



# **MINUTES**

## **Ordinary Council Meeting Wednesday, 1 February 2023**

**Date: Wednesday, 1 February 2023**

**Time: 6.00pm**

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

**Order Of Business**

<b>1</b>	<b>Opening of Meeting and Prayer .....</b>	<b>4</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>4</b>
<b>3</b>	<b>Recording of Meeting .....</b>	<b>4</b>
<b>4</b>	<b>Present.....</b>	<b>4</b>
<b>5</b>	<b>Apologies .....</b>	<b>4</b>
<b>6</b>	<b>Confirmation of Minutes .....</b>	<b>5</b>
<b>7</b>	<b>Disclosure of Conflicts of Interest.....</b>	<b>5</b>
<b>8</b>	<b>Public Question Time.....</b>	<b>5</b>
<b>9</b>	<b>Petitions.....</b>	<b>7</b>
9.1	Moorabool Residents for Rubbish Pick-Up Services .....	7
<b>10</b>	<b>Presentations/Deputations.....</b>	<b>8</b>
<b>11</b>	<b>Chief Executive Officer Reports.....</b>	<b>9</b>
11.1	Governance Rules Update .....	9
11.2	Councillor Allowances .....	11
11.3	Grant Agreement Regional Airports Program Round 2 RAPII0000107 - Bacchus Marsh Aerodrome Drainage Repair and Upgrade - Variation Agreement .....	14
<b>12</b>	<b>Community Planning and Economic Development Reports .....</b>	<b>17</b>
12.1	Amendment C101 - Browns Lane Adoption.....	17
12.2	Bacchus Marsh Aerodrome Master Plan .....	21
<b>13</b>	<b>Community Strengthening Reports .....</b>	<b>28</b>
13.1	Advisory Committees of Council - Reports .....	28
13.2	Community Asset Committees - Reports .....	29
13.3	Ballan Library and Community Hub Concept Plan .....	30
<b>14</b>	<b>Customer Care and Advocacy Reports.....</b>	<b>37</b>
14.1	Audit and Risk Advisory Committee of Council - Reports.....	37
14.2	Consideration of Intent to Seek a Rate Cap Variation for 2023/24 .....	39
<b>15</b>	<b>Other Reports .....</b>	<b>42</b>
	Nil	
<b>16</b>	<b>Notices of Motion.....</b>	<b>43</b>
16.1	Notice of Motion - Werribee River.....	43
<b>17</b>	<b>Notices of Rescission .....</b>	<b>44</b>
	Nil	
<b>18</b>	<b>Mayor’s Report .....</b>	<b>45</b>

18.1	Mayor's Report.....	45
<b>19</b>	<b>Councillors' Reports.....</b>	<b>47</b>
<b>20</b>	<b>Urgent Business.....</b>	<b>48</b>
20.1	Event Closure of Yankee Flat Road.....	48
20.2	Event Closure of Yankee Flat Road.....	48
<b>21</b>	<b>Other Business .....</b>	<b>49</b>
	Proxy Council Representative to Bacchus Marsh Aerodrome Management Committee .....	49
<b>22</b>	<b>Closed Session of the Meeting to the Public.....</b>	<b>49</b>
	Nil	
<b>23</b>	<b>Meeting Closure .....</b>	<b>49</b>

**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 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 & Economic Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Ms Sarah Kernohan	Manager Growth & Development

**5 APOLOGIES**

Nil

**6 CONFIRMATION OF MINUTES**

**RESOLUTION**

**Moved: Cr Ally Munari**

**Seconded: Cr Moira Berry**

**That the minutes of the Ordinary Council Meeting held on Wednesday 7 December 2022 and the Special Council Meeting held on Wednesday 21 December 2022 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
Dusko Barac	<p>Question: What is Council's service commitment and/or statutory days obligation in processing/deciding a Planning Permit "Exemption for Notice of Review" under Clause 52.10-1 of Planning Provisions? i.e., Planning permit exemption for building reconstruction after an emergency e.g. bushfire, flood, wind-storm etc.?</p> <p><b>Response:</b> Council has a statutory requirement to decide upon planning permit applications within 60 days, after which time an applicant can lodge an appeal with VCAT for failure to determine in a timely manner. However, the time requirement is not a straight 60 days from the date an application is received by Council. There are certain application requirements and triggers that start, stop and reset the clock. Some of these triggers are: an incomplete application lodged, further information being received, advertising requirements being met (where required), referral authority responses, applicant/objector consultations etc. It is relevant to note that the above standard process applies unless the State Government introduces exemptions from the planning scheme requirements to cater for weather/extreme events.</p>	Henry Bezuidenhout	Yes	

Name	Question/Response	CEO/GM/EM	Read at Meeting (Yes/No)	Taken on Notice Yes/No
	<p>Council previously adopted a fast track process in consultation with internal departments and external departments such as the CFA to allow for the re-build of dwellings as a result of the Scotsburn Fires in 2015. This fast tracking saw planning applications being assessed within 17 and 42 days. Where the applicant has demonstrated unique circumstances and the planning scheme does not allow for exemptions, Council officers continue to attempt to deal with applications in a quicker turnaround time based on the merits of each circumstance.</p>			

**9 PETITIONS****9.1 MOORABOOL RESIDENTS FOR RUBBISH PICK-UP SERVICES****Author:** Kate Pryor, Governance Officer**Authoriser:** Celeste Gregory, Executive Manager - Democratic Support & Corporate Governance**Attachments:** Nil**PURPOSE**

Council has received a petition containing 41 signatures from residents of Ballan, Mount Wallace and Fiskville.

**EXECUTIVE SUMMARY**

The petition states:

*As residents of the Moorabool shire local government area, we the undersigned request that Council extend rubbish pick-up services to our properties.*

*Currently, we have no choice but to buy expensive tip vouchers and cart rubbish – in our own vehicles – to transfer stations.*

*Many nearby properties already have roadside rubbish collection. As rate-payers, we expect our council to provide rubbish collection services to all residents, fairly.*

**RESOLUTION****Moved:** Cr David Edwards**Seconded:** Cr Ally Munari**That Council:**

- 1. Receives the petition containing 41 signatures in relation to rubbish collection from residents of Ballan, Mount Wallace and Fiskville.**
- 2. Requests a report be prepared by Officers for Council's consideration pertaining to the petitioner's request.**

**CARRIED**

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**10 PRESENTATIONS/DEPUTATIONS**

Item No.	Item	Speaker/s	Position	Attendance
12.1	Amendment C101 - Browns Lane Adoption	Matt Woods	Supporter	In Person

## **11 CHIEF EXECUTIVE OFFICER REPORTS**

### **11.1 GOVERNANCE RULES UPDATE**

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

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

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

#### **PURPOSE**

To seek adoption of an administrative change to the Governance Rules.

#### **EXECUTIVE SUMMARY**

- Update of the Governance Rules to include Appendix: Election of Mayor/Deputy Mayor.
- Administrative change to numbering which was not identified in a previous update of the Governance Rules.

#### **RESOLUTION**

**Moved:** Cr Tonia Dudzik

**Seconded:** Cr Moira Berry

**That Council adopts the minor change to the Governance Rules relating to the election of Mayor/Deputy Mayor.**

**CARRIED**

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#### **BACKGROUND**

Whilst preparing for the 2022 Statutory Meeting, an administrative cross reference error was identified and required rectification. It related to the process undertaken to elect the Mayor/Deputy Mayor should three or more Councillors nominate for candidacy.

