



AGENDA

Ordinary Council Meeting Wednesday, 7 December 2022

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

Date: Wednesday, 7 December 2022

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 2 November 2022

Statutory Meeting of Council - Wednesday 30 November 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 OBJECTION TO PLANNING PERMIT

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

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

Council received a petition in relation to an objection to a planning permit and further development in the Masons Lane end of Dickson Street which contains twelve signatures.

EXECUTIVE SUMMARY

The petition states:

Proposed Address; 79 Dickson Street Bacchus Marsh

Planning Application No; PA2022049

Partition to prevent further unit development in the Masons Lane end of Dickson Street Numbers 70-80 between George and Young Street.

Further development will ruin the streetscape.

RECOMMENDATION

That Council:

- 1. Receives the petition containing 23 signatures in relation to "Objection to Planning Permit".**
 - 2. Requests a report be prepared by officers for Council's consideration pertaining to the petitioner's request to be tabled at the Development and Assessment Committee.**
-

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 COUNCIL APPOINTMENTS TO WORKING GROUPS AND INDUSTRY BODIES

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of this report is to allow Council to formally elect representatives to Working Groups and Industry Bodies for the 2023 year.

EXECUTIVE SUMMARY

The appointment of Councillors as representatives on Working Groups and Industry Bodies plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

RECOMMENDATION

That Council:

- 1. Endorses its participation on the following Working Groups and Industry Bodies and appoints its representatives as follows for 2023:**
 - a) Bacchus Marsh Aerodrome Management Committee**
Cr Ward and Executive Manager Community Planning & Development
 - b) Ballarat Rail Action Committee**
Cr Edwards and Chief Executive Officer
 - c) Central Highlands Community Road Safety Council**
General Manager Community Assets and Infrastructure
 - d) Central Highlands Councils Victoria**
Mayor and Chief Executive Officer
 - e) Grow West Implementation Committee**
Cr Edwards and Cr Dudzik (sub) and Manager Environment & Waste
 - f) Municipal Association of Victoria**
Cr Sullivan and Cr Edwards (sub)
 - g) MAV Emergency Management Committee**
Chief Emergency Management Officer

- h) Municipal Emergency Management Planning Committee (MEMPC)**
Cr Munari and Cr Tatchell (sub)
- i) National Timber Councils Taskforce**
Cr Sullivan
- j) Peri Urban Group of Rural Councils**
Cr Berry, Cr Ward (sub), Chief Executive Officer and Executive Manager Community Planning and Development
- k) Rural Councils Victoria**
Cr Munari
- l) Timber Towns Victoria**
Cr Sullivan
- m) Victorian Local Governance Association (VLGA)**
Mayor
- n) Western Highway Action Committee**
Cr Ward and General Manager Community Assets and Infrastructure

- 2. That Council notify these Working Groups and Industry Bodies of the reappointment arrangements.**

BACKGROUND

In order for Moorabool Shire Council to pursue its role of advocacy and represent the interests of the community, Council seeks to be represented on a variety of committees and organisations which are established not only within Moorabool Shire, but more broadly within the region and also within industry representative associations. Involvement in these areas provides the Council with a broader perspective in undertaking its policy deliberation role.

It is worth noting:

- The Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Group, which Cr Sullivan has been a representative on, ceased to operate at 30 June 2022;
- The Municipal Fire Management Planning Committee, which Cr Tatchell and Cr Munari (sub) were representatives on, is now a sub-committee of the MEMPC chaired by the CFA and DWELP and does not require Councillor representation.

PROPOSAL

By way of background, the 2022 representatives for each working group and industry body are listed below:

Working Groups and Industry Bodies	Council Representative 2022
Bacchus Marsh Aerodrome Management Committee	Cr. Ward Executive Manager Community Planning & Development
Ballarat Rail Action Committee (BRAC)	Cr. Edwards; CEO
Central Highlands Community Road Safety Council	General Manager Community Assets and Infrastructure
Central Highlands Councils Victoria	Mayor; CEO
Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee <i>(Note that the CCMA have advised that this committee is no longer operational)</i>	Executive Manager Community Planning and Development
Grow West Implementation Committee	Cr. Dudzik Manager Environment & Waste Education
Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Group	Cr. Sullivan
MAV Emergency Management Committee	Chief Emergency Management Officer
(MAV) Municipal Association of Victoria	Cr. Sullivan
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Tatchell
Municipal Fire Management Planning Committee (MFMPC)	Cr. Tatchell
National Timber Councils Task Force	Cr. Sullivan
Peri Urban Councils	Cr. Munari, Cr Berry (sub), CEO and Executive Manager Community Planning and Development
Rural Councils Victoria	Cr. Munari
Timber Towns Victoria	Cr. Sullivan
Victorian Local Governance Association (VLGA)	Mayor
Western Highway Action Committee	Cr Ward and General Manager Community Assets and Infrastructure

COUNCIL PLAN

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

Priority 3.1: Listen, analyse and understand community needs

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Chief Executive Officer – Derek Madden

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

Author – Dianne Elshaug

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

CONCLUSION

It is considered that in the interest of the whole community, the appointment of Councillors to external bodies and workings groups will ensure a co-ordinated focus on high level strategic projects, decision making and proposed initiatives.

