



# **AGENDA**

## **Ordinary Council Meeting Wednesday, 5 October 2022**

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

**Date: Wednesday, 5 October 2022**

**Time: 6.00pm**

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

**Derek Madden  
Chief Executive Officer**



**Order Of Business**

<b>1</b>	<b>Opening of Meeting and Prayer .....</b>	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>5</b>
<b>3</b>	<b>Recording of Meeting .....</b>	<b>5</b>
<b>4</b>	<b>Present.....</b>	<b>5</b>
<b>5</b>	<b>Apologies .....</b>	<b>5</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>6</b>
<b>9</b>	<b>Petitions.....</b>	<b>8</b>
9.1	Save Rotary Park: Keep it Green .....	8
<b>10</b>	<b>Presentations/Deputations.....</b>	<b>9</b>
<b>11</b>	<b>Chief Executive Officer Reports.....</b>	<b>10</b>
11.1	Audit and Risk Committee - Independent Chair Report Full Report 2021/22 .....	10
11.2	Adoption "In Principle" of the 2020/21 Performance Statement for Submission to the Victorian Auditor-General for Certification .....	13
11.3	2021/22 Governance & Management Checklist .....	16
11.4	Proposed Discontinuance of a Portion of Government Road - Howards Road, Navigators.....	18
11.5	Proposed Discontinuance of Government Road - Settlement Road, Elaine.....	22
11.6	Audit and Risk Committee Charter Update.....	25
11.7	Flag Flying Policy.....	28
<b>12</b>	<b>Community Planning and Economic Development Reports .....</b>	<b>31</b>
12.1	Parking Strategy and Policy .....	31
<b>13</b>	<b>Customer Care and Advocacy Reports.....</b>	<b>36</b>
13.1	2022 Community Satisfaction Survey Results .....	36
<b>14</b>	<b>Community Assets &amp; Infrastructure Reports .....</b>	<b>40</b>
14.1	Petition; Installation of Speed Humps on Meridie Way, Darley .....	40
<b>15</b>	<b>Other Reports .....</b>	<b>44</b>
	Nil	
<b>16</b>	<b>Notices of Motion.....</b>	<b>44</b>
	Nil	
<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>46</b>
<b>20</b>	<b>Urgent Business.....</b>	<b>46</b>
<b>21</b>	<b>Closed Session of the Meeting to the Public.....</b>	<b>46</b>
21.1	Extension of Audit and risk Committee Independent Member – Linda MacRae.....	46
<b>22</b>	<b>Meeting Closure .....</b>	<b>46</b>

## **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 September 2022

## **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

### 9.1 SAVE ROTARY PARK: KEEP IT GREEN

**Author:** Renu Naicker, Governance Officer

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

**Attachments:** Nil

#### PURPOSE

Council has received a petition relating to Save Rotary Park: Keep it Green containing 268 signatures from the residents in Bacchus Marsh.

#### EXECUTIVE SUMMARY

The petition states:

*According to a Moorabool Council Report, in the future there will be “new demand for parks walking paths and open space with shade and seating” (Recreation and leisure Strategy 2015-2021, pg. 8).*

*Rotary Park is a Play Space by MSC’s definition and this Draft Master Plan ignores the strategy by removing green space.*

- *We object to building a toilet block to remove green space.*
- *We object to a new larger skate park taking away green space.*
- *We object to extending the Andy Arnold Centre building into the Park green space.*

*We, the undersigned, are concerned residents who urge our Council representatives to reject this Master Plan and keep our park green.*

#### RECOMMENDATION

**That Council:**

1. **Receives the petition containing 268 signatures in relation to “Save Rotary Park: Keep it Green”.**
  2. **Requests a report be prepared by officers for Council’s consideration pertaining to the petitioner’s request.**
-



## **10 PRESENTATIONS/DEPUTATIONS**

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

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

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

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

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

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

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

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

## 11 CHIEF EXECUTIVE OFFICER REPORTS

### 11.1 AUDIT AND RISK COMMITTEE - INDEPENDENT CHAIR REPORT FULL REPORT 2021/22

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

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

**Attachments:** 1. **Audit and Risk Committee Independent Chair Full Report 2021/22 (under separate cover)**

#### PURPOSE

The Audit and Risk Committee, in alignment with the *Local Government Act 2020* (Act), requires the Chairperson to prepare a report to Council, on the Committee's activities twice per annum.

This report is presented to Council to note the second full year report (**Attachment 1**) prepared by the Audit and Risk Committee's Independent Chair, Ms Linda MacRae.

#### EXECUTIVE SUMMARY

- At its meeting of 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with requirements of the *Local Government Act 2020*.
- In accordance with section 54(5) of the *Local Government Act 2020*, and the Audit and Risk Committee Charter, the Chairperson of the Audit and Risk Committee is required to prepare a biannual report on the activities of the Committee, including its findings and recommendations, and provide a copy of the report for tabling at a Council meeting.
- This is the second full year report to be presented to Council. The Committee reviewed the full year report at its meeting held 31 August 2022 and confirmed it is an accurate reflection of the Committee's activities.

#### RECOMMENDATION

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

---

#### BACKGROUND

At the Ordinary Meeting of Council on 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with the requirements of the *Local Government Act 2020*, and appointed five members to its Audit and Risk Committee, consisting of three independent members and two Councillors.

Ms Linda MacRae was declared Chairperson of the Audit and Risk Committee at its meeting on 9 December 2020.

In accordance with section 54(5) of the *Local Government Act 2020*, and the Audit and Risk Committee Charter, the Chairperson of the Audit and Risk Committee is required to prepare an annual report on the activities of the Committee, including its findings and recommendations, and provide a copy of the report for tabling at a Council meeting.

The Committee has agreed that a report on activities will be prepared for the period 1 July to 31 December and a full year report will be prepared to outline how the Committee has discharged its responsibilities outlined in the Audit and Risk Committee Charter.

