



AGENDA

Ordinary Council Meeting Wednesday, 5 July 2023

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

Date: Wednesday, 5 July 2023

Time: 6.00pm

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

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND PRAYER

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORDING OF MEETING

In accordance with Moorabool Shire Council's Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

4 PRESENT

5 APOLOGIES

6 CONFIRMATION OF MINUTES

Ordinary Council Meeting - Wednesday 7 June 2023

7 DISCLOSURE OF CONFLICTS OF INTEREST

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a Councillor, any other meeting conducted under the auspices of the Council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

8 PUBLIC QUESTION TIME

The aim of Public Question Time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Public Question Time is conducted in accordance with section 3.7.1 of the Council's Governance Rules.

- (a) Question time will take place during the Council Meeting as provided for in the agenda.
- (b) Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.
- (c) A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.
- (d) A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that the:
 - (i) person directing the question is present in the gallery;
 - (ii) question does not relate to a confidential matter;
 - (iii) question does not relate to a matter in respect of which Council has no power to act;
 - (iv) question is not defamatory, indecent, abusive or objectionable in language or substance;
 - (v) question is not a repetition of a question already asked or answered (whether at the same or an earlier meeting); and
 - (vi) question is not asked to embarrass a Councillor, member of Council staff or member of the public.
- (e) Persons submitting questions must be present in the public gallery. If they are not present in the Gallery, the question will be held over to the next meeting only.
- (f) The Chief Executive Officer will read out each question and the Chairperson shall decide who will answer each question.

A Councillor or Council officer may:

- (i) immediately answer the question asked; or
- (ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or

- (iii) elect to submit a written answer to the person asking the question within 10 working days.

Responses to public questions answered at the meeting, will be general in nature, provided in good faith and should not exceed two minutes. These responses will be summarised in the minutes of the meeting.

9 PETITIONS

Nil

10 PRESENTATIONS/DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

11 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

11.1 AMENDMENT C104 - ANOMALIES - AUTHORISATION

Author: Fauster Awepuga, Strategic Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

1. Amendment C104moor - Amendment Documentation (under separate cover)
2. Amendment C104moor - Details of Changes (under separate cover)

PURPOSE

To consider requesting authorisation from the Minister for Planning to prepare Amendment C104moor to correct anomalies and errors in the Moorabool Planning Scheme; and to seek an exemption from the Minister for Planning from full notice requirements under Section 20(1) of the *Planning and Environment Act 1987*.

EXECUTIVE SUMMARY

The amendment seeks to correct mapping anomalies and minor errors in the Moorabool Planning Scheme including rezoning land, in part or full, to accurately reflect existing ownership and use, and fix wording and formatting errors to ensure consistency, effectiveness and maintain up-to-date content.

A summary of changes and affected properties is discussed in more detail in the Proposal section of this report, to be read in conjunction with Attachment 2.

RECOMMENDATION

That Council:

1. Apply to the Minister for Planning for authorisation to prepare and exhibit Amendment C104moor in accordance with Section 9(3) of the *Planning and Environment Act 1987*.
2. Apply to the Minister for Planning in accordance with Section 20(1) to exempt Amendment C104moor from full notice requirements under Section 19(2) of the *Planning and Environment Act 1987*.
3. Authorise Council Officers to prepare and submit Amendment C104moor to the Minister for Planning for authorisation in the form of Attachment 1; and exhibit the amendment upon receipt of authorisation.
4. Authorise the Executive Manager Community Planning & Development to make minor changes to the amendment documents where they do not impact the intent of the proposed amendment.

BACKGROUND

Amendment C104moor implements recommendations of the Moorabool Planning Scheme Review 2020 (Section 3.1.5) to fix mapping, formatting, and wording errors within the Planning Scheme to improve the readability, structure, and effectiveness of the planning scheme.

Planning Scheme errors and anomalies are a common issue generally caused by historical mapping, land acquisition, subdivision, and authoring mistakes. The anomalies that C104moor applies to were identified through the Moorabool Planning Scheme Review, and an ongoing anomalies assessment process. Amendment C104moor also implements Strategic Direction 26: Amend anomalies and errors of the Moorabool Planning Scheme Review 2020.

