see a rise in premium of 42% and in real terms an increase of \$250,280 over last year's premium.

Advice has been received from our insurer Gallagher Bassett regarding our premium.

To provide some context please refer to the information outlined below the 2022/23 premium (item 1). Two 2023/24 premium calculations have been provided.

The first calculation for 2023/24 shows what the premium would have been had the rate remained consistent from last year (item 2).

The second is what the 2023/24 premium would have been if the scheme rate remained at 1.272% and the premium rate capping was not increased from 30% to 75%.

The third premium calculation (item 3) with the scheme rate at 1.8% is the actual 2023/24 premium calculation for Moorabool.

Included is the 2023/24 premium calculation with the 1.272% scheme rate to illustrate that Moorabool Shire's performance is not what has caused the significant increase to premium. It is due to the changes to the scheme rate and premium rate capping made by Government. This shows that Moorabool Shire's performance has improved. The 2022/23 employer performance rating (EPR) was 1.552904, however the 2023/24 EPR is 1.23881 which is positive news as the total remuneration has also increased over the previous year.

The comparison of our last year's premium compared to this year's premium had it remained stagnant rises just under \$15K which is the result of considerable effort by the P&C team in our pro-active management of claims.

**1. Moorabool Shire 2022/23 Premium:**

Remuneration: \$25,716,389

Premium rate: 1.8699%

Weighted industry rate 1.5192%

Claim cost \$1,250,442

Base premium: \$480,580 (not inc GST)

**2. Moorabool Shire 2023/24 Premium (1.272% scheme rate):**

Preliminary Remuneration: \$26,937,915

Premium rate: 1.855%

Weighted industry rate 1.532%

Claim cost \$1,117,363

Base premium: \$499,491.55 (not inc GST)

**3. Moorabool Shire 2023/24 Premium (1.8% scheme rate):**

Preliminary Remuneration: \$26,937,915

Premium rate: 2.7147%

Weighted industry rate 2.1914%

Claim cost \$1,117,363

Base premium: **\$730,862** (not inc GST)

In addition to the above, the increased costs do not end with the premium rise. Previously, regardless of how much a claim costs, the capped amount (total that could be placed against each claim) was \$438,500 and was premium sensitive for three (3) years. This figure is now \$450,500.

The premium invoice will be available on 13 July 2023.

A premium discount of 5% (\$36,543.10) is available if the account is paid by 14 August 2023 or 3% if paid by 1 October 2023.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

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

**FINANCIAL IMPLICATIONS**

Early payment will save Council 5% discount of premium. Premium rise is 42% higher than previous year but all employees in Victoria will also be required to pay increases in premiums.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial – first year of significant premium rise that will continue	Inadequate financial management	High	Close supervision by CFO

**COMMUNICATIONS & CONSULTATION STRATEGY**

No communications and consultation strategy is 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.

*General Manager – Caroline Buisson*

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

*Author – Josh Warner*

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

**CONCLUSION**

Unfortunately, the rise in premium has been unavoidable due to changes placed upon us by the State Government. People and Culture will continue to proactively manage claims. To make some savings it is recommended that payment is made prior to 14 August 2023.

## **14 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS**

### **14.1 RESPONSE TO PETITION - EXTEND GARBAGE/RECYCLING SERVICES - BALLAN-MEREDITH ROAD**

**Author:** Caroline Rantall, Coordinator Sustainable Environment

**Authoriser:** John Miller, Manager Asset Management

**Attachments:** Nil

#### **PURPOSE**

The purpose of this report is to respond to the petition containing 41 signatures in relation to extending garbage/recycling collection to residents who reside on the Ballan-Meredith Road, from Ballan to Mount Wallace.

#### **EXECUTIVE SUMMARY**

- At the February 2023 Ordinary Meeting of Council, a petition containing 41 signatures was received requesting garbage/recycling services be extended along Ballan-Meredith Road from Ballan to Mount Wallace.
- Currently Council's waste collection zone does not include the Ballan-Meredith Road.
- The petition contained 41 signatures, however not all the signatures were unique as several residents who resided in the same household signed the petition multiple times.
- In December 2022, an expression of interest was posted to 30 property owners, 21 identified through the petition and an additional 9 households that are also located along or close to the Ballan-Meredith Road.
- 24 responses were received with 13 households confirming they want to subscribe to the service, 8 households did not want the service, 6 households did not make contact and 3 households were undecided.