11.2 COUNCIL APPOINTMENTS TO ADVISORY COMMITTEES OF COUNCIL

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of this report is to allow Council to formally elect representatives to Advisory Committees for the 2023 year.

EXECUTIVE SUMMARY

The appointment of Councillors as representatives on advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.

RECOMMENDATION

That Council:

- 1. Appoints representatives to the following Advisory Committees of the Council to assist the Council in performing its functions and duties in the manner as currently prescribed and as provided for in the terms of reference authorised by Council:**
 - a) Audit and Risk Advisory Committee**
Cr Berry, Cr Dudzik and Cr Tatchell (sub)
 - b) Australia Day Award Selection Panel**
Mayor, Cr Berry and Cr Munari
 - c) Bacchus Marsh District Trails Advisory Committee**
Cr Berry and Cr Ward (sub)
 - d) Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee**
Cr Dudzik and Cr Berry (sub)
 - e) Economic Development Taskforce Advisory Committee**
All Councillors
 - f) Heritage Advisory Committee**
Cr Tatchell and Cr Edwards (sub)
 - g) Lal Lal Falls Reserve Advisory Committee of Management**
Cr Sullivan and Cr Munari (sub)

- h) **Local Business Advisory Committee**
Cr Tatchell and Cr Dudzik (sub)
- i) **Maddingley Park Advisory Committee**
Cr Ward and Cr Berry (sub)
- j) **Moorabool Environment & Sustainability Advisory Committee**
Cr Berry and Cr Edwards (sub)
- k) **Moorabool Health and Wellbeing Advisory Committee**
Cr Dudzik and Cr Berry (sub)
- l) **Positive Ageing Advisory Committee**
Cr Tatchell and Cr Dudzik (sub)
- m) **Public Art and Collections Advisory Committee**
Cr Munari and Cr Dudzik (sub)
- n) **Disability Access & Inclusion Advisory Committee**
Cr Dudzik and Cr Ward (sub)

2. Notify the Committees of the appointment arrangements.

BACKGROUND

Council has the ability to create a committee by resolution as an Advisory Committee.

These types of Committees have no specific 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 provides substantial expertise to Council's planning by way of advisory recommendations.

The performance of specified statutory obligations of the Council are not placed upon these Committees. However, Council has the legislative ability to delegate authority and amend the operations and/or charter of individual Committees should circumstance warrant.

PROPOSAL

The following Advisory Committees have been established by Council.

1. Audit and Risk Committee

The *Local Government Act 2020* provides for Council to establish an Audit and Risk Committee.

The purpose of the Audit and Risk Committee is to support Council by providing oversight of its financial and performance reporting, risk management, fraud prevention systems and control, internal control environment, internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

The 2022 representatives for this committee were Cr Berry, Cr Dudzik and Cr Tatchell (sub).

2. Australia Day Award Selection Panel

Each year Moorabool Shire Council hosts Australia Day Awards in recognition of individuals and community groups who have made an outstanding contribution to Moorabool Shire, or given outstanding service to the local community.

The purpose of the Australia Day Award Selection Panel is to determine the annual award recipients for Australia Day; the panel meets once per year (usually in late November of each year) to consider nominations and to form recommendations for Council endorsement (usually in December of each year).

As the Awards include a Mayoral Award it is recommended that the Mayor be an appointed panel member.

The 2022 representatives for this Panel were the Mayor, Cr Berry and Cr Munari.

3. Bacchus Marsh District Trails Advisory Committee

The District Trails Advisory Committee comprises interested community members to advise Council on the development and integration of the community trails in the Bacchus Marsh district.

The 2022 representatives for this committee were Cr Berry and Cr Ward (sub).

4. Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

Established in 2003, this Committee was convened for the purpose of regulating the ongoing shared school and community use of the facility and to ensure the effective management and operation of the facility. As this Committee is inactive a Councillor representative is not required.

5. Bacchus Marsh Racecourse & Recreation Reserve Advisory Committee

This Advisory Committee was established in 2021 to advise Council on matters pertaining to the usage, operations, maintenance and development of the Bacchus Marsh Racecourse & Recreation Reserve and its associated facilities.

The 2022 representatives for this committee were Cr Dudzik and Cr Edwards (sub).

6. Economic Development Taskforce Advisory Committee

The Economic Development Taskforce Advisory Committee was established in April 2018. The role of the Committee is to provide an oversight of economic development objectives and to provide advice on the development, promotion and implementation of strategies and initiatives. This includes the identification and development of investment opportunities.

All Councillors are representatives on this Committee.

7. Heritage Advisory Committee

The Heritage Advisory Committee was established to advise Council on the conservation, promotion and education of heritage matters within the Shire.

The 2022 representatives for this committee were Cr. Tatchell and Cr Edwards (sub).

8. Lal Lal Falls Reserve Advisory Committee of Management

The Lal Lal Falls Reserve Advisory Committee was created to provide advice on the development and management of this significant natural reserve.

The 2022 representatives for this committee were Cr Sullivan and Cr Munari (sub).