Anomalies are required to be corrected as part of Council's obligation under the *Planning and Environment Act 1987* to ensure fair, orderly, and sustainable planning, and to ensure zoning of land most accurately reflects its usage.

PROPOSAL

Amendment C104moor affects five zoning maps, five overlay maps, and 10 ordinances in the Moorabool Planning Scheme. A summary of changes and affected properties is included below. See Attachment 2 for further detail. The amendment proposes to:

- Rezone the following land to reflect existing ownership and use:
 - 1A Berry Street, Ballan – from General Residential Zone 1 to Public Park and Recreation Zone.
 - Lot 1 PS326264 Taverner Street, Maddingley – from Farming Zone to Public Park and Recreation Zone.
 - 5 Tudball Court, Bacchus Marsh – from Public Park and Recreation Zone to General Residential Zone 2.
- Amend split zoning anomalies that affect land at:
 - 87 La Cote Road, Greendale – from split (Rural Living Zone and Public Park and Recreation Zone) to Rural Living Zone.
 - 13 Lidgett Street, Bacchus Marsh – from split (General Residential Zone 2 and Public Park and Recreation Zone) to General Residential Zone 2.
 - 11 Lidgett Street, Bacchus Marsh – from split (General Residential Zone 2 and Public Park and Recreation Zone) to General Residential Zone 2.
 - Lot 1 TP757063 309 Bungaree-Wallace Road, Bungaree – from split (Farming Zone and Township Zone) to Township Zone.
 - 220 Bungaree-Wallace Road, Bungaree – from split (Township Zone and Farming Zone) to Township Zone.
 - Lot 8 LP94428 Western Highway, Bungaree.
- Amend Overlay maps to fix technical and reference errors:
 - Correct DDO maps:
 - i. Map No. 34DDO to change area labelled 'DDO14' to 'DDO15' to reflect reference in Schedule 15 to Clause 43.02.

- ii. Map No. 35DDO to change areas (2x) labelled 'DDO15' to 'DDO16' to reflect reference in Schedule 16 to Clause 43.02.
- iii. Map No. 36DDO Change area labelled 'DDO15' to 'DDO16' in to reflect reference in Schedule 16 to Clause 43.02.
- Remove the Public Acquisition Overlay – Schedule 4 from 272 Powells Road, Clarkes Hill.
- Correct wording and formatting errors and delete redundant references in clauses 34.01 Commercial 1 Zone, 35.07 Farming Zone, 42.01 Environmental Significance Overlay, 43.02 Design and Development Overlay, 43.04 Development Plan Overlay, 45.01 Public Acquisition Overlay, 52.17 Native Vegetation, 52.28 Gaming, and 66.04 Referral of Permit Application under Local Provisions.

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 mapping anomalies and obvious errors in the Moorabool Planning Scheme is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Cost of the amendment to Council is minimal and entails the standard cost of doing a planning scheme amendment in the form of statutory fees, mail outs, advertising, panel hearing cost (if required), and Council officer time.

The proposed rezoning changes as are not expected to trigger the windfall gains tax for property owners as properties meet the proposed exemptions regarding property size.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

Amendments can be considered for Ministerial exemption from notice requirements under Section 20(2) of the Act. It is recommended that exhibition include limited notification to prescribed ministers, public authorities, owners and occupiers of land and adjoining properties where appropriate. It is recommended that Council seeks an exemption from placing a notice in a newspaper and the Victoria Government Gazette due to the minor nature of the changes and direct consultation with those affected.

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 C104moor is required to rezone land, correct mapping and technical anomalies and fix obvious errors identified in the Moorabool Planning Scheme. The changes proposed will maintain effective operation and administration of land use and development in the municipality.

11.2 PARKING STRATEGY AND POLICY - ADOPTION

Author: Liam Prescott, Strategic Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

1. Parking Strategy 2023 (under separate cover)
2. Parking Provision and Management Policy (under separate cover)
3. Parking Reduction Guidelines (under separate cover)
4. Parking Consultation snapshot report May 2023 (under separate cover)

PURPOSE

The purpose of this report is to present the Parking Strategy (the Strategy) and Parking Provision and Management Policy (the Policy) for adoption.

