



MINUTES

Ordinary Council Meeting Wednesday, 2 August 2023

Date: Wednesday, 2 August 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 Rod Ward, Mayor	East Moorabool Ward
Cr Ally Munari, Deputy Mayor	Woodlands Ward
Cr Moira Berry	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr David Edwards	East 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
Ms Leanne Manton	Manager Brand & Advocacy

5 APOLOGIES

Cr Paul Tatchell	Central Moorabool Ward
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6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Moira Berry

Seconded: Cr Ally Munari

That the minutes of the Ordinary Council Meeting held on Wednesday 5 July 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)
Kelvin Granger & Dean Hurlston, Council Watch	<p>Question:</p> <p>Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?</p> <p>Response:</p> <p>The issue of cost shifting in local government has long been a great concern for the sector.</p> <p>Cost shifting occurs when higher levels of government transfer financial responsibilities to local councils without providing adequate funding to cover those expenses.</p> <p>When costs are shifted without corresponding funding, it puts an undue burden on local councils and ultimately is a cost borne by ratepayers.</p> <p>Council doesn't keep a running tally of cost shifting impacts as it would be an extremely onerous process, so we're unable to answer the question as presented, however we welcome efforts from individuals and community groups highlighting the impacts of cost shifting on local communities and ratepayers when it occurs.</p>	Caroline Buisson, General Manager Customer Care & Advocacy	Yes	No

<p>John Kowarsky</p>	<p>Question: Can Council please update me on its latest exact start and completion dates for construction the Ballan Library and Community Hub?</p> <p>Response: The current program for the Ballan Library project has Council inviting tenders for construction in September/October 2023 at this stage. Given we are only pre-tender phase, an exact commencement date cannot be provided at this stage as it depends on many factors including the success of the procurement process, Council awarding a construction contract and an agreed construction program with the preferred builder. However, subject to all these processes going to plan, construction is likely to commence in early 2024.</p>	<p>Phil Jeffrey, General Manager Community Assets & Infrastructure</p>	<p>Yes</p>	<p>No</p>
<p>John Kowarsky</p>	<p>Question: Does Council plan to remove the nature-strip parking bays in Simpson Street, Ballan immediately on each side of the pedestrian refuge crossing point to Mill Park?</p> <p>Response: Council is currently reviewing the indented parking either side of the pedestrian refuge in Simpson Street, and will provide a written response to Mr Kowarsky’s recent correspondence on the coming week.</p>	<p>Phil Jeffrey, General Manager Community Assets & Infrastructure</p>	<p>Yes</p>	<p>No</p>
<p>Lisa Caines</p>	<p>Question: Why isn't the council investing more in Blackwood and surrounding areas (opposed to a reduction due to budget constraints?? They have great potential for tourism and improving the visitor experience. With some investments in infrastructure, the council could achieve quick wins and potentially replicate this success in other small towns.</p>	<p>Phil Jeffrey, General Manager Community Assets & Infrastructure</p>	<p>Yes</p>	<p>No</p>

	<p>Response:</p> <p>There are two items on tonight’s agenda that relate to this question.</p> <p>The first item is the Township Improvement Plan for Blackwood. Assuming that is supported, officers will be looking to implement the priority actions this financial year, following some further engagement with the community. There is \$240,000 allocated in the budget to undertake this work on the ground.</p> <p>The second item relates to the Economic Development and Visitor Economy Strategy that identifies the important role that small towns play in supporting a strong visitor economy, and identifies the creation of Small Towns Placemaking and Activation Plans. On adoption, officers will develop an action plan to commence the development of the these plans, which will include Blackwood.</p>			
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9 PETITIONS

Nil

10 PRESENTATIONS/DEPUTATIONS

Nil

11 CHIEF EXECUTIVE OFFICER REPORTS**11.1 APPOINTMENT OF COMMITTEE OF MANAGEMENT UNDER S14 OF THE CROWN LAND (RESERVES) ACT 1978 - DARLEY PARK RECREATION RESERVE**

Author: Kate Pryor, Governance Officer

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

Attachments: Nil

PURPOSE

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

EXECUTIVE SUMMARY

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

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

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Tonia Dudzik

That Council:

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

In Favour: Crs Tonia Dudzik, Moira Berry, David Edwards and Rod Ward

Against: Crs Tom Sullivan and Ally Munari

CARRIED 4/2

BACKGROUND

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

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

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

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

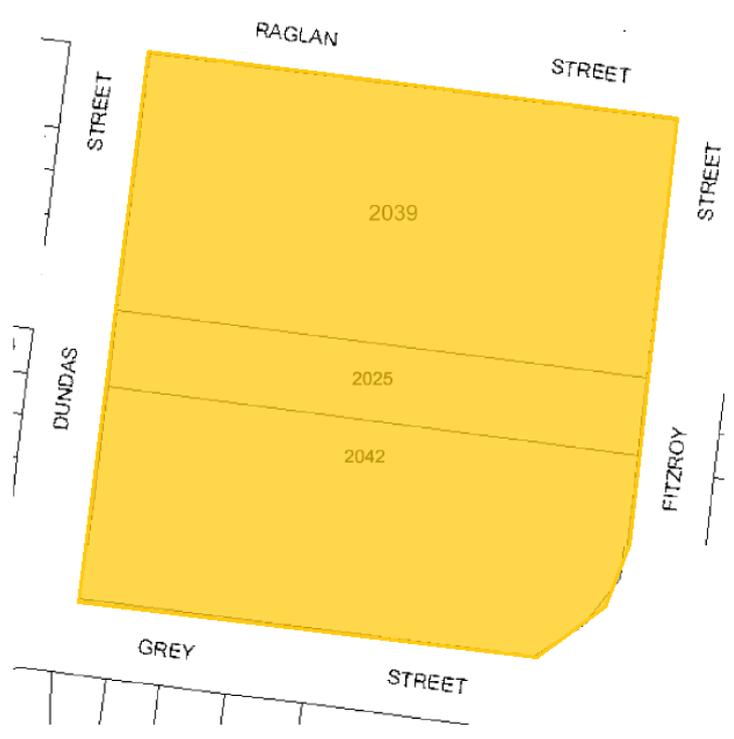
His Excellency the Lieutenant-Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, pursuant to the provisions of section 16 (1) of the *Crown Land (Reserves) Act 1978*, doth hereby direct that the Crown land described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

Schedule

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

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

L. G. HOUSTON
 Clerk of the Executive Council



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

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

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

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

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

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

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

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

s14 Appointment of committees of management

- (1) Where any land has been permanently reserved under this Act for the purposes of a public park or garden or for the recreation convenience or amusement of the people and has been granted to trustees or jointly to the Minister and trustees the Governor in Council may on the application of the*

trustees or of the Minister and the trustees (as the case may be) appoint a committee of management thereof and may at any time on a similar application revoke any such appointment or remove any person appointed as a member of the committee.

s17(2) Powers of trustees or committees of management

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

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

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

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

(i) (repealed)

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

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

17D Leases for up to 21 years for other purposes

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

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

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

PROPOSAL

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

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

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
The land remains vested in Council pursuant to s16 of the Act	Council is unable to issue licence agreements or leases on the Land without and order from the Governor in Council. Community groups face uncertainty around use of the facilities of the Land.	High	Request to DEECA to become Committee of Management under s14.
Council will require Landowner consent from DEECA to undertake works under a s14 appointment	Council will not have the freedom to undertake works or improvements on the Land without DEECA consent under the Native Title Act 1993 obligation.	Medium	Council can obtain consent by requesting approval of works from DEECA prior to commencement. This process is undertaken at all other DEECA owned Reserves within Moorabool.