**PROPOSAL**

This report seeks Council to note the Audit and Risk Committee Chairperson’s Report, which has been prepared in accordance with the Act, and the Committee’s Charter.

This is the second full year report to be presented to Council. The Committee reviewed the half yearly report at its meeting held 16 February 2022 and confirmed it is an accurate reflection of the Committee’s activities.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to note the Audit and Risk Committee Chairperson’s Report is consistent with the Council Plan 2021 – 2025.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with noting the Audit and Risk Committee Chairperson’s Annual Report.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Reputational Risk	Not upholding good governance in Council processes. Non-compliance with the requirements relating to Audit and Risk Committees under the <i>Local Government Act 2020</i> .	Medium	Noting the Chairperson’s Report, provided in accordance with the <i>Local Government Act 2020</i> and the Audit and Risk Committee Charter. Ongoing adherence to the requirements of the Act and the Charter.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Presentation	Audit and Risk Committee Members	Report presented to the Audit and Risk Committee	Darley Civic Hub and Online	31 August 2022	Confirmed accurate report of Committee’s activities
Briefing	Councillors	Chairperson presenting report at	Council Chambers,	7 September	Confirmation

		Councillor Briefing	Ballan and Online	2022	by Council
--	--	---------------------	-------------------	------	------------

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

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

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

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

*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 – Caroline Buisson*

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

### **CONCLUSION**

It is proposed that the Audit and Risk Committee Chairperson's Report (**Attachment 1**) meets the requirements of s.54 of *The Local Government Act 2020*, and is in accordance with the Committee's Charter, and therefore is recommended for noting by Council.

## **11.2 ADOPTION "IN PRINCIPLE" OF THE 2020/21 PERFORMANCE STATEMENT FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION**

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

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

**Attachments:** 1. 2021-22 Performance Statement (under separate cover)

### **PURPOSE**

The purpose of this report is to present to Council the 2021/22 Performance Statement for “in principle” adoption and submission to the Auditor-General for certification.

### **EXECUTIVE SUMMARY**

- The 2021/22 Performance Statement has been prepared to meet the requirements of the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

### **RECOMMENDATION**

That Council, in accordance with section 99 of the *Local Government Act 2020*:

1. Adopts “in principle” the 2021/22 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor General for certification.
2. Authorises Council’s Audit and Risk Committee representatives, Councillor Dudzik and Councillor Berry, to certify the 2021/22 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.

---

### **BACKGROUND**

Since 2014, Councils have been required to report on their performance through their Annual Report to their community.

Pursuant to Section 98 (4) of the *Local Government Act 2020*, the Performance Statement in the Annual Report must contain the following:

- (a) the prescribed indicators of service performance for the services provided by the Council and funded in the budget for the financial year, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures;
- (b) the prescribed indicators of financial performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures;

- (c) the prescribed indicators of sustainable capacity performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures;
- (d) any other information prescribed by the regulations.

**PROPOSAL**

In accordance with Council’s governance practices, the Performance Statement as attached to this report, was presented to Council’s Audit and Risk Committee on Wednesday, 31 August 2022 for review and recommendation to Council for “in principle” adoption and authorisation by two Audit and Risk Committee Councillor members, and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2021/22 financial year.

Overall, there are 28 performance indicators that have been mandated for an independent audit. Of these indicators seven (7) relate to sustainable capacity, ten (10) relate to service performance and eleven (11) relate to financial performance.

The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variations in the results contained in the Performance Statement. The performance indicator results for 2021/22 will be compared to the results for the previous three financial years.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan at an Ordinary Meeting of Council on 16 June 2021 and which forms part of the 2021/22 Annual Budget and the Council Plan 2021 – 2025. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

**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 Adoption "In Principle" of the 2020/21 Performance Statement for Submission to the Victorian Auditor-General for Certification is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

There are no financial implications from this report. The preparation and presentation of the 2021/22 Performance Statement has been performed within the allocated budget.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Inadequate performance by	Inability to meet attainable levels of	Medium	Systems, processes and measures to provide

Council	performance		comprehensive performance information that meets the needs of a number of audiences
---------	-------------	--	---

**COMMUNICATIONS & CONSULTATION STRATEGY**

The Performance Statement will be presented to the Victorian Auditor General’s Office for review and certification. The Performance Statement will form part of Council’s annual Report which will be lodged with the Minister for local Government prior to 30 September 2022. The Annual Report will be made publicly available on Council’s website and at all office locations early in October 2022.

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

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

**OFFICER’S DECLARATION OF CONFLICT OF INTERESTS**

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

*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 2021/22 Performance Statement has been prepared to meet the requirements of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020 for adoption “in principle” by Council for submission to the Auditor-General for certification.

At the time of preparing this report, Council’s Performance Statement was included on the Agenda for consultation at the Audit and Risk Committee Meeting on Wednesday 31 August 2022, with a recommendation that the Audit and risk Committee recommend that Council adopts the statement “in principle”.

Following a resolution, the Performance Statement will then be submitted to the Auditor General for certification. Council is also required to authorise two Councillors to sign the Performance Statement on behalf of Council, as required under the *Local Government Act 2020*.

It is practice for the Councillor members of the Audit and Risk Committee to sign the certified statements on behalf of Council.

**11.3 2021/22 GOVERNANCE & MANAGEMENT CHECKLIST**

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

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

**Attachments:** 1. 2021-22 Governance and Management Checklist (under separate cover)

**PURPOSE**

The purpose of this report is to present the 2021/22 Governance and Management Checklist (Checklist) for Council adoption.

**EXECUTIVE SUMMARY**

- The Governance and Management Checklist is a component of the Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 98(3)(c) of the *Local Government Act 2020* (the Act) and Regulation 9 of the Local Government (Planning and Reporting) Regulations 2020.

