

Moorabool
Shire Council

MINUTES

Ordinary Council Meeting Wednesday, 3 May 2023

Date: Wednesday, 3 May 2023

Time: 6.00pm

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

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1 OPENING OF MEETING AND PRAYER

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORDING OF MEETING

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

4 PRESENT

Cr Ally Munari, Deputy Mayor	Woodlands Ward
Cr Moira Berry	East Moorabool Ward
Cr David Edwards	East Moorabool Ward
Cr Paul Tatchell	Central Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward

Officers:

Mr Derek Madden	Chief Executive Officer
Ms Caroline Buisson	General Manager Customer Care & Advocacy
Mr Phil Jeffrey	General Manager Community Assets & Infrastructure
Ms Leigh McCallum	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Mr Mark Lovell	Coordinator Statutory Planning
Ms Leanne Manton	Manager Brand & Advocacy

5 APOLOGIES

Cr Rod Ward, Mayor	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward

6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Moira Berry

Seconded: Cr Tom Sullivan

That the minutes of the Ordinary Council Meeting held on Wednesday 5 April 2023 be confirmed.

CARRIED

7 DISCLOSURE OF CONFLICTS OF INTEREST

Nil

8 PUBLIC QUESTION TIME

Name	Question/Response	CEO/GM/EM	Read at Meeting (Yes/No)	Taken on Notice Yes/No
Ben Courtice	<p>Question:</p> <p>When did the Racecourse & Rec Reserve project first start pumping its waste water into the Maddingley Park drain, and how often has it occurred from the first time until the EPA issued the notice to stop?</p> <p>Response:</p> <p>The majority of Racecourse Reserve and part of Stonehill Estate in Maddingley form part of the upper catchment for the Maddingley drain that connects to the Werribee River. Stormwater from part of Racecourse Reserve has always discharged through a pipe under Bacchus Marsh Balliang Road and into this system.</p> <p>As part of Council’s redevelopment of the reserve, a stormwater harvesting system is being developed that will reuse stormwater on the site for irrigation purposes. When this system reaches capacity through heavy rain events, it will still discharge under Balliang Road as has historically been the case.</p> <p>Concurrently, there is a residential development on the east side of Balliang Road that is implementing retarding basins on the golf club part of reserve, and upgrading the capacity of the piped system under Balliang Road and through its development. This work meant that there was no gravity outlet for the Racecourse site for a time and a pump was temporarily put in place to drain the site. This pump is now pumping back to the main irrigation dam on the reserve.</p> <p>Given the construction activity happening at the site, this has resulted in stormwater discharge with high sediment load and subsequently, an EPA investigation. As vegetation establishes on site, and the stormwater quality and harvesting system and is commissioned, the system will operate as designed and will revert back to a gravity system outlet for stormwater discharge.</p>	Phil Jeffrey, General Manager Community Assets & Infrastructure	Yes	

Name	Question/Response	CEO/GM/EM	Read at Meeting (Yes/No)	Taken on Notice Yes/No
John Kowarsky	<p>Question:</p> <p>Can Council please give me a total cost breakdown of the recently opened installations at the Spargo and Ballan Mineral Springs into the categories of Council personnel costs, external consulting costs and construction costs.</p> <p>Response:</p> <p>The Ballan and Spargo Creek Mineral Springs projects were grants received from Department of Energy, Environment and Climate Action (DEECA) in two phases over recent years. Phase 1 was \$40,000 for concept creation and included the cost for engaging local indigenous artists/consultants, and the conceptualisation of the themes and vision for the artwork. Phase 2 was \$70,000 for construction and installation and included the fabrication of the artworks and signage, installation, landscaping and vegetation remediation, and launch event/s.</p>	Phil Jeffrey, General Manager Community Assets & Infrastructure	Yes	
Brian Head	<p>Question:</p> <p>Why has Mclvors Road after 15 been reclassified as a paper road when rates are still being paid and garbage collected with Council insisting they don't need to maintain the road?</p> <p>Response:</p> <p>The first 155m of Mclvor Road, Wallace is listed in the register of public roads in Council's Road Management Plan however it should extend to the last driveway as per historic maintenance practices. This error will be rectified in the register of roads and ongoing maintenance will resume as previously undertaken.</p>	Phil Jeffrey, General Manager Community Assets & Infrastructure	Yes	

Brian Head addressed Council in relation to his Public Question

9 PETITIONS

Nil

10 PRESENTATIONS/DEPUTATIONS

Item	Report	Speaker/s	Position	Attendance
11.2	Application to add an Addendum to the West Maddingley Development Plan at 289 Werribee Vale Road, Maddingley	Jodie Valpied	Objector	In person
11.2	Application to add an Addendum to the West Maddingley Development Plan at 289 Werribee Vale Road, Maddingley	David Marnie	Objector	In person
11.4	Peppercorn Rent Eligibility for Licenced Space at Darley Civic Hub – Bacchus Marsh Community Radio	Thomas Contino	Applicant	Online with written submission
12.1	PA2021093 – Six Lot Subdivision at 289 Werribee Vale Road, Maddingley	Aidan Robinson	Applicant	In person
12.1	PA2021093 – Six Lot Subdivision at 289 Werribee Vale Road, Maddingley	Jodie Valpied	Objector	In person
12.1	PA2021093 – Six Lot Subdivision at 289 Werribee Vale Road, Maddingley	David Marnie	Objector	In person

11 CHIEF EXECUTIVE OFFICER REPORTS

11.1 CEO ANNUAL LEAVE

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

This report requests approval of the Council for the CEO to take leave for the period 19 May 2023 to 4 July 2023.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Tom Sullivan

That Council:

- 1. Approves leave for the CEO Derek Madden for the period 5.00pm Friday 19 May 2023 to 8.30am Tuesday 4 July 2023.**
- 2. Approves that the Acting CEO for the period 5.00pm Friday 19 May 2023 to 8.30am Monday 12 June 2023 will be Phil Jeffrey.**
- 3. Approves that the Acting CEO for the period 8.30am Monday 12 June 2023 to 8.30am Tuesday 4 July 2023 be Caroline Buisson.**

CARRIED

PROPOSAL

It is requested that the Council approves leave for the CEO Derek Madden from 5.00pm Friday 19 May 2023 to 8.30am Tuesday 4 July 2023.

The Acting CEO for the period 5.00pm Friday 19 May 2023 to 8.30am Monday 12 June 2023 will be Phil Jeffrey.

The Acting CEO for the period 8.30am Monday 12 June 2023 to 8.30am Tuesday 4 July 2023 will be Caroline Buisson.

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 3.5: Be recognised for demonstrating a culture of excellence, creativity and inclusiveness

The proposal to approve the CEOs Annual Leave is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified risk or occupational health and safety issues.

COMMUNICATIONS & CONSULTATION STRATEGY

No communication or consultation 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.

Chief Executive Officer – Derek Madden

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

Author – Dianne Elshaug

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

CONCLUSION

That the CEO be granted annual leave for the dates listed in the report and that Acting CEOs be appointed for the period of leave.

11.2 APPLICATION TO ADD AN ADDENDUM TO THE WEST MADDINGLEY DEVELOPMENT PLAN AT 289 WERRIBEE VALE ROAD, MADDINGLEY

Jodie Valpied addressed Council as an objector to Item 11.2.

David Marnie addressed Council as an objector to Item 11.2.

Author: Jyoti Makan, Senior Statutory Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

- 1. Addendum to the West Maddingley Development Plan - Part 1 (under separate cover)**
- 2. Proposed Subdivision Plan (under separate cover)**

PURPOSE

The purpose of this report is to consider an addendum to the West Maddingley Development Plan – part 1 (Devine Group, Stonehill, 2011) to facilitate a residential subdivision in the Homestead Precinct of the West Maddingley area known as 289 Werribee Vale Road, Maddingley.

EXECUTIVE SUMMARY

- Pro-Urban Advisory Planning and Management on behalf of the landowner submitted an addendum to the West Maddingley Development Plan – Part 1, for Council’s consideration under Schedule 3 of the Development Plan Overlay of the Moorabool Planning Scheme. Clause 43.04 states that:

“The responsible authority may grant a permit for subdivision, use or development of land before approval of a development plan provided that the responsible authority is satisfied that the subdivision, use or development will not prejudice the future use or development of the land for the purpose of the zone or any other aspect of the Municipal Strategic Statement”.

- The approved West Maddingley Development Plan (Part 1-StoneHill) covers approximately 16ha of land with the potential to accommodate 1400 dwellings.
- The proposed addendum covers 2.36ha and is identified on the approved Development Plan as the Homestead Precinct and in the approved Development Plan did not that show residential activity.
- The addendum to the Development Plan must demonstrate that the land is suitable for residential development to the satisfaction of the Responsible Authority.
- The site is in the General Residential Zone Schedule 2, Development Plan Overlay Schedule 3 and Heritage Overlay Schedule 174.
- A heritage dwelling is located on the site and will be preserved and to be surrounded by six proposed residential lots
- After comprehensive review of the background documents that approved the initial Development Plan and justification for the Homestead Precinct to be a residential

subdivision, the proposed Addendum to the West Maddingley Development Plan - Part 1 is recommended for approval.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr David Edwards

That Council approves the Addendum to the West Maddingley Development Plan – Part 1 (Beveridge, Williams, December 2022).

CARRIED

BACKGROUND

The subject site and surrounds

The site is formerly known as Lot 1 in Plan of Subdivision PS807665A within Vol 11929 Folio 762, situated at 289 Werribee Vale Road, Maddingley and located within the Homestead Precinct of the approved West Maddingley Development Plan. The site is triangular shaped and fronts Werribee Vale Road for 271m. The site gains its access from its eastern boundary towards the emerging master planned residential neighbourhood known as Stonehill Estate. The immediate southern part of the site is predominantly open space due to the topography and natural features of the site. The existing buildings on the site are of heritage significance and related to the Vallenge Family known in the early 20th century as “Valeria”. The site comprises of a farmhouse, large timber shed/barn and a subterranean store which is dug into the rear slope behind the main shed. There are several outbuildings and farming infrastructure on the property.

Figure 1 below shows the watercourse running through the site, existing buildings, vegetation, access and emerging residential development arounds its eastern and southern boundaries.



Figure 1: Aerial image of the site

The site and its surrounds is zoned for General Residential purposes within the Stonehill Estate. The Farming Zone is located across Werribee Vale Road. The overlays covering the site are to control heritage and development under the Heritage Overlay – Schedule (HO174) and Development Plan Overlay – Schedule 3 (DPO3) respectively. Cultural Heritage Significance covers the southwestern and northern parts of the land.

The Werribee River is located about 300m north of the site. Werribee Vale Road is a fundamental route buffering the urban growth and agricultural practices and serves a link from Bacchus Marsh to Ironbark Road, and Werribee George State Park.



Figure 2: Zone Map

Planning Scheme Amendment – C49

The Minister for Planning prepared and approved Planning Scheme Amendment C49 on the 19 November 2009, which rezoned the land known as West Maddingley from Farming Zone to Residential 1 Zone and also placed a Development Plan Overlay, Schedule 3 on the land.

The land parcels rezoned were identified through Amendment C34, which replaced the Municipal Strategic Statement, and Council submitted to the panel that the subject land would provide a Greenfield master planned residential opportunity that Bacchus Marsh currently lacked. The Panel examined residential land supply and supported Council’s view that the subject land was a suitable area for residential growth.

Development Plan Overlay – Schedule 3

The objectives of this overlay are as follows:

- Release of land for residential development in a logical, cost effective and sequential manner;
- Efficient use of infrastructure, and land, whilst managing any impacts on the environment and amenity;
- Co-ordinated provision of community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds; and
- Preparation of an integrated Development Plan generally in accordance with the West Maddingley Concept Plan shown in Clause 5.0 of this schedule.

PROPOSAL

The proposal is an Addendum to the approved Development Plan to facilitate a six lot subdivision of the site. This will in turn change the land use from public open space to residential. Access to the site is from Edgerton Place.