9. Local Business Advisory Committee

The purpose of the Local Business Advisory Committee is to provide advice to Council in relation to the growth of the Moorabool Shire economy and the generation of local employment opportunities through increased levels of investment and business development.

The 2022 representatives for this committee were Cr Tatchell and Cr Dudzik (sub).

10. Maddingley Park Advisory Committee

This Advisory Committee was established to advise Council on matters pertaining to the usage, operations, maintenance and development of Maddingley Park and its associated facilities.

The 2022 representatives for this committee were Cr Ward and Cr Berry (sub).

11. Moorabool Environment & Sustainability Advisory Committee

The Moorabool Environment & Sustainability Advisory Committee comprises members of the community with land care experience or interest to advise Council on matters of land care policy, planning and development.

The 2022 representatives for this committee were Cr Berry and Cr Edwards (sub).

12. Moorabool Health and Wellbeing Advisory Committee

The Moorabool Health and Wellbeing Advisory Committee comprises community members to assist in the development of Council's Health and Wellbeing Strategy and Plan. The current partners are endorsed for the life of the current plan:

- Department of Families, Fairness and Housing
- Department of Justice and Community Safety
- Grampians Public Health Unit
- Western Health
- Mecwacare
- Women's Health Grampians
- Sports Central

The 2022 representatives for this committee were Cr Dudzik and Cr Berry (sub).

13. Positive Ageing Advisory Committee

This Committee provides an opportunity for informed discussion on issues impacting upon older members of the Shire and increases community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The 2022 representatives for this committee were Cr. Tatchell and Cr Berry (sub).

14. Public Art & Collections Advisory Committee

This Committee was established in 2022 and guides the provision, commissioning, maintenance and deaccessioning (removal) of public art within the Shire and guides Council's engagement with third parties who may wish to collaborate on provision of public art on Council land and in open public spaces.

As this is a new committee Councillor representatives have been appointed for the 2023 year.

15. Disability Access & Inclusion Advisory Committee

This Committee was established in 2021 to monitor the implementation and review of the Disability Access and Inclusion Plan, provide advice to Council on key policy issues that relate to Disability, Access and Inclusion and enable greater communication between the community and Council.

As this is a new committee Councillor representatives have been appointed for the 2023 year.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

Priority 3.1: Listen, analyse and understand community needs

The proposal is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Chief Executive Officer – Derek Madden

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

Author – Dianne Elshaug

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

CONCLUSION

It is considered that, in the interest of the whole community, the appointment of Councillors to Advisory Committees will ensure a co-ordinated focus on high level strategic projects, decision making and proposed initiatives.

11.3 COUNCIL APPOINTMENTS TO COMMUNITY ASSET COMMITTEES

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of this report is to appoint Councillor representatives and committee members to Council’s Community Asset Committees for the 2023 year.

EXECUTIVE SUMMARY

- Community Asset Committees support the operation of Council, assist with Council’s decision-making processes, expand stakeholder and community engagement and provide a framework for Council to receive community feedback and external advice.
- This report recommends the appointment of Councillor representatives to the Bacchus Marsh Public Hall and Blacksmiths Cottage & Forge Community Asset Committees; and the appointment of committee members to all Community Asset Committees as indicated.

RECOMMENDATION

That Council:

1. Pursuant to section 65 of the *Local Government Act 2020*, retains the following Committees of Management as Community Asset Committees to assist the Council in performing its functions and duties in the manner as currently prescribed in the Instruments of Delegation approved by the Chief Executive Officer, and appoints the following Councillor representatives and Committee members to the Community Asset Committees as set out below:

Community Asset Committee	Councillor Representative and Committee Members 2023
Bacchus Marsh Public Hall	Cr Ward Committee Members: David Childs Keith Currie Eric Daws Stuart Deagan John Faulkner John Ginnane Gary John Treloar Carol Young

<p>Blacksmith’s Cottage and Forge</p>	<p>Cr Edwards Committee Members: Allan Comrie Simon Fisher Chrissy Stancliffe Geoff Stancliffe Lynette Egan Betty Charge Heather Robson Ron Geurts Stephanie Latham</p>
<p>Dunnstown Recreation Reserve</p>	<p>Committee Members: Jaye Cahir Sam Leneghan Chris Leonard Kellie Leonard Pat Leonard Greg Murphy Joel Murphy Shane Murphy Fran Peterkin Barry Sheehan Trish White</p>
<p>Elaine Recreation Reserve</p>	<p>Committee Members: Dianne Cook Joanna Adcock Stephen Ford Karen Hinkley Tom Hinkley Chris Guidotti</p>
<p>Gordon Public Hall</p>	<p>Committee Members: Beryl Forster Frank Higgins Kate Galloway Lin Lawson Maree Brooks Sandra Baker Sandra Jarrett Stephen Derrick Yvonne Blair Thompson</p>