**RECOMMENDATION**

**That Council adopts the 2021/22 Governance and Management Checklist and approves its inclusion in the 2021/22 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.**

---

**BACKGROUND**

Section 98(3)(d) of the Act provides that Council must contain in its report of operations the results, in the prescribed form, of the Council’s assessment against the prescribed governance and management checklist and indicators. The checklist is then certified by the Mayor and Chief Executive Officer.

**PROPOSAL**

The Governance and Management Checklist contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council’s 2021/22 Annual Report and submission to Local Government Victoria and published on the ‘Know your Council’ website.

Overall, from the 24 listed items on the Checklist, 24 items are established and in operation.

**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 2020/21 Governance & Management Checklist is consistent with the Council Plan 2021-2025.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relating to the 2021/22 Governance and Management Checklist.

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

There are no Risk or Occupational Health and Safety issues in relation to this report.

### **COMMUNICATIONS & CONSULTATION STRATEGY**

The Governance and Management Checklist will be published in Council's Annual Report and available for review on the Local Government Victoria "Know Your Council" 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.

*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 Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 2020*.

Council's Audit and Risk Committee has reviewed the Checklist and recommends that Council adopts the Governance and Management Checklist, prior to its submission to the 2021/22 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.

#### **11.4 PROPOSED DISCONTINUANCE OF A PORTION OF GOVERNMENT ROAD - HOWARDS ROAD, NAVIGATORS**

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

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

**Attachments:**

1. Att A - Boral Plan OP124701 (under separate cover)
2. Att B - Boral Land Holdings (under separate cover)
3. Att C - Boral Work Authority Approval (under separate cover)
4. Att D - Boral Discontinuance Howards Rd Navigators Plan (under separate cover)
5. Att E - Alternative Access (under separate cover)

#### **PURPOSE**

This report seeks Council's consideration to discontinue a portion of road reserve identified as an unsealed government road situated to the south of property, 144 Dunnstown-Yendon Road, Dunnstown and north of property 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.

#### **EXECUTIVE SUMMARY**

- Boral Quarries Dunnstown (Boral) has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road. Boral has subsequently acquired this property along with the following neighbouring properties 200 Navigators Dunnstown Road, Yendon and 62 Hewittsons Road, Navigators.
- Boral, as the proponent, requested Council to facilitate the process for road discontinuance of Howards Road and extension of Hewittsons Road for quarry expansion of the Dunnstown facility.
- Undertaking advertising of a potential discontinuance ensures community feedback is received and are not disadvantaged. Advertising a potential road discontinuance does not guarantee the road will be closed.

#### **RECOMMENDATION**

**That Council:**

1. Authorises officers, in accordance with Schedule 10, Clause 3 of the *Local Government Act 1989*, to give public notice in local and regional newspapers circulating generally throughout the municipality, of its intention to discontinue a portion of road reserve identified as an unsealed road situated to the south of property number 204350, 144 Dunnstown-Yendon Road, Dunnstown and north of property number 212250 and 212260, 89 Ditchfield Road North Navigators and Howards Road, Navigators respectively, seeking public submissions under section 207A of the Local Government Act 1989 on the proposal of road discontinuance.
2. Following the completion of the public submission process receives an Officer's report to Council for consideration of public submissions received.

## BACKGROUND

Boral Quarries Dunnstown (Boral), acting on behalf of Boral Land and Property Group, are seeking Councils consent for the discontinuation of a portion of government road identified as Howards Road currently crossing perpendicular to Navigators-Dunnstown Road/Hewittsons Road, Navigators and Ditchfield North Road, Navigators.

A government road is a road reserve where the land is Crown land. Council, in accordance with Section 206 and Schedule 10 Clause 3 of Local Government Act 1989 (the Act) has the power to discontinue a road, or part of a road, by a notice published in the Government Gazette. It is noted that after discontinuation, the land in a government road becomes unalienated Crown land, owned by the Crown, to be settled by the Department of Environment, Land, Water and Planning (DELWP).

The government road is a gravel road situated to the south of, 144 Dunnstown-Yendon Road, Dunnstown and north of 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.

Boral has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road and a copy of the Original Plan OP124701 is contained in **Attachment A**. Boral also notes that the application to purchase the road was publicly notified by DELWP and only one objection was received - being from the owner of 57 Ditchfield Road. Boral has subsequently acquired this property along with the following neighbouring properties:

- 200 Navigators Dunnstown Road, Yendon
- 62 Hewittsons Road, Navigators

A map of the Boral landholding is contained in **Attachment B**. Boral has also provided a Work Authority over the parcels of land to the south of the road proposed to be discontinued to indicate the extension of the activities being undertaken by the bluestone quarry (**Attachment C**).

Based on a review of the surrounding road network (and in recognition of the recent acquisitions), it is considered Howards Road is only used for secondary local access for the quarry on Ditchfield Road. There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. These are:

- Dunnstown-Yendon Road for vehicle access to/from the north, and
- Navigators Road for vehicle access to/from the west.

All other routes are generally considered to be unaltered by the proposal to discontinue Howards Road. As shown on the plans contained in **Attachments D and E**, the subject section of government road proposed to be discontinued is highlighted in red. The length of this unsealed road is approximately 920 metres.

## PROPOSAL

Prior to making a decision to discontinue a road or part of a road, section 207A of the Act provides that a person may make a submission under section 223 on the proposed portion of road discontinuance being considered under schedule 10 clause 3 of the Act. This report proposes that Council formally authorise officers to give public notice in accordance with section 207A of the Act of the intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the Local Government Act 1989.

**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 for discontinuance of a portion of government road, Howards Road, Navigators consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

The cost in seeking public submissions will be sought from the applicant.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

No risks have been identified for the proposed discontinuance of government road, Howards Road, Navigators.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	General public, abutting property owners, service utilities	Written correspondence, website notice, public notice in newspaper	Dunnstown, Navigators and Yendon districts and surrounds	November 2022	General public supported to submit submissions

Under section 207(A) of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to discontinue a road within its municipality. Section 223 of the Act requires Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council’s website. Council must then consider any submissions received in accordance with the Act. Consultation with abutting property owners will be undertaken seeking comment of the proposal to discontinue a portion of this government road.