DEVELOPMENT PLAN ASSESSMENT

The approved West Maddingley Development Plan – Part 1 identifies the subject site for the future use of the land as open space for tree planting and for the regeneration of the homestead/heritage precinct. However, the Development Plan Overlay Schedule 3 identifies the subject site for development potential.

Planning considerations to change of intended use of the land from public open space to residential were related to the sloping topography, erosion risks, landscape and environmental issues, heritage issues and stormwater management.

During the original Development Plan assessment, several background reports were compiled such as Geotechnical Studies, Ecological Assessments, Heritage, Traffic and Stormwater Management reports.

New reports submitted to support this application include a Stormwater Management Plan, Traffic Impact Statement, an Arborist's Assessment and a Cultural Heritage Management Plan. The site is within a low to moderate risk area and has a slope less than 20% similar to the slope east of the site which is currently developed for residential dwellings as part of Stonehill Stage 24. The ecological report identified four indigenous trees on the land and three of them are located within the retained heritage house site. The remaining tree is proposed for retention. The Heritage Impact Statement concluded that the residential subdivision will not adversely affect the significance of the heritage place. A Stormwater Management Strategy concluded that the construction of drainage assets will likely meet Council requirements with no net effect on downstream properties.

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 2.1: Develop planning mechanisms to enhance liveability in the Shire

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

FINANCIAL IMPLICATIONS

The recommendation to approve this application has no financial implications for Council.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risks associated with approving the application.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Henry Bezuidenhout

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

Author – Jyoti Makan

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

CONCLUSION

The proposed Addendum to the approved Development Plan is consistent with the requirements of the Development Plan Overlay Schedule 3 and will facilitate the housing needs and urban growth of the area. This will enable the consideration of a future residential subdivision of the subject site that cannot occur without approval of the Addendum to the approved Development Plan.

11.3 DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025 - REGISTRATION OF ASSISTANCE ANIMAL

Author: Pamela Roncon, Executive Assistant

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments: Nil

PURPOSE

To seek a Council resolution to provide a full refund of a domestic animal registration fee for an assistance animal defined in the *Disability Discrimination Act 1992* (Cth) to an owner under s15(3) of the *Domestic Animals Act 1994*.

EXECUTIVE SUMMARY

- An Action from Council's Domestic Animal Management Plan 2021-2025 – Programs to promote and encourage responsible pet ownership and compliance with legislation was to investigate the ability to include a discounted registration rate for assistance animals.
- The Domestic Animals Act 1994 (DA Act):
 - requires the owner of a dog or cat to apply to register that cat or dog with the Council if the animal is over three months of age.
 - identifies exemptions that apply to registration where guide dogs that a visually impaired person who keeps and uses a dog as a guide dog or dogs used by government authorities in the case of a dog working with a person who is carrying out duties for a department or agency of the State or Commonwealth.
 - does not recognise assistance animals and does not exempt assistance animal owners paying a registration fee.
 - section 15(3) of this Act empowers a Council to pass a resolution enabling the refund of cat and dog registration (or part thereof).
- The *Disability Discrimination Act 1992* (Cth) (DDA Act) sets out the legal definition of an assistance animal as a dog or other animal that:
 - is accredited under a State or Territory law to assist a person with a disability to alleviate the effects of disability; or
 - is accredited by an animal training organisation prescribed in the regulations; or
 - Is trained to assist a person with a disability to alleviate the effect of the disability and meets standards of hygiene and behaviour that are appropriate for an animal in a public place.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council resolves to fully refund a domestic animal registration fee under Section 15(3) of the *Domestic Animals Act 1993* where:

- 1. Evidence from an owner's medical practitioner is provided to Council that the animal is an assistance animal as defined under the *Disability Discrimination Act 1992*, and**
- 2. Evidence from the owner to Council that the animal is microchipped.**

CARRIED

BACKGROUND

Council resolved to adopt the Domestic Animal Management Plan (DAMP) in December 2022.

The DAMP has a number of actions which Council officers will undertake throughout the life of the Plan including investigating the ability to include a discounted registration fee for Assistance Animals.

The issues relating to the use and regulation of assistance animals by people with a disability are complex and continue to present issues for regulators.

Victorian domestic animal legislation encourages responsible pet ownership, protects pet welfare and ensures they don't become a community nuisance. However, it does not recognise an assistance animal identified under the *Disability Discrimination Act 1992*. Assistance animals provide an important service to a member of the community living with a disability.

Under Section 15 (3) of the DA Act Council are empowered to pass a resolution enabling the refund of cat and dog registration (or part thereof).

As with all domestic animals, an assistance animal needs to be micro-chipped and registered in Victoria.

An Assistance Animal is defined under the DDA Act; however, the Commonwealth laws do not provide for the accreditation of assistance animals.

Council officers contacted Agriculture Victoria and other Councils to gain an understanding of how Moorabool Shire Council can support owners of assistance animals with animal registration. Unfortunately, in Victoria, assistance animals are not currently recognised under the Victorian law for what constitutes an assistance animal, nor are there any standards or regulations in place with relation to their breeding, training or handling. The DDA Act does define what is considered an assistance animal.

In 2021, the Australian Bureau of Statistics reported that 2,353 people (or 6.3% of the population) in Moorabool reported needing help with their day to day lives due to disability. The statistics are based on disability that relate directly to the need for assistance due to a severe or profound disability.

PROPOSAL

It is proposed that Council refund in full the registration fee for an assistance animal to an owner. An assistance animal is not simply a pet but rather are highly trained disability support service that enables a person with a disability to safely participate in personal and public life activities.

It is important to note that the proposal has financial implication which is discussed in more detail within the Financial Implications section. Notwithstanding this, the economic and social benefit of supporting people living with a disability far outweighs the cost to Council if domestic animal registration fees were refunded to animal owners who register an assistance animal. The social and economic benefits are:

- supporting our people living with a disability to participate in public life.
- more active participation in their community, stimulating the economy
- providing an opportunity for owners of assistance animals the ability to venture out of the house with their friends, increase their physical activity and often reduce reliance on medication.

A refund to an owner of an assistance animal form would be developed which must be completed by the owner's general practitioner. The form must identify that the owner has a disability and is the owner of and requires the support of an assistance animal.

Using the DDA Act definition, Council would be considered entitled to request written evidence that an animal is an assistance animal, and that:

- the owner of the animal has a disability;
- the animal has been trained to alleviate the effect of the owner's disability; and
- the animal is trained to meet standards of hygiene and behaviour appropriate for an animal in a public place.

Evidence would also need to be provided to Council that the animal is microchipped.

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 3.5: Be recognised for demonstrating a culture of excellence, creativity and inclusiveness

The proposal to refund a domestic animal registration fee to an owner of an assistance animal is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There is a financial implication with introducing a full refund of domestic animal registration fees for an assistance animal. However, any financial implication may be considered as outweighed when measured against the positive social and economic impacts.

The RSPCA identifies that dogs are the most common assistance animal, so for the purpose of assumption of costs to Council, the financial implications are based on the cost of registering a dog as it represents the majority of assistance animals.

The table below is based on 100% of people living with a disability requiring support and assistance daily (6.3% of Moorabool's population) own a registered dog that could be considered an assistance animal.

6.3% of the population living with a disability who own a dog	Dog registration fees 2022/23	Total Financial Implication to Council	Payment to Treasurer (included in Total Financial Implication to Council)
381	\$66	\$25,146	\$1,609.87

Under the DA Act, Council paid \$4.23 (as at 1 July 2022) to the Treasurer for every pet registration. This payment to the Treasurer increases each financial year in line with the annual rate approved by the Treasurer in relation to state budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risks associated with a Council resolution to adopt a reduced registration fee for Assistance Animals.

COMMUNICATIONS & CONSULTATION STRATEGY

Undertake communication activities via social media and Council’s website, notices placed at Council offices informing residents of Council’s support to refund in full the registration fees of assistance animals under the DDA Act. If supported, the refund of fees for identified assistance animals will be included in the pet registration for 2024.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Henry Bezuidenhout

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

Author – Pamela Roncon

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

CONCLUSION

The DA Act does not allow Council to exempt assistance animal registration fees, however, under s15(3) of this Act empowers a Council to pass a resolution enabling the refund of cat and dog registration (or part thereof).

Supporting people with a disability who reside in the Shire and fully refunding a domestic animal registration fee is a positive step toward removing barriers and creating a more inclusive community which supports the independence of people living with disability.

Council has the ability to refund registration fees by resolution. This recommendation should be supported.

11.4 PEPPERCORN RENT ELIGIBILITY FOR LICENCED SPACE AT DARLEY CIVIC HUB - BACCHUS MARSH COMMUNITY RADIO INC

Thomas Contino addressed Council as the applicant to Item 11.4.

Author: Kate Pryor, Governance Officer

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

Attachments: 1. Eligibility Criteria and Assessment for a Peppercorn Rate - Bacchus Marsh Community Radio Inc (under separate cover)

PURPOSE

The purpose of this report is for Council to consider granting Bacchus Marsh Community Radio a peppercorn rate for their licenced space at Darley Civic Hub.

EXECUTIVE SUMMARY

Bacchus Marsh Community Radio have been occupying space at the Darley Civic and Community Hub under a licence agreement since 2017 and are currently paying a licence fee representing an 80% discount of the market rate. They are seeking a peppercorn rate as they meet the adopted eligibility criteria.

Bacchus Marsh Community Radio have been re-assessed and meet all essential criteria for a peppercorn rate as outlined in **Attachment 1**.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council resolves to:

- 1. Offer Bacchus Marsh Community Radio Inc a 12-month licence agreement for their current licenced space at Darley Civic Hub:**
 - a. for an annual licence fee of \$1.00 plus outgoings (excluding GST)**
 - b. with the option to extend for a further period of 12 months, and**
- 2. Receive a report no later than 3 months prior to the expiry of the first term before the option to extend has been offered.**

CARRIED

BACKGROUND

At the Ordinary Meeting of Council on 6 August 2014 Council adopted the leasing and licensing guidelines, eligibility criteria and the following objectives for community use of the hub:

- Maximise the community benefit arising from the purchase of the Hub buildings by Council.
- Ensure the facilities are used to meet demonstrated community needs consistent with Council's policies and the Council Plan.

- Increase community access to activities and services, particularly access by disadvantaged and socially isolated groups.
- Assist not-for-profit and volunteer-based organisations that offer activities and services in the Shire of Moorabool.
- Contribute to the Shire’s ability to achieve its objectives and service delivery.

Previous applications for a peppercorn rent

Bacchus Marsh Community Radio have been re-assessed and meet all of the essential criteria for a peppercorn rate. However, for reasons not known, Council has twice-refused officers recommendations to offer them a peppercorn licence.

At the Ordinary Meeting of Council on 1 March 2017 Council Officers recommended to offer Bacchus Marsh Community Radio a peppercorn licence, however, an alternative motion was accepted to instead offer the licence at full market rates. This offer was declined by Bacchus Marsh Community Radio as it would assume all of their available funding and would render them inoperable.

At the Ordinary Meeting of Council on 3 May 2017 Council Officers again recommended to offer Bacchus Marsh Community Radio a peppercorn licence. Again, an alternative motion was accepted to instead offer the licence at an 80% discount of the market rate, which is a 10% higher discount than the leasing and licensing framework adopted in 2014 recommends.

The current leasing and licencing guidelines include the following schedules:

Schedule	Eligibility
Peppercorn rate	<ul style="list-style-type: none"> • Approved use and meets all relevant eligibility criteria; • Provides significant community benefit; and • Has limited revenue-raising capacity. • A peppercorn rental is \$1 per annum payable on request.
Discounted market rate	<ul style="list-style-type: none"> • Approved use; • Meets all compulsory criteria and at least six of the ten eligible service organisation criteria; or • Has revenue raising capacity or receives external funding assistance e.g. receives some State Government funding. • The guidelines provide for discounts from between 30 per cent to 70 per cent.
Full market rate	<ul style="list-style-type: none"> • Approved use; • Does not meet the compulsory organisation criteria and compulsory facility management and development criteria; • Provides services that are not targeted to the Moorabool community; • Is substantially funded by other agencies or governments; or is a Government department or agency.

PROPOSAL

Bacchus Marsh Community Radio have been re-assessed and meet all essential criteria for a peppercorn rate. It is proposed to offer them a 12-month licence at a peppercorn rate, with the option to extend for a further 12-month period, subject to a further report being considered by Council three months prior to an option to extend.

Current market rates

The current market rate for general office space at the Darley Civic Hub is estimated to be between \$160 to \$190 per square per annum.

The current rate for the space currently licenced to Bacchus Marsh Community Radio is \$149 per square metre for 126.3 square metres (excluding 80% discount) which is already below the estimated market value.

Bacchus Marsh Community Radio are currently paying \$3,704.57 per annum (excluding GST) which is \$29.33 per square metre (80% discount).

Eligibility criteria

The guidelines for Peppercorn rent are outlined in **Attachment 1**.

Bacchus Marsh Community Radio have been assessed against the criteria adopted by Council on 6 August 2014 and meet all of the essential requirements for a Peppercorn rate.

Not for Profit

Bacchus Marsh Community Radio are a Not-for-Profit Association for the purposes of the Associations Incorporation Reform Act 2012 and have a turnover of less than \$70k per annum. Profits are redirected to community projects and are not paid as dividends to members.

Limited revenue raising capability

Bacchus Marsh Community Radio do not have a regular income stream and rely heavily on government grants and sponsorship from local businesses to operate.

Since 2020 many their major sponsors have either withdrawn funding or have ceased their business. Due to uncertain economic conditions, they have been unsuccessful in securing regular or larger sponsors and have limited capacity to raise revenue to cover general operating costs. The licensing fees they currently pay to occupy the space at Darley account for 20 to 30% of all funds raised through sponsorships and it is estimated this will only increase unless they can attract larger sponsors or qualify for other operational funding.

Additionally, under the Broadcasting Services Act 1992 and the Community Broadcasting Guidelines 2008 they are limited in the number of sponsored announcements they are allowed to broadcast, and while their sponsor pool is relatively sufficient, meaning they can broadcast the maximum 5-minute sponsored announcements every hour, the total pool of sponsors comprises mostly small local businesses within the municipality who only provide small cash amounts per annum.

Their eight largest sponsors do not commit more than \$1000 per annum and only five of those have committed to providing recurring annual sponsorship. There is limited capacity to raise additional revenue from the existing sponsor pool unless more of them commit to longer sponsorship terms and increase the amount they provide, or BMCR are able to attract and retain larger sponsors overall, both of which are unlikely given the localised nature of their services and the current and uncertain economic climate.

While they are also eligible for community grants, these funds do not cover general operational costs and are paid for specific projects only. With multiple capital improvement projects planned for 2023-24 (including critical upgrades to their telecommunications towers located on Dogtrap Gully Road) any shortfalls in grants funding will need to be paid for out of sponsorship funding.

Volunteer workforce

Bacchus Marsh Community Radio do not have a paid workforce and is operated entirely by a team of volunteers.

Community benefit

Bacchus Marsh Community Radio contribute substantially to the benefit of the Bacchus Marsh community, including:

- Providing local and relevant content to the Bacchus Marsh community
- Providing free broadcasting for Not-for-Profit Associations and Community Groups
- Partnering with Council to operate a youth outreach and training program and encouraging community social and economic participation, contributing overall to the health and wellbeing of the community
- Participating and contributing to community events and encouraging social participation across Moorabool

Other peppercorn leases

There are currently two other tenants at the Darley Civic Hub that are on peppercorn rates, being:

- Bacchus Marsh Arts Council (BMAC Gallery)
- The Country Women's Association (CWA)

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

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

The proposal to offer Bacchus Marsh Community Radio a peppercorn licence for space occupied at the Darley Civic Hub is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Licence Fees and Outgoings

Bacchus Marsh Community Radio are currently paying a licence fee of \$3,704.57 (80% discount of the current market rate) and outgoings of \$1,713.10 per annum (excluding GST) which is subject to annual adjustment on each anniversary of the commencement date of the Licence in accordance with the March Quarter Consumer Price Index (All Groups – Melbourne index).

Rent Reviews

On the commencement of the Licence Renewal Date the licence fee is subject to a market rent review. The market rate is then applied at the renewal Date and then discounted by 80%.

Financial Implications to Council

A peppercorn rate would reduce Council's rental income by \$3,704.57 per annum.

Maintenance Costs

The licensee is obliged to keep the licenced area in good repair and condition. This cost is borne by the licensee and not Council.

Indemnity and Insurance

The licensee must hold current public liability insurance for an amount of \$20,000,000 and must extend to cover Council in respect to claims for personal injury or property damage arising out of negligence of the licensee and must also indemnify Council and its officers against all actions, costs, claims, charges, expenses, penalties, demands and damages.

Financial implications to the licensee

A peppercorn rate would enable Bacchus Marsh Community Radio to divert funds back into critical operational costs which provides measurable benefits to the community.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues identified with this proposal.

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

In line with the current adopted framework for tenancies at the Darley Civic Hub, tenancies are reviewed annually. Any request from a current or prospective tenant for a peppercorn rate is assessed individually on its merits to ensure the eligibility criteria has been met.

Bacchus Marsh Community Radio continue to occupy space at Darley Civic Hub under licence agreement at the current discounted market rate. They are keen to remain in their current location should licensing arrangements be favourable.

Bacchus Marsh Community Radio have demonstrated their eligibility against all essential criteria that was adopted at Ordinary Meeting of Council on 6 August 2014 and it is recommended that Council resolve to offer them a peppercorn licence for an initial period of 1 year with the option to renew for another year, for an annual licence fee of \$1.00 per annum plus outgoings (excluding GST).

12 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

Aidan Robinson addressed Council as the applicant of Item 12.1.

Jodie Valpied addressed Council as an objector of Item 12.1.

David Marnie addressed Council as an objector of Item 12.1.

12.1 PA2021093 - SIX LOT SUBDIVISION AT 289 WERRIBEE VALE ROAD, MADDINGLEY

Author: Jyoti Makan, Senior Statutory Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments: 1. Design Response Plan (under separate cover)

APPLICATION SUMMARY

Permit No: PA2021093

Lodgement Date: 3 May 2021

Planning Officer: Jyoti Makan

Address of the land: 289 Werribee Vale Road, Maddingley

Proposal: Six Lot Subdivision

Lot size: 2.36ha

Why is a permit required? Clause 32.08-2 - Subdivide land; Clause 43.01-1 Subdivide land

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Paul Tatchell

That having considered all matters as prescribed by the *Planning and Environment Act 1987*, the Council issue Planning Permit PA2021093 for a Six Lot Subdivision subject to the following grounds:

Endorsed plans:

1. Before certification of the plan of subdivision, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - (a) Landscaping plan showing plantings along the boundaries of the heritage site (proposed Lot 5), and along the site frontage of Werribee Vale Road to the satisfaction of the Responsible Authority.
 - (b) Cut and fill details including the location of any retaining walls. Any retaining walls must be sympathetic to the heritage site located in proposed Lot 5.

- (c) Creation of Restriction in accordance with Condition 3 contained herein.
2. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the written consent of the Responsible Authority.

Subdivision:

3. The plan of subdivision submitted for certification must include a creation of restriction. The wording of the creation of restriction shall be as follows:
- (a) Land to be Burdened: All lots on this Plan.
- (b) Land to Benefit: All lots on this Plan.
- (c) Creation of restriction: Upon registration of this plan, the following restriction is created:
- Description of Restriction:
- i. No further subdivision to create additional lots is permitted.
- ii. No buildings higher than single storey level above the finished ground level.
- iii. No building is permitted within 10m from the Egerton Place, street frontage boundary.
4. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications:

5. The owner of the land must enter into agreements with:
- (a) a telecommunications network or service provider for the provision of telecommunication service to each lot shown on the endorsed plan in accordance with the provider's requirement and relevant legislation at the time; and
- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optic fibre.
6. Before the issue of Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunication services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Development Plan Overlay:

7. Prior to any works commencing on the land a "Environmental/Construction Management Plan" must be prepared to the satisfaction and approved by the Responsible Authority,

detailing how the developer will manage the environmental and construction issues associated with the development. The plan must address, but not be limited to the following:

- (a) how the land is to be accessed during the construction period;
 - (b) all measures to be introduced to ensure that construction on the land does not impact on any vegetation to be retained;
 - (c) all measures to be introduced to minimise soil erosion runoff;
 - (d) details relating to the storage of all plant and equipment during the construction period; and
 - (e) measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside of the site.
8. Developer contributions are required for the provision of infrastructure on the developable land, and also where the development impacts on infrastructure demand beyond the developable area, including social and road network infrastructure based on the Community Infrastructure Report and Traffic Impact Assessment Report, and must be provided for within an agreement made with Moorabool Shire Council under section 173 of the *Planning and Environment Act 1987*.

Infrastructure:

9. Prior to the issue of the statement of compliance a 1.5m wide footpath along western side of Egerton Place is to be provided to link to the existing footpath on the southern boundary to the northern extent of the development along Egerton Road. All new footpath works to be constructed to the satisfaction of the Responsible Authority.
10. Unless otherwise approved by the Responsible Authority there must be no buildings, tree structures, or improvements located over any drainage pipes and easements on the property.
11. Prior to the construction commencing, engineering drainage plans and detailed computations must be submitted and approved by the Responsible Authority. The drainage plans are to be undertaken in accordance with the Infrastructure Design Manual and Australian Rainfall and Runoff 2016 and shall incorporate (but not limited to) the following:
 - (a) the development as a whole must be self-draining to the legal point of discharge;
 - (b) all drainage courses within the development must pass through easements or reserves shown on the plan of subdivision;
 - (c) all outfall drainage land passing through other land must be provided at the cost of the developer and be constructed within easements shown on the plan of subdivision;
 - (d) volume of water discharging from the development in a 10% AEP storm shall not exceed the 20% AEP storm prior to development. Peak flow must be controlled by the use of a detention system located and constructed to the satisfaction of the Responsible Authority;
 - (e) each lot must be provided with a stormwater legal point of discharge at the low

point of the lot, to the satisfaction of the Responsible Authority;

- (f) stormwater runoff must meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999);
 - (g) flow paths of the 1% AEP storm must be determined and the subdivision designed so that no property is inundated by such a storm. The flow paths must be indicated on the engineering plans;
 - (h) the drainage system must be designed to include provision to intercept litter; and
 - (i) the drainage must take into account any applicable drainage or flood management strategy.
12. Prior to the works commencing on the development, notification including photographic evidence must be sent to Council's Infrastructure Services identifying any existing damage to Council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority. If photographic evidence cannot be provided then the damage must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
13. Storm water drainage from the development must be directed to a legal point of discharge to the satisfaction of the Responsible Authority. A Stormwater Point of Discharge permit must be obtained from the Responsible Authority prior to commencement of the works associated with the permit.
14. Prior to the commencement of the development, plans and specifications of all road and drainage works must be prepared, submitted and approved by the Responsible Authority, detailing but not limited to the following:
- (a) Location of vehicle crossings.
 - (b) Details of the underground drainage.
 - (c) Location of drainage legal points of discharge.
 - (d) Standard details for vehicle crossings and legal points of discharge
 - (e) Civil notes as required to ensure the proper construction of the works to Council standard.
15. An Environmental/Construction Management Plan for the construction works must be submitted to and approved by the Responsible Authority prior to the commencement of construction. All works must be performed in accordance with the approved Environmental/Construction Management Plan.
16. Sediment discharges must be restricted from any construction activities within the property in accordance with the relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The Environmental/Construction Management Plan shall include (but not limited to the following items):
- (a) Details of site security.
 - (b) Off street parking for employees and site access for construction vehicles and equipment.
 - (c) Public safety in the event that the construction site is adjacent to public active areas.