<p>Greendale Recreation Reserve</p>	<p>Committee Members: Sarah Duncanson Nick Myrianthis Eddie Salwe John Speed</p>
<p>Lal Lal Soldiers' Memorial Hall</p>	<p>Committee Members: Ann Crick John Crick Graeme Diamond-Keith Engels Leoncini Peter Witherspoon Susanne Witherspoon John McAuliffe</p>
<p>Millbrook Community Centre</p>	<p>Committee Members: Lindsay Wilfred Grey Amanda Labbett Mark Labbett Michelle O'Brien Georgina Reynolds Luke Reynolds Andrea Weigall Mark Weigall Gerard White Patrick Ryan</p>
<p>Navigators Community Centre</p>	<p>Committee Members: Wayne Austin Alan Rogers Ole Kelderman Michael Clarke Tarsha Gore Kenneth Turner Mark Ryan Troy Connor Rick Stephens</p>
<p>Wallace Public Hall</p>	<p>Committee Members: Josie Donegan Leanne O'Neil Darren Quinlan Alan Tiley Karen Tiley</p>

<p>Wallace Recreation Reserve</p>	<p>Committee Members:</p> <p>Jason Carey Maurice Mahar Paul Mahar Leanne O’Neil Jacob White Kenneth Williams</p>
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2. **Notifies each Community Asset Committee of the respective appointments.**
3. **Authorises the Chief Executive Officer to approve the appointment of new members to the Community Asset Committees where extraordinary vacancies and new nominations occur throughout the year.**

BACKGROUND

The Committees of Management were originally established as special committees under section 86 of the Local Government Act 1989. However, the provisions relating to section 86 special committees which were contained in the *Local Government Act 1989*, have been recently repealed due to the introduction of the *Local Government Act 2020* (the Act).

The Community Asset Committees are established in accordance with section 65 of the *Local Government Act 2020* (the Act) to manage Council assets.

These committees assist Council by executing specific functions or duties in accordance with their Instrument of Delegation. Under that Act, the Chief Executive Officer may delegate to the committees such functions and powers of the Council that are deemed appropriate for the management and operations of a community asset in the municipal district.

PROPOSAL

The Community Asset Committees act as an agent of Council (not as an independent entity) in managing the Council assets entrusted in the Committee’s care by:

- Undertaking the management of the facilities on Council’s behalf;
- Undertaking improvements to the facilities subject to the Council’s approval;
- Ensuring the facilities are available for public use;
- Collecting rentals and charges from the users of the facilities for casual hire;
- Expending funds on maintaining and improving the facilities for the better use and enjoyment by the community and public; and
- Consulting and collaborating with Council on all major works and capital works development to ensure compliance with legislative requirements.

Therefore, it is appropriate to appoint Councillor representatives and nominated Committee members to the Community Asset Committees.

The Committees of Management where Councillor representatives were previously appointed are listed in the following table:

Committees of Management	Council Representative
Bacchus Marsh Public Hall	Cr Ward
Blacksmith's Cottage and Forge	Cr Edwards

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 is not provided for in the Council Plan 2021-2025 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

The model associated with hall and recreation reserve Committees of Management fosters community cohesion and encourages active participation in civic life.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Chief Executive Officer – Derek Madden

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

Author – Dianne Elshaug

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

CONCLUSION

The appointment of Councillor Representatives and Committee members to the Community Asset Committees ensures that Council's facilities such as its community halls and reserves are being managed in the best interests of the entire Moorabool Community.

12 COMMUNITY STRENGTHENING REPORTS

12.1 COMMUNITY ASSET COMMITTEE GUIDELINES

Author: Kristian Brudenell, Coordinator Community Development and Engagement

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments: 1. Community Asset Committee Guidelines (under separate cover)

PURPOSE

The purpose of this report is to present and seek approval from Council for the Community Asset Committee Guidelines.

EXECUTIVE SUMMARY

- The Community Asset Committee Guidelines have been developed to support committees to carry out their day-to-day operations and meet mandatory requirements as prescribed by the Local Government Act 2020 and relevant Council policies and procedures.
- Council sought feedback from all Community Asset Committees during the development of the guidelines. Feedback received by Community Asset Committees was thoroughly considered and, where feasible, incorporated into the Community Asset Committee Guidelines.
- Development of the guidelines delivers on Council's commitment in the Council Plan 2021-2025 to develop support mechanisms for Community Asset Committees.
- The guidelines provide clarity and guidance to support Community Asset Committees.

RECOMMENDATION

That Council approves the Community Asset Committee Guidelines.

BACKGROUND

The Community Asset Committee Guidelines will assist Council to provide support to existing Committees and have been developed in response to:

- The introduction of the Local Government Act 2020; and
- An action from Council Plan 2021–2025, to develop support mechanisms for Community Asset Committees in 2021/22.

In addition, the development of the guidelines assists Council to implement recommendations from an internal audit of Community Asset Committees.

Community Asset Committees

The introduction of the Local Government Act 2020 (LGA 2020) signalled a transition of Council delegated Committees of Management from Section 86 Committees to Community Asset Committees.

A Community Asset Committee is a committee under S65 of the LGA 2020 that has been delegated the duties, functions and powers of Council, to manage a specific community asset (such as a public hall, recreation reserve or heritage facility) within the municipality. The Committee consists of individual community members who, once endorsed by the Chief Executive Officer, have the power as a collective to manage an asset on behalf of Council. The Committee's term of appointment aligns with a four-year Council term.