**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**

In view of the limited use of the portion of road, it is recommended that Council consider formally authorising officers to give public notice in accordance with section 207A of the Act of its intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the *Local Government Act 1989* and seek public submissions.

**11.5 PROPOSED DISCONTINUANCE OF GOVERNMENT ROAD - SETTLEMENT ROAD, ELAINE**

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

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

**Attachments:**

- 1. Plan of Land to be Acquired (under separate cover)**
- 2. Location of the Proposed Discontinuance (under separate cover)**

**PURPOSE**

To consider commencement of the necessary procedures pursuant to the *Local Government Act 1989* for the discontinuance of part of a Government Road in Elaine, North of Allotment 3, Section 1, Parish of Borhoneyghurk.

**EXECUTIVE SUMMARY**

- Both Council and the Department of Environment Land, Water and Planning (DELWP) have received a request from an adjoining landowner for the discontinuance (legal closure) of part of a Government Road in Elaine.
- The adjoining landowner currently has an Agricultural Licence with DELWP for the land.
- If discontinued, the land from the road will vest in the Crown. Following which, DELWP intends to facilitate the sale of the land by the Crown to the adjoining landowner.

**RECOMMENDATION**

**That Council:**

- 1. Resolves to commence the procedures under section 206, Clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act) to discontinue the road shaded black on the plan in Figure 1.**
- 2. Gives public notice of the proposed discontinuance in the Moorabool News newspaper and on Council's website under section 223 of the Act and that such notice state that, if discontinued, the Department of Environment, Land, Water and Planning intends to facilitate the sale of the land by the Crown to the adjoining landowner (owner of 154 Murphys Road, Elaine).**

**BACKGROUND**

The owner of 154 Murphys Road, Elaine currently has a 99-year Agricultural Licence with the Department of Environment Land, Water and Planning (DELWP) over the Government Road shaded black and shown hatched over yellow in figure 1. The landowner is now seeking to acquire title to the section of road shaded black on figure 1.

The sale of any land from a Government Road is administered by DELWP. Before the land can be sold, road status must be removed from the land by way of a road discontinuance. Whilst the State Government (via DELWP) has the power under the *Land Act 1958* to discontinue and sell

Government Roads, its preference/process is for the Local Council, as the local road authority, to facilitate a discontinuance under the *Local Government Act 1989* (the Act).

## PROPOSAL

The applicant owns the three abutting titles to the north of the road, shown as parcels 1 to 3 in figure 1. The applicant is not seeking to have the section of road shown hatched over yellow discontinued as this may limit future access to parcels 1 and 2.

Council's powers do not, however, extend to the sale of the land from a Government Road. Accordingly, if the road is discontinued, it is the intention of DELWP to seek the Minister for Finance's approval for the sale of the land by the Crown at current market value.

The adjoining landowner has agreed to purchase the land from DELWP if the road can be discontinued by Council.

The formal procedures under the Act require Council to give public notice of its intention to discontinue the road and invite submissions from affected parties under section 223 of the Act. Public notice will be given in the Moorabool News newspaper and will also appear on Council's website for the duration of the 28-day 'submission period'.

In addition, surrounding property owners will be advised of the proposal in writing and informed of their right to make a submission.

At the end of the submission period, a further report will be presented to Council to consider any submissions received and for a decision whether to discontinue the road in full, in part or not to discontinue the road.

## 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 discontinue a portion of the government road north of Allotment 3 Section 1, Parish of Borhoneyghurk is consistent with the Council Plan 2021-2025.

## FINANCIAL IMPLICATIONS

Costs associated with the proposed discontinuance of a portion of Settlement Road, Elaine will be borne by Council.

## RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No risks have been identified for the proposed discontinuance of government road, Settlement Road, Elaine.

## COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Written correspondence,	Elaine district and	November 2022	Opportunity for consultation on

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
		website notice, public notice in newspaper	surrounds		the proposal to occur.

Under section 207(A) of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to discontinue a road within its municipality. Section 223 of the Act requires Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council’s website. Council must then consider any submissions received in accordance with the Act. Consultation with abutting property owners will be undertaken seeking comment of the proposal to discontinue a portion of this government road.

**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 Government Road shown highlighted black in figure 1 appears to be no longer reasonably be required as a road for public use. Accordingly, it is recommended that Council commence the necessary procedures under the *Local Government Act 1989* for its discontinuance.



**11.6 AUDIT AND RISK COMMITTEE CHARTER UPDATE**

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

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

**Attachments:** 1. **Audit & Risk Committee Charter Proposed Changes (under separate cover)**

**PURPOSE**

The Moorabool Audit and Risk Committee Charter was adopted August 2020 and included a membership term of a maximum of nine years for an Independent Member. The purpose of this paper is to seek adoption of a change to allow for an additional term to extend the term beyond nine years for external members at the discretion of Council. Each member is renewed annually in the November 2022 Ordinary Meeting of Council for the following calendar year.

Two Councillors also preside on the Committee annually.

**EXECUTIVE SUMMARY**

- The Moorabool Audit and Risk Committee comprises of three independent members selected for a three-year term to a maximum of nine years.
- The current Committee Members comprise of the following external Committee Members:
  - Linda MacRae – appointed December 2014 and current Chair of the Committee
  - Simon Dalli – appointed September 2020
  - Peter Smith – appointed November 2021
  - Michael Said – term completion September 2021
- Current Councillor representation for the Audit and Risk Committee includes:
  - Cr Tonia Dudzik
  - Cr Moira Berry – appointed 2021
  - Cr Paul Tatchell (sub)
  - Cr Ally Munari – served December 2020 to December 2021

**RECOMMENDATION**

**That Council:**

1. **Adopts the change to the Moorabool Audit and Risk Committee Charter to include “at Council discretion, an External Member may be appointed to extend the term beyond nine years”.**
2. **Resolves to allow Officers to advertise for a new External Independent Member should Council not adopt the change to the External Member term in the Moorabool Audit and Risk Committee Charter.**

**BACKGROUND**

The Audit and Risk Committee meet five times a year (including one unscheduled meeting to consider Council’s Performance Statements) as an independent advisory function of Council. The level of expertise required to preside on the Committee as an External Independent Member includes:

- Financial and Performance Reporting,
- Internal Control Environment,
- Risk Management,
- Fraud Corruption Prevention Systems and Controls,
- Internal and External Audit and,
- Compliance Management.

Given the nature of recruitment across all sectors within Melbourne and Victoria, applicants with the level of experience and knowledge required to preside on the Audit and Risk Committee of a Local Government Council may be difficult to find.

**PROPOSAL**

For continuity of experience relating to Moorabool’s Audit and Risk Committee, including the option, Council has the discretion to appoint an External Member to extend the term beyond nine-years with the Audit and Risk Committee Charter will provide consistency of oversight of Moorabool’s financial, internal controls and performance.

**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 current Audit and Risk Committee Charter to remove the current maximum nine-year term is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risks associated with adopting or advertising for a replacement External Independent Member:

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
Financial – Inadequate experience to review Council financial statements.	Inadequate financial management oversight by External Audit & Risk Committee Members	High	Annual review of performance of the Committee and its members.

<p>Shortage of appropriate skills, knowledge and experience of Audit &amp; Risk Committee External Members</p>	<p>Inadequate or insufficient breadth of knowledge by candidates to effectively preside on Moorabool’s Audit and Risk Committee</p>	<p>High</p>	<p>Annual review of performance of the Committee and its members.</p>
--	---	-------------	---

**COMMUNICATIONS & CONSULTATION STRATEGY**

Councillors were directly consulted by the Chief Executive Officer regarding the addition of Council discretion of extension of time beyond the maximum term with feedback resulting in a decision to update the Charter to ensure consistency given the varying lengths of time each External Independent Member has served for the Audit and Risk Committee.

**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**

Amending the charter to include Council discretion to endorse an additional External Member’s term beyond the maximum term will allow for continuation of current expertise of the External Members.

### 11.7 FLAG FLYING POLICY

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

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

**Attachments:**

1. Flag Flying Policy Consolidated Feedback (under separate cover)
2. Victorian Pride Lobby Submission (under separate cover)
3. Flag Flying Policy (under separate cover)

#### PURPOSE

The purpose of the attached Flag Flying Policy is to outline the proper use of flags, provide guidance to Shire employees who manage the flying of flags at Council offices and provide a framework for considering requests to fly flags at times outside Council's Annual Flag Schedule.

The Flag Flying Policy was tabled at the 7 September 2022 Ordinary Meeting of Council where a resolution was made to lay the policy on the table for public consultation and feedback.

#### EXECUTIVE SUMMARY

- The Flag Flying Policy was made publicly available through Moorabool's Have Your Say digital engagement platform and at Customer Service counters across Council sites.
- Community consultation was made available between 8-27 September for which community feedback was received.
- In total, 23 submissions were received via Council's online engagement platform:
  - Unknown/Anonymous Submissions = 14
  - Within the Shire = 6
  - Not in the Shire = 3
- Another submission was received via email with the details of 23 residents.
- A summary of the submissions is attached to this report.
- Of the 46 submissions received, key items highlighted were:
  - Broad support for the policy
  - Questions as to why the Torres Strait Islander flag was not included

#### RECOMMENDATION

**That Council adopts the Flag Flying Policy with minor changes for spelling or grammatical errors.**

---

#### BACKGROUND

The policy has been prepared in response to Notice of Motion No. 293 at the Ordinary Meeting of Council on 3 February 2021, and the Ordinary Meeting of Council on Wednesday 7 April 2021. Council resolved at the 7 September 2022 Ordinary Meeting of Council to lay on the table the

policy for community feedback. The Policy applies to flagpoles at Council offices in Ballan and Darley.

## **PROPOSAL**

Flags are currently flown at Moorabool Shire Council offices located at 15 Stead Street, Ballan and 182 Halletts Way, Darley.

Each office location flies the Australian National Flag, the Victorian State Flag and the Australian Aboriginal Flag. The Moorabool Shire Pennant is flown at the Darley office.

Council's current flag protocols are detailed in the attachment, along with a proposed Annual Flag Schedule.

An opportunity for community members or organisations to request to fly a flag other than the Australian National Flag, Victorian State Flag and Australian Aboriginal Flag can be considered via an application process, details of which are included in the attached policy.

Community feedback received primarily supported the introduction of the Flag Flying Policy and is summarised below:

- Inclusion of the Torres Strait Islander Flag in addition to the Australian Aboriginal Flag.
- Support for the Rainbow Flag to be flown.
- One piece of feedback highlighted flying flags other than Council standard flags could deem one group more important than the other.
- One request to change the review and the Chief Executive Officer approval process.

Council represents diverse cultures and communities across the municipality and the option of flying different flags allows Council to ensure inclusivity across the community. Consultation with the Mayor is consistent with other Councils across Victoria and as such has not been removed from the Flag Flying Policy.

## **COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to adopt the Flag Flying Policy with changes is consistent with the Council Plan 2021-2025.

## **FINANCIAL IMPLICATIONS**

Council currently flies flags at its two office locations, and the maintenance and management of flags and flagpoles is incorporated into existing budgets. The flying of additional flags will be dependent upon the infrastructure to fly flags requested via this process.

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

No risks have been identified in the implementation of this policy.

## **COMMUNICATIONS & CONSULTATION STRATEGY**

Advice to the community via our website and social media will be released once the Flag Flying Policy is signed, along with release of the Flag Flying Policy.