#### **RECOMMENDATION**

##### **That Council:**

- 1. Does not extend the garbage/recycling service along the Ballan-Meredith Road, from Ballan to Mount Wallace.**
- 2. Retain this area of the Shire as a non-collection area and households can choose to purchase a sheet of transfer station vouchers to deposit waste at Council's transfer stations or engage a private contractor.**

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#### **BACKGROUND**

At the Ordinary Meeting of Council held on 1 February 2023, a petition containing 41 signatures was received requesting garbage/recycling services be extended along Ballan-Meredith Road from Ballan to Mount Wallace.

Currently Council’s waste collection zones do not include the Ballan-Meredith Road and the truck does not travel along this road.

The Shire comprises of a combination of compulsory and non-compulsory collection areas as displayed in Figure 1.

Compulsory collection areas are shaded by the solid blue lines. These areas receive a standard 120L garbage bin collected weekly and a 240L recycling bin collected fortnightly in urban areas and a fortnightly 240L garbage and 240L recycling service in rural areas. All households are charged for the service via their annual rates.

Non-compulsory areas are represented by the shaded areas without solid boundaries. Households in these areas can opt-in to receive a 240L garbage bin and a 240L recycling bin both collected fortnightly.

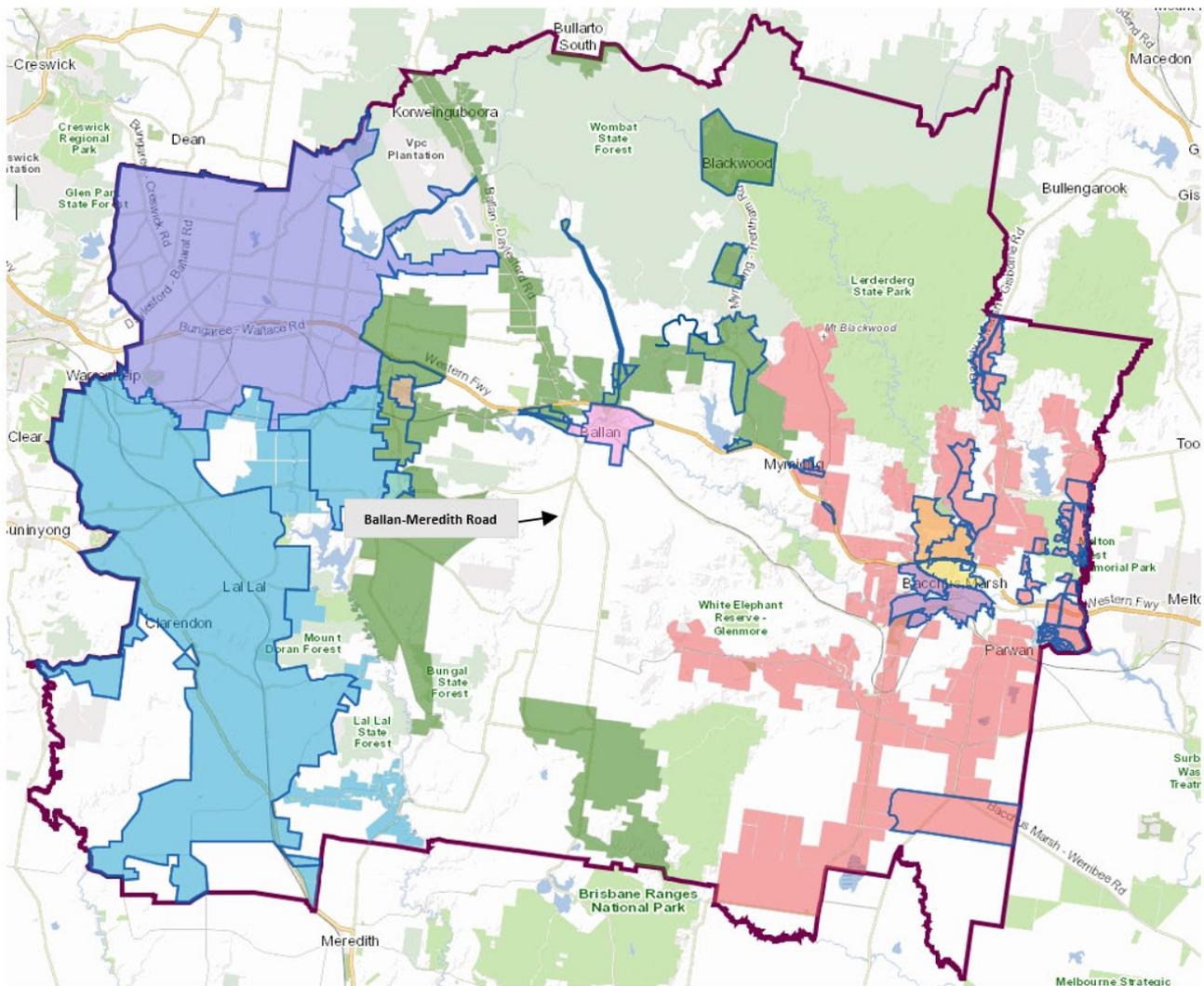


Figure 1: Collection areas within Moorabool Shire.

Petition

The petition contained 41 signatures, however not all the signatures were unique as several residents who resided in the same household signed the petition multiple times.

Within the petition eight households were represented by one signature, eleven households were represented by two signatures, one household was represented by three signatures and one

household was represented by eight signatures. This resulted in the 41 signatures representing 21 households in total.

8 households	Represented by 1 signature
11 households	Represented by 2 signatures
1 household	Represented by 3 signatures
1 household	Represented by 8 signatures
<b>Total = 21 Households</b>	<b>Total = 41 Signatures</b>

In December 2022, an expression of interest for a waste collection service was posted to 30 property owners:

- 25 households located on the Ballan-Meredith Road
  - 21 identified through the petition and
  - an additional 4 households located on the road
- 5 households on roads that border Ballan-Meredith Road who could opt to bring their bins to the Ballan-Meredith Road for collection.

The expression of interest outlined that Council had received a request to extend the garbage/recycling collection service along the Ballan Meredith Road, the costs associated with the collection and requested residents who were interested in participating to complete the enclosed application form and return to Council by February 2023.

Response to Expression of Interest

From the 30 households contacted, Council received 24 responses.

Council officers tried to contact the non-responsive 6 households, but not all had phone numbers listed on the rating system, and others didn't return our call or the application form. Four signatures on the petition were from within the non-responsive group.

Within the 24 responses, 13 confirmed they wanted the service, 8 did not want the service and 3 were undecided.

13 households	<b>Confirmed they want the service</b>	Represented by 14 signatures
8 households	<b>Did not want the service</b>	Represented by 12 signatures
6 households	<b>No contact received</b>	Represented by 4 signatures
3 households	<b>Undecided</b>	Represented by 11 signatures
<b>Total = 30 Households</b>		<b>Total = 41 Signatures</b>

The eight households who did not want the service accounted for 12 signatures on the petition.

Many reasons were given for not wanting to subscribe to this new service which include:

- Did not want to pay a cost associated with the service
- Elderly parent had signed the petition and did not understand the commitment they were making
- Do not produce enough waste to subscribe to a garbage/recycling service
- Distance from driveway to the road was too far to take the bin for collection

### Compulsory vs Non-Compulsory Service

The adopted Waste and Resource Recovery Policy states that compulsory waste collection areas will include all residences with the zoning of Residential, Low Density Residential, Township and Rural Living Zone.

Decisions regarding transition from non-compulsory to compulsory service in all other areas is based on factors such as costs to service, housing and occupied housing densities and local community demand for services.

The households along the Ballan-Meredith Road are all within a farm zone. Presently, there are only 13 households who have confirmed they want the garbage/recycling service. To introduce this service, the two waste and recycling collection vehicles will each need to travel approximately 14km to collect the bins along the Ballan-Meredith Road.