EXECUTIVE SUMMARY

- The Strategy and the Policy have been developed by Council officers and are based on the Moorabool Car Parking Study recommendations and community input, professional experience, and existing processes.
- At the October 2022 Ordinary Meeting of Council (OMC) Council resolved to publicly exhibit the Draft Parking Strategy and Policy for a period of four weeks.
- Updates to the draft documents have been made after considering community feedback, and the final Strategy and Policy are presented for adoption.

RECOMMENDATION

That Council:

1. **Adopts the Parking Strategy 2023 (Attachment 1) and the Parking Provision and Management Policy (Attachment 2); and**
2. **Notes the Parking Reduction Guidelines.**

BACKGROUND

The proposal to develop and adopt a Car Parking Policy and Car Parking Strategy is an action within the Council Plan 2021-2025.

The Moorabool Car Parking Study (the Study) commenced in October 2019 to provide an updated evidence-based understanding of the current and future car parking needs and management of car parking across Moorabool Shire.

The Strategy distils the key recommendations of the Study into a concise document suitable for internal and external reference. The Policy has been developed to implement key recommendations of the Strategy.

Community consultation was conducted initially in 2019 and as part of the Study over four weeks in April and May 2021. The majority of feedback related to the Bacchus Marsh area (95%), and was

largely within identified precincts, confirming the initial work undertaken to identify key areas of car parking demand. In particular, the area around Bacchus Marsh Primary School received the most comments from residents, employees, and parents. Nearly 30% of the comments related to ideas for improvements to the pedestrian environment through safety and improved connections across roads.

Consultation

The draft Strategy and Policy were presented to Council at the OMC of October 2022 where Council resolved to consult with the community on the drafts. Subsequently the Parking Strategy and Parking Policy were publicly exhibited for 35 days in November and December 2022. During that period officers engaged with the broader community, online and in person. This engagement is summarised in Attachment 4.

The Engagement Tools and Techniques used were:

- 5 weeks newspaper advertising;
- 7,064 social media views, with 559 clicks;
- 1,250 letters sent to landowners and residents; and
- Flyer drops to approximately 100 businesses.

Interactions through engagement were:

- 129 online surveys completed;
- 1 hard copy survey;
- 14 conversations with businesses;
- 2 letters received;
- 22 Attendees at drop-in-sessions; and
- 77 contributions received at drop ins.

The key themes emerging from the engagement were:

- Improving parking management in residential areas;
- Improving pedestrian accessibility and safety;
- Improving enforcement, signage and marking; and
- desire for increased amounts of accessible, long vehicle and employee parking.

It is relevant to note the submissions did not raise concerns in relation to the policy principles and objectives. Most of the issues raised in the consultation related to management of parking which can be addressed through the implementation of the Strategy and Policy.

PROPOSAL

The following documents have been prepared to assist with the management of parking and transport needs of the community and provide a balanced approach which recognises the community experiences relating to car parking.

Parking Strategy

The Strategy provides recommendations based on the developed understanding of existing and future parking supply and demand in Moorabool with an emphasis on Bacchus Marsh and Ballan.

The recommendations address both parking and broader accessibility considerations, as demand for parking results from a need to travel to a destination by car (Attachment 1).

Parking Policy

The Policy provides a mechanism for consistent management and decision-making regarding car parking, particularly on-street parking. It has been based on existing Council practices, 'best practice' management examples, and benchmarking other councils. The Policy provides the mechanism to implement many of the changes indicated in the Strategy, in a cost effective and incremental way through normal Council operations (Attachment 2).

Parking Reduction Guidelines

The Guidelines have been prepared to assist statutory planning officers in applying the relevant clauses of the Moorabool Planning Scheme, while also considering the applicable aspects of the Strategy and Policy. They include local guidance derived from the research and engagement conducted through this process. These guidelines are for internal use and will be updated as required based on the experience gained in their ongoing usage (Attachment 3).

Discussion

Following the latest consultation, the following changes were made to the documents to reflect community views and needs.