**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 attached Flag Flying Policy provides clarity on what flags are flown at Council offices in Ballan and Darley, provides details of Council's Annual Flag Schedule, provides clarity on Council's flag protocols and provides a process for the community to request different flags to be flown at Council buildings.

## **12 COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT REPORTS**

### **12.1 PARKING STRATEGY AND POLICY**

**Author:** Liam Prescott, Strategic Planner

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

**Attachments:**

- 1. Draft Moorabool Parking Strategy (under separate cover)**
- 2. Draft Parking Policy (under separate cover)**
- 3. Moorabool Parking Study Final (under separate cover)**
- 4. Parking Guidelines (under separate cover)**
- 5. Parking Restriction Application Form (under separate cover)**

#### **PURPOSE**

The purpose of this report is to provide an overview of the proposed Draft Parking Strategy (the Strategy) and Draft Parking Provision and Management Policy (the Policy) and seek Council support to commence public consultation.

#### **EXECUTIVE SUMMARY**

- The Moorabool Car Parking Study 2022 (final report) (the Study) provided an assessment of existing and future car parking demand and capacities, and recommendations based on these.
- The Strategy and the Policy have been developed by Council officers (internally) and are based on the Study recommendations and the community input, professional experience, existing processes, and benchmarking against other Victorian Councils.
- This report seeks Council's support to commence public consultation on the draft Strategy and Policy to provide the community with an opportunity to provide feedback prior to being presented to Council for adoption.

#### **RECOMMENDATION**

**That Council:**

- 1. Notes the draft Car Parking Policy and Car Parking Strategy for the purpose of public consultation, provided at Attachments 1 and 2 to this report.**
- 2. Notes that a summary of the outcome of the community consultation will be presented to Council along with the final Policy and Strategy for consideration.**

---

#### **BACKGROUND**

The Study commenced in October 2019 to provide an updated understanding of the existing and future car parking needs and management of car parking across Moorabool Shire. Consultants were engaged to prepare a report in two stages, relative to existing (Stage 1) and projected future parking needs (Stage 2). 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.

Parking demand surveys undertaken in Stage 1 of the Study (pre COVID) identified a surplus of car parking in Bacchus Marsh and Ballan, however occupancy is unequally distributed through the town centres and surrounds, and the Study identified the opportunity to better manage existing car parking.

### Study Community Consultation

Consultation was conducted as part of Stage 1 of the Study over four weeks in April and May 2021. It was undertaken online, with 810 views and 135 interactions. The majority of engagement related to the Bacchus Marsh area (95%), and was largely within identified precincts, confirming the initial work undertaken in identifying key areas of car parking issues. 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 improvements to the pedestrian environment through safety and improved connections across roads.

Comments received informed the individual parking precincts as part of the draft Study. The consultation report was presented to Councillors on 25 August 2021 and is included within the Study appendixes.

## **PROPOSAL**

### Parking Strategy

The Strategy provides recommendations based on the developed understanding of existing and future parking demand and supply in Bacchus Marsh and Ballan, as well as the consultants experience developing parking management responses, and the experiences of other regional towns and cities. The recommendations address both parking and broader accessibility considerations, as demand for parking results from a need for access to a destination. The recommendations have been grouped into five themes with recommendations summarised below.

#### Maximise use of existing parking by:

- Encouraging higher turnover in commercial areas.
- Providing suitable locations for all day commuter and employee parking.
- Undertaking ongoing review and changing management in response.

#### Meet future parking demand by:

- Consolidating future car parking areas in town centres to ensure that parking can be efficiently shared between businesses/attractions, rather than requiring small private car parks on individual sites which often remain partially empty.
- Record and review permit and parking supply and usage to ensure that usage growth remains within an acceptable range.
- Continue to monitor the future need for a multi-deck car parking facility in Bacchus Marsh.

#### Localise parking requirements by:

- Developing a policy and guiding principles that considers parking reductions in defined areas such as the Bacchus Marsh and Ballan Town Centres, also demonstrating net community benefit and a contribution to town centre amenity improvement.
- Continue to monitor whether to apply a Parking Overlay via a planning scheme amendment, or request reductions to the parking requirements of the Victorian Planning Provisions.



Increase travel by other modes by:

- Improving pedestrian amenity and accessibility to, and within town centres.
- Increasing the number of future residents who live within a walkable distance.
- Establishing a walking/biking/public transport target to guide future transport planning.

Maintain rural charm of towns by:

- Reducing the impact of car parking on the visual amenity and accessibility of town centres by guiding the location and access to parking to areas away from high pedestrian activity.

Parking Provision and Management Policy

The Policy provides a method of implementation for the recommendations of the Strategy.

- It sets out a clear process for the request for, implementation and review of parking restrictions in streets (primarily residential).
- It provides a 'parking hierarchy' which establishes the preferred uses of on-street parking areas in different locations. For example, in a residential street, residents have a higher priority than employees or shoppers, and it would have a focus on satisfying reasonable resident needs rather than ensuring all parking is available for employees.
- It sets out a process of ongoing management and review, including a yearly report of emerging issues.
- It provides guidance and requirements when considering reductions of off-street parking provision in locations of higher amenity where the study has identified that residents are less likely to make every trip in a car.
- It references the eight Parking Precinct Plans contained in the Study, which provide specific location based recommendations which will assist in planning permit assessments.

The draft Strategy and Policy have been developed internally in response to future growth and to provide for the ongoing availability of car parking.

The Strategy will be used as a reference document for strategic planning of town centres, transport management and integration, identification of potential capital works and in planning permit assessment. It provides specific guidance for eight parking precincts including lists of actions.

The Policy will assist to guide the processes for management and provision of on and off-street car parking. It sets out a range of matters for consideration in ensuring the appropriate supply of parking is provided.

Previous consultation undertaken has assisted in identifying a range of stakeholder concerns. Councillors requested that the next stage of consultation incorporate an approach of active outreach, with face-to-face discussions with shop owners, businesspeople and other stakeholders.

The consultation strategy details the proposed drop-in sessions and flyer drops, as well as a mail-out or letter-drop to addresses within the precincts.

**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 financial implications associated with undertaking public consultation on the draft Car Parking Policy and Strategy.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
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
Limited community engagement	Participation in consultation, as well as awareness of the documents may be limited, resulting in reduced awareness or support	Medium	Engagement process developed in accordance with Community Engagement Policy, including drop-in sessions, letter-drops and online consultation
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**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Consult	Visitors & shoppers	Survey undertaken (117 respondents)	Bacchus Marsh	3, 5 & 6 December 2019	Survey information incorporated into Study
Consult	Visitors & shoppers	Survey undertaken (67 respondents)	Ballan	6 & 21 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	Notify of release of draft documents for further consultation	email	October/November 2022	-

Involve	Local businesses	Drop-in sessions, flyer drop and conversation with shop owners, written submissions, phone meetings	Bacchus Marsh/ Ballan/ Online	October/November 2022	-
Involve	Community	Drop-in sessions, written submissions	Bacchus Marsh/ Ballan/ Online	October/November 2022	-
Involve	Households surrounding Bacchus Marsh & Ballan Town Centres	Drop-in sessions, written submissions, phone meetings	Bacchus Marsh/ Ballan/ online	October/November 2022	-
Involve	Other stakeholders	Drop-in sessions, written submissions, phone meetings	Bacchus Marsh/ Ballan/ online	October/November 2022	-

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

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

**OFFICER’S DECLARATION OF CONFLICT OF INTERESTS**

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

*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 draft Strategy and Policy are documents developed to assist in the provision and management of car parking within the Shire. The purpose of this report is to provide an overview of the proposed Draft Parking Strategy and Draft Parking Provision and Management Policy and seek Council support to commence public consultation of the draft documents for a four-week period. A further report will be presented to Council after the consultation period has been completed.

### 13 CUSTOMER CARE AND ADVOCACY REPORTS

#### 13.1 2022 COMMUNITY SATISFACTION SURVEY RESULTS

**Author:** Mike Whittaker, Manager Customer Experience and Innovation  
**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy  
**Attachments:** 1. 2022 Community Satisfaction Survey Results (under separate cover)

#### PURPOSE

The purpose of this report is to inform Councillors on the results from the 2022 Community Satisfaction Survey.

#### EXECUTIVE SUMMARY

- The 2022 Community Satisfaction Survey has been completed by JWS Research on behalf of Local Government Victoria (LGV).
- The 2022 results for Moorabool showed a decline in most scores which contrasts with the previous year that experienced an increase in most scores.
- The decline in scores for Moorabool in 2022 was also experienced in the average results for State-wide and Large Rural, both of which saw a decrease in performance across most core measures.

#### RECOMMENDATION

**That Council:**

1. Notes the results of the 2022 Community Satisfaction Survey.
2. Leverages insights to inform ongoing advocacy and continuous improvement of services.

#### BACKGROUND

Moorabool Shire Council participated in the 2022 Community Satisfaction Survey (CSS) which was undertaken by JWS Research on behalf of Local Government Victoria (LGV).

The survey was conducted between February and March by contacting 400 residents via landlines and mobile phones. In 2022, 67 of the 79 councils throughout Victoria participated in this survey.

The 2022 CSS report (Attached) for Moorabool provides annual results and community insights on the perceived performance and importance of a range of Council services, broken down by both demographics and town. This report includes 10 years of comparative benchmarking against other large rural councils and state-wide averages.

The report provides results on the core (compulsory) questions, as well optional questions relating to the importance and performance of individual service areas.

Core questions (Compulsory)	Individual services (options selected)
Overall performance	Elderly support services
Consultation & engagement	Appearance of public areas
Community decisions	Family support services
Sealed Roads	Bus/community dev./tourism

<b>Core questions (Compulsory)</b>	<b>Individual services (options selected)</b>
Waste Management	Recreational facilities
Customer service	Lobbying
Overall Council Direction	Local streets & footpaths
Value for Money	

**RESULTS**

Perceptions of Moorabool’s performance declined significantly from 2021 on most service areas, as well as perceptions of overall performance.

These are in contrast with last year’s results, which saw perceptions of Council’s performance improve or in line with 2020 results on every measure evaluated.

This uncommon fluctuation appears to have been the result of a ‘post pandemic’ trend which is consistent with the average results for State-wide and Large Rural, both of which experienced a decrease in performance across all core measures.

In comparison to the average for other large rural councils, Moorabool ratings were lower on most measures. The key exception was customer service, where the results for Moorabool were in line with the average for all other councils.

Although Moorabool’s score for the ‘overall direction of council’ also dropped by 4 points, it remains in line with the average for large rural councils.

**Our top performing services:**

Waste management (down four points from 2021) and the appearance of public areas (down five points) are Council’s highest rated service areas in 2022.

**Our lowest performing services:**

The three areas where Moorabool scored lower than other large rural councils by the widest margin were:

- Recreation Facilities
- Elderly support services
- Local streets and footpaths

**Factors impacting community perceptions**

The Community Satisfaction report highlights three areas that council should focus on to improve perceptions of overall performance. These are decisions made in the community’s interest, the condition of local streets and lobbying efforts.

Demonstrating Council efforts to advance and defend local interests and ensuring that local streets and footpaths are well maintained provide the greatest opportunities to drive up satisfaction with Council performance.

There are also several factors not mentioned in the report that are considered to have impacted the community’s overall perceptions since the 2021 survey. These are:

- Council’s decision to exit aged support services.
- The impact of extreme storm and flooding events on streets and roads in June and October 2021 and January 2022.