#### **PROPOSAL**

The update to the Governance Rules for section Part 4 – Election of Mayor and Deputy Mayor includes the cross reference of 4.1.4(a) and the appendix it refers to. An update to the Governance Rules adopted in September 2022 did not pick up this error. This update is purely administrative to ensure completeness and accuracy of the election process within the Governance Rules.

#### **COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to update the Governance Rules is consistent with the Council Plan 2021-2025.

#### **FINANCIAL IMPLICATIONS**

No financial implications have been identified as part of the Governance Rules update.

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

No risks and occupational health and safety issues have been identified as part of the Governance Rules update.

#### **COMMUNICATIONS & CONSULTATION STRATEGY**

The change is minor in nature and is administrative in nature and therefore no consultation is required for this Governance Rules update.

#### **VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

#### **OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Chief Executive Officer – Derek Madden*

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

*Author – Celeste Gregory*

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

#### **CONCLUSION**

The adoption of the administrative change to the Governance Rules will reduce any form of ambiguity in the future relating to Mayoral/Deputy Mayor nominations and election process.

## 11.2 COUNCILLOR ALLOWANCES

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

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

**Attachments:** Nil

### PURPOSE

To review Councillor allowances to bring them in line with the Victorian Independent Remuneration Tribunal Review.

### EXECUTIVE SUMMARY

- The Victorian Independent Remuneration Tribunal released the Allowances payable to Mayors, Deputy Mayors and Councillors (Victoria) effective from 18 December 2022.
- As a designated Category 2 Council, the current maximum Mayoral, Deputy Mayoral and Councillor Allowances are set at \$100,637, \$50,319 and \$31,353 effective 18 December 2022 inclusive of 10% superannuation, being the equivalent of superannuation guarantee contribution.
- This is an increase of 1.5% on the previous year's allowances contained in the report presented to Council on 30 November 2022.
- At the recent MAV Mayoral Induction meeting it was reported that 69 of the 79 Victorian LGA's appointed a Deputy Mayor.
- The updated Act implies that once the first determination of the allowance comes into effect (s39(6)), the Mayor/Deputy Mayor (s39(1))/Councillor (S39(2)) is then entitled to receive the determined allowance. Noting it is then up to the individual Councillor to elect to receive the entire/specified part/or no allowance as per s39(5)(a-c).
- As Moorabool Shire had created the Deputy Mayoral for the two years since the amendment to the Local Government Act, and the decision of the Victorian Independent Remuneration Tribunal, this role will be paid the recommended allowance as set out in the Local Government Act - Section 39 Allowances for Mayors, Deputy Mayors and Councillors.

### RESOLUTION

**Moved:** Cr David Edwards

**Seconded:** Cr Tom Sullivan

**That Council:**

1. Resolves to receive the report on the updated Mayoral and Councillor Allowances noting that effective 18 December 2022 allowances are set at \$100,637pa (Mayor), \$50,319pa (Deputy Mayor) and \$31,353pa (Councillors), including 10% superannuation (equivalent of superannuation guarantee contribution) until 17 December 2023.
2. Updates the allowances from the date of the first determination to bring it into line with the Victorian Independent Remuneration Tribunal.

**CARRIED**

## BACKGROUND

Councillor allowance payments are paid monthly in advance between the period of 18 December to 17 December annually. At the Annual Statutory Meeting of Council held on 30 November 2022, Council resolved on the allowance payable to each Councillor and Mayor. In addition, a report was requested for Council within 3 months detailing the Victorian Independent Remuneration Tribunal Review dated 18 December 2022, including benchmarking against similar Councils. Since the presentation of this report an updated allowance schedule has been developed by the Victorian Independent Remuneration Tribunal and Council has investigated the practice of adopting a Deputy Mayor with the payment made in line with the Tribunal's recommendation.

## PROPOSAL

The Determination is the allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 and is made under Part 3 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) by the Victorian Independent Remuneration Tribunal.

## 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**

## FINANCIAL IMPLICATIONS

Provision for the application of Mayoral and Councillor allowances has been made in Council's Annual Budget.

## RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

## COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Other Councils	Review of Annual Reports and direct contact with other local Councils	Various	December 2022	Conclusion was that majority of Councils contacted paid the Deputy Mayor Allowance

## 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.

*CEO – Derek Madden*

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

*Author – Derek Madden*

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

#### **CONCLUSION**

It is recommended that Council note the prevailing Mayoral, Deputy Mayoral and Councillor allowances.

### **11.3 GRANT AGREEMENT REGIONAL AIRPORTS PROGRAM ROUND 2 RAPII0000107 - BACCHUS MARSH AERODROME DRAINAGE REPAIR AND UPGRADE - VARIATION AGREEMENT**

**Author:** Vanessa Osborn, Special Projects Manager

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

**Attachments:** 1. Variation Contract Regional Airports Program Round 2 RAPII0000107 (under separate cover)

#### **PURPOSE**

The purpose of this report is to recommend that Council approves the execution of the Common Seal of Council for a variation contract for the drainage repair grant previously received from the Department of Industry, Science and Resources for the Bacchus Marsh Aerodrome. Council requested additional funding from Regional Airports Program Round 2 to cover an increase in costs associated with materials and labour. The additional funding was approved, and the variation contract requires the Council's Common Seal.

#### **EXECUTIVE SUMMARY**

The request for this variation was approved by the Hon Ed Husic MP, Minister for Industry and Science due to cost increases affecting materials, contractors and equipment since grant applications were submitted.

An additional \$44,601 will be provided to Council to complete the existing scope of works. The new grant total is now \$279,076. This full project includes a previous Council contribution of \$24,042 which meets the complete project expenditure of \$303,118. It is recommended that Council approve the execution of the Common Seal of Council on two printed copies of the attached Variation Contract Regional Airports Program Round 2 RAPII0000107.

#### **RESOLUTION**

**Moved:** Cr David Edwards

**Seconded:** Cr Tonia Dudzik

**That Council approves the Variation Contract Regional Airports Program Round 2 RAPII0000107 and executes the Common Seal of Council on two printed copies of the attached for the drainage repair grant previously received from the Federal Department of Industry, Science and Resources for the Bacchus Marsh Aerodrome.**

**CARRIED**

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#### **BACKGROUND**

The Regional Airports Program Round 2 funding agreement is between Moorabool Shire Council and the Federal Department of Industry, Science, Energy and Resources. The project involves the construction of open earth drains beside taxi lanes, agricultural drains and widening the northern taxi lane to meet safety requirements at the Bacchus Marsh Aerodrome.

**PROPOSAL**

The proposal for this variation was approved by the Hon Ed Husic MP, Minister for Industry and Science due to cost increases affecting materials, contractors and equipment since grant applications were submitted.

An additional \$44,601 will be provided to Council to complete the existing scope of works. The new grant total is now \$279,076. This full project includes a previous Council contribution of \$24,042 which meets the complete project expenditure of \$303,118.

**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**

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Initial drainage concerns were raised by tenants at the Bacchus Marsh Aerodrome and also raised in an independent Aerodrome Safety Inspection Report in 2020. The Bacchus Marsh Aerodrome Drainage project improves overall safety by reducing the amount water pooling in and around the hangars following wet weather events improving access for all aerodrome users.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Outcome
Information sharing on the Original Grant and the works to be conducted	Bacchus Marsh Aerodrome Management (BMAM)	Advised BMAM Board of intended grant activities. Works schedule which was circulated by BMAM to tenants and hanger owners.	Multiple MS Teams video conferences and emails.	Information communicated to BMAM (hangar owner and tenant represented on the Board) and provided the construction program and site safety 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.

*Executive Manager Community Planning & Development – Henry Bezuidenhout*

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

*Author – Special Projects Manager - Vanessa Osborn*

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

**CONCLUSION**

It is recommended that Council approve the Variation Contract and executes the Common Seal of Council on two printed copies of the attached for the drainage repair grant previously received from the Federal Department of Industry, Science and Resources for an additional \$44,601 in Federal funding for the Bacchus Marsh Aerodrome.

This full project includes a previous Council contribution of \$24,042 which meets the complete project expenditure of \$303,118 (aligning to costs in the attachment).

Please find attached the Variation Contract Regional Airports Program Round 2 RAPII000107 to execute the Common Seal of Council (pages two and three).

**12 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT REPORTS**

Matt Woods addressed Council as a supporter of Item 12.1.

**12.1 AMENDMENT C101 - BROWNS LANE ADOPTION**

**Author:** Fauster Awepuga, Strategic Planner

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

**Attachments:** 1. Summary of Submissions (under separate cover)  
2. Amendment Documents (under separate cover)

**PURPOSE**

The purpose of this report is to consider submissions to Amendment C101moor and consider Amendment C101moor for adoption and submission to the Minister for Planning.

**EXECUTIVE SUMMARY**

- Amendment C101moor is required to correct an error in the application of the Heritage Overlay (HO194) in the Moorabool Planning Scheme.
- The amendment was authorised by the Minister for Planning on 18 February 2022.
- Exhibition of the amendment was undertaken from 27 October to 27 November 2022 and no opposing submissions were received.

**RESOLUTION**

**Moved:** Cr Paul Tatchell

**Seconded:** Cr David Edwards

**That Council:**

1. Considers submissions received during exhibition as attached in Attachment 1.
2. Adopts Amendment C101moor in the form as attached in Attachment 2 pursuant to Section 29(1) of the Planning and Environment Act 1987.
3. Authorises the Executive Manager - Community Planning and Development to submit the adopted amendment package to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987.
4. Authorises the Executive Manager - Community Planning and Development to make minor changes to the amendment package where the changes do not impact the intent of the proposed amendment.

**CARRIED**

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## BACKGROUND

### *Amendment C101moor*

Amendment C101moor is required to correct an error in the Moorabool Planning Scheme. The amendment affects two neighbouring properties at 75 Browns Lane, and 81 Browns Lane, Parwan.

Specifically, the amendment removes the Heritage Overlay (HO194) that is incorrectly applied to 75 Browns Lane, Parwan and applies HO194 to 81 Browns Lane, Parwan, which is a locally significant heritage place. Amendment C101moor also introduces a new Statement of Significance for HO194 and makes consequential changes to the Schedule to Clause 43.01 (Heritage Overlay) to ensure compliance with the *Ministerial Direction – The Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

### *Authorisation and Exhibition*

Council resolved to request authorisation from the Minister for Planning to prepare and exhibit Amendment C101moor, in an Ordinary Council Meeting on 2 February 2022. Authorisation was granted by the Minister on 18 February 2022. Amendment C101moor was subsequently approved for exhibition by the Minister for Planning on 3 October 2022.

## PROPOSAL

The amendment was publicly exhibited for one calendar month (27 October to 27 November 2022) in accordance with section 19(4)b of the *Planning and Environment Act 1987*. The amendment was advertised in the Moorabool News, Council website and letters of notice sent to landowners and relevant State Government agencies requesting for submissions.

### *Submissions*

One submission was received from the landowner of 75 Browns Lane, Parwan in support of the amendment. A summary of submissions is included in **Attachment 1**.

### *Amendment VC226*

Amendment VC226 was approved for all Victorian Planning Schemes by the State Government on 4 November 2022. The amendment inserts an additional column into the Heritage Overlay Schedule that allows an option to 'turn off' the requirement for a planning permit for solar panels on a heritage building where visible from the public realm. This option would not be suitable for the subject building and a planning permit will be required should the owner propose solar panels visible from the public realm in the future.

### *Next steps*

There are no unresolved submissions opposing the amendment, therefore Council is not required to appoint a Planning Panel. Council has the option to adopt the amendment documents (**Attachment 2**), propose changes to the amendment, or abandon the amendment. Should Council choose to progress the amendment, Council officers will submit Amendment C101moor to the Minister for Planning for approval.

Other than the change to the Heritage Overlay Schedule as a result of Amendment VC226, no changes are proposed to the Amendment C101moor documents.

### *Recommendation*

It is recommended that Council adopts Amendment C101moor and submits the amendment to the Minister for Planning for approval and gazettal. Officers consider the amendment to be strategically justified, and formal consultation of the amendment has been completed with no opposing submissions received.

### **COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to correct an error in the Moorabool Planning Scheme by applying the Heritage Overlay to a property of local heritage significance is consistent with the Council Plan 2021-2025.

### **FINANCIAL IMPLICATIONS**

The costs associated with the amendment includes statutory fees, mail outs, advertising, and staff time. These costs are accommodated within the 22/23 Growth and Development budget.

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

There is no direct risk or occupational health and safety issues associated with the recommendation within this report. If Council chooses not to adopt the Amendment, it would expose a significant heritage place to risk of loss. Council would also risk not meeting its obligations under the Planning and Environment Act 1987 regarding the conservation and enhancement of heritage places.

### **COMMUNICATIONS & CONSULTATION STRATEGY**

Amendment C101moor has been formally exhibited and public consultation conducted with landowners, State Government authorities, and the general public in accordance with the requirements of the *Planning and Environment Act 1987*. Letters of notice were sent to landowners and adjoining properties, prescribed ministers, and the amendment was advertised in the Moorabool News, Moorabool Council website and the Victorian Government Gazette.

If adopted by Council and approved by the Minister for Planning, the amendment and all relevant documentation will be gazetted and available to the public on the Moorabool Council website and the Department of Environment, Land, Water and Planning (DELWP) website.

### **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 – Fauster Awepuga*

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

### **CONCLUSION**

Amendment C101moor will correctly apply the Heritage Overlay (HO194) to conserve and provide protection for a local heritage place into the future and ensure that the Moorabool Planning Scheme is precise and can be administrated efficiently.

## 12.2 BACCHUS MARSH AERODROME MASTER PLAN

**Author:** Vanessa Osborn, Special Projects Manager

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

**Attachments:** 1. Final Bacchus Marsh Aerodrome Master Plan (under separate cover)

### PURPOSE

The purpose of this report is to provide Council with an overview of the process undertaken to develop and engage on the Master Plan for Bacchus Marsh Aerodrome, and to recommend Council receive the Final Bacchus Marsh Aerodrome Master Plan.