As per the LGA 2020 the governance arrangements for these committees are specified by the Chief Executive Officer. These terms and conditions are outlined in the instrument of delegation and include the limits and purpose of any financial delegation that can be exercised by the committee, governance arrangements, and monitoring and reporting requirements.

The Community Asset Committee Guidelines have been developed to comply with the requirements of the LGA 2020 and to provide a handbook for Council delegated Community Asset Committees to refer to whilst conducting their regular operations.

The following Community Asset Committees have been established by Council under section 65 of the *Local Government Act 2020*.

- Bacchus Marsh Public Hall
- Blacksmith's Cottage and Forge
- Dunnstown Recreation Reserve
- Elaine Recreation Reserve
- Gordon Public Hall
- Greendale Recreation Reserve
- Lal Lal Soldiers' Memorial Hall
- Millbrook Community Centre
- Navigators Community Centre
- Wallace Public Hall
- Wallace Recreation Reserve

Consultation

The Community Asset Committee Guidelines have undergone an extensive consultation process from October 2021 to October 2022. Council officers visited all current Community Asset Committees to present the draft guidelines document and seek feedback for the final version. All feedback received by Community Asset Committees was recorded, considered, and where feasible incorporated into the draft Community Asset Committee Guidelines. An overview of the consultation is included in the Communications and Consultation Strategy section of this report.

Internal Audit Report

Council’s Internal Auditor, Pitcher Partners Pty Ltd, submitted an internal audit review in February 2022 of Community Asset Committees. This was noted in the Audit and Risk Committee Report by the Independent Chair, tabled at the Ordinary Meeting of Council on 5 October 2022.

The Auditor made recommendations to improve processes and controls. Implementation of the Community Asset Committee Guidelines, together with training and advice for Community Asset Committees will enable Council to deliver on recommendations from the internal audit.

PROPOSAL

It is proposed that Council approves the Community Asset Committee Guidelines as provided in Attachment 1 - Community Asset Committee Guidelines, and that the guidelines are reviewed at an operational level after 12 months with any amendments approved by the Chief Executive Officer or delegate, when necessary. This will ensure that the Guidelines remain relevant and best reflect their purpose to support Community Asset Committees.

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

FINANCIAL IMPLICATIONS

In line with Council’s ‘Community Facilities Funding Policy’, Community Asset Committees receive operational funding annually, to be spent in accordance with their Annual Management Agreement. This operational funding consists of public funds and therefore, must be spent and reported on in accordance with the Community Asset Committee Guidelines, Council’s Procurement Policy and the signed Annual Management Agreement to ensure the compliance of expenditure.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial – Misuse of public funds	Community Asset Committees misappropriate expenditure of Council funds	High	The Community Asset Committee Guidelines set procedures in place reflective of Council’s Procurement Policy and contain financial reporting requirements.
Compliance – LGA 2020 requirements and Governance rules are not met	Community Asset Committees fail to meet mandatory obligations and reporting requirements	High	The Community Asset Committee Guidelines contain information, templates and reporting requirements designed to meet Council’s obligations.
Reputational – Negative impacts upon community perception of	Community Asset Committee mandatory obligation breach or instance of	Extreme	The Community Asset Committee Guidelines have been designed by Council’s Governance team to ensure that if followed, Council is

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Council	misusing Council funds is made public		complying with the LGA 2020 and relevant governance requirements.
Community safety – injury to public	Community Asset Committee’s fail to maintain a safe facility	Medium	The Community Asset Committee Guidelines contain information, templates and reporting requirements designed to meet Council’s obligations.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Date	Outcome
Inform	Community Asset Committees	Draft Community Asset Committee Guidelines were distributed via email to all committees	October 2021	Community Asset Committees were provided a copy of the new guidelines document to introduce them to the changes contained.
Inform	Community Asset Committees	Two online information sessions were conducted to further explain key elements of the guidelines	October 2021	Community Asset Committees were informed of the key requirements within the guidelines and LGA 2020 changes.
Consult	Community Asset Committees	Council received written feedback and questions pertaining to the guidelines from committee members	November 2021- February 2022	Committee members provided feedback on the guidelines via email to inform the final document, where appropriate.
Consult	Community Asset Committees	Council officers attended the meetings of all eleven committees	November 2021- February 2022	Committee members gave feedback in person and had their questions/ concerns answered.
Involve	Community Asset Committees	Council staff collated all feedback and questions about the guidelines to distribute to all 11 CACs.	May 2022	This stage of consultation addressed all feedback and outlined where changes could be included in the guidelines document.
Involve	Community Asset Committees	Council officers attended further meetings with 3 CACs	October 2022	Council officers listened to feedback and provided further clarification around the guidelines and options for incorporated entities.

Level of Engagement	Stakeholder	Activities	Date	Outcome
Inform	Community Asset Committees	Final version of the guidelines will be distributed to all 11 CACs	December 2022	Following the adoption by Council, the Guidelines and all the required obligations will be in place and act as a resource for all CACs to meet LGA and Governance requirements.
Inform	Community Asset Committees	CAC Information Sessions	December 2022 – June 2023	Committee members are aware of and equipped to meet their obligations and utilise the support resources available

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Authors – Kristian Brudenell and Troy Watson

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

CONCLUSION

The Community Asset Committee Guidelines have undergone an extensive consultation process, including discussions with all eleven of Council’s Community Asset Committees and reiterate examination and collaboration with relevant internal Council departments. The guidelines incorporate committee feedback, reflect Council’s obligations under the Local Government Act 2020 and provide a support mechanism to assist Community Asset Committees in their operations. It is proposed that the Council approves the Community Asset Committee Guidelines as provided in Attachment 1 - Community Asset Committee Guidelines.

13 CUSTOMER CARE AND ADVOCACY REPORTS

13.1 SEPTEMBER 2022 QUARTERLY FINANCIAL REPORT

Author: Aaron Light, Senior Accountant

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. September 2022 Quarterly Report (under separate cover)

PURPOSE

The purpose of this report is to inform Council of the financial performance for the period ending 30 September 2022, in accordance with Section 97 of the Local Government Act 2020.

EXECUTIVE SUMMARY

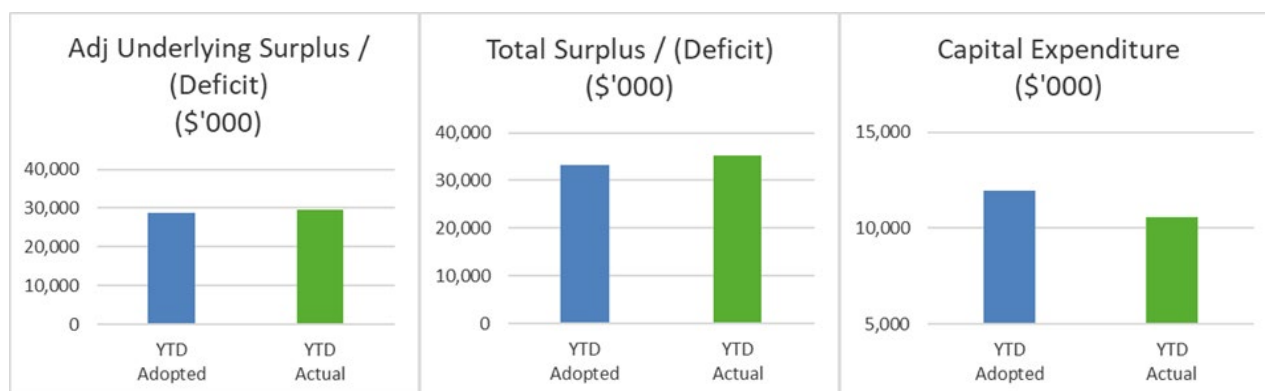
- This Quarterly Report provided in Attachment 1 outlines the year-to-date financial position of Council for the period from 1 July 2022 to 30 September 2022.
- The Income Statement reports the year to date adjusted underlying result is a surplus of \$29.508 million that is \$0.773 million favourable when compared to budget. The adjusted underlying result extracts the impact of the non-recurrent capital income items, including one-off capital grants, donated assets from subdivisions, and developer contributions.
- The Statement of Capital Works reports year to date expenditure of \$10.548 million that is \$1.376 million less than budget. The variance primarily relates to the timing of contract payments, delays due to COVID lockdowns and restrictions, and the deferral of some major projects to next financial year.
- Council's cash balance at 30 September 2022 is \$31.454 million, which is \$4.980 million favourable compared to year-to-date budget.
- Council's overall financial position at the end of September 2022 is considered sound and continues to be closely monitored to ensure the achievement of budgeted outcomes.

RECOMMENDATION

That Council receives the Quarterly Financial Report – September 2022, provided as Attachment 1 to this report.

BACKGROUND

The attached Quarterly Financial Report provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date budget with reference to the annual budget.



	Year to Date				Annual Adopted Budget \$'000
	YTD Adopted \$'000	YTD Actual \$'000	Variance		
			\$'000	%	
Operating Income	43,551	43,807	256	1%	57,913
Operating Expenses	14,816	14,299	517	3%	57,846
Adj Underlying Surplus / (Deficit)	28,735	29,508	773	3%	67
Capital / Non-recurrent income	4,436	5,693	1,257	28%	22,537
Total Surplus / (Deficit)	33,171	35,201	2,030	6%	22,604
Capital Expenditure	11,924	10,548	(1,376)	-12%	63,766

Income Statement

The main changes within the Income Statement are as follows:

- Year to Date Operating Income - \$0.256 million favourable
 - Favourable in “Grants - operating” (\$0.123m). This is mainly a timing issue with the recognition of various operating grants. However, there have been minor increases identified in Maternal & Child Health, and School Crossings.
- Year to Date Operating Expenses - \$0.517 million favourable
 - Favourable in “Materials and services” (\$0.349m). This is due to timing issues with contract payments in Waste collection/disposal, Building Maintenance, and Sportsgrounds Maintenance.

Balance Sheet and Cashflow Statement

The Balance Sheet reflects Council’s financial position at 30 September 2022 and is prepared in compliance with the Australia Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council’s Balance Sheet continues to show a strong net position. This is represented by \$762.433 million of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are \$46.826 million, which results in net assets of \$715.607 million.

Capital Improvement Program (CIP)

Total capital expenditure at the end of September 2022 is \$10.548 million, which is \$1.376 million less than the year-to-date budget. This is mainly due to timing variances with contract payments.

PROPOSAL

That Council receives the Quarterly Report – September 2022.

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 adopt the Quarterly Report – September 2022 is consistent with the Council Plan 2021 - 2025.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified risks associated with this process.

COMMUNICATIONS & CONSULTATION STRATEGY

To Council, through the Ordinary Meeting of Council on 7 December 2022, and to the Audit and Risk Committee meeting on 9 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.

General Manager – Caroline Buisson

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

Senior Accountant – Aaron Light

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

CONCLUSION

That Council's overall financial position at the end of September 2022 is considered sound and Council note the September Quarterly Report.

13.2 2021-2025 MOORABOOL SHIRE COUNCIL PLAN - PROGRESS REPORT - SEPTEMBER 2022**Author:** Amy Gloury, Acting Senior Corporate Planning Lead**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy**Attachments:** 1. 2021-2025 Moorabool Shire Council Plan - Progress Report - September 2022 (under separate cover)**PURPOSE**

The 2021–2025 Moorabool Shire Council Plan (“Council Plan”) sits within the Council’s planning framework and identifies the main priorities and expectations over a four-year period.

This report provides an update on the status of the council plan actions as of September 2022.

EXECUTIVE SUMMARY

- There are 50 Strategic Actions to be achieved this financial year, including 19 actions carried forward from year 1.
- One Council Plan action from year 2 has been completed.
- 90% of actions show as on track against targets.

RECOMMENDATION

That Council receives the 2021-2025 Moorabool Shire Council Plan – Progress Report as of September 2022, including Attachment 1 of this report.

BACKGROUND

The three strategic objectives outlined in the Council Plan that guide new initiatives and continuing services are:

1. Healthy, inclusive and connected neighbourhoods
2. Liveable and thriving environments
3. A Council that listens and adapts to the needs of our evolving communities

Each objective has a set of priorities, or desired outcomes, which set out strategic actions to be undertaken over the planned four years to achieve the objectives.

The Annual and Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community. This report presents the progress performance against the actions set for the 2022/23 financial year.

The Year 1 Council Plan progress report identified 19 actions that were not completed by 30 June 2022, these have now all been extended to be due by 30 June 2023.

PROPOSAL

The 2021-2025 Moorabool Shire Council Plan - Progress Report - September 2022 is provided as Attachment 1 to this report.

There are 50 actions identified in the Council Plan to be achieved in year 2 including the 19 actions carried forward from year 1. Through meetings with each manager, the 2022/23 key targets/ milestones for each action have been reviewed and set to reflect the expected progress throughout the year. As at 30 September 2022 90% of actions show as on track against their targets.

The following table summarises the status of the actions under each strategic objective set to be achieved by 30 June 2023:

Strategic Objective	Completed	In Progress		Not Started	Total
		Year 1 actions	Year 2 actions		
Healthy, inclusive and connected neighbourhoods	0	6	16	3	25
Liveable and thriving environments	1	9	4	2	16
A Council that listens and adapts to the needs of our evolving communities	0	3	6	0	9
Totals	1	18	26	5	50

One action has now been marked as complete, Develop the Sustainable Building Strategy, this Strategy will be incorporated into the Sustainable Environment Strategy which is expected to be completed by 2024.

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 receive the 2021-2025 Moorabool Shire Council Plan Progress Report as at September 2022, is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The implementation of Council Plan actions is resourced by Council's adopted annual budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

The progress comments and performance status of each action will be uploaded onto the online Council Performance Dashboard in October. Community members can access the dashboard to view the performance of each of the Council Plan Priorities, current as of 30 September 2022.

Specific projects are the subject of their own communications strategy, nevertheless this report will be displayed on Council's website and the end of year progress will be reported in Council's Annual Report.

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 – Amy Gloury

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

CONCLUSION

Overall, there are 50 actions being reported on for year 2 including the 19 actions carried forward from year 1. One Council Plan action has been completed and 90% of actions show as on track against targets.

13.3 2017-2021 MOORABOOL SHIRE COUNCIL PLAN - OUTSTANDING ACTIONS PROGRESS REPORT - SEPTEMBER 2022

Author: Amy Gloury, Acting Senior Corporate Planning Lead

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. **2017-2021 Moorabool Shire Council Plan - Outstanding Actions Progress Report September 2022 (under separate cover)**

PURPOSE

This report provides an update on the progress of outstanding actions from the 2017-2021 Moorabool Shire Council Plan.

EXECUTIVE SUMMARY

- Ten Strategic Actions were carried over from the 2017-2021 Council Plan. Five actions have been completed and five remain 'In Progress'.
- Progress is being made on the five remaining actions which will continue to be reported on until completion.

RECOMMENDATION

That Council receives the 2017-2021 Moorabool Shire Council Plan – Outstanding Actions Progress Report - September 2022, including Attachment 1 to this report.