- (d) Provisions for loading and unloading.
 - (e) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.
 - (f) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids.
 - (g) Details of any air and dust management.
 - (h) Details of noise and vibration controls.
 - (i) Provision of Traffic Management Plan (TMP) and Traffic Control Plans.
 - (j) Proposed start and completion time of construction activities including the delivery of material to site.
17. No work shall commence onsite until all approvals are obtained by the relevant authority. The approvals include, but not limited to:
- (a) detailed designs in the form of Stamped for Construction Plans;
 - (b) approved Environmental Management Plan;
 - (c) approved Construction Management Plan (which is to include TMP and TCP); and
 - (d) any other approvals forming part of the other planning permit conditions.
- A copy of all approved documents are to be kept onsite at all times and consent from the relevant authority is required for any departure to the approvals.
18. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
19. Standard urban double shared vehicle crossings must be provided to all lots to the satisfaction of the Responsible Authority. A vehicle crossing permit must be taken out for the construction of the vehicle crossing with any redundant crossing being removed and restored to the satisfaction of the Responsible Authority.
20. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the developer must pay:
- (a) 0.75% of the total estimated cost of works for the checking of engineering plans associated with that stage of development.
 - (b) 2.5% of the total estimated cost of works for the supervision of works associated with that stage of the development.
 - (c) The fees are to be determined based on the requirements as specified within the Infrastructure Design Manual and the *Subdivision Act 1988*.
21. All gifted infrastructure works must be maintained in good conditions and repair for a minimum of three months after completion of the works, to the satisfaction of the Responsible Authority. Prior to the issue of a Statement of Compliance for each stage of the subdivision, a security deposit of 5% of the total value of engineering works for that stage as approved by the Responsible Authority must be lodged with the Responsible Authority, to cover the maintenance of all works. The deposit will be returned after the final inspection of works, three months after the completion of works, subject to the

satisfactory completion of all required maintenance and rectification works.

22. Prior to the issue of the Statement of Compliance and after all engineering works pertaining to the development have been completed in accordance with the approved plans "as constructed" details must be submitted and approved by the Responsible Authority.

Powercor Australia:

23. The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to the Distributor in accordance with Section 8 of that Act.

24. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

25. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliance with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

26. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

27. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference Purpose Width (Metres) Origin Land Benefited / In Favour Of
Power Line Section 88 – *Electricity Industry Act 2000* Powercor Australia Ltd.

Melbourne Water:

28. Prior to the commencement of works, a separate application direct to Melbourne Water must be approved for any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing.

Downer:

29. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the *Subdivision Act 1988*.

Greater Western Water:

- 30. Payment of new customer contributions for each lot created by the development, such amount being determined by Greater Western Water at the time of payment.**
- 31. Fencing must be provided around GWW Maddingley Tank site at the developer's expense and to the satisfaction of Greater Western Water.**
- 32. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Greater Western Water.**
- 33. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Greater Western Water.**
- 34. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Greater Western Water.**
- 35. The owner shall reach an agreement with Greater Western Water regarding the construction of any Shared Assets (potable water mains that are greater than 150mm diameter and gravity sewerage mains that are greater than 225mm diameter), required to service the subdivision/development.**
- 36. Provision of easements in favour of Greater Western Water Corporation over all existing and proposed sewer mains located within private property. Easement widths and sewer offsets must comply with the current version of the Gravity Sewerage Code of Australia Melbourne Retail Water Agencies.**
- 37. Pursuant to Section 36 of the *Subdivision Act 1988*, Greater Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of City West Water Corporation.**
- 38. The developer must produce for approval by Greater Western Water an Integrated Water Management Plan (IWMP) that incorporates water efficiency measures and water-sensitive urban design techniques that reduce reliance on potable water by increasing utilisation of fit-for-purpose alternative water supplies.**
- 39. The IWMP must set out subdivision outcomes that appropriately respond to the site and its context for integrated water management to the satisfaction of Greater Western Water. When approved by Greater Western Water, the IWMP must be endorsed and form part of the permit.**
- 40. Prior to Certification of the Plan of Subdivision Developer Design Guidelines must be submitted to Council for approval and endorsement. Any requirement for a rain water tank at an individual lot must be included and mandated within the endorsed Developer Design guidelines. Alternatively, prior to Certification of the Plan of Subdivision a Restriction must be created on the Plan requiring all dwellings to incorporate dual plumbing for connection to a rainwater tank with a minimum 3,000L capacity, for use in toilet flushing and garden watering.**

41. The operator under this permit must enter into an Agreement with Greater Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Greater Western Water. The owner/applicant shall make a written request to Greater Western Water for the terms and conditions of the agreement.
42. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Greater Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- (a) Own a metered hydrant approved by Greater Western Water.
 - (b) Meter and pay for all water taken.
 - (c) Display a Western Water Permit Number Sticker on the tanker.
 - (d) Only take water from nominated hydrants for standpipes.
 - (e) Only use water for the purpose approved in the Water Carters Permit.
 - (f) Avoid wastage of water on site.
 - (g) Comply with any water restrictions imposed by Greater Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing:

Roads, drains, water mains, sewer mains, power supply, telephone, gas and any other services infrastructure required by this permit and dust suppression during construction of the same. Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Greater Western Water that water is not required from Greater Western Water's town supply systems to construct Subdivision Infrastructure as defined above.

Permit Expiry:

43. The permit will expire if one of the following circumstances applies:

- (a) the subdivision is not certified within two years of the date of issue of the permit.

Statement of compliance must be achieved, and certified plan registered at the Titles Office within five years from the date of certification.

In Favour: Crs Tom Sullivan, David Edwards, Ally Munari and Paul Tatchell

Against: Cr Moira Berry

CARRIED 4/1

PUBLIC CONSULTATION	
Was the application advertised?	No, exempt from notice provisions.
Notices on site:	No.
Notice in Moorabool Newspaper:	No
Number of objections:	No.
Consultation meeting:	NA

POLICY IMPLICATIONS

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Henry Bezuidenhout

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

Author – Jyoti Makan

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

EXECUTIVE SUMMARY

Application referred?	The application was referred to Development Infrastructure, Environmental Health, and Strategic Planning.
Any issues raised in referral responses?	Access, slope, not generally in accordance with the development plan, possibilities for a conservation management plan.
Preliminary concerns?	Irregular lot typologies, unsustainable difficult to build areas, accessibility from future crossovers, not in accordance with the development plan, the proposal removes the openness and removes any opportunity to regenerate the heritage site and plant trees as specified in the approved development plan.

Any discussions with applicant regarding concerns?	Several discussions took place and detailed responses were provided by the applicant.
Any changes made to the application since being lodged?	Yes, eight lots were previously proposed which has changed to six lots to address Council concerns.
Brief history.	The site is located within the West Maddingley Development Plan and is identified as open space to provide curtilage to the heritage dwelling known as the Vallance Homestead.
Previous applications for the site?	There has been a prior subdivision to separate the Homestead site from the remaining Stonehill Estate.
General summary.	<p>The proposal was changed from an eight lot subdivision to a six lot subdivision facilitated by a proposed Addendum to the approved West Maddingley Development Plan - Part 1. All concerns related to slopes, heritage, landscaping, access and built form are mitigated via conditions recommended for the permit.</p> <p>Background reports conducted for the approval of the West Maddingley Development Plan – Part 1 were investigated which provided the basis to enable a residential subdivision over the land.</p> <p>The proposal for a six-lot subdivision and retention of the heritage property is recommended for approval.</p>

Summary of Officer’s Recommendation
That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i> , the Council issue Planning Permit PA2021093 for a Six Lot Subdivision at 289 Werribee Vale Road, Maddingley.

SITE DESCRIPTION

The site is known as Lot 1 on Plan of Subdivision 807655A situated at 289 Werribee Vale Road, Maddingley and located within the Homestead Precinct of the approved West Maddingley Development Plan. The site is triangular shaped and fronts Werribee Vale Road for 271m. Access is gain from its eastern boundary towards the emerging master planned residential neighbourhood development. The immediate southern part of the site is predominantly open space due to the topography and natural features of the site. The existing buildings on the site are of heritage significance and related to the Vallance Family known in the early 20th Century as “Valeria”.



Figure 1: Aerial photo of The Site

The site is zoned for General Residential purposes but identified in the West Maddingley Development Plan for the future use of the land as open space for tree planting and for the regeneration of the homestead precinct. The site is covered by Heritage Overlay Schedule 174 and Development Plan Overlay Schedule 3. Cultural Heritage Significance covers the southwestern and northern parts of the land.

PROPOSAL

A six lot subdivision is proposed adjacent to existing Stages 24 and 25 of Stonehill estate. The proposed Lot 5 includes the heritage building site and is 1.645ha in extent. The other proposed lots will gain access from Edgerton Place and is between 811sqm to 2002sqm in size. A proposed landscape buffer will be located fronting Lot 1 at the corner of Werribee Vale Road and Edgerton Place.

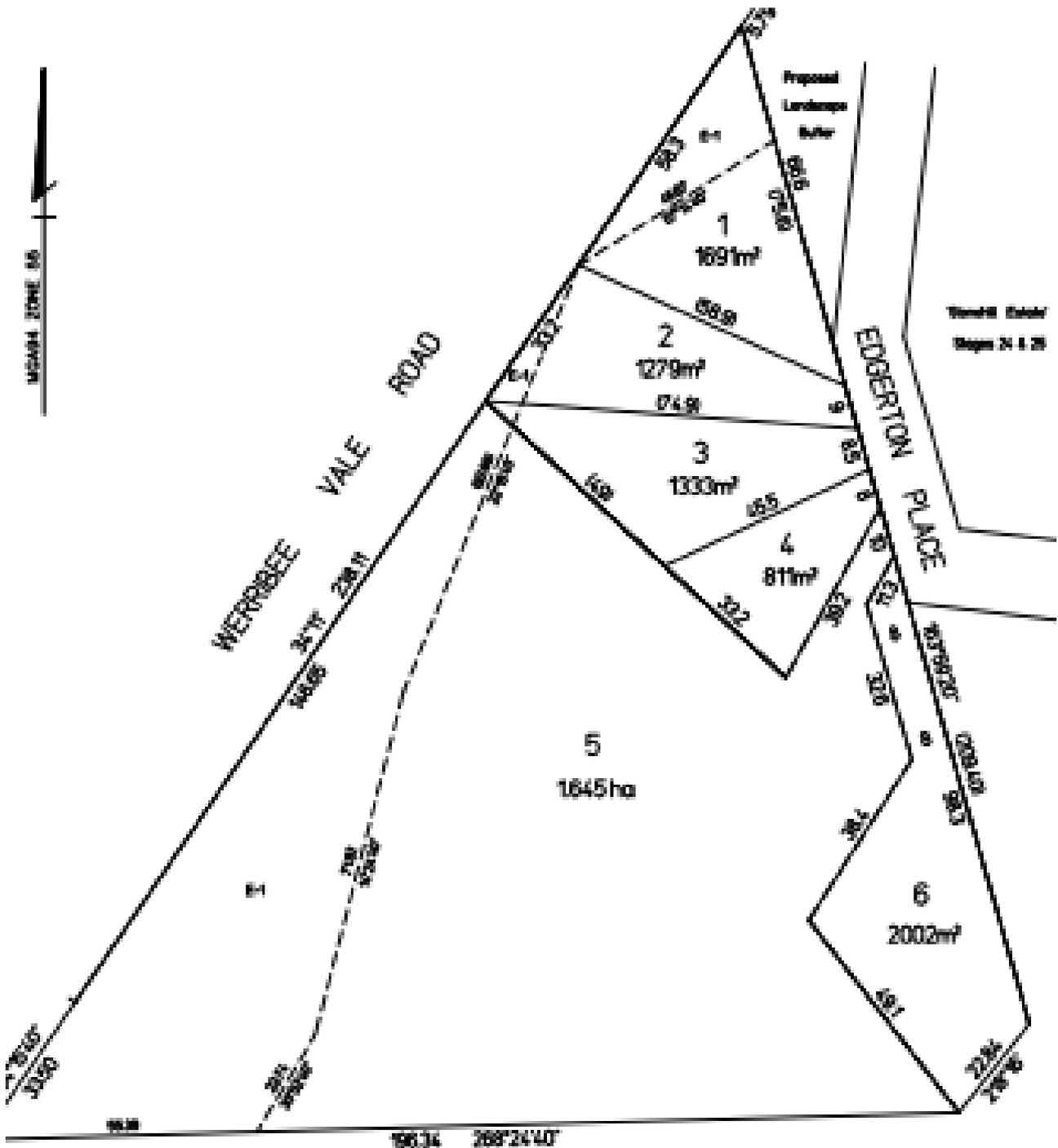


Figure 2: Proposed Subdivision Plan

BACKGROUND TO CURRENT PROPOSAL

The original proposal was made for eight lots and after discussing concerns on slope, erosion, stormwater, heritage and landscaping, an amendment in process was submitted reducing the number of lots to six.

HISTORY

The Minister for Planning prepared and approved a Planning Scheme Amendment C49 on 19 November 2009, which rezoned the land known as West Maddingley from Farming Zone to Residential 1 Zone and also placed a Development Plan Overlay, Schedule 3 on the land.

The land parcels rezoned were identified through Amendment C34. The Panel examined residential land supply and supported Council’s view that the subject land was a suitable area for residential growth.

PUBLIC NOTICE

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

The application was not advertised in accordance with this exemption.

LOCALITY MAP

The map below indicates the location of the subject site and the zoning of the surrounding area.



Figure 3: Zone Map

PLANNING SCHEME PROVISIONS

Council is required to consider the Victoria Planning Provisions and give particular attention to the Planning Policy Framework (PPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.01-1S – Settlement
- Clause 11.02-3S – Sequencing of development
- Clause 11.03-5S – Distinctive areas and landscapes

- Clause 11.03-2L – Growth Areas
- Clause 12.01-2S – Native vegetation management
- Clause 13.02-1S – Bushfire Planning
- Clause 13.03-1S – Floodplain Management
- Clause 13.04-2S – Erosion and landslip
- Clause 13.04-3S – Salinity
- Clause 15.01-3S – Subdivision Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 15.03-1S – Heritage Conservation
- Clause 15.03-2S – Aboriginal Cultural Heritage
- Clause 16. 01-1S – Housing Supply
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

ZONE

The site is located in the General Residential Zone Schedule 2

A planning permit is required to subdivide land under Clause 32.08-4.

OVERLAYS

The site is covered by the Development Plan Overlay – Schedule 3 (DPO3). The figure below indicates Map 1 in Schedule 3 of the Development Plan Overlay.

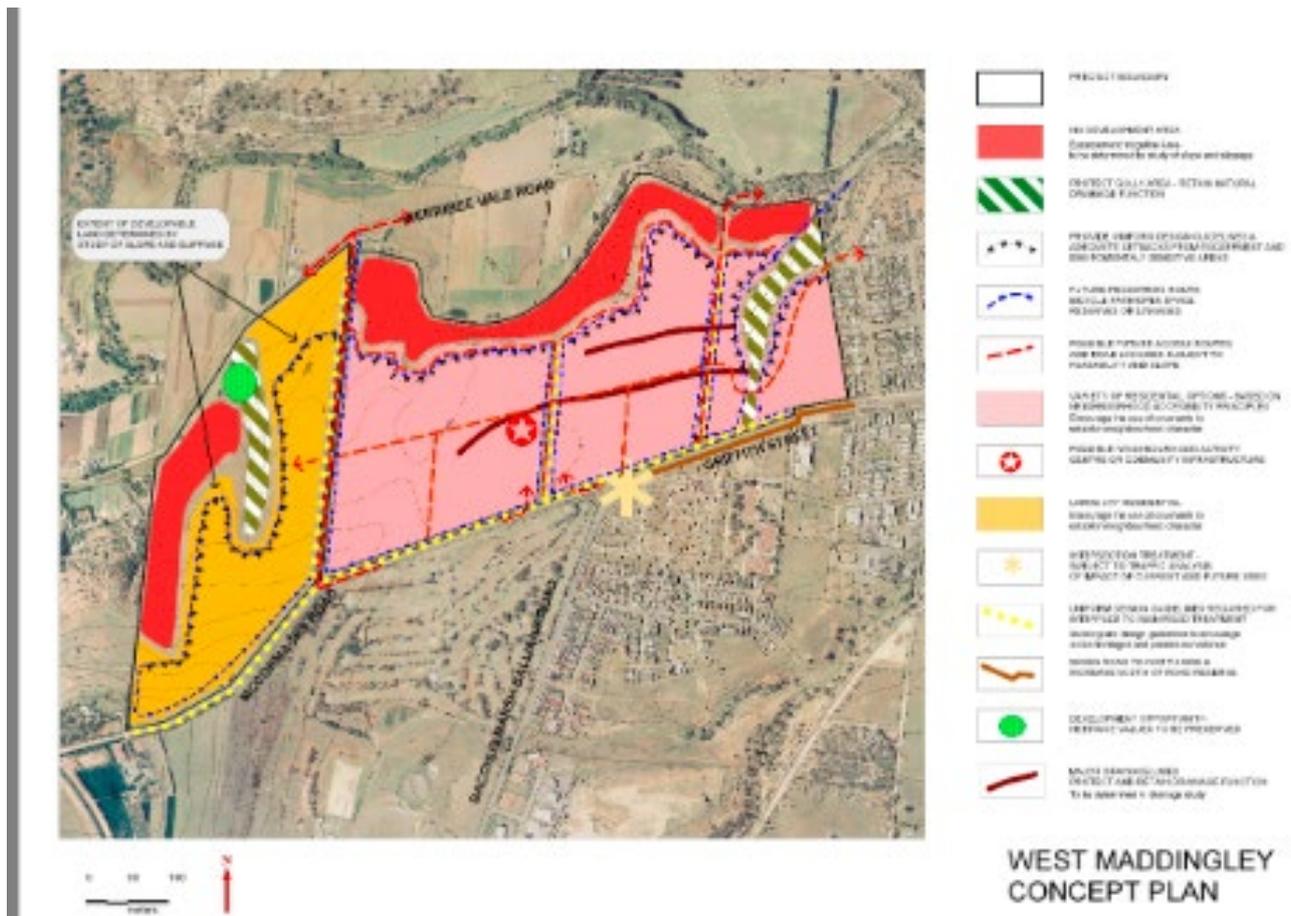


Figure 4: Map 1 in Schedule 3 of the Development Plan Overlay Heritage Overlay (HO147)

The Heritage Overlay has the purpose to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required to subdivide land and construct and carry out works. Solar Energy controls apply to Schedule 174 of the Heritage Overlay.

Relevant Policies

Housing Bacchus Marsh to 2041

This policy addresses the management of growth, housing and guides neighbourhood character in Bacchus Marsh and surrounds. Maddingley is one of the three suburbs within close proximity to Bacchus Marsh in terms of both physical proximity as well as significant natural features and distance with the Western Freeway warranting the adoption of planning and housing strategies to support sustainable neighbourhoods. This policy guides development towards sustainable principles such as:

- Environmentally Sustainable Design
- Compact Neighbourhoods
- Walkable and Pedestrian Scale
- Mixed Land Uses
- Diverse Housing, Streets and Public Spaces
- Interconnected Streets
- Variety of Transport Options
- Range of green spaces as features

The Housing Strategy identifies this location as Precinct 27 which is earmarked for greenfield residential growth.

Particular Provisions

Clause 53.01 (Public Open Space Contribution and Subdivision):

This provision requires that a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial, or commercial purposes, or a percentage of the site value of such land, or a combination of both). The schedule to Clause 52.01 does not specify a percentage for public open space.

A requirement has already been provided as a result of the Stonehill Residential Estate.

Clause 53.18 – Stormwater Management in Urban Development

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The proposed subdivision has provided an acceptable stormwater management strategy.

Clause 56 – Residential Subdivision

This clause seeks to create liveable and sustainable neighbourhoods and urban places with character and identity and to achieve residential subdivision outcomes that appropriately respond to the site and its context.

The proposed subdivision complies with all of the standards of Clause 56 applying to a six lot subdivision.

DISCUSSION

A proposal was made to subdivide 289 Werribee Vale Road into six lots facilitated by the inclusion of the addendum to the West Maddingley Development Plan – Part 1. Some of the relevant considerations were related to erosion, salinity and slope. A Geotechnical Report for the original Development Plan indicated that the subject site would be appropriate for residential development and that the slope is no more than 20%. The use of revegetation in cleared areas and earthworks was further explained, to avoid the risks of erosion. The proposed large lots allow for future buildings and ample space for new landscaping opportunities.

The heritage dwelling on the site will to be preserved and retained with revegetation and row tree planting. This can still be achieved with the heritage dwelling located on the largest lot at 1.84ha. Conditions are recommended to ensure that a landscape plan is submitted and approved and

works to be completed to allow for the intent of the homestead precinct to be fulfilled and to assist in mitigating erosion risks. Trees shown for removal are located along Werribee Vale Road and are non-native and do not require planning approval.

The proposed subdivision is a modest residential development with large lots sizes and convenient access to services with connections to the existing Stonehill Estate. To ensure an acceptable design response is undertaken with the new dwellings on each lot, there will be a requirement for a creation of restriction to prevent double storey dwellings and a minimum front setback of 10m that all good sense of spacing between dwellings to protect the heritage site from dominated built form. Subject to conditions the subdivision should be supported.

GENERAL PROVISIONS

Clause 65 - Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - Stipulates all the relevant referral authorities to which the application must be referred.

REFERRALS

Authority	Response
External	
Greater Western Water	Consent with Conditions.
Southern Rural Water	No comment.
Melbourne Water	Consent with Conditions.
Downer	Consent with Conditions.
Powercor	Consent with Conditions.
CFA	No response.

Internal	
Development Infrastructure	Consent with conditions.
Strategic Planning	Advice provided on the West Maddingley Development Plan background documents.
Operations	Consent.

FINANCIAL IMPLICATIONS

The recommendation of approval of this application has no financial implications to Council.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

The recommendation of approval of this application does not implicate any risk or OH&S issues to Council.

COMMUNICATIONS STRATEGY

Notice was undertaken for the application, in accordance with s.52 of the *Planning and Environment Act 1987*, and further correspondence is required to all interested parties to the

application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address the Ordinary Meeting of Council if required.

OPTIONS

The Ordinary Meeting of Council consider the following options:

- Issue a Planning Permit in accordance with the conditions in the recommendation of this report; or
- issue a Planning Permit with amendments to the conditions contained in the recommendation of this report; or
- issue a Refusal to Grant a Permit on grounds. Council would need to consider what reasonable grounds there would be to refuse the application. This option may result in the applicant appealing the decision to VCAT.

CONCLUSION

The six lot subdivision is generally in accordance with the West Maddingley Development Plan - Part 1 Addendum and supports residential growth in a greenfields location already connected to nearby services. Subject to conditions, the subdivision allows retention of a heritage significant dwelling and provides five vacant lots with an opportunity to construct low rise housing with large front setbacks. The proposed subdivision is recommended for approval.

13 COMMUNITY STRENGTHENING REPORTS

13.1 DRAFT ECONOMIC DEVELOPMENT AND VISITOR ECONOMY STRATEGY

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

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

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

PURPOSE

The purpose of this report is to present the draft Economic Development Strategy and Visitor Economy Strategy to proceed to four-week public exhibition.

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. A stakeholder engagement summary report is attached highlighting key insights and themes.
- Informed by consultations and research conducted, the draft strategies have been developed.
- There is now an opportunity for further feedback from the community through public exhibition of the draft Strategy documents.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

That Council approves to progress the draft Economic Development Strategy and Visitor Economy Strategy to a four-week public exhibition phase.

CARRIED

BACKGROUND

Development of the Economic Development and Visitor Economy Strategies was identified as a priority for year one of the Council Plan 2021-2025. These two key strategic documents were

identified as opportunities for Moorabool Shire as a growth municipality to maximise its economic, tourism and local jobs potential.

Summary of progress to date:

- October 2021 – Through a competitive tender process Urban Enterprise were engaged to prepare both the Economic Development Strategy and separate Visitor Economy Strategy.
- October – December 2021 – Extensive internal and external consultation took place as part of phase one of the consultation plan. Please see report attached (Moorabool Shire Stakeholder Engagement Summary Report.pdf)
- January – May 2022 – Draft strategies were developed.
- July – October 2022 – Transition of the economic development function to the Community Strengthening directorate.
- November 2022 – February 2023 – The strategy documents were refreshed to include up to date data regarding the impact of COVID and the 2021 Australian Bureau of Statistics census information.
- March – April 2023 – Council briefings took place to seek feedback and inform the draft Strategies.

PROPOSAL

It is proposed that the draft Economic Development Strategy and Visitor Economy Strategy is approved for a four-week public exhibition period. Following public exhibition and incorporating public feedback obtained during exhibition period, the strategies will be finalised for Council 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 within the 2022-2023 adopted Council budget. The strategies have been produced with funds allocated within the 2021/22 and 2022/23 budgets. 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.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
The draft strategies public exhibition is delayed.	Final strategy endorsement is delayed, delaying the implementation.	Medium	The strategies are approved for public exhibition

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputation – A negative perception of the draft 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 Strategy meets 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.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
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.
	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

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
	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 Strategy.
	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 City of Ballarat Ballarat Regional Tourism Local real estate agents and businesses	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.
	Traditional Owner Consultations	Online consultations were conducted with Wurundjeri, Wadawurrung	Online	November 2021	2 online workshops with representatives from Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
					Wadawarrung Traditional Owners Aboriginal Corporation

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 Strategy development was identified as a key action for year one of the Council Plan.

The strategies will provide direction on the investment of resources and capabilities, outlining the role Council will play and the areas to focus on over the four years of the strategies.

It is recommended the draft Economic Development Strategy and Visitor Economy Strategy are presented for a four-week public exhibition period to gain feedback from the community and inform the final strategies.

Following the public exhibition period, a further report will be presented to Council with the final strategies for adoption.

13.2 OPERATION OF BACCHUS MARSH INDOOR STADIUM**Author:** Chloe Beech, Acting Manager Community Activation**Authoriser:** Leigh McCallum, General Manager Community Strengthening**Attachments:** Nil**PURPOSE**

The purpose of this report is to seek Council endorsement of a contract management model for the new Bacchus Marsh Indoor Stadium, and to approve officers to undertake a tender process to appoint a suitably qualified organisation to manage the ongoing management and operations of the new stadium.

EXECUTIVE SUMMARY

The Bacchus Marsh Indoor Stadium currently under construction on Taverner Street, Maddingley, is scheduled for practical completion in August 2023. The four court multi-sport stadium represents stage 1 of the Moorabool Aquatic and Recreation Centre (MARC) development. The broader precinct includes a Regional Bowls Facility and a proposed Indoor Aquatic Centre.

A review process has been undertaken to consider options regarding facility management and leisure services provision and to determine a suitable management model to achieve this service. Two background studies have been undertaken including a Feasibility Study (2018) which considered the viability and options for the development of an indoor stadium in Bacchus Marsh only, and then in 2020 an Operational and Financial Model Report was commissioned which considered the business and operational options for both the indoor stadium and future aquatic facility. This report was further reviewed and updated in March 2023 to represent current climate and industry conditions.

A demographic review and catchment analysis has been undertaken to understand key population and demographic characteristics and trends likely to impact future participation in aquatic facilities within the Moorabool region. An overview of the trends, business drivers, lifecycle costs and community benefits of aquatic and leisure centres was also undertaken to consider the most appropriate management option.

A review of the management options and the risk assessment of Council's internal resource capacity and capability has been completed. The review indicates that the contract model is the most cost-effective and efficient operating model for the management of the indoor stadium.

RESOLUTION**Moved: Cr David Edwards****Seconded: Cr Tom Sullivan****That Council:**

- 1. Resolves to endorse a contract management model for the operation of the Bacchus Marsh Indoor Stadium.**
- 2. Prepare specifications, outlining operational expectations and requirements relating to the operation of the Bacchus Marsh Indoor Stadium, and future Moorabool Aquatic and Recreation Centre, including Part 2a and 2b in the management structure.**
- 3. Undertakes a tender process to procure a suitably qualified organisation to manage the ongoing management and operations of the Bacchus Marsh Indoor Stadium.**

CARRIED**BACKGROUND**

The Operational and Financial Model Report (2023) has informed the service modelling for the new indoor stadium. The Report has taken into consideration a number of factors which provide context and input into the final business recommendations which include analysis of:

- Industry Trends and strategic context
- Demographic and demand analysis
- Staging Options
- Business assumptions such as operating hours, entry fees, staffing structure, maintenance, and utilisation
- Management Models
- Financial Modelling

Through this report it has been identified that a contract management model as the most cost-effective and efficient model to manage the day-to-day operations of the new Bacchus Marsh Indoor Stadium.

PROPOSAL

The MARC has been planned and designed based on a model of integration however given the availability of funding this integrated model is being delivered by Council in two stages (Stage 1 Indoor and Stage 2 Aquatic).

To enable a detailed review to be undertaken, business and operational modelling has been completed based on two facility development options:

- Option One – Standalone indoor stadium and standalone indoor aquatic centre
- Option Two – Integrated model for indoor stadium and indoor aquatic centre

Therefore, the assessment of the above listed 'Option One' is relevant for the current development of the indoor stadium until such time as the aquatic facility is fully funded and constructed.

Operational Models

The modelling considers four potential options for ongoing management and operations of the facility:

- **Internal Management:** This is the traditional model where a Council directly employs management and staff to operate the leisure and aquatic facilities. This management model acknowledges Council has full responsibility for operations, pricing, programming, asset management and staffing.
- **External Contract Management:** This is where a Council contracts or leases out management rights of the leisure and aquatic facilities to either a professional contract management company or an individual to operate all facilities or a community committee. This is usually done through a contract for an agreed term and set of conditions that binds each party. This is generally a shorter contract tenure in comparison to a lease and has options (for example 3+2+2). Council has some control of operational outcomes and KPI's through the management contract specification and service standards can be controlled and monitored.
- **Company Limited by Guarantee:** This model is emerging and involves the Council setting up a separate wholly owned company to manage and operate the facilities on its behalf. This model allows the company to control all facilities based on a Management Services Agreement and key operating directions set up by Council. This option is used where councils want management to be more commercial and are prepared to transfer responsibility to the company but retain some strategic direction and control. The model generally has higher start-up costs and is better suited to a network of facilities due to the economies of scale it can deliver.
- **Long Term Lease:** This is where a Council leases out management rights of the leisure facilities to either a professional contract management company, an individual or a sports club/association to operate the facilities. This is usually done through a contract for an agreed term and set of conditions that bind each party. The lease option is generally a longer tenure in comparison to the external management option and Council has limited control of the management and operational outcomes. It is difficult to align the service to Council strategies and objectives and is a more commercial arrangement as the lease holder needs to deliver a financial return to be viable.

An analysis of key business issues has been undertaken which outlines the advantages and disadvantages of each of the operational models. Further to this information a benefit and risk assessment has been undertaken to form a professional position on the most suitable future operational model for MARC.

Having completed this review, it is recommended the external contract management model as the most cost-effective model for the future management of the indoor stadium and future aquatic and leisure centre.

If the preference for Council is to engage an external organisation to manage the new stadium, Council has the option to undertake an Expression of Interest (EOI) or direct tender process outlining key principles for the service agreement for the operation and management of MARC.

The EOI would seek to identify and generate interest in the market from suitability qualified and experienced Recreation and Leisure operators to enable Council to shortlist appropriate applicants and invite them to a future tender process to award the operation and management contract. The

alternative option is to go straight to an open market tender, given the timing of completion of the indoor stadium it is recommended Council go straight to an open market tender.

Under either procurement model consideration should be given to how the contract will be structured to enable the addition of the future stages of delivery (Aquatic and health club components) and additionally the future operation of Council’s outdoor pools and splash parks. The actual known cost to Council to operate this model would be determined during this process.

The proposed structure of the tender documentation is as follows:

- Part 1 Contract - Indoor stadium (only)
- Part 2a Contract – Aquatic and health club components
 - Under model 2a it is presumed that a report be presented to Council to consider the ongoing operation of the outdoor pools at Bacchus Marsh and Ballan as well as the future splash park identified for delivery in both of these locations.
- Part 2b Contract – Aquatic and health club components including outdoor pools and splash parks (pending a decision of Council on their future operation)
 - Under this model the entire aquatic offering across the shire would be bundled into the operational contract. This would provide economies of scale relating to staffing and the ability for the future operator to offer programming opportunities at the outdoor locations.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

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

The proposal of requesting endorsement to prepare EOI or direct tender specifications for contract management of the Bacchus Marsh Indoor Stadium is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Financial assumptions and analysis have been undertaken. The analysis indicates an operational performance surplus after year three of operation, and that revenue and expenditure will increase annually over a ten-year business projection. It is anticipated that a competitive tender process will further inform the financial assumptions for the new facility.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
No suitable tender submissions	Council do not receive suitable tender submissions from operators to manage the Stadium	Medium	Council to advertise tender adequately and encourage conversations with potential operators
Financial	Financial operating assumptions are	Medium	Detailed discussion with consultant ensuring population growth and

	inaccurate		benchmarking with like-for-like facilities has been undertaken
Council reputation	Reputational risk if Council do not have Stadium ready to open following practical completion	Medium	Tender documents prepared and ready to be advertised once proposal is approved by Council

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Engage	Internal stakeholders	Meetings with service units	Various	February 2020 - present	Internal support for proposed management model

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 – Chloe Beech

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

CONCLUSION

It is requested that Council approve:

- A contract management model to manage the future day-to-day operations of Bacchus Marsh Indoor Stadium
- The preparation of specifications for a tender response outlining the operational expectations and requirements of Council relating to the operation of Bacchus Marsh Indoor Stadium, and future Moorabool Aquatic and Recreation Centre, including Part 2a and 2b in the management structure
- Undertaking a tender process to procure a suitably qualified organisations to manage the ongoing operations of the Bacchus Marsh Indoor Stadium, as specified by Council.

13.3 ROTARY PARK PRECINCT MASTER PLAN

Author: Troy Watson, Acting Manager Child, Youth and Family Services

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

1. Rotary Park Precinct Master Plan (under separate cover)
2. Draft Rotary Park Master Plan - Community Feedback summary (under separate cover)

PURPOSE

The purpose of this report is to present the Rotary Park Masterplan for Council endorsement.

EXECUTIVE SUMMARY

- The project to 'Undertake a Master Plan including concept and cost plan for a Youth Space at Rotary Park, including the Andy Arnold Facility' was an action in the 2017-2021 Council Plan.
- A draft master plan was developed in early 2022 and released for community consultation from April to July 2022. 179 people provided feedback via methods including the survey, mail, email and community consultation sessions.
- At the 5 October 2022 Ordinary Meeting of Council, a 'Save Rotary Park – Keep it Green' Petition was received by Council. The petition outlined objections to the draft masterplan. Council requested that a report be prepared for Council pertaining to the petitioner's request.
- In November 2022, a project update was circulated to community members and surrounding neighbours to summarise key themes from community feedback.
- In response to community feedback, the master plan (Attachment 1) has been revised and simplified to respond to community concerns and better reflect community sentiment.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Paul Tatchell

That Council adopts the Rotary Park Precinct Master Plan.

CARRIED

BACKGROUND

The Rotary Park precinct is located in central Bacchus Marsh and includes a skate park, the Andy Arnold Centre, Young Street Kindergarten, a playground, rotunda, and open park space. The project to 'Undertake a Master Plan including concept and cost plan for a Youth Space at Rotary Park, including the Andy Arnold Facility' was an action in the 2017-2021 Council Plan.

A draft masterplan was developed in early 2022 and released for community consultation from April to July 2022. At the 5 October 2022 Ordinary Meeting of Council, a 'Save Rotary Park – Keep it Green' Petition was presented. The petition outlined objections to the draft masterplan.

In November 2022, a project update was circulated to community members and surrounding neighbours to summarise key themes from community feedback.

Community Feedback

An Engagement Plan was developed for the project and extensive community consultation has occurred to date, including in person sessions at the park and through the 'Have Your Say' portal. Feedback received from community was in-part unfavourable, with negative feedback received on the proposed re-location and expansion of the skatepark and basketball court, inclusion of a toilet block, expansion of Andy Arnold Centre for a youth facility, and the creation of an active ageing garden. 179 people provided feedback via a range of sources including a survey, mail, email and community consultation sessions. Feedback was received on a range of maintenance and public safety concerns relating to the site. Updates on the project have been provided via social media, in person meetings, email, newsletters and the 'Have Your Say' portal.

Included in the feedback received are concerns raised by community that relate to the current park use. Residents have expressed a feeling of being unsafe in or near the park. Feedback advised that the current use and upkeep of the park was of concern to both residents and the wider community. During consultation, the community conveyed concerns that the preliminary concept plan would increase the negative social impacts experienced by residents and families living in neighbouring homes. The proposed additional room on the Andy Arnold facility for a Youth Space was not supported by the community. The establishment of a Youth Space for the delivery of programs for young people in the Bacchus Marsh/Maddingley township was supported by the community.

A petition of 268 signatures was received at the 5 October 2022 Ordinary Meeting of Council in relation to "Save Rotary Park: Keep it Green", requesting that Council reject the initial Master Plan. The petitioners objected to the installation of public toilets, a new larger skate park, and the extension of the Andy Arnold Centre. A focus of the petition was to retain green space at the park. The revised Masterplan has responded to the concerns raised in the petition.

In November 2022 a summary of community feedback was developed (Attachment 2) and this project update was circulated to community members and surrounding neighbours summarising key themes from community feedback and proposed next steps in relation to the masterplan.

Facility capacity

Usage of the Andy Arnold Centre has lessened following Council's transition out of aged and disability service delivery. There is now available space for programs for young people, without the need to extend the centre.

The State Government 'Best Start Best Life reform will mean an increase over the next decade in four-year-old kindergarten hours from 15-hours per week to a universal 30-hour per week program. As a result, in partnership with the State Government, Council will need to plan for and investigate extending Young Street Kindergarten to provide additional rooms and extended play space to meet forecast demand for places in line with the reform.

PROPOSAL

The updated Rotary Park Masterplan (Attachment 1) has been simplified and updated to reflect community sentiment and sector reform. Included in the revised plan is an upgrade of the existing play space with the inclusion of additional play experiences for children, landscaping, and connections. Community members who participated in the engagement process and surrounding

residents have been further engaged with the outcomes of the engagement process and next steps, which has received a positive response.

Scheduled actions that Council will undertake to support community feedback and sector reforms will continue to occur including:

- Explore the use of the existing Andy Arnold facility and other Council facilities with the Bacchus Marsh/Maddingley townships, for the delivery of programs and services for young people.
- Consider alternative sites for a skate park in the Bacchus Marsh area, through the development of the new Recreation and Leisure Strategy.
- Undertake further scoping and costing for the future provision of kindergarten programs on an expanded Young Street site.

The updated Masterplan is responsive to feedback received during community consultation and via the petition, and subsequent engagement with community members on the consultation outcomes has received a positive response.

The Rotary Park Masterplan provides future direction for the development and revitalisation of the park that is in line with community aspirations expressed during the consultation process. It is recommended that Council adopts the Rotary Park Precinct Master Plan.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

Priority 1.1: Improve the health and wellbeing of our community

The proposal of the Rotary Park Precinct Master Plan is consistent the Council Plan 2021-2025 and completes the outstanding action from the Council Plan 2017-21 to develop the master plan.

FINANCIAL IMPLICATIONS

Delivery of master plan components will be subject to Council’s annual budget process.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational – community dissatisfaction	Local residents not satisfied with final master plan	Medium	Project updates and consultation has been undertaken.
Financial – funds to implement the plan	Inadequate budget planning for the master plan	Medium	Annual budget planning process.
Community Safety	Potential problem behaviour in the park leads to perception of park being unsafe	Medium	Involvement of Police and local business in planning. Master Plan has been simplified.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Mailbox drop, social media, and Have Your Say website page	Various	May 2022	Community informed of the draft master plan. 179 people provided feedback across a range of engagement methods.
Consult	Rotary Club of Bacchus Marsh	Regular communication and consultation	Various	Various during 2022	Club informed and provided feedback.
Consult	Community	Have Your Say survey to seek feedback on draft master plan	Online	May to July 2022	2,039 page views on Have Your Say, with 623 document downloads. 79 survey responses provided an understanding of community aspirations.
Consult	Young people	Consultation at Skate event	Rotary Park	14 April 2022	A range of young people and adults provided feedback about their needs for the precinct.
Consult	Community and local residents	Consultation session	Rotary Park	28 June 2022	Approximately 26 residents local to the area attended and provided feedback.
Consult	Local residents, community groups, Victoria Police	Community meetings	Various	September to November 2022	Strategies identified to address community safety concerns.
Inform	Community members and local	Project update – feedback	Online, mailbox drop	November 2022	Project update circulated to community

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
	residents	summary			members and surrounding residents to summarise feedback and proposed next steps.
Inform	Community	Update the Have Your Say website, project update to community members and local residents	Online, mailbox drop	Mid-May 2023	Community will be informed of the approved final master plan.

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 – Troy Watson

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

CONCLUSION

The final draft of the Rotary Park Masterplan has been simplified and updated to reflect community sentiment and feedback received throughout the consultation process and in response to the petition to Council. The Masterplan is responsive to feedback received during community consultation, and subsequent engagement with community members on the consultation outcomes has received a positive response.

The Rotary Park Masterplan is presented for Council endorsement.

14 CUSTOMER CARE AND ADVOCACY REPORTS

14.1 AUDIT AND RISK ADVISORY COMMITTEE - INDEPENDENT CHAIR HALF YEARLY REPORT 2022/23

Author: Kaylene Bowker, Executive Assistant

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. **Audit and Risk Advisory Committee Independent Chair Half Yearly 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 2022/23 half yearly report (**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 Advisory 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 Advisory 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 2022/23 half yearly report to be presented to Council. The Committee reviewed this report at its meeting held 8 February 2023 and confirmed it is an accurate reflection of the Committee's activities.

RESOLUTION

Moved: Cr Moira Berry

Seconded: Cr Paul Tatchell

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

CARRIED

BACKGROUND

At the Ordinary Meeting of Council on 26 August 2020, Council adopted the Audit and Risk Advisory 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 Advisory 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 Independent Chair Report, which has been prepared in accordance with the Act, and the Committee’s Charter.

This is the 2022/23 half yearly report to be presented to Council. The Committee reviewed this 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 Independent Chair 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 Independent Chair 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 Advisory 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 Advisory 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 Members	Report presented to the Audit and Risk Advisory Committee	Darley Civic and Community Hub and Online	8 February 2023	Confirmed accurate report of Committee’s activities
Briefing	Councillors	Chairperson presenting report at Councillor Briefing	Council Chambers, Ballan and Online	19 April 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.

General Manager – Caroline Buisson

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

Author – Kaylene Bowker

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 Independent Chair 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.

15 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS**15.1 NOTICE OF MOTION - FREE GREEN WASTE MONTH**

Author: Caroline Rantall, Coordinator Sustainable Environment

Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure

Attachments: Nil

PURPOSE

To respond to the Notice of Motion to hold a second free green waste month for the 2022/2023 financial year.

EXECUTIVE SUMMARY

- In November 2022, Council held a free green waste month for residents of the Shire to deposit Green Waste at no cost at any of the Shire's Transfer Stations.
- There was a positive uptake with 1,128 loads being deposited at the site to a total of 196 tonnes.
- The uptake was smaller than anticipated with 50% of the budget for the program remaining unspent. The 2023/2024 budget for this program will be adjusted to reflect the smaller uptake and quantities deposited at the Transfer Station sites.
- The free green waste month will be offered annually on a three-year basis with data informing if the programs will be introduced on a permanent basis.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council:

1. **Notes this report.**
2. **Notes the free green waste month is offered once annually on a three-year trial basis with data being collected to inform whether the programs should be introduced on a permanent basis.**
3. **Requests that the end of trial report include statistics of all illegally dumped waste, including illegally dumped green waste, across the Shire, for the period of the trial.**

CARRIED

BACKGROUND

At the Ordinary Meeting of Council on 6 April 2022, Council resolved to introduce a 1m³ hard waste entitlement for all general rated properties, one free green waste month and a half price mattress month per annum.

The programs are offered on a three-year trial basis with data being collected to inform if the programs have any impact on illegal dumping across the Shire and whether the programs should be introduced on a permanent basis.

In November 2022 Moorabool Shire residents were able to drop off green waste at no cost to any of the Shire’s Transfer Stations.

There was no restriction on the volume of green waste accepted from properties, as long as it was received in a residential vehicle or trailer. Residents were required to show proof of residency such as driver’s licence or utility bill demonstrating they are residents of the Shire.

The service was promoted to the community via Council’s website, Facebook posts and a half page advertisement in the Moorabool News. It is noted that late spring and early summer were extraordinarily wet but it’s unknown if this impacted the uptake of the service. More data in the remaining years of the trial will help inform this.

Community Uptake

There was a positive response from the community with 1,128 loads being deposited across the three transfer station sites between 1 and 30 November 2022.

The Bacchus Marsh Transfer Station was the most utilised site to deposit green waste with 73 per cent (827) of loads accepted, Ballan Transfer Station received 24 per cent (274) of the loads and Mt Egerton received the lowest visitation with 3 per cent (28 loads) received for the month.

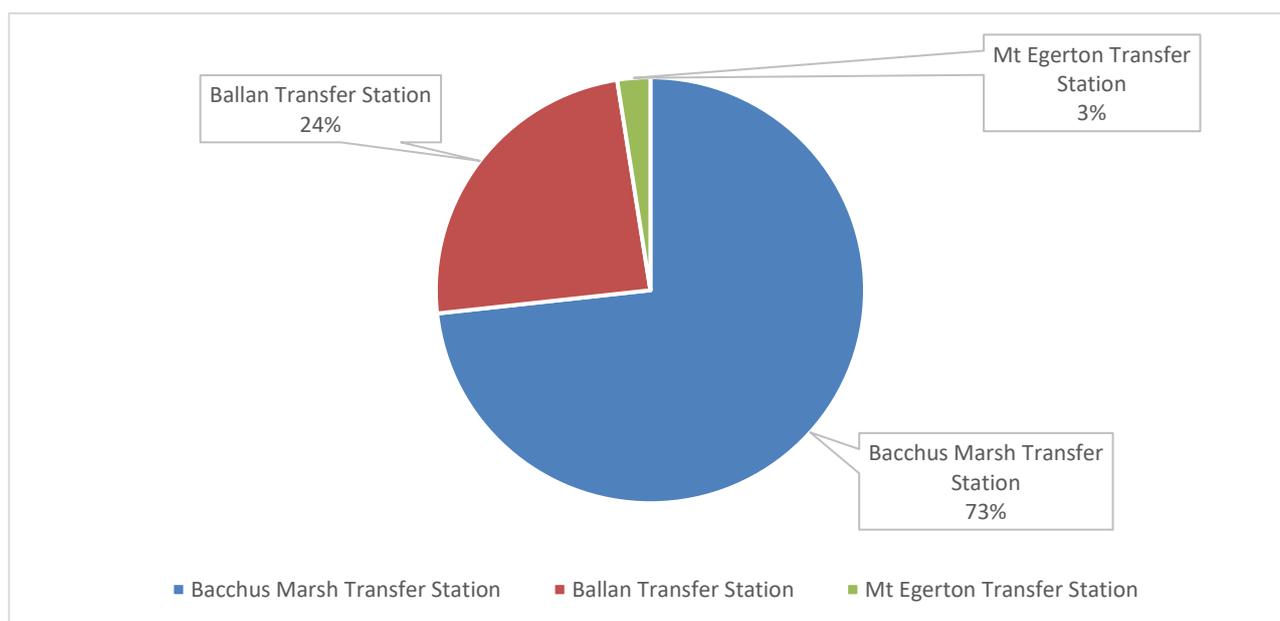


Figure 1: Loads deposited at each Transfer Station – November 2022

Whilst the Transfer Station operators checked proof of residency for all visitors depositing green waste, the locality where the resident lived was not recorded.

For the month of November 2022, a total of 196 tonnes was deposited across the three sites. For the same period in 2021 Council received 80.74 tonnes of green waste.

Additional data is being captured to assess the impact the free green waste month had on green waste volumes deposited across the Transfer Station sites for the other months of the year.

Since the conclusion of free green waste month, Council’s Waste team has only received one resident enquiry around extending the program.

PROPOSAL

The free green waste month program has been introduced on a three-year trial. Data for the first year of the trial was collected on the number of loads deposited at the Transfer Station sites, the tonnages at the sites and any impact the free green waste month has on materials deposited to the sites throughout the year. The uptake for the free green waste month held in November 2022 was smaller than anticipated.

It is recommended that Council do not hold a second green waste month within the 2022/2023 financial year and instead continue with the trial and collection of the data. The data from the trial, in conjunction with the other programs offered, will inform the viability of the program being introduced on a permanent basis.

The 2023/2024 budget for this program will be adjusted to reflect the smaller uptake and quantities deposited at the Transfer Station sites.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.3: Enhance our natural environments

The proposal to uphold the resolution passed on 6 April 2022 to hold one free green waste month for the 2022/2023 financial year is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The uptake for the month was smaller than anticipated, utilising less than 50% of the budget. The 2023/2024 budget for this program will be adjusted to reflect the smaller uptake and quantities.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified risk or occupational health and safety issues.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community Groups	Advertise the second green waste month via Council’s website and Facebook posts	Online	May 2023	Community aware that second green waste month to be held.

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

In November 2022, Council held a free green waste month for residents of the Shire to deposit green waste at no cost at any of the Shire's Transfer Stations. There was a positive uptake with 1,128 loads being deposited at the site to a total of 196 tonnes.

The program is part of a three-year trial. The uptake was smaller than anticipated and the 2023/2024 budget for this program will be adjusted to reflect the smaller uptake and quantities.

It is recommended that Council do not hold a second green waste month within the 2022/2023 financial year and instead continue with the trial and collection of data. The data from the trial, in conjunction with the other programs offered, will inform the viability of the program being introduced on a permanent basis.

15.2 CAPITAL IMPROVEMENT PROGRAM - QUARTERLY REPORT (31 MARCH 2023)**Author:** Ewen Nevett, Manager Engineering Services**Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure**Attachments:** 1. CIP Project Status Report at 31 March 2023 (under separate cover)**PURPOSE**

To provide Council with an overview of the progress of Council's 2022-2023 Capital Improvement Program to 31 March 2023.

EXECUTIVE SUMMARY

The 2022-2023 Capital Improvement Program (CIP) consists of 119 projects (six more than at 1 July 2022) with the delivery principally managed by two Services Units, Engineering Services (83 projects) and Major Projects (36 projects).

Delivery of the 2022-2023 CIP is on schedule with 36.1 per cent of projects already completed and a further 41.2 per cent of the projects either underway, soon to commence, or soon to be awarded.

RESOLUTION**Moved:** Cr Tom Sullivan**Seconded:** Cr Paul Tatchell

That Council resolves to receive the Capital Improvement Program Quarterly Report to 31 March 2023.

CARRIED**BACKGROUND**

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

PROPOSAL

This quarterly report provides Council with an overview of the progress of Council's 2022-2023 Capital Improvement Program to 31 March 2023.

Implementation of the 2022/2023 Capital Improvement Program

The 2022-2023 CIP currently consists of 119 projects reported to Council. This number may be adjusted throughout the year as other projects become active. Six projects have already been added since the 2022-2023 Budget was adopted.

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

- Projects carried forward from 2021-2022 program
- 2022-2023 Council funded projects

- Grant funded projects

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

The table below summarises the overall program status at 31 March 2023:

CIP Program Delivery Stage	Actual as of 30 September 2022			
	No. of Projects			%
	Capital Works	Major Projects	Total	
Not Commenced - inactive/“On Hold”	2	4	6	5.0
Not Commenced	0	0	0	0.0
Documentation/Design Preparation	10	11	21	16.8
Tender/Quote Stage	0	3	3	2.5
Project Awarded – Waiting Commencement	9	3	11	10.1
In Progress/Under Construction	22	13	35	29.4
Complete	40	3	43	36.1
TOTAL	83	36	119	100.0

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

As at 31 March 2023, the combined Capital Works and Major Projects current budget is \$70.2M with an anticipated carry forward from multi-year projects and projects “On Hold” of \$17.8M. The final outcome will be dependent on the physical progress of projects, including supply chain issues with materials and delayed starts due to impacts from the above average rainfall in 2022.

Program Status

Capital Works

At this stage of the financial year the program is on schedule for completion by 30 June 2023.

85.5 per cent of the capital works projects are either completed, underway, soon to commence or soon to be awarded, with a further 12.0 per cent at design or document preparation stage.

Of the two projects “On Hold”, one is due to third party input from Melbourne Water (Connor Court Drainage) and the other requires an alternative treatment following geotechnical investigations and is deferred to the 2023-2024 budget process (Riversdale Crescent Reconstruction).

A number of capital works projects are behind the original scheduled delivery timeframes; however all but five are expected to be completed in 2022-2023. Delay in delivery relates to availability of design resources, availability of material supplies (pipes) and/or required retendering due to tender price.

Major Projects

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

In total there are 36 projects, 30.5 per cent of projects in the design phase, 52.8 per cent of projects are complete or underway.

Of the projects behind the original scheduled delivery time frames, design issues with the Darley Community Pavilion; inclement weather and material supply issues for two projects at the Racecourse Recreation Reserve and the Ballan Depot; and internal resourcing constraints with the Navigators Community Hub, Aqualink and the Millbrook Community Centre (roof works) are the main contributing factors.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

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

FINANCIAL IMPLICATIONS

Reporting of the Capital Improvement Program has been resourced as part of Council's budget. At this point in time, the program is at risk of being delivered over budget due to higher than anticipated tender prices on a number of projects. The program is being closely monitored to identify areas for savings to offset the increase in pricing. Current projection is for a carryover budget to 2023-2024 FY of \$17.8m for multi-year projects with the delivery dates beyond 30 June 2023 or that are currently 'on hold'.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Phil Jeffrey

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

Author – Ewen Nevett

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

CONCLUSION

This report provides a summary of the progress of the Capital Improvement Program for the third quarter of the 2022-2023 period for the information of Councillors.

16 OTHER REPORTS

Nil

17 NOTICES OF MOTION

Nil

18 NOTICES OF RESCISSION

Nil

19 MAYOR’S REPORT

19.1 MAYOR'S REPORT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

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

EXECUTIVE SUMMARY

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

Cr Rod Ward – Mayor’s Report	
<i>Date: 3 May 2023</i>	
Thursday 6 April	<ul style="list-style-type: none"> Kryal Castle Big 4 Holiday Park Opening
Wednesday 12 April	<ul style="list-style-type: none"> Councillor Briefings – 2023/24 Rate Analysis; Operation of the Bacchus Marsh Indoor Stadium; Notice of Motion - Free Green Waste Month; Kerbside Waste Service – Transition to JJ Richards; DAMP Registration of Assistance Animals; Peppercorn Rent Eligibility for Licenced Space at Darley Civic Hub – Bacchus Marsh Community Radio Inc.; Developer Contributions Framework; Review of the DAC Agenda and General Business
Thursday 13 April	<ul style="list-style-type: none"> Visitor Economy Strategy – Media Photo Opp McKenzie’s Flat Picnic area, Lerderderg Gorge WIN TV – MSC Budget Interview
Friday 14 April	<ul style="list-style-type: none"> Bacchus Marsh & District Historical Society Meeting Coimadai Avenue of Honour Reps & Steve McGhie Meeting - Transmission Towers impact upon Coimadai Avenue of Honour
Monday 17 April	<ul style="list-style-type: none"> Meeting Cr Moira Berry & Leigh McCallum re Maddingley Park Draft Master Plan Maddingley Park Advisory Committee Meeting
Tuesday 18 April	<ul style="list-style-type: none"> MSC Community Budget Info Session – MSC Offices Darley
Wednesday 19 April	<ul style="list-style-type: none"> Ballarat Courier Interview – MSC Budget Meeting Mayor & CEO Councillor Briefings – Audit & Risk Committee Chair Update; Proposed Sale of Land: 249 Parwan South Road, Maddingley; Draft Economic

	<p>Development & Visitor Economy Strategies; Review of the OMC Agenda and General Business</p> <ul style="list-style-type: none"> • Development Assessment Committee
Thursday 20 April	<ul style="list-style-type: none"> • ABC Radio Interview – MSC Budget • Central Highlands Councils Victoria Annual General Meeting
Wednesday 26 April	<ul style="list-style-type: none"> • Councillor Briefings - Draft Gordon Recreation Reserve Master Plan; Moorabool Sound Stage Location; Proposed Process for Community Grants Review 2023; Masons Lane Reserve Master Plan Adoption; Nominations – Public Art Advisory Committee; Bald Hill Lease and Plantation; CIP Quarterly Report (March 2023) – CIP Project Status Report; General Business
Friday 28 April	<ul style="list-style-type: none"> • Western Highway Action Committee Meeting
Wednesday 3 May	<ul style="list-style-type: none"> • Ordinary Meeting of Council

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Moira Berry

That Council receives the Mayor’s Report.

CARRIED

20 COUNCILLORS' REPORTS

Cr Tom Sullivan	
<i>Date: 3 May 2023</i>	
Sunday 16 April	<ul style="list-style-type: none"> • 100th Birthday Celebrations of Sheila White, Millbrook
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Service, Lal Lal

Cr Paul Tatchell	
<i>Date: 3 May 2023</i>	
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Service, Ballan

Cr Moira Berry	
<i>Date: 3 May 2023</i>	
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Dawn Service and March, Bacchus Marsh
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Service, Coimadai

Cr David Edwards	
<i>Date: 3 May 2023</i>	
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Dawn Service, Bacchus Marsh

Cr Ally Munari	
<i>Date: 3 May 2023</i>	
Sunday 16 April	<ul style="list-style-type: none"> • Blackwood Easter Woodchop Festival
Tuesday 25 April	<ul style="list-style-type: none"> • Anzac Day Service, Ballan
Sunday 30 April	<ul style="list-style-type: none"> • Women in Rescue Training Event, Pykes Creek

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council Receives the Councillors' Reports.

CARRIED

21 URGENT BUSINESS

Nil

22 CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil

23 MEETING CLOSURE

The Meeting closed at 7.25pm.

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CHAIRPERSON