### EXECUTIVE SUMMARY

- The need for an aerodrome master plan was identified through the Bacchus Marsh Urban Growth Framework and as part of the lease agreement between Council and Bacchus Marsh Aerodrome Management Inc. (BMAM).
- The Deed of Understanding (Deed) between Council and BMAM stipulated that BMAM was to prepare a master plan for the aerodrome. A master plan was prepared by BMAM in 2019, however some additional input was required to meet the strategic intent of the clause in the Deed. In agreement with BMAM, Council undertook some more background work and commissioned a new master plan to better inform the strategic direction of the aerodrome in the context and in Parwan Employment Precinct (PEP).
- The Master Plan has undergone extensive stakeholder and community consultation, with a total of 150 responses received that have formed the basis of the Master Plan's vision, strategic objectives, and actions.
- The Final Bacchus Marsh Aerodrome Master Plan completed public consultation over May and June 2022, receiving primarily supportive feedback for document in its current form from 10 out of 15 respondents, which is now recommended for Council approval.
- A total of five of the 15 respondents indicated they did not support the Master Plan in its current form. This was due to its perceived negative impact on development of surrounding private land, Council resources being used to support commercial enterprise, and a desire to understand further implementation detail around BMAM's future business planning and operational growth.
- To address this feedback, amendments have been made to the Master Plan to better explain the purpose of the document and how subsequent work being undertaken by BMAM, Council and the Victorian Planning Authority (VPA) will address the concerns raised.
- The Master Plan was developed in collaboration with BMAM, who have the responsibility for its implementation, working together with Council and the VPA to progress relevant actions and objectives.

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

- 1. Resolves to note the outcome of the community consultation process of the Final Bacchus Marsh Aerodrome Master Plan as provided in Attachment 1.**
- 2. Resolves to receive the Bacchus Marsh Aerodrome Master Plan.**

**CARRIED**

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**BACKGROUND**

Bacchus Marsh Aerodrome is located approximately 6km south of the Bacchus Marsh township within the Parwan Employment Precinct (PEP). It is well placed physically and strategically for wider regional access, situated between Melbourne, Geelong, and Ballarat.

The Commonwealth transferred the aerodrome to Moorabool Shire Council in 1992 on the basis that the facility continues to be maintained and operated by the local authority as an aerodrome. In December 1993, Council entered into a lease with the Western Region Sporting Aviation Group Inc., now known as BMAM for the Bacchus Marsh Aerodrome.

The Head Lease agreement between Council and BMAM was renewed in December 2018 for another 25-year term until 21 December 2043. At the time the Renewal of Lease was entered into, Council and BMAM also entered into a Deed.

The Deed stipulated that BMAM was to prepare a master plan for the aerodrome. A master plan was prepared by BMAM in 2019, however some additional input was required to meet the strategic intent of the clause in the Deed. Council informed BMAM that it would carry out some more background work and commission a new master plan to better inform the strategic direction of the aerodrome in the context and in PEP.

The development of an aerodrome master plan is also an action within the Bacchus Marsh Urban Growth Framework (UGF). The UGF specifically identifies the need to undertake investigations for employment and agribusiness opportunities at the aerodrome and in PEP, as one of the key actions facilitating growth in Bacchus Marsh.

The objects of the Master Plan are to:

- Identify land use and facility development requirements for the aerodrome over the planning period.
- Identify strategies and facilities required to ensure the long-term sustainability of the aerodrome.
- Enhance the viability of the aerodrome and create positive gains for the community.
- Ensure that the aerodrome is not inhibited by a lack of facilities and service infrastructure or other constraints.
- Support aviation-related and compatible development and provide a clear direction as to how the aerodrome should be developed.

- Protect the airfield and options for growth and prevent inappropriate activities on surrounding land.
- Ensure compliance with environmental, planning and operational obligations.

### **Stakeholder and public consultation stage one (November 2021 – February 2022)**

Stage one engagement consisted of workshops with officers, the Victorian Planning Authority (VPA), Executive Group, Councillors and BMAM, as well as an online survey that was open for two months. Thirty adjoining landowners received direct invitations by letter to provide feedback via the survey.

A total of 135 submissions were received, the results of which have been compiled into a Consultation Report circulated to BMAM and adjacent landholders, forming the basis of the Master Plan's strategic intent and proprieties.

Engagement findings:

- Recognised by the participants as a vital strategic and economic asset.
- Appreciated for its geographic location between Melbourne, Geelong and Ballarat.
- Desire to leverage within the PEP to provide greater local employment and economic opportunities.
- Prioritise upgrading infrastructure such as taxiways, runway resurfacing and public utilities.
- Concerns that the current Aerodrome governance arrangements may not be conducive to the site realising its full potential.

### **Stakeholder and public consultation stage two (May 2022 – July 2022)**

Following consultation on the draft with officers, the VPA, Regional Development Victoria (RDV), Executive Group and Councillors, the Master Plan was shared with BMAM for review and discussion in a workshop on 11 May 2022. BMAM's feedback was overwhelmingly positive in terms of the strategic direction and priorities, with minor suggested changes to the document which were incorporated.

The four weeks public consultation on the Final Master Plan was then held from 30 May to 27 June 2022. A total of 12 survey responses and three written submissions were received.

Engagement Findings:

- Five of the 15 respondents did not support the Master Plan in its current form, on the basis that:
  - They feel Council should not be using its resources to support commercial enterprise.
  - They do not want development of the Aerodrome to restrict development of surrounding private land.
  - It does not contain sufficient information on future commercial operations and potential physical expansion of the site.
- Ten of the 15 respondents support the Master Plan in its current form, with the additional feedback – both positive and negative -detailed in the table below.

<b>Community and stakeholder feedback</b>	<b>Officer response</b>
1. Actions in the implementation plan are realistic and achievable.	Affirmative feedback – no response required.
2. Concern over proposal to shorten runway strip widths to 80m to facilitate the establishment of parallel gliding strips.	There is mixed support for this action in respondent feedback and in conversation with BMAM Board Members. Therefore, the action has been reworded to say ‘investigate’ so that there is no firm commitment for BMAM to deliver, rather only to explore options.
3. Ensure flexibility in wording of implementation plan for BMAM to further explore specific actions where there may be several viable options available.	Wording of some actions changed to ‘investigate/explore’ where BMAM need to further refine options. See example in point two above.
4. Concern over Council committing to funds to deliver all of the Master Plan actions.	The Master Plan is clear that delivery of all actions is not the responsibility of Council and will be subject to the development of a Business Plan and Funding Strategy by BMAM, to confirm resource allocation and external funding sources.
5. Lack of clarity around fee structures, development within the Aerodrome and commercial activities moving forward.	Separate to the Master Plan, BMAM will be preparing a Business Plan, detailed development plans for each precinct and a Funding Strategy for delivery, in consultation with Council. These pieces of work are commercially sensitive and subject to change, therefore are not appropriate for inclusion in the Master Plan, which instead provides a long-term, overarching strategic vision and objectives. An infographic has been added to the Master Plan to better contextualise this.
6. Rezoning of land surrounding the Aerodrome should not restrict proposed development of Parwan Employment Precinct (PEP).	Master Plan is consistent with the strategic intent of PEP and the Bacchus Marsh Urban Growth Framework (UGF). Council will continue working with the VPA to progress appropriate zoning changes, which the VPA are currently developing.
7. Clarify roles and responsibilities for implementation.	An additional column was added to the implementation plan stating who has the responsibility for each action (e.g., BMAM, MSC, VPA).
8. Proposed lighting project must be fast tracked as this is a significant issue for operations and safety concerns.	BMAM is securing external funding for delivery of the action as a priority. Council is providing support for funding applications as needed.
9. Ensure Aerodrome is available to all and not monopolised by single user groups.	Master Plan proactively considers the development of all aerodrome activities and users clearly articulates its key market segments

Community and stakeholder feedback	Officer response
	to address over the life of the document. Users and activities will be further explored in the Business Plan.
10. Stick to commitment to review the Master Plan every five years to ensure the Aerodrome does not miss out on commercial opportunities.	Council will maintain its commitment to work with BMAM to review the Master Plan every five years or sooner, should new opportunities arise or there be changes in the circumstances.

**Master Plan findings and actions**

Findings and recommendations are articulated in Section 3 of the Master Plan in an implementation plan, with tasks or projects broken into the following three categories: Strategic Planning, Operations and Infrastructure.

While approximate timeframes have been set for each task or project, the Master Plan recommends that BMAM lead the preparation of three key pieces of work in consultation with Council, to provide detail for implementation:

1. Development plans for six precincts identified by the Master Plan
2. Business Plan
3. Funding Strategy

This further work would determine where business cases or external funding are required to deliver projects, supplementing existing funding and resource allocation. Together these documents will comprise an important implementation suite and advocacy tool for BMAM and Council to draw on over the 20-year life of the Master Plan.

**PROPOSAL**

The Final Bacchus Marsh Aerodrome Master Plan has fulfilled the strategic objectives for the project and is supported by BMAM. It is recommended that the Final Master Plan be received by Council.

**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**

For Council to receive the Final Bacchus Marsh Aerodrome Master Plan is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

All Master Plan actions requiring Council input needs to be achieved within approved operational budget and work programs. Any future funding request for Aerodrome projects would be subject to a business case submission by BMAM for Council consideration.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Collaborate	Bacchus Marsh Aerodrome Management Inc. (BMAM)	Board Member workshops	Online	November 2021 to June 2022	Collaboration on and BMAM endorsement of Master Plan
Involve	Victorian Planning Authority (VPA)	Meetings Invitation to review Final Master Plan	Online	March to June 2022	Insights gathered on strategic intent for PEP and BMUGF
Involve	Regional Development Victoria	Meetings Invitation to review Final Master Plan	Online	March to June 2022	Insights gathered from State Government
Consult	TVSA Flight School	Meeting	Online	November 2021- to June 2022	Insights gathered from Aerodrome key user group
Consult	Adjoining landowners	Invitations to participate in online surveys Consultation Report	Letter correspondence Have Your Say Moorabool webpage Consultation Report	December 2021 to February 2022 and May to June 2022	Eight responses received
Consult	Community Members	Online surveys	Have Your Say Moorabool webpage Consultation Report	December 2021 to February 2022 and May to June 2022	150 Responses received

**VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006**

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

**OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*Executive Manager – Henry Bezuidenhout*

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

*Author – Vanessa Osborn*

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

**CONCLUSION**

The Final Bacchus Marsh Aerodrome Master Plan has been developed in collaboration with BMAM and meets the strategic objectives of the project. It is recommended that Council receive the Final Bacchus Marsh Aerodrome Master Plan.

**13 COMMUNITY STRENGTHENING REPORTS**

**13.1 ADVISORY COMMITTEES OF COUNCIL - REPORTS**

**Author:** Kaylene Bowker, Executive Assistant

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

- Attachments:**
1. Minutes - Moorabool Health and Wellbeing Advisory Committee Meeting - 8 August 2022 (under separate cover)
  2. Minutes - Moorabool Health and Wellbeing Advisory Committee Meeting - 5 December 2022 (under separate cover)

**PURPOSE**

Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Advisory Committees are required to report to Council at intervals determined by the Council.

**EXECUTIVE SUMMARY**

Councillors, as representatives of the following Advisory Committees of Council, present the reports of the Committee Meetings for Council consideration.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representatives</b>
Moorabool Health and Wellbeing Advisory Committee	Monday 8 August 2022	Cr Tonia Dudzik
	Monday 5 December 2022	Cr Moira Berry (Sub)

**RESOLUTION**

**Moved:** Cr David Edwards

**Seconded:** Cr Tom Sullivan

**That Council receives the Minutes for the Moorabool Health and Wellbeing Advisory Committee Meetings for 8 August 2022 and 5 December 2022.**

**CARRIED**

**13.2 COMMUNITY ASSET COMMITTEES - REPORTS**

**Author:** Kaylene Bowker, Executive Assistant

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

- Attachments:**
1. Minutes - Blacksmith's Cottage & Forge CAC - 24 May 2022 (under separate cover)
  2. Minutes - Blacksmith's Cottage & Forge CAC - 23 August 2022 (under separate cover)
  3. Minutes - Lal Lal Soldiers Memorial Hall Committee - 16 August 2022 (under separate cover)
  4. Minutes - Gordon Public Hall CAC - 8 June 2022 (under separate cover)
  5. Minutes - Bacchus Marsh Public Hall CAC - 26 September 2022 (under separate cover)

**PURPOSE**

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* to manage and maintain Community Assets within the municipal district. By Instrument of Delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the *Local Government Act 2020*. The Council cannot delegate those powers identified in section 11(2) of the *Local Government Act 2020*.

**EXECUTIVE SUMMARY**

The following Community Asset Committees present the following reports of the Committee Meetings for Council consideration.

Committee	Meeting Date
Blacksmith’s Cottage & Forge Community Asset Committee	24 May 2022, 23 August 2022
Lal Lal Soldiers Memorial Hall Committee	16 August 2022
Gordon Public Hall Community Asset Committee	8 June 2022
Bacchus Marsh Public Hall Community Asset Committee	26 September 2022

**RESOLUTION**

**Moved:** Cr David Edwards

**Seconded:** Cr Ally Munari

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

1. Blacksmith’s Cottage & Forge CAC Minutes – 24 May 2022, 23 August 2022
2. Lal Lal Soldiers Memorial Hall Committee Minutes – 16 August 2022
3. Gordon Public Hall CAC Minutes – 8 June 2022
4. Bacchus Marsh Public Hall CAC Minutes – 26 September 2022

**CARRIED**

### **13.3 BALLAN LIBRARY AND COMMUNITY HUB CONCEPT PLAN**

**Author:** Troy Watson, Manager Community Development

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

**Attachments:** 1. Ballan Library and Community Hub - concept plan (under separate cover)

#### **PURPOSE**

The purpose of this report is to present and seek approval from Council for the Ballan Library and Community Hub concept plan.

#### **EXECUTIVE SUMMARY**

- The Ballan Library and Community Hub is a \$7.25m project, with \$5m in grant funding from the State Government.
- Two phases of community engagement were undertaken during 2021 and 2022 to understand community aspirations for the building and inform the design.
- The design of the Ballan Library and Community Hub has been developed to meet operational needs, be responsive to feedback gained during the community engagement process, acknowledge materials used in surrounding historical buildings, and meet budget parameters.

#### **RESOLUTION**

**Moved:** Cr Paul Tatchell

**Seconded:** Cr Ally Munari

**That Council approves the Ballan Library and Community Hub Concept Plan.**

**CARRIED**

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#### **BACKGROUND**

In January 2022 Council was successful in receiving grants of \$3.5M from the State Government Growing Suburbs fund and \$1.5M from the Living Libraries fund to construct the Ballan Library and Community Hub, with a total budget of \$7.25M. A procurement process for the design was undertaken in 2022 and Croxon Ramsay were appointed as the architect for the project. Croxon Ramsay have considerable experience in library and community projects, including the design of the Sunbury Library and Global Learning Centre, and the Ivanhoe Library and Cultural Hub.

A Council project team has been working closely with the architect to ensure that the design of the Ballan Library and Community Hub meets operational needs and reflects the aspirations of the local community.

#### **Community engagement**

Two phases of community engagement were undertaken during 2021 and 2022 to understand community aspirations for the building. In preparation for developing the initial project concept and grant applications in 2021, a community engagement process was undertaken in September

2021 through a Have Your Say online survey. The purpose of this engagement was to understand how community members use the current Ballan Library, now and into the future. This resulted in 88 responses and provided an understanding of community priorities to inform the architect design brief and guided the next phase of engagement in 2022. A summary of phase one engagement is available on Council's Have Your Say website.

A second phase of engagement was conducted from May to August 2022, expanding on the themes from phase one to seek feedback to inform the design of the new Library and Community Centre. A survey included more detailed questions to build on the feedback and priorities that were identified in phase one.

Engagement activity with the community during phase two included:

- An online survey during May-June 2022 with 62 responses with feedback regarding the design, spaces, layout, and uses of the facility.
- Community Café – in person engagement sessions at Ballan and Gordon with 16 attendees.
- Targeted engagement – a survey with young people in the Ballan youth group, engagement with primary schools, engagement with Traditional owners, and engagement with council staff who will be involved in the delivery of services within the new facility.

A summary of phase two engagement is available on Council's Have Your Say website. The summary consolidates feedback and draws together the main themes that were heard from the community through the survey and in-person engagement. This feedback has informed the design process.

### **Concept design**

The concept design has been developed to reflect the aspirations of the local community and be responsive to feedback gained during the community engagement process. Key features identified by the community are included in the concept design:

- A variety of study spaces and flexible meeting rooms spread across the library, to allow for programs, events, individual and group activity
- An outdoor space to cater for programs and events
- Flexible exhibition spaces
- Increased space for a larger library collection
- A dedicated children's library area
- A dedicated teen space
- A variety of seating options to accommodate individual and collaborative activities
- Maternal and Child Health space with waiting area and parents' room
- Utilising northern facing windows for informal seating areas
- Ensuring the building has good transparency from the front to show activity in the building and create a welcoming environment

Key factors considered in the development of the concept include:

- Creating a street presence which is in keeping with the historical buildings in the area while creating a contemporary facade with an inviting presence, incorporating recycled products where available and appropriate.

- Ensuring the building has good transparency from the front to show activity in the building and create a welcoming environment.
- Maximising connection to the street and an internal courtyard creating a public realm to support community engagement.
- Creating a safe and welcoming space for the community to gather and create social networks, and act as a central access point for those seeking help with technology.
- Creating the opportunity for a civic plaza area and a laneway with rear access to the existing council car park.

### **Project timeframes**

Following the completion of detailed design and a procurement process for appointing a construction contractor, it is expected that construction will commence in mid-2023 with completion due in mid to late 2024.

### **PROPOSAL**

Concept plans for the Ballan Library and Community Hub have been developed to meet the operational needs and desire for a contemporary library and community hub for Ballan and surrounding areas. The design responds to the aspirations of the local community, is responsive to feedback gained during the community engagement process and meets budget parameters.

The concept plans are presented to Council to seek approval of the concept. Following Council approval, the detailed designs will be refined and finalised in preparation for development of construction documentation.

Community members who provided email contact details during the consultation phase will be informed of the endorsed concept plan, and the broader community will be informed of the approved concept plan through Council's website, social media and onsite signage.

### **COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to approve the Ballan Library and Community Hub concept plan is consistent with the Council Plan 2021-2025. Completing the design and commencing construction for the Ballan Library and Community Hub is a Council Plan action in 2022/23.

### **FINANCIAL IMPLICATIONS**

The project budget for construction of the Ballan Library and Community Hub is \$7.25m. Funding agreements have been executed with the State Government securing \$5m in grant funding towards the project, with the remaining funds committed as part of Council's capital works budget.

Cost plans are developed and reviewed at key points during the design phase to ensure that the concept design is achievable within the budget parameters. Recent cost plans from December 2022 indicate that the concept design for construction of the building can be achieved within budget.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Financial – Inadequate funds to finish project	Project going over budget due to cost escalation within the marketplace	High	Cost plans at key stages
Milestones – missed funding milestones	Not meeting project milestones due to missed tasks, design changes and approvals	Medium	Monthly meetings with project team so they understand the plan and likelihood of missed tasks is reduced. Share the design and construction program and go through upcoming tasks at each monthly meeting.
Design – does not meet stakeholder needs	Building design may not meet stakeholder or community expectations	Medium	Design based on significant community consultation that has been undertaken in 2021 and 2022.
Communication – project misunderstandings	Lack of communication, causing lack of clarity and confusion	High	Communication plan including: project information, communications objectives, and communication methods and channels. Identify stakeholders early.

**COMMUNICATIONS & CONSULTATION STRATEGY**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Community and library members	Survey	Have Your Say website	September to October 2021	88 responses providing insight into how the Ballan Library is currently used and what is important for the community in the new library.
Collaborate	Council service units	Library staff tour of four libraries. Project	Council offices	March-May 2022	Informed and engaged feedback to identify design features and

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
		inception and consultation meetings			building requirements.
Consult	General community	Have Your Say phase two survey to understand desired use of suggested spaces.	Have Your Say website, promoted online and in facilities	6 May – 13 June 2022	Detailed feedback to inform the design process through 62 responses.
Consult	General community	Social media posts, local print media, Have Your Say page.	Online and hard copy in various locations	May-July 2022	Have Your Say had 1,651 page views and 92 document downloads. Library Facebook engagement included 6 posts reaching 5,045 people and 392 engagements. Corporate Facebook post on 7 June reached 774 people.
Consult	Ballan community	Ballan Community Café	Ballan Mechanic’s Institute	Wed 18 May 2022, 6-8pm	11 attendees, plus architect Catherine Ramsay and staff. Provided a good understanding of what local community members who attended would like to see in a new library.
Consult	Ballan Youth Group	Survey	Ballan Youth Zone at Ballan Mechanic’s Institute	Wed 22 June 2022	9 responses received including feedback regarding technology, study and outdoor spaces.

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Gordon community	Gordon Community Café	Gordon Town Hall	Tue 19 July 2022, 5.30-7pm	5 attendees plus architect and Council staff. Feedback consistent with Ballan Café.
Consult	Wadawurrung Traditional Owners Aboriginal Corporation	Workshop	Ballan Council Office	26 August 2022	Gained an understanding of culturally significant themes opportunities for traditional owner involvement.
Consult	Local schools	Class visits/survey	Local primary schools	August/September 2022	32 responses from school children including words and pictures to inform the design and future programs.
Inform	General community	Phase two engagement summary published	Have Your Say website	October 2022	Community is informed of the outcomes of the second phase of engagement.
Inform	General community	Release of concept plans	Have Your Say website and online promotion	February 2023	Community is informed of the approved concept design for the library.
Inform	General community	Regular communication at key stages of the project to inform of progress.	Online	Mid 2023 to late 2024	Community is informed and aware of project progress.

Summaries of the community engagement that has taken place during 2021 (Phase one) and 2022 (Phase two) are available at <https://haveyoursay.moorabool.vic.gov.au>. The summaries consolidate feedback and draw together the main themes that were heard from the community through the surveys and in-person engagement. This feedback has informed the design process.

Community members who provided email contact details during the consultation phase will be informed of the endorsed concept plan, and the broader community will be informed of the approved concept plan through Council's website, social media and onsite signage.

#### **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, General Manager Community Strengthening*

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

*Author – Troy Watson, Manager Community Development*

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

#### **CONCLUSION**

The concept plans for the Ballan Library and Community Hub have been developed to meet the operational needs and desire for a contemporary library and community hub for Ballan and surrounding areas. The design responds to the aspirations of the local community and is responsive to feedback gained during the community engagement process. The concept plans are presented to Council to seek approval of the concept.

**14 CUSTOMER CARE AND ADVOCACY REPORTS**

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

**Author:** Kaylene Bowker, Executive Assistant

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

- Attachments:**
1. **Audit and Risk Committee Summary of Minutes - 10 November 2021 (under separate cover)**
  2. **Audit and Risk Committee Summary of Minutes - 16 February 2022 (under separate cover)**
  3. **Audit and Risk Committee Summary of Minutes - 11 May 2022 (under separate cover)**
  4. **Audit and Risk Committee Summary of Minutes - 10 August 2022 (under separate cover)**
  5. **Audit and Risk Committee Summary of Minutes - Special Meeting - 31 August 2022 (under separate cover)**
  6. **Audit and Risk Committee Summary of Minutes - 9 November 2022 (under separate cover)**

**PURPOSE**

Advisory Committees are established to assist Council with executing specific functions or duties.

Advisory Committees of Council currently have no delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function is purely advisory.

Advisory Committees are required to report to Council at intervals determined by the Council.

**EXECUTIVE SUMMARY**

Councillors, as representatives of the following Advisory Committees of Council, present the reports of the Committee Meetings for Council consideration.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representatives</b>
Audit and Risk Committee	Wednesday 10 November 2021	Cr Tonia Dudzik Cr Ally Munari
Audit and Risk Committee	Wednesday 16 February 2022	Cr Moira Berry Cr Tonia Dudzik
Audit and Risk Committee	Wednesday 11 May 2022	Cr Moira Berry Cr Tonia Dudzik
Audit and Risk Committee	Wednesday 10 August 2022	Cr Moira Berry Cr Tonia Dudzik

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representatives</b>
Audit and Risk Committee (Special Meeting)	Wednesday 31 August 2022	Cr Moira Berry Cr Tonia Dudzik
Audit and Risk Committee	Wednesday 9 November 2022	Cr Moira Berry Cr Tonia Dudzik

**RESOLUTION****Moved: Cr Tonia Dudzik****Seconded: Cr Ally Munari**

**That Council receives the Audit and Risk Committee Summary of Minutes for meetings held on 10 November 2021, 16 February 2022, 11 May 2022, 10 August 2022, 31 August 2022 (Special Meeting) and 9 November 2022.**

**CARRIED**

**14.2 CONSIDERATION OF INTENT TO SEEK A RATE CAP VARIATION FOR 2023/24****Author:** Steve Ivelja, Chief Financial Officer**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy**Attachments:** Nil**PURPOSE**

The purpose of this report is for Council to resolve the matter of whether it seeks to apply for a rate cap variation for the 2023/24 budgeting and planning cycle.

**EXECUTIVE SUMMARY**

- For each of the last 6 financial years, Council elected not to apply for further rate cap variations. The decision to not apply for a rate cap variation reflects the Council's desire to work within the rate cap.
- There is a necessity for Council to resolve the matter of whether it plans to apply for a rate cap variation to enable adequate lead time for Officers to develop a project plan if necessary.

**RESOLUTION****Moved:** Cr David Edwards**Seconded:** Cr Tonia Dudzik**That Council resolves to not apply for a rate cap variation for the 2023/24 financial year.****CARRIED**

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**BACKGROUND**

For each of the last 6 financial years, Council has elected to not apply for a rate cap variation. The decision to not apply for a rate cap variation reflects the Council's desire to work within the established rate cap.

On the 29th of December 2022, the Minister for Local Government announced that the Fair Go Rates Cap for 2023/24 will be set at 3.50%. The decision on the rate cap for the 2023/24 financial year was guided by independent advice from the Essential Services Commission. The Government set the rate cap 0.5% below the ESC's recommendation of 4.0%, citing cost of living pressures facing ratepayers. It is noted that inflation in Australia is currently running at 7.3% (as of September 2022).

**PROPOSAL**

That Council resolve the matter of whether it seeks to apply for a rate cap variation for the 2023/24 budgeting and planning cycle.

**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 consistent with the Council Plan 2021 – 2025.

**FINANCIAL IMPLICATIONS**

Depending on whether Council elects to apply for a rate cap variation for the 2023/24 year and beyond, there will a disparity in the level of funds it will have at its disposal to invest for the benefit of the community.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

The financial stability of Council is identified in Councils Strategic Risk profile. Based on Council rates being capped at 3.50% in 2023/24 and projected CPI for future years, Council has currently assessed its ongoing financial sustainability as a medium risk. Several controls are in place to manage the ongoing financial sustainability of Council.

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial stability of Council	Limited funding or significant changes in funding sources limiting ability to deliver on Council’s objectives.	Medium	Long term financial plan in place to document and review Council’s financial position and assist with strategic management of Council’s finances. Regular financial reporting to Audit & Risk Advisory Committee aligns with Council reporting. Adherence to financial metrics as identified by VAGO and the LGPRF. Focus on advocacy to support achievement of identified community needs. External audits of financial accounts undertaken on annual basis for annual Report and received an unqualified audit result. Service Review and Planning Policy and Framework implementation. Each service undertaking a review of their services every three to five years. Linking asset plans, community infrastructure plans and service plans to

Risk Identifier	Detail of Risk	Risk Rating	Control/s
			Council’s Long-Term Financial Plan. Borrowing funds within a sound financial management framework as a mechanism to finance major projects, as it spreads the payments for such assets across the generations who benefit. Cost control and identifying opportunities to increase revenue streams. Applying for a rate cap variation where required.

**COMMUNICATIONS & CONSULTATION STRATEGY**

The communication and consultation strategy are contingent upon Council’s decision as to whether it resolves to apply for a variation.

**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 – Steven Ivelja*

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

**CONCLUSION**

The rate cap for the 2023/24 financial year has been set 3.50%. In the context of the current economic environment, it is recommended that Council do not seek a rate cap variation over the established rate cap of 3.50%.

Council may need to consider or re-assess its position in future years especially where the continued maturity in Council’s Asset Management Systems indicate the existence of assets backlogs and/or insufficient funding to satisfy asset renewal demand.

Equally, if the Council wishes to expand or increase its levels of services and infrastructure beyond the constraints of the current strategic financial plan, it may need to consider the option of applying for a rate cap variation in future years, especially if external funding is not available.

**15 OTHER REPORTS**

Nil

**16 NOTICES OF MOTION****16.1 NOTICE OF MOTION - WERRIBEE RIVER****Attachments: Nil**

I, Councillor Moira Berry, give notice that at the next Ordinary Meeting of Council to be held on 1 February 2023, I intend to move the following motion:

**RESOLUTION****Moved: Cr Moira Berry****Seconded: Cr Tonia Dudzik**

- 1. That Council officers commence an investigation into large amounts of sediment that are running into the Werribee River from the storm water pipes at the rear of 270 Werribee Vale Road, Bacchus Marsh.**
- 2. The investigation to include assessing the effectiveness of sediment barriers that run along the side of Werribee Vale Road, opposite 270 Werribee Vale Road, Bacchus Marsh that are in place to prevent sediment from flowing into the storm water pipes.**

**CARRIED**

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**RATIONALE**

In mid 2020 land clearing began for the new Stonehill development area alongside Werribee Vale Road, Bacchus Marsh, opposite the farm house at 270 Werribee Vale Road.

Residents have reported that since the storm water pipes have been installed sediment has been running into the Werribee River at the rear of 270 Werribee Vale Road, Bacchus Marsh.

The sediment is building up in the river and destroying vegetation, food for wildlife and a sensor that has been installed by Bacchus Marsh Platypus Alliance.

Residents have been reporting excessive sediment that has been running into the Werribee River at the rear of 270 Werribee Vale Road, Bacchus Marsh.

The sediment is running from the storm water pipes that run from the new Stonehill Development area.

The sediment barriers that run alongside Werribee Vale Road, opposite the farm house at 270 are falling over, lifted in spots and allowing sediment to protrude under the barrier which allows sediment to then flow into the storm water pipes.

I commend this Notice of Motion to Council.

**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.

<b>Cr Rod Ward – Mayor’s Report</b>	
<i>Date: 1 February 2023</i>	
9 December	<ul style="list-style-type: none"> <li>MAV Mayoral Induction Program, Monash Conference Centre</li> </ul>
14 December	<ul style="list-style-type: none"> <li>Councillor Briefings – Collection and Transportation of Kerbside Garbage, Recyclables and Greenwaste; Ballan Library &amp; Community Hub – Concept Plan; Bacchus Marsh Avenue of Honour Management Plan &amp; Tree Preservation Strategy; Directorate Update – Community Planning &amp; Development; General Business</li> <li>Development Assessment Committee</li> </ul>
15 December	<ul style="list-style-type: none"> <li>Western Highway Action Committee Meeting</li> </ul>
19 December	<ul style="list-style-type: none"> <li>Opening – Mill Park Skate Park, Ballan</li> <li>Opening – Gordon Public Park Skate Park, Gordon</li> </ul>
21 December	<ul style="list-style-type: none"> <li>Councillor Briefing – Review of the SMC Agenda</li> <li>Special Meeting of Council</li> </ul>
18 January	<ul style="list-style-type: none"> <li>Councillor Briefings – Amendment 101 Browns Land Adoption; Ballan Library &amp; Community Hub Concept Designs; Review of the OMC Agenda; General Business</li> </ul>
25 January	<ul style="list-style-type: none"> <li>Councillor Briefings – General Business</li> </ul>
26 January	<ul style="list-style-type: none"> <li>Australia Day Awards &amp; Australian Citizenship Ceremony (9.00am)</li> <li>Australian Citizenship Ceremony (11.30am)</li> <li>Australia Day Event at Underbank Retirement Village</li> </ul>

27 January	<ul style="list-style-type: none"><li>• Bacchus Marsh Aerodrome site visit with the Hon Sam Rae MP, Federal Member for Hawke</li><li>• Meeting with Catherine King, Federal Member for Ballarat</li></ul>
1 February	<ul style="list-style-type: none"><li>• Ordinary Meeting of Council</li></ul>
<p>Cr Ward commended the CEO and Council officers on their efforts in organising the Australia Day Awards and Australian Citizenship Ceremony events. Cr Ward also commended the efforts of the outdoor staff over the holiday period to address road damage caused by storm events late last year since additional funding was provided by Council to address road repairs.</p>	

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

**19 COUNCILLORS' REPORTS**

<b>Cr Moira Berry</b>	
<i>Date: 1 February 2023</i>	
19 December	<ul style="list-style-type: none"> <li>• Opening – Mill Park Skate Park, Ballan</li> </ul>
26 January	<ul style="list-style-type: none"> <li>• Australia Day Awards &amp; Australian Citizenship Ceremony (9.00am)</li> <li>• Australian Citizenship Ceremony (11.30am)</li> </ul>
27 January	<ul style="list-style-type: none"> <li>• Bacchus Marsh Aerodrome site visit with the Hon Sam Rae MP, Federal Member for Hawke</li> </ul>

<b>Cr Tonia Dudzik</b>	
<i>Date: 1 February 2023</i>	
26 January	<ul style="list-style-type: none"> <li>• Australia Day Awards &amp; Australian Citizenship Ceremony (9.00am)</li> <li>• Australian Citizenship Ceremony (11.30am)</li> </ul>
27 January	<ul style="list-style-type: none"> <li>• Bacchus Marsh Aerodrome site visit with the Hon Sam Rae MP, Federal Member for Hawke</li> </ul>

<b>Cr David Edwards</b>	
<i>Date: 1 February 2023</i>	
<p>Cr Edwards expressed his congratulations to staff involved in the Australia Day Awards &amp; Australian Citizenship Ceremony events. He also thanked Cr Ward for attending the Australia Day event at Underbank Retirement Village.</p>	

**RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr Ally Munari

**That Council receives the Councillor Reports.**

**CARRIED**

**20 URGENT BUSINESS**

Cr Sullivan raised an item of Urgent Business in relation to Event Closure of Yankee Flat Road.

**20.1 EVENT CLOSURE OF YANKEE FLAT ROAD****RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr Ally Munari

**That Council resolves to admit the item of urgent business in relation to Event Closure of Yankee Flat Road.**

**CARRIED**

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**BACKGROUND**

Over the weekend of 7-8 January this year, as part of the annual Federation University Road National Championships organised by the City of Ballarat, Yankee Flat Road was closed.

The closure of Yankee Flat Road was carried out by contractors acting for the event organisers.

Yankee Flat Road is a road under the control of Moorabool Shire. Neither Moorabool Shire nor Moorabool residents were advised of this road closure.

**20.2 EVENT CLOSURE OF YANKEE FLAT ROAD****RESOLUTION**

**Moved:** Cr Tom Sullivan

**Seconded:** Cr David Edwards

**That Council write to the City of Ballarat noting:**

- 1. As the responsible Council for the management of Yankee Flat Road, Moorabool Shire should have been contacted to seek approval for the closure of the road.**
- 2. Moorabool Shire is disappointed that Council and local residents were not notified of this closure.**
- 3. Understanding that Federation University Road National Championships is an annual event, that a formal protocol be developed and signed off by both Councils and this formal ratified protocol be developed well before the 2024 event.**

**CARRIED**

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**21 OTHER BUSINESS**

**PROXY COUNCIL REPRESENTATIVE TO BACCHUS MARSH AERODROME MANAGEMENT COMMITTEE**

Cr Ward advised that as the Council representative on the Bacchus Marsh Aerodrome Management Committee, he does not currently have a proxy if he is unable to attend a meeting and that Cr Tatchell has volunteered to be his proxy on the Committee.

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

Nil

**23 MEETING CLOSURE**

The Meeting closed at 6.35pm.

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**CHAIRPERSON**