BACKGROUND

Of the strategic actions identified for completion in the final year of the 2017-2021 Moorabool Shire Council Plan, 10 were incomplete as of 30 June 2021 and were not captured in Council's 2021-2025 Council Plan. Accordingly, quarterly reporting will continue for these outstanding Council Plan actions until all actions are complete.

PROPOSAL

There were 10 actions outstanding from the 2017-2021 Council Plan, of these five actions have been completed, three have reached 80% or greater completion and two actions have less than 60% completion. A full progress report including commentary against these actions is provided in Attachment 1.

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 receive the 2017-2021 Moorabool Shire Council Plan – Outstanding Actions Progress Report is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The implementation of outstanding Council Plan actions is resourced by Council's adopted annual budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

Specific projects are the subject of their own communications strategy.

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 – Amy Gloury

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

CONCLUSION

Council is committed to completing the outstanding actions from the 2017-2021 Moorabool Shire Council Plan, with continued reporting providing for good governance, in line with the overarching governance principles and supporting public transparency principles of the *Local Government Act 2020*.

Of the 10 outstanding Strategic Actions, five are now complete and five remain in progress. These actions will continue to be reported on until all have reached completion.

14 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

14.1 CAPITAL IMPROVEMENT PROGRAM - QUARTERLY REPORT SEPTEMBER 2022

Author: Ewen Nevett, Manager Engineering Services

Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure

Attachments: 1. **2022-2023 Capital Improvement Program - Project Status (under separate cover)**

PURPOSE

To provide Council with an overview of the progress of Council's 2022-2023 Capital Improvement Program to 30 September 2022.

EXECUTIVE SUMMARY

The 2022-2023 Capital Improvement Program (CIP) consists of 112 projects with the delivery principally managed by two Services Units, Engineering Services (80 capital works projects) and Major Projects (32 major projects).

Delivery of the 2022-2023 CIP is on schedule with 11.6% of projects already completed and a further 36.6% of the projects either underway, soon to commence, or soon to be awarded.

RECOMMENDATION

That Council resolves to receive the Capital Improvement Program Quarterly Report to 30 September 2022.

BACKGROUND

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

PROPOSAL

This quarterly report provides Council with an overview of the progress of Council's 2022-2023 Capital Improvement Program to 30 September 2022.

Implementation of the 2022/2023 Capital Improvement Program

The 2022-2023 CIP currently consists of 112 projects reported to Council. This number may be adjusted throughout the year as other projects become active. Three projects have already been added since the 2022-2023 Budget was adopted.

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

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

The Community Assets & Infrastructure Directorate nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status.

The table below summarises the overall program status at 30 September 2022:

CIP Program Delivery Stage	Actual as of 30 September 2022			
	No. of Projects			%
	Capital Works	Major Projects	Total	
Not Commenced - inactive/"On Hold"	8	6	14	12.5
Not Commenced	2	5	7	6.3
Documentation/Design Preparation	28	9	37	33.0
Tender/Quote Stage	5	1	7	5.4
Project Awarded – Waiting Commencement	12	0	12	10.7
In Progress/Under Construction	13	10	23	20.5
Complete	12	1	13	11.6
TOTAL	80	32	112	100.0

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

As at 30 September 2022, the current budget is \$68.33 with an anticipated carry forward from multi-year projects and projects "On Hold" of \$7.81M. The final outcome will be dependent on the physical progress of projects and any impacts from the current adverse weather conditions.

Program Status

Capital Works Projects

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

52.5% of the capital works projects are either completed, underway, soon to commence or soon to be awarded, with a further 35.0% at design or document preparation stage.

Eight projects are "On Hold" either due to unsuccessful/pending grant funding applications, third party input, or awaiting finalisation of various master planning and community engagement activities.

13 capital works projects are behind the original scheduled delivery timeframes. 12 of these relate to availability of design resources, availability of material supplies (pipes), and/or site access and conditions. One other project required retendering due to price.

All projects currently behind are still programmed to be completed this financial year.

Major Projects

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

In total there are 32 projects, with 28% of projects in the design phase, 32% of projects in construction and two projects in the procurement phase for construction services.

Six projects are "On Hold", either due to unsuccessful/pending grant funding applications or awaiting the finalisation of master planning.

There are five projects behind the original scheduled delivery time frames. The reasons relate to the availability of design resources, design issues, inclement weather and internal resourcing. Given the time required to complete these projects, we are unable to implement strategies to get the projects back on schedule.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

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

FINANCIAL IMPLICATIONS

Reporting of the Capital Improvement Program has been resourced as part of Council's budget. At this point in time, the program is at risk of being delivered over budget due to higher than anticipated tender prices on a number of projects. The program is being closely monitored to identify areas for savings to offset the increase in pricing.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Phil Jeffrey

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

Authors – Ewen Nevett

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

CONCLUSION

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

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 C19-2022/2023 Bacchus Marsh Shared User Pathway (Aqualink) Part G (Masons Lane)

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.

21.2 Southern Rural Water Funding Agreement for Channel Removal: Boyes Close and Taverner Street

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.

22 MEETING CLOSURE