COMMUNICATIONS & CONSULTATION STRATEGY

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Celeste Gregory

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

Author – Kate Pryor

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

CONCLUSION

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

11.2 DRAFT CCTV POLICY

Author: Angela Menzies, Governance Officer

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

Attachments: 1. Draft CCTV Policy (under separate cover)

PURPOSE

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

EXECUTIVE SUMMARY

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

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Moira Berry

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

CARRIED

BACKGROUND

Appetite for a CCTV Policy

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

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

Potential Uses of CCTV

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

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

- Monitoring of illegal dumping practices across the Shire

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

Scope of CCTV Policy

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

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

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

Development of CCTV Policy

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

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

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

Revision of Draft CCTV Policy

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

The main issues raised from feedback were:

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

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

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

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

PROPOSAL

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

Priority 3.1: Listen, analyse and understand community needs

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the

Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Celeste Gregory

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

Author – Angela Menzies

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

CONCLUSION

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

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

12 COMMUNITY STRENGTHENING REPORTS

12.1 FINAL ECONOMIC DEVELOPMENT AND VISITOR ECONOMY STRATEGIES 2023 - 2027

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

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

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

PURPOSE

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

EXECUTIVE SUMMARY

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

MOTION

Moved: Cr Tom Sullivan

Seconded: Cr Ally Munari

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

LOST

RESOLUTION**Moved: Cr David Edwards****Seconded: Cr Moira Berry****RECCOMENDATION****That Council adopts the Visitor Economy Strategy 2023 – 2027.****CARRIED**

BACKGROUND

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

The process for developing these strategies was as follows:

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

PROPOSAL

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

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

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.4: Grow local employment and business investment

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

FINANCIAL IMPLICATIONS

The development of the strategies has been funded from the 2021/22 and 2022-2023 adopted Council budgets. Budget from the 2023/24 Economic Development cost centre will be allocated to the year one action plan. Budget proposals will be developed to support recommended actions and submitted through the annual budget process. The strategies and available budget will be leveraged to secure external funding opportunities and partnerships to further support implementation. Council has endorsed a further Council budget allocation of \$30,000 over the next three years for membership to Tourism Midwest Victoria.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
The final strategies are not adopted by Council	Community expectations will remain unmet. Missed opportunities to leverage arts and culture as a tool to achieve Council and community goals.	High	The strategies are adopted by Council
Reputation – A negative perception of the final Economic Development and Visitor Economy Strategies	The draft strategies receive negative feedback during public exhibition.	Medium	Extensive public consultation and communication has been undertaken to ensure the Strategies meet community expectations. Further communications will occur during the public exhibition period. Community feedback during public exhibition will be taken on board in development of final strategies.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial - implementation of the Strategies exceeds the allocated budget	There are not enough resources to implement the Strategies.	Medium	An annual plan developed including budget allocation request. Further funding will also be sort from State, Federal and other funding sources.

COMMUNICATIONS & CONSULTATION STRATEGY

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
	Public Survey	A survey was published on Moorabool’s ‘Have Your Say’ Engagement hub	Have Your Say Moorabool web page.	November 2021	256 surveys were received, and responses were collated to inform the Strategies.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
	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	Two online workshops with representatives from Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and Wadawurrung Traditional Owners Aboriginal Corporation

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
2023 Public Exhibition Consultation	Local Businesses	Business and Growth Monthly E-news (May edition). PowerPoint presentation at the Ballan Chamber of Commerce. Distribution of flyer including the QR link to the Strategies at the Bacchus Marsh Career Expo. Direct email to the Local Business Advisory Committee for feedback. Installation of posters at the public libraries and community centres. Two business Forums. Four drop-in sessions.	Online Across the Shire	May 6 – June 11	Broad awareness of the strategies across local business. 120 attendees across both business forums. Four submissions received vis public consultation.
	Local community	Have Your say page	Online	May 6 – June 11 2023	Wide engagement with the Strategies with views of 1,790 and 332 document downloads. Three written submissions received.
	Local Community	Social Media – Facebook and Instagram	Online	May 6 – June 11 2023	5,454 unique views with 170 click throughs

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Coordinator Arts and Economic Development - Bec Carey-Grieve

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

CONCLUSION

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

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

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

13 CUSTOMER CARE AND ADVOCACY REPORTS**13.1 WORKCOVER PREMIUM 2023/24****Author:** Joshua Warner, Executive Manager People and Culture**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy**Attachments:** Nil**PURPOSE**

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

EXECUTIVE SUMMARY

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

RESOLUTION**Moved:** Cr David Edwards**Seconded:** Cr Tonia Dudzik

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

CARRIED

BACKGROUND

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

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

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

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

PROPOSAL

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

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

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

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

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

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

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

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

1. Moorabool Shire 2022/23 Premium:

Remuneration: \$25,716,389

Premium rate: 1.8699%

Weighted industry rate 1.5192%

Claim cost \$1,250,442

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

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

Preliminary Remuneration: \$26,937,915

Premium rate: 1.855%

Weighted industry rate 1.532%

Claim cost \$1,117,363

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

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

Preliminary Remuneration: \$26,937,915

Premium rate: 2.7147%

Weighted industry rate 2.1914%

Claim cost \$1,117,363

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

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

The premium invoice will be available on 13 July 2023.

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

No communications and consultation strategy is required.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Caroline Buisson

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

Author – Josh Warner

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

CONCLUSION

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

14 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS**14.1 RESPONSE TO PETITION - EXTEND GARBAGE/RECYCLING SERVICES - BALLAN-MEREDITH ROAD****Author:** Caroline Rantall, Coordinator Sustainable Environment**Authoriser:** John Miller, Manager Asset Management**Attachments:** Nil**PURPOSE**

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

EXECUTIVE SUMMARY

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

RESOLUTION**Moved:** Cr Tom Sullivan**Seconded:** Cr Ally Munari**That Council:**

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

CARRIED

BACKGROUND

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

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

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

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

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

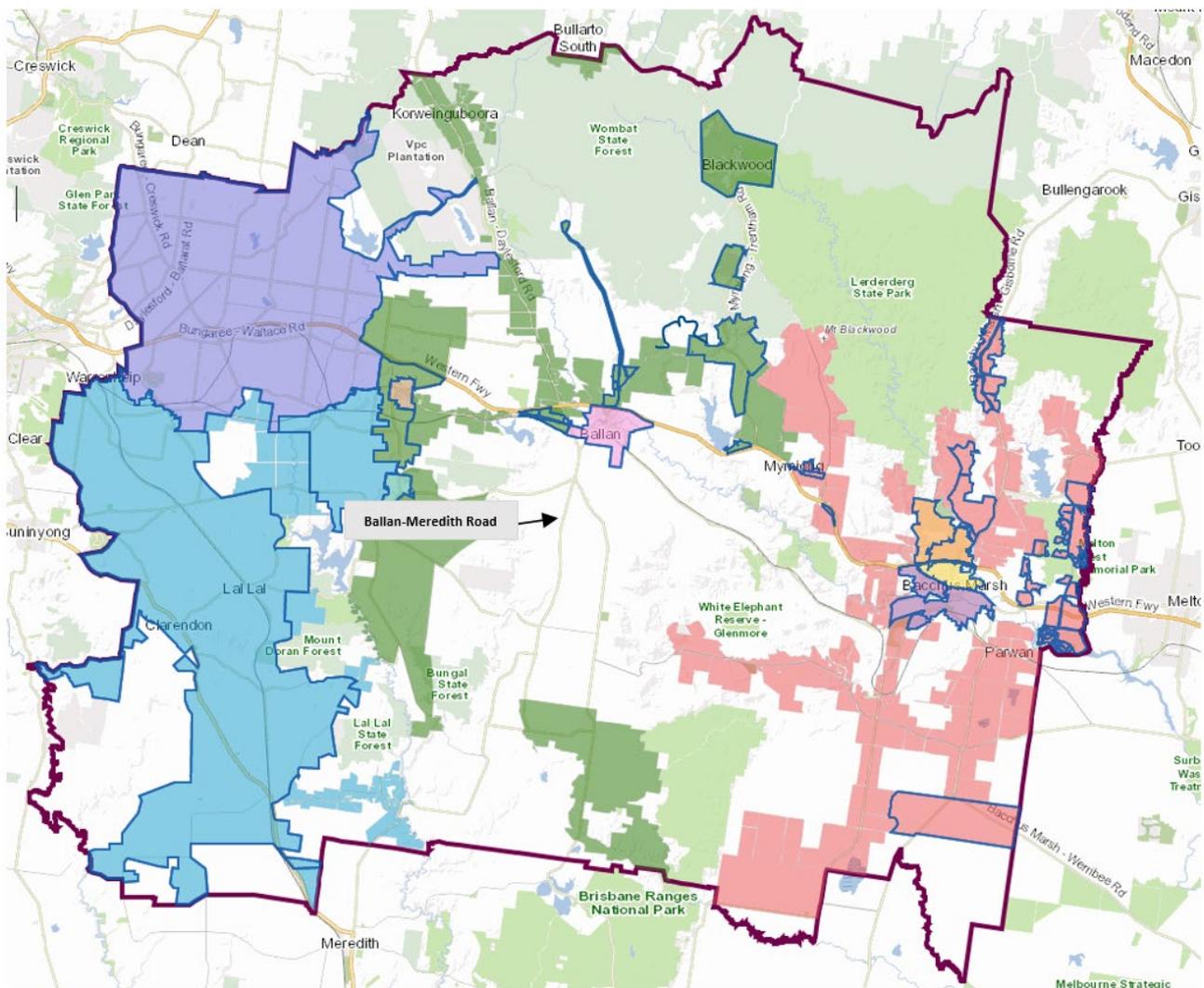


Figure 1: Collection areas within Moorabool Shire.

Petition

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

Within the petition eight households were represented by one signature, eleven households were represented by two signatures, one household was represented by three signatures and one household was represented by eight signatures. This resulted in the 41 signatures representing 21 households in total.

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

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

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

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

Response to Expression of Interest

From the 30 households contacted, Council received 24 responses.

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

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

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

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

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

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

Compulsory vs Non-Compulsory Service

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

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

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

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

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

Recommendation

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

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

Priority 3.1: Listen, analyse and understand community needs

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Phil Jeffrey

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

Author – Caroline Rantall

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

CONCLUSION

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

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

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

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

14.2 TOWNSHIP IMPROVEMENT PLAN - BLACKWOOD

Author: Mitchell Cunningham, Acting Manager Environment & Waste

Authoriser: John Miller, Manager Asset Management

Attachments:

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

PURPOSE

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

EXECUTIVE SUMMARY

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

RESOLUTION

Moved: Cr Ally Munari

Seconded: Cr Tom Sullivan

That Council:

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

CARRIED

BACKGROUND

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

1. Requests that a Township Improvement Plan is developed for Blackwood in 2020/2021, including community consultation, which considers opportunities to improve amenity and

accessibility including provision of footpaths and formal parking in Martin Street and surrounds.

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

PROPOSAL

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

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

Community Consultation

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

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

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

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

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

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

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

Blackwood Township Improvement Plan

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

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

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

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

Blackwood Township Improvement Plan – Priorities

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

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

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

(Acting) General Manager – John Miller

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

Author – Mitchell Cunningham

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

CONCLUSION

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

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

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

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

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

Author: Lace Daniel, Asset Management Coordinator

Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure

Attachments:

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

PURPOSE

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

EXECUTIVE SUMMARY

- The Bacchus Marsh Avenue (the Avenue) is an important community asset with historical, aesthetic and scientific significance, and is managed and maintained by Moorabool Shire.
- Many of the original trees along the Avenue are over 100 years old, and as such ageing, less tolerant of changes in the environment and have structural defects present.
- The draft Bacchus Marsh Avenue of Honour Management Strategy (the Strategy) and Preservation Plan (the Plan) has been developed to ensure the Avenue is effectively managed, conserved and enhanced as a living memorial, commemorating the soldiers of the Bacchus Marsh district.
- The draft documents outline the history of the Avenue, principles for its management, and Council's proposed methodology in strategically replacing the existing trees over time to ensure that the Avenue is preserved for future generations.
- Following a Briefing of Councillors in December 2022 and again in July 2023, it is now recommended that the draft Strategy and Plan be endorsed for the purpose of engagement with the local community and key stakeholder groups.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr David Edwards

That Council:

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

CARRIED

BACKGROUND

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

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

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

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

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

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

The draft Bacchus Marsh Avenue of Honour Management Strategy and Preservation Plan has been developed to replace the existing Avenue of Honour Management Plan (2004) to ensure that the Avenue is effectively managed, conserved and enhanced as a living memorial, commemorating the soldiers of the Bacchus Marsh district.

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

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

PROPOSAL

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

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

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

predictions, the critical connection between the trees and individual service persons, infrastructure and development conflicts and ongoing maintenance regimes.

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

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

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

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

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Phil Jeffrey

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

Author – Lace Daniel

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

CONCLUSION

Following the community engagement period, any feedback received will be considered and a further report provided to Councillors, seeking formal adoption of the Strategy and Plan.

15 OTHER REPORTS

Nil

16 NOTICES OF MOTION

Nil

17 NOTICES OF RESCISSION

Nil

18 MAYOR’S REPORT

18.1 MAYOR'S REPORT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

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

EXECUTIVE SUMMARY

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

Cr Rod Ward – Mayor’s Report	
<i>Date: 2 August 2023</i>	
6 July	<ul style="list-style-type: none"> Official Opening Bungaree FNC Netball Courts, Michaela Settle MP
7 July	<ul style="list-style-type: none"> Central Highlands Councils Victoria Meeting, Ballarat
12 July	<ul style="list-style-type: none"> Councillor Briefings – Final Economic Development and Visitor Economy Strategies; Bacchus Marsh Avenue of Honour Management Plan & Preservation Strategy; Township Improvement Plan Blackwood; Review of the DAC Agenda; General Business; Councillor Only Session
13 July	<ul style="list-style-type: none"> Rural Councils Victoria Pre-Forum tour of 2022 Flood Event by Campaspe Shire and Forum Dinner, Echuca
14 July	<ul style="list-style-type: none"> Rural Councils Victoria Forum, Echuca
17 July	<ul style="list-style-type: none"> Meeting with Senator Jane Hume, Council Chambers, Ballan BMAM Committee Meeting
18 July	<ul style="list-style-type: none"> ABC Radio Interview with Virginia Trioli Commonwealth Games Briefing, Regional Councils (Harriet Shing MP)
19 July	<ul style="list-style-type: none"> Councillor Briefings – Draft CCTV Policy; NoM 296 Population Growth and Needs of the Dales Creek Community; Review of the OMC Agenda; General Business Development Assessment Committee

24 July	<ul style="list-style-type: none">• Meeting with Sam Rae, Federal Member for Hawke• Bacchus Marsh Public Hall Community Asset Committee Meeting
25 July	<ul style="list-style-type: none">• Thriving Suburbs Program Virtual Roundtable Consultation
26 July	<ul style="list-style-type: none">• Councillor Briefings – Update on Aged and Disability Transition; Place Naming Policy; Appointment of CoM under s14 of the Crown Land (Reserves) Act 1978• Darley Park Recreation Reserve; Bacchus Marsh Indoor Stadium Contract;• General Business
27 July	<ul style="list-style-type: none">• Ministerial Forum for Mayors on Public Disruptions
2 August	<ul style="list-style-type: none">• Ordinary Meeting of Council

RESOLUTION**Moved: Cr Moira Berry****Seconded: Cr Ally Munari****That Council receives the Mayor's Report.****CARRIED**

19 COUNCILLORS' REPORTS

Cr Tom Sullivan	
Cr Sullivan noted the announced closure of St Brendan’s Primary School in Dunnstown, highlighting the restrictions that catchments have made on small towns in the area.	
Cr Sullivan noted the funding impact the Timber Industry Road Evaluation Study has had on road reconstruction in the Moorabool Shire.	

Cr Ally Munari	
14 July	<ul style="list-style-type: none"> Rural Councils Victoria Forum, Echuca.
17 July	<ul style="list-style-type: none"> Meeting with Senator Jane Hume, Council Chambers, Ballan

Cr Moira Berry	
6 July	<ul style="list-style-type: none"> Official Opening Bungaree FNC Netball Courts, Michaela Settle MP
13 July	<ul style="list-style-type: none"> Rural Councils Victoria Pre-Forum tour of 2022 Flood Event by Campaspe Shire and Forum Dinner, Echuca
14 July	<ul style="list-style-type: none"> Rural Councils Victoria Forum, Echuca
16 July	<ul style="list-style-type: none"> Grow West Community Tree Planting Day in Ballan
17 July	<ul style="list-style-type: none"> Meeting with Senator Jane Hume, Council Chambers, Ballan
18 July	<ul style="list-style-type: none"> Bacchus Marsh Avenue of Honour Tour with Council Officers

Cr Tonia Dudzik	
18 July	<ul style="list-style-type: none"> Bacchus Marsh Avenue of Honour Tour with Council Officers
18 July	<ul style="list-style-type: none"> First meeting of the Public Art and Collections Advisory Committee
20 July	<ul style="list-style-type: none"> Funeral of Hilmar Kummerlowe, past president of the Bacchus Marsh RSL, past vice president of the Bacchus Marsh Great War Centenary Committee and a Vietnam Veteran who lived within the shire.

Cr David Edwards

25 July

- Bacchus Marsh Blacksmiths and Forge Cottage regarding existing damage.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council receives the Councillors' Reports.

CARRIED

20 URGENT BUSINESS

Cr Edwards raised an item of Urgent Business in relation to Round 4 Local Roads and Community Infrastructure Program.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Moira Berry

That Council resolves to admit the item of urgent business in relation to Round 4 Local Roads and Community Infrastructure Program.

CARRIED

20.1 ROUND FOUR LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (LRCIP).

The Federal Government is providing funding opportunities through Round 4 of the Local Roads and Community Infrastructure (LRCIP) Grant Program to continue the timely delivery of critical infrastructure for communities. The allocation of this funding allows Council to bring forward a range of projects identified in the Long-Term Capital Improvement Program (LTCIP) that would have otherwise been funded in later years.

RESOLUTION**Moved: Cr David Edwards****Seconded: Cr Tom Sullivan****That Council endorses putting forward the following projects to Round 4 of the Local Roads and Community Infrastructure Program (LRCIP):****1. Part A Road & Community Infrastructure Projects:**

- (a) Bacchus Marsh Racecourse Recreation Reserve (Play space) in the amount of \$450,000 (previous Council resolution).**
- (b) Bungaree Oval Renovation in the amount of \$200,000.**
- (c) Navigators Community Centre in the amount of \$200,000.**
- (d) Dunnstown Recreation Reserve in the amount of \$225,000.**
- (e) Ti Tree Road, Dunnstown - Shoulder sealing between Ch 0 – 3875 (Old Melbourne Road to Rail Line) in the amount of \$300,000.**

2. Part B Road Projects:

- (a) Old Melbourne Road, Millbrook - Shoulder sealing between Ch 20769 – 21734 (at Spreadeagle Road) in the amount of \$85,000.**
- (b) Ingliston Road, Ingliston - Shoulder sealing and pavement between Ch 6300 – 10016 (east of Ingliston Drive) in the amount of \$561,018.**

CARRIED

Cr Edwards raised an item of Urgent Business in relation to O'Leary Way, Maddingley Pedestrian Safety.

RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Moira Berry

That Council resolves to admit the item of urgent business in relation to O'Leary Way, Maddingley pedestrian safety.

CARRIED

20.2 O'LEARY WAY, MADDINGLEY PEDESTRIAN SAFETY

West Maddingley has seen significant residential growth in recent times, and the construction of the shopping centre, swim school and other commercial uses in the vicinity of this area has significantly increased pedestrian activity. This will likely be exacerbated in future years with the construction of an Early Years Centre and Primary School. Coupled with increased traffic on the road, there is potential for safety issues associated with pedestrians crossing O'Leary Way.

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Moira Berry

That Council:

- 1. Investigates the merits of a pedestrian crossing or pedestrian safety measures in O'Leary Way, Maddingley adjacent to the Shopping Centre precinct.**
- 2. Requests a report regarding the investigation including options to improve pedestrian safety at this location.**

CARRIED

21 CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil

22 MEETING CLOSURE

The Meeting closed at 6.47pm.

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CHAIRPERSON