- Ongoing community discontent with the proposal to dump toxic soil from the West Gate Tunnel in Moorabool (now resolved) and community fears relating to the proposed high-voltage overhead transmission lines.

**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**

**FINANCIAL IMPLICATIONS**

Financial resourcing for the Community Satisfaction is included in the approved budget for 2022-23.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Community expectation	Failure to meet the changing needs and expectations of our community.	Medium	Ongoing measurement of community satisfaction through customer experience metrics designed to inform and continuously improve the design and delivery of customer experiences.

**COMMUNICATIONS & CONSULTATION STRATEGY**

The results of the Community Satisfaction Survey will be shared with the community via Council’s communication channels including the Council 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.

*General Manager – Caroline Buisson*

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

*Author – Mike Whittaker*

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

**CONCLUSION**

This report is submitted to the Ordinary Meeting of Council for noting. A communications plan will also be developed for communicating the results to the Moorabool community and internal staff across the organisation.

## 14 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

### 14.1 PETITION; INSTALLATION OF SPEED HUMPS ON MERIDIE WAY, DARLEY

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

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

**Attachments:** Nil

#### PURPOSE

A petition was received by Council at the May Ordinary Meeting of Council, stating:

*“We the residents request the Council and/or the developer install two speed humps on the bends between the old development and the new development of Meridie Way, Darley. These speed humps will slow traffic on the bends to protect residents, and in particular the children who live in our street, from fast vehicles as they round the blind corner”.*

Following an investigation, the purpose of this report is to provide a response to the petition.

#### EXECUTIVE SUMMARY

- Moorabool Shire Council received a petition containing ten signatures requesting the construction of two speed humps along Meridie Way, Darley, specifically at the bends between the existing and under development sections of the road to improve pedestrian safety and reduce speeding vehicles.
- Meridie Way, Darley, connects with Holts Lane, approximately 350m east of Halletts Way and is currently a no through road with a default speed limit of 50km/h, providing access to 8 developed properties. The new development will see an additional 20 properties created with direct access from Meridie Way.
- An investigation has been undertaken and, at this time, construction of speed humps as a traffic calming device is not supported.

#### RECOMMENDATION

**That Council:**

1. **Notes the information provided within this report and does not support the installation of speed humps along Meridie Way, Darley at this time, however, will monitor traffic as development of Meridie Way progresses.**
2. **Requests Officers notify the convener of the petition of the resolution.**

---

#### BACKGROUND

Meridie Way, Darley, connects with Holts Lane, approximately 350m east of Halletts Way and is currently a no through road, providing access to 8 developed properties.

A petition was received by Council, requesting the construction of two speed humps along Meridie Way, in order to reduce the speed of local traffic and improve safety for residents, particularly children living along the street. The petition requested the speed humps be installed at the bends between the old development and new development.



As indicated below, Council has approved further development to the west, making the street a through road, connecting with Holts Lane further west. The new development will see an additional 15 properties created with direct access from Meridie Way.

The existing length of Meridie Way is approximately 140m and is classified as an Access Level 2 Road under Council’s Road Management Plan. There are no reported casualty accidents on this section of road in the past 5 years.

***Aerial View; Holts Lane/Meridie Way***



***Street View; Meridie Way from Holts Lane***



As a no through road, there have been no formal traffic counts undertaken on Meridie Way, and given the nature of the road, it is likely to be utilised only by local traffic. Due to the length of the existing north-south section of the road, it is unlikely that vehicles would inadvertently exceed the default speed limit of 50km/h, prior to the right-hand bend at the southern end of the road.

In 2020, Council conducted a Local Area Traffic Management (LATM) Study for the Darley area which included Meridie Way. Significant community consultation was undertaken as part of the final plan development, however this issue was not raised and as such, no speed reduction treatments were recommended for this area.

Further, in accordance with AS1742.13-1991 Local Area Traffic Management, the recommended distance between speed humps is 80m – 120m along straight sections, however the straight section of Meridie Way is approximately 95m in total length. Speed humps should not be located in close proximity to driveways, bends or intersections to avoid creating a further road safety issue.

Additionally, although these types of traffic control devices can reduce vehicle speed, speed humps also generate additional traffic noise due to braking, acceleration, and the vertical displacement of vehicles creating issues at night-time from headlight projection, and speed humps also require minimum lighting, all of which could impact the amenity for local residents.

**PROPOSAL**

It is not considered that the installation of speed humps is warranted along Meridie Way at this time. Notwithstanding that, once the remaining section of road is constructed and properties developed, Council could assess any need for future traffic calming devices.

Where residents witness instances of hoon behaviour, this should be reported to Crime Stoppers (Hoon Hotline) on 1800 333 000.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.1: Listen, analyse and understand community needs**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications as the request to install speed humps has been rejected.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Petition convener	Outcomes of the Report to Council provided to the petition convener	n/a	October 2022	Stakeholder/s advised of outcome

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Ohid Morad*

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

**CONCLUSION**

Council received a petition requesting the construction of two speed humps on Meridie Way, Darley. Following an assessment of the current conditions and layout, it is considered that the installation speed humps is not warranted at this time, however, Officers will monitor traffic as development of Meridie Way progresses to assess if future traffic calming devices are required.

**15 OTHER REPORTS**

Nil

**16 NOTICES OF MOTION**

Nil

**17 NOTICES OF RESCISSION**

Nil

## **18 MAYOR'S REPORT**

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

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

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

**Attachments:** Nil

#### **PURPOSE**

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

#### **EXECUTIVE SUMMARY**

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

#### **RECOMMENDATION**

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

---

**19 COUNCILLORS' REPORTS****20 URGENT BUSINESS****21 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*:**

**21.1 Extension of Audit and Risk Committee Independent Member – Linda MacRae**

This matter is considered to be confidential under Section 3(1) confidential meeting information - (h) 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 confidential meeting information, being the records of meetings closed to the public under section 66(s)(a).

---

**22 MEETING CLOSURE**