Introducing this service as a non-compulsory area presents a risk if residents choose to opt-out of the service, it could result in Council providing a 14km round trip service to a small number of households making the service cost-prohibitive or non-viable.

Introducing the service as a compulsory service will eliminate the risk of low numbers as all 24 households located on the Ballan-Meredith Road would be subscribed and have waste charges applied to their properties. However, this will result in dissatisfaction among households who did not want the service as they will be automatically subscribed and have a garbage/recycling charge applied to their property rates.

### Recommendation

It is recommended that due to the low number of households who confirmed they wanted the service that Council do not extend the garbage/recycling service along the Ballan-Meredith Road.

This area of the Shire would remain a non-collection area and households can choose to purchase a sheet of transfer station vouchers to deposit waste at Councils transfer stations at a reduced cost or engage a private contractor.

### **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 not extend the garbage/recycling service along Ballan-Meredith Road is consistent with the Council Plan 2021-2025.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for Council due to garbage/waste services being on a user pays cost recovery basis.

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

There are no risk and occupational health and safety issues associated with this report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Residents	Expression of Interest – seeking interest in service	Mail	December 2022	Response received confirming if resident wanted service
Inform	Residents	Outcome of petition	Mail	July 2023	Will inform residents of outcome of petition

**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**

At the Ordinary Meeting of Council held on 1 February 2023, a petition containing 41 signatures was received requesting garbage/recycling services be extended along Ballan-Meredith Road from Ballan to Mount Wallace. Currently, this area is outside of Council's waste collection zones.

In December 2022, an expression of interest for a voluntary waste collection service was posted to 30 property owners located on or around the Ballan-Meredith Road.

Council received 24 responses with 13 households confirming they want to subscribe to the service, 8 households did not want the service, 6 households did not make contact and 3 households were undecided.

It is recommended that Council do not extend the garbage/recycling service along the Ballan-Meredith Road. This area of the Shire would remain a non-collection area and households can choose to purchase a sheet of transfer station vouchers to deposit waste at Council's transfer stations at a reduced cost or engage a private waste contractor.

**14.2 TOWNSHIP IMPROVEMENT PLAN - BLACKWOOD****Author:** Mitchell Cunningham, Acting Manager Environment & Waste**Authoriser:** John Miller, Manager Asset Management**Attachments:**

1. Blackwood Township Improvement Plan - Concept Plan (under separate cover)
2. Blackwood Township Improvement Plan - Feedback Summary (under separate cover)

**PURPOSE**

This report responds to the resolution made at the Ordinary Meeting of Council held on 1 July 2020 for a Township Improvement Plan be developed for Blackwood.

**EXECUTIVE SUMMARY**

- At the 1 July 2020 Ordinary Meeting of Council a Notice of Motion was carried for Council to prepare a Township Improvement Plan for Blackwood.
- Community consultation was carried out at 2 separate key milestones (master plan and concept plan) for the community to provide their input on the project.
- The final landscaping plans have been prepared sympathetically with the comments from the community and heritage of the town.
- The proposed landscaping outcomes are requested to be noted to enable the final civil plans to be completed in preparation for the delivery of the project following a community update. There are allocated funds for the project in the 2023/2024 budget and the current project is anticipated to be delivered in the 2023/2024 financial year.

**RECOMMENDATION****That Council:**

1. **Note the proposed outcomes of the Blackwood Township Improvement Plan to facilitate the completion of the civil plans; and**
2. **Schedules a community update for the project following the finalisation of the civil detailed plans and in consultation with Council's Heritage Advisor.**

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**BACKGROUND**

At the 1 July 2020 Ordinary Meeting of Council, a Notice of Motion (290) was carried. This motion had the following requirements:

1. Requests that a Township Improvement Plan is developed for Blackwood in 2020/2021, including community consultation, which considers opportunities to improve amenity and accessibility including provision of footpaths and formal parking in Martin Street and surrounds.

2. Requests that the outcomes of the Blackwood Township Improvement Plan be circulated to Councillors when completed.

### **PROPOSAL**

Council engaged a consultant through a selective quotation process to prepare the following items:

- A high-level master plan of the site for community consultation of the needs of the town for public consultation.
- A concept plan developed from the initial consultation.
- A detailed plan from the second consultation.