- Rearrangement of the objectives of the Strategy to better prioritise the rural character of towns, and the measures supporting this.
- Changes to the Policy to emphasise accessible parking, long vehicle parking, signage and line marking improvements.
- Reprioritisation of types of developer contributions which could be considered in lieu of parking provision (refer Parking Reduction Guidelines).
- Minor wording changes to improve clarity.

Many of the issues raised in the consultation can be addressed through the implementation of the Strategy and Policy.

Next Steps

Adoption of the Strategy and Policy will guide in decision making, strategic planning processes and other Council project planning.

The Policy sets out a regular review process to guide implementation of parking management in the identified precincts as well as areas of on street parking. The Policy will also guide responses to resident requests for reviews of on-street parking management.

The Policy will be next due for review in the 2024-2025 period.

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 develop and adopt a Car Parking Policy and Car Parking Strategy is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with adoption of the draft Car Parking Strategy and Policy. Council officer time will be required to compile a yearly review of parking use and management. Actions in the Strategy regarding future parking infrastructure will seek funding through budget processes if required.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Future parking supply	Reductions in parking requirements may result in a future shortfall, greater than the amount identified.	Medium	Ongoing monitoring on a yearly basis of reductions, arising issues and occupancy. Review of management and controls based on this review.
Ongoing review and updates	Policy is not updated or maintained, and becomes outdated, meaning it becomes difficult to apply or does not reflect internal processes.	Medium	Review of policy scheduled in same year as Council plan preparation.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engage ment	Stakeholder	Activities	Location	Date	Outcome
Consult	Visitors and shoppers	Survey undertaken	Bacchus Marsh (117 respondents) Ballan (67 respondents)	December 2019	Survey information incorporated into Study
Involve	General public	Social Pinpoint website (810 views, 135 interactions)	online	April/May 2021	Feedback and suggestions were incorporated into Parking Precinct Plans
Inform	Stage 1 submitters	email	online	November/ December 2022	Notify of release of draft documents for further consultation
Inform	General public	Have Your Say website and survey	online	November/ December 2022	Notify of release of draft documents for further consultation

Inform	Households	Mailout to properties within proximity to precincts (1250 letters)	Bacchus Marsh/ Ballan	November/ December 2022	Notify of release of draft documents for further consultation
Involve	Community	Drop-in sessions, Survey	Bacchus Marsh/ Ballan/ Online	November/ December 2022	22 Community members attended sessions. 130 surveys completed
Involve	Businesses	Flyer drop	Bacchus Marsh/ Ballan	November/ December 2022	14 conversations with businesses
Inform	General public	Have Your Say update post-adoption	online	July 2023	To be completed post-adoption

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 – Liam Prescott

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

CONCLUSION

The Strategy and Policy have been developed in consultation with the community to assist in the provision and management of car parking within the Shire. The purpose of this report is to seek adoption of the Parking Strategy and Draft Parking Provision and Management Policy consistent with the Council Plan 2021-2025.

11.3 INSTRUMENT OF DELEGATION - DEVELOPMENT ASSESSMENT COMMITTEE

- Author:** Kaitlyn Zeeck, Manager Statutory Planning & Regulatory Services
- Authoriser:** Henry Bezuidenhout, Executive Manager Community Planning & Development
- Attachments:** 1. Instrument of Delegation - Development Assessment Committee (under separate cover)

PURPOSE

The purpose of this report is to present for Council adoption, a revised Instrument of Delegation to delegate Council powers, duties and functions to the Development Assessment Committee (the Committee).

The Instrument of Delegation has been amended to enable all appropriate planning decisions to be decided by the Committee.

EXECUTIVE SUMMARY

- The Instruments of Delegation for the Development Assessment Committee as presented, retain the same powers, conditions, and limitations as contained in the Instrument of Delegation adopted by Council at the Special Council Meeting of 26 August 2020, except for the changes necessary to enable determination of all appropriate planning applications by the Committee and changes to reflect the current organisational structure.
- It is recommended that Council adopts the amended Instrument of Delegation for its Development Assessment Committee as attached to this report.

RECOMMENDATION

That Council resolves to exercise its powers conferred by Section 188 of the *Planning and Environment Act 1987* by adopting the Instrument of Delegation to the Development Assessment Committee (provided as Attachment 1).

BACKGROUND

The Development Assessment Committee was established by resolution of Council at the Special Meeting of Council of 26 August 2020. The Development Assessment Committee is a delegated committee as defined in Section 63 of the *Local Government Act 2020*.

Delegating a Council's powers, duties and functions is essential to fulfilling the responsibilities of local government. When a Council delegates a power, duty or function to a member of staff or to a committee ("the delegate"), the decision of the delegate is deemed to be a decision of the Council.

The Instrument of Delegation to the Development Assessment Committee outlines the powers and functions of the Committee. The powers and functions of the Committee are further detailed in the Schedule to the Instrument of Delegation. Currently, the specific planning application delegations to the Committee are, including but not limited to:

- "1. To act as delegate of Council in determining certain below mentioned planning applications made under the Planning and Environment Act 1987:
- a) Applications for single dwellings, multiple dwellings and/or buildings and works ancillary to a dwelling where there are unresolved* objections from five (5) or less separate properties;
 - b) Any other applications for use and/or development of a property and/or the subdivision of land where there are unresolved* objections from ten (10) or less properties;"

At a recent Councillor Briefing held on 24 May 2023, officers were asked to prepare a report outlining the current delegations to the Development Assessment Committee with recommendations for amendments. The purpose of amending the Instrument of Delegation to the Committee is to enable determination of all appropriate planning applications by the Committee.

The Development Assessment Committee is a delegated committee with full Councillor representation. The Committee has dedicated times, processes and protocols for dealing with planning applications and is adequately equipped to determine all appropriate planning applications.

PROPOSAL

It is proposed to amend the Instrument of Delegation including the powers and functions set out in the Schedule. The proposed changes will delegate all appropriate planning applications to the Committee as well as title changes to reflect the current organisational structure.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to adopt the amended Instrument of Delegation for Councils Development Assessment Committee is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption and implementation of an amended Instrument of Delegation for Councils Development Assessment Committee.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are issues of risk associated with the adoption and implementation of an amended Instrument of Delegation for Councils Development Assessment Committee. The amended Instrument of Delegation retains the same powers, conditions, and limitations as contained in the Instrument of Delegation adopted by Council at the Special Council Meeting of 26 August 2020, except for the changes necessary to enable determination of all appropriate planning applications by the Committee and changes to reflect the current organisational structure.

COMMUNICATIONS & CONSULTATION STRATEGY

The dates and times of the Development Assessment Committee meetings will continue to be communicated to the public via Council's 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 – Kaitlyn Zeeck

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 and adopt the amended Instrument of Delegation to the Development Assessment Committee, to enable determination of all appropriate planning applications by the Development Assessment Committee.

12 COMMUNITY STRENGTHENING REPORTS

12.1 MADDINGLEY PARK MASTER PLAN ADOPTION

Author: Chloe Beech, Coordinator Sport and Active Recreation

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments: 1. Maddingley Park Master Plan (under separate cover)

PURPOSE

The purpose of this report is to present the Maddingley Park Master Plan for adoption.

EXECUTIVE SUMMARY

At the November 2022 Ordinary Meeting of Council (OMC) Council resolved to publicly exhibit the Maddingley Park Master Plan for a period of four weeks prior to adoption. The four-week public exhibition period concluded and further consultation with existing user groups was required to respond to questions and requests that were provided during the public exhibition. Updates to the draft have been made and are consistent with stakeholder and community feedback. The final Master Plan is presented for adoption.

RECOMMENDATION

That Council adopts the Maddingley Park Master Plan.

BACKGROUND

The Maddingley Park Master Plan was developed through feedback and consultation with stakeholders with collaborative delivery and investment in mind. The Master Plan follows the directions of the Project Brief which have been approved by the Project Control Group (PCG) which includes representatives from various units across Council.

At the conclusion of the public exhibition period a total of 88 submissions were received via Council's Have Your Say portal. Most submissions were positive, with great support for passive recreation spaces identified in the plan.

There was additional consultation undertaken with the Bacchus Marsh Lawn Tennis Club (BMLTC) following the public exhibition period. The club was not supportive of the removal of a tennis court (court 7) which was removed to allow for an additional netball court. Following additional consultation with the BMLTC the plan has been updated to propose:

- Resurface of existing tennis courts 1, 2, 3;
- Court 7 relocated to the eastern side of court 1, freeing up court 7 for an additional netball court; and
- Drainage concerns to be solved, and new shedding has been proposed.

Feedback on outlining the importance and significance of the rose gardens, and maintenance required on the heritage rotunda was also received during public exhibition. The plan has been updated to state that the rose garden bed locations would need to be modified to ensure the structural integrity of the rotunda was not compromised.

Prior to the public exhibition of the draft plan, part of the consultation as per the project community engagement plan, a community survey was open for a period of four weeks and had a positive response rate with 312 submissions, the highest amount of survey responses on any previous Recreation or Master Plan consultation. The engagement response was well balanced between both the existing stakeholders onsite as well as the wider community and reflected feedback on both the organised sporting facilities as well as the passive recreational activities the site has to offer.

PROPOSAL

It is proposed Council resolve to adopt the Maddingley Park Master Plan.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

Priority 1.1: Improve the health and wellbeing of our community

The proposal of adopting the Maddingley Park Master Plan is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There is \$200,000 in the 2023/24 financial year budget for implementation of master plan priorities. A cost plan of master plan priorities will be identified following master plan adoption.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputation	Risk to Council if plan is not implemented within timeframes	Medium	Actions for each year of the master plan to be developed
Financial – Inadequate funds to deliver project	Funding is unable to be sourced to deliver on priorities	Medium	Advocacy and actively seeking funding for projects
Changes of priorities	Master Plan priorities may need to be amended over the lifespan of the plan to remain in line with industry trends and standards	Medium	Master Plan is reviewed regularly

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Engage	Park stakeholders and users	Meetings with applicant groups	Maddingley Park and Online	March – September 2022	Stakeholders provided specific feedback around the Park
Consult	Community	Have Your Say surveys and public exhibition	Online	March 2022, September 2022	Survey responses and submissions received

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Chloe Beech

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

CONCLUSION

The Maddingley Park Master Plan will provide a framework and strategic approach for the future provision, development and usage of the park to meet the long-term needs of all users of the community. The Plan has been developed by Urbis consultants in partnership with Council.

Following public exhibition and additional stakeholder engagement, the Master Plan has broad community support, and the adoption of the Plan is recommended.

12.2 ADVISORY COMMITTEES OF COUNCIL - REPORTS**Author:** Kaylene Bowker, Executive Assistant**Authoriser:** Leigh McCallum, General Manager Community Strengthening

Attachments:

1. **Minutes - Local Business Advisory Committee Meeting - 13 September 2022 (under separate cover)**
2. **Minutes - Moorabool Health and Wellbeing Advisory Committee Meeting - 13 February 2023 (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.

Committee	Meeting Date	Council Representatives
Local Business Advisory Committee	Tuesday 13 September 2022	Cr Paul Tatchell Cr Tonia Dudzik (Sub)
Moorabool Health and Wellbeing Advisory Committee	Monday 13 February 2023	Cr Tonia Dudzik Cr Moira Berry (Sub)

RECOMMENDATION

That Council receive the following Advisory Committee Minutes:

1. **Local Business Advisory Committee Meeting Minutes for Tuesday 13 September 2022.**
2. **Moorabool Health and Wellbeing Advisory Committee Meeting Minutes for Monday 13 February 2023.**

13 OTHER REPORTS

Nil

14 NOTICES OF MOTION

Nil

15 NOTICES OF RESCISSION

Nil

16 MAYOR'S REPORT

16.1 MAYOR'S REPORT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

That Council receives the Mayor's Report.

17 COUNCILLORS' REPORTS

18 URGENT BUSINESS

19 CLOSED SESSION OF THE MEETING TO THE PUBLIC

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:

19.1 C32-2019/2020: Road Major Patching (Stabilisation, Asphaltting & Sealing)

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

19.2 C06-2022/2023 Steiglitz Street, Ballan Rehabilitation Works - Contract Variation

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

20 MEETING CLOSURE