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| **MINUTES**  **Ordinary Council Meeting**  **Wednesday, 5 May 2021** | |
| **Date:** | **Wednesday, 5 May 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **Council Chamber, 15 Stead Street, Ballan** |

**Order Of Business**

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1 Opening of Meeting and Prayer

The Mayor opened the meeting with the Council Prayer at 6.00pm.

2 Acknowledgement of Country

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

3 Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting is livestreamed.

4 Present

Cr Tom Sullivan, Mayor West Moorabool Ward

Cr Moira Berry East Moorabool Ward

Cr Tonia Dudzik East Moorabool Ward

Cr David Edwards East Moorabool Ward

Cr Ally Munari Woodlands Ward

Cr Paul Tatchell Central Moorabool Ward

**Officers:**

Mr Derek Madden Chief Executive Officer

Ms Caroline Buisson General Manager Customer Care & Advocacy

Mr Phil Jeffrey General Manager Community Assets & Infrastructure

Ms Belinda Stewart Acting General Manager Community Strengthening

Mr Henry Bezuidenhout Executive Manager Community Planning & Economic Development

Mr Steve Ivelja Chief Financial Officer

Mr Rob Fillisch Manager Statutory Planning & Building Services

Mr Anthony Smith Manager Governance Risk & Corporate Planning

Mr Mark Lovell Coordinator Statutory Planning

Mr Troy Delia Coordinator Governance & Risk

5 Apologies

Cr Rod Ward, Deputy Mayor East Moorabool Ward

6 Confirmation of Minutes

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| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That the minutes of the Ordinary Council Meeting held on Wednesday 7 April 2021 be confirmed.**  **Carried** |

7 Disclosure of Conflicts of Interest

Nil

8 Public Question Time

| **Name** | **Question/Response** | **CEO/GM/EM** | **Read at Meeting**  **(Yes/No)** | **Taken on Notice**  **Yes/No** |
| --- | --- | --- | --- | --- |
| Mr. John Kowarsky | **Question 1:**  Can Council please advise as to which personnel comprise the Executive Team, and confirm that all these personnel were shown the Draft Ballan Library Infrastructure Review in the first week of April 2021. | Derek Madden  CEO | Yes | No |
| **Response:**  Personnel who comprise the Executive Team include the CEO, General Managers and Executive Managers. The matter was discussed during the first week of April 2021 during an Executive Meeting. Attending that meeting were the General Managers and Executive Managers, the CEO was an apology. |
| **Question 2:**  Can Council please advise why the timetable for presentation to Council of the Draft Ballan Library Infrastructure Review was extended from March 2021, as advised at the February 2021 Council Meeting, to some four months later by the end of the financial year, as advised at the April 2021 Council Meeting. |
| **Response:**  In consultation with the relevant General Manager it was decided that other projects needed to be reprioritised. The Ballan Library remains a priority for Council and the funds for the project are included in the draft budget. |
| Mr. Stephen Derrick | **Question 1:**  At p 273 of the proposed budget there is an item “Main Street, Gordon – Kerb replacement” $234,000. What sections of kerb are to be replaced and why? | Phil Jeffrey  General Manager Community Assets and Infrastructure | Yes | No |
| **Response:**  The proposed project consists of the construction of kerb and associated drainage on the South side of Main Street from Lyndhurst St to Stanley St including the formalisation of the intersection at Stanley St. It will enable the construction of a footpath along this length which is also included in the draft budget connecting to Gordon Public Park. |
| **Question 2:**  At p 273 of the proposed budget there is an item “Stanley Street, Gordon – Kerb replacement” $88,000. What sections of kerb are to be replaced and why? |
| **Response:**  The proposed project is incorporated in the works proposed for Main St being the formalisation of the intersection with Stanley St. A footpath is also proposed along Stanley St which is included in the draft budget connecting to Dicker St and the Primary School. |

9 Petitions

Nil

10 Presentations/Deputations

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| **Item No** | **Description** | **Name** | **Method** | **Position** |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mrs. Hayley Bonnici | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mr. Daniel Bonnici | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mrs. Jodie Valpied | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mr. Shane Smith | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mrs. Margaret Hilli | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mr. Param Venkit | In person | Supporter of recommendation |
| 12.2 | PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley | Mrs. Nataliya Thompson | In person | Applicant |

11 Chief Executive Officer Reports

Nil

12 Community Planning and Economic Development Reports

12.1 Major Tourism Events Grants

**Author: Andy Waugh, Co-ordinator Economic Development & Activation**

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

**Attachments: 1. Strawberries and Cherries Weekend Intercept Survey 2019 (under separate cover)**

Purpose

The purpose of this report is to provide Councillors with an evaluation of the Major Tourism Events grants provided to assist in the delivery of the Strawberries and Cherries Weekend and the Ballan Autumn Festival between 2017 and 2020 in addition to a recommendation on the future allocation of the Major Tourism Events grants.