#### Community Consultation

The initial public consultation was held from 18 August 2020 until 15 September 2020. From this consultation the following key elements were understood from the community:

- Keep historical/country feel whilst providing a non-urbanised streetscape upgrade.
- Native vegetation and street tree planting; no garden beds.
- Upgrade town with paths/walking tracks, signage, and street furniture.
- No more lights.
- Parking.
- More seating around the town.

The consultant then developed a concept plan/site analysis documentation. The second round of consultation was held from 1 December 2021 until 9 January 2022. The main elements received from this were:

- Dangerous roads need to be widened and measures put in place to reduce speed / increase pedestrian mobility.
- Use indigenous planting as opposed to exotic.
- Do not plant trees that will obstruct/decrease parking.
- Bus stop blocks views and is in the wrong spot as the bus does not use it.
- No path extension on Martin Street.
- New drinking fountain with dog bowl.
- New playground for young families.

The attached landscaping plans were then upgraded sympathetically with the comments from the community. However, not all suggestions fell within the scope of the Township Improvement Plan which is being developed in line with the future Open Space Strategy.

Due to internal staff movements and other internal pressures throughout the project's development, 18 months has passed since the last Community Consultation.

Due to this significant length of time (following the civil elements being completed) a community update will be provided to detail the proposed works being undertaken based on the previous consultation and what we have heard from the community.

### Blackwood Township Improvement Plan

The community of Blackwood were consulted with on two separate occasions to allow the township improvement plan to be developed in line with the needs and the wants of the community. The Blackwood Township Improvement Plan includes the following elements:

- Proposed safe footpath and pedestrian crossing.
- Proposed pram ramps to improve pedestrian safety and accessibility.
- Upgrade retaining walls on Martin Street, and intersection of Byres Road, and Golden Point Road.
- Upgrading drainage at intersection of Golden Point Road and Martin Street.
- Proposed street parking on both sides of Martin Street.
- Plant deciduous trees within park.
- Replace existing seats, bin stands and drinking fountain.
- A signage audit to be undertaken to replace/upgrade signage within the town.

These proposed plans take into consideration as many elements as possible from the community consultation whilst ensuring the concerns of the community are also acknowledged.

All elements are designed to be sympathetic of the area and final decisions on material will be completed in consultation with Council's heritage advisor e.g., path material anticipated to be a natural stone, not concrete or asphalt, and street parking will be replacement of Blackstone and not a widening of the asphaltic pavement.

### Blackwood Township Improvement Plan – Priorities

Council acknowledge that the current plans may not entirely fit within Council's allocated budget and therefore the following list has been created to provide insight onto the elements that will be delivered as a priority based on what we have heard from the community as part of the consultation:

1. Provide footpath extension along Martin Street and Simmons Reef Road to provide a link for the community to the Country Fire Authority (CFA) building. This footpath will require work on the retaining wall adjacent to Blackwood Park.
2. Upgrading of intersection of Golden Point Road and Martin Street with appropriate drainage. Kerbing and drainage is required at the intersection as the property at 1 Golden Point Road is subject to flooding. Noting the historical importance of the town this will be kept at a minimum in consultation with Council's heritage advisor.
3. Proposed on street parking.
4. Additional seating within the town.
5. Planting of street trees.

Following the quotation period of the future construction contractor the above items will be kept in mind when determining the scheduling of the works.

**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 3.2: Align services to meet the needs of the community**

The proposal is in response to the Notice of Motion for Pedestrian Access and Parking in Blackwood and is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

Following receiving the costing of the works value management may be required to prioritise the deliverables within the allocated budget.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There are no risk and occupational health and safety issues associated with this report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Two separate community sessions were carried out at key milestones in the project to ensure that the community was able to provide input into the project. The community sessions were both online and mailed to the residents of Blackwood at the following times:

1. Master Plan - 18 August 2020 until 15 September 2020.
2. Concept Design - 1 December 2021 until 9 January 2022.

**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.

*(Acting) General Manager – John Miller*

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

*Author – Mitchell Cunningham*

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

**CONCLUSION**

At the Ordinary Meeting of Council held on 1 July 2020, a Notice of Motion was passed for Council to complete a Township Improvement Plan for Blackwood and report the outcomes back to Council.

The community of Blackwood were consulted on two separate occasions to allow the Township Improvement Plan to be in line with the needs and the wants of the community.

It is recommended that Council approve the outcomes of the Township Improvement Plan for Blackwood to enable the Civil Detailed Design Plans to be completed and the landscaping and civil components be delivered within the 2023/2024 financial year.

Following these designs being completed Council will update the Blackwood Community to advise them of the proposed works to ensure the community is kept informed as best as possible with the works scheduled.

**14.3 DRAFT BACCHUS MARSH AVENUE OF HONOUR MANAGEMENT STRATEGY & PRESERVATION PLAN**

**Author:** Lace Daniel, Asset Management Coordinator

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

**Attachments:**

- 1. Draft Bacchus Marsh Avenue of Honour Management Strategy 2023-28 (under separate cover)**
- 2. Draft Bacchus Marsh Avenue of Honour Preservation Plan 2023 (under separate cover)**

**PURPOSE**

The purpose of this report is to present the draft Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan for in principle endorsement, prior to progressing to community engagement.

**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, 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 a Briefing of Councillors in December 2022 and again in July 2023, it is now recommended that the draft Strategy and Plan be endorsed for the purpose of engagement with the local community and key stakeholder groups.

**RECOMMENDATION**

**That Council:**

- 1. Endorse the Draft Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan, for the purpose of community engagement.**
  - 2. Requests that a further report be presented following the engagement period.**
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## 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 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.

The review of the current plan is also an action contained within the current Council Plan 2021-25.

## PROPOSAL

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 the 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.

It is now recommended that, following input from a range of stakeholders and subject matter experts, and briefings of Councillors, the draft Strategy and Plan be endorsed for the purpose of engagement with the local community and key stakeholder groups over a 28-day period.

**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**

There are no financial implications associated with the recommendation within this report. All community engagement costs will be absorbed within the current operational budget.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
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**

Given the local, State and wider significance of the Avenue, a number of stakeholders have been identified and were engaged during the development of the draft documents, including Heritage Victoria, Moorabool Heritage Advisory Committee, the Bacchus Marsh RSL Sub-Branch, as well as expert consultants in arboriculture and heritage.

Two Briefings of Council were held in December 2022 and July 2023, and significant consultation with the wider community is planned for the 28-day engagement period, as outlined below.

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Wider community	Online promotions including Council’s website and social media pages	Online	August 2023	Key stakeholders: - informed about the Strategy and Plan (what) - informed about the purpose of the documents (why) - provided the opportunity to comment on the drafts (how)
Consult	Wider community	Community drop-in sessions in Bacchus Marsh	Bacchus Marsh	August 2023	As above
Consult	Stakeholder groups and committees	Face to face presentations	Multiple	August 2023	As above
Consult	Councillors	In person tour of the Avenue of Honour	Onsite	August 2023	Management Strategy and Preservation Plan contextualised on site
Consult	Councillors	Further Briefing and presentation to OMC	Multiple	August 2023 and October 2023	Final adoption of Strategy and Plan
Inform	Wider community	Documents loaded onto Council’s website	Online	October 2023	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, any feedback received will be considered and a further report provided to Councillors, seeking formal adoption of the Strategy and Plan.

**15 OTHER REPORTS**

Nil

**16 NOTICES OF MOTION**

Nil

**17 NOTICES OF RESCISSION**

Nil

## **18 MAYOR'S REPORT**

### **18.1 MAYOR'S REPORT**

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

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

**Attachments:** Nil

#### **PURPOSE**

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

#### **EXECUTIVE SUMMARY**

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

#### **RECOMMENDATION**

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

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**19 COUNCILLORS' REPORTS**

**20 URGENT BUSINESS**

**21 CLOSED SESSION OF THE MEETING TO THE PUBLIC**

Nil

**22 MEETING CLOSURE**