Executive Summary

 Funding was allocated for a three-year period to support the delivery of the Strawberries and Cherries Weekend (2017-2019) and the Ballan Autumn Festival (2018-2020).

 The events have consistently attracted high levels of visitation with the Strawberries and Cherries Weekend appealing to out of Shire visitors and the Ballan Autumn Festival appealing to local residents.

 The events provide a social return on investment to the Shire by way of acting in the manner of marketing and promotion for a village lifestyle with ready access to Melbourne and regional cities.

 Council Officers have worked in partnership with event organisers and volunteers to ensure that events are safe and enjoyable for those attending.

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| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council:**  **1. Receives the Report on the review of the Major Tourism Events grants.**  **2. Approve the Major Tourism Event grant to be provided to the Bacchus Marsh Tourism Association for the delivery of the Strawberries and Cherries Weekend for 2021, 2022 and 2023 from the recurring operational budget.**  **3. Approve the Major Tourism Event grant to be provided to the Ballan Autumn Festival Inc. Committee to support the delivery of the Ballan Autumn Festival Weekend for 2021, 2022 and 2023 from the recurring operational budget.**  **4. Note that Council officers will continue to work with Event organisers and volunteers to ensure safe and enjoyable events are delivered for the next three years.**  **Carried** |

Background

Events and festivals play an important role in fostering a strong sense of community, local pride and cultural identity. The annual Strawberries and Cherries Weekend and the Ballan Autumn Festival play an important role in this regard. These two major events are widely recognised and help build the profile of Moorabool Shire showcasing some of its key rural based attributes.

To support the sustainability of these two major events and to ensure they can continue to evolve, Council committed funding for a three-year period at the Ordinary meeting of Council on 6 September 2017. At this Ordinary Meeting of Council, it was resolved that; *$25,000 be made available under Major Tourism Events funding with the Ballan Autumn Festival receiving $10,000 and the Strawberries and Cherries Weekend receiving $15,000 for the period of three years*.

Further to this, Council resolved at the Ordinary meeting of Council on 7 August 2019, that a report be provided to Council in 2020; providing an evaluation of the three years of funding received by both Bacchus Marsh Tourism Association and the Ballan Autumn Festival Committee with a recommendation for the future allocation of this grant stream. This report was not presented in 2020 due to the uncertainty around the delivery of events as a result of COVID-19.

This report reflects on the three-year period which has now concluded. It provides an assessment of these two major events and considers the merit of extending the funding arrangement for a further three-year period.

**Three-year review of events**

**Ballan Autumn Festival – organiser Ballan Autumn Festival Association Inc. Committee**

The Ballan Autumn Festival has continually received visitation of around 10,000 people for their one-day event delivered in 2018 and 2019. The March 2020 event was postponed until October then eventually cancelled due to restrictions on mass gatherings because of COVID-19. The one-day community-based event is delivered in a single location utilising Fisken Street. This event is family oriented with its main focus being to provide a day out for the Shire community. This event has a strong emphasis on supporting local businesses and local stallholders.

It should be noted that the 2021 event has also been postponed until November due to COVID-19 restrictions and uncertainty over the ability to deliver events to mass audiences.

During the allocated grant period there was positive feedback provided to the Festival Committee by way of survey responses from stallholders and attendees. There have been no serious incidents or concerns recorded with this event. Traffic is efficiently managed in accordance with a pre-approved traffic management plan. Parking is available in adjacent streets and a safe route is provided to and from the event zone along footpaths.

An intercept survey was scheduled for the March 2020 event to gather a high level of statistical feedback. With the event being cancelled, previous survey information supplied by the Ballan Autumn Festival Association Inc. Committee was analysed. The comments from stallholders revealed a consensus that this is a professionally operated event with efficient systems and processes.

An intercept survey of attendees showed that they were very engaged in all aspects of the event, particularly the Grand Parade. Attendees visited the stalls, the events and purchased food and beverages. Social media was successful in both advertising the event and in getting participants to comment after the event.

**Strawberries and Cherries Weekend – organiser: Bacchus March Tourism Association**

The Strawberries and Cherries Weekend is a more complex event to plan and deliver. The visitation levels are high (in excess of 20,000), the event is held over three days, and there are multiple event zones in both the Avenue of Honour and Bacchus Marsh town centre. This provides for a number of different attractions including pick your own fruit, carnival rides and market stalls. The event has the value of being a promotional initiative for Bacchus Marsh (and the Shire) highlighting the lifestyle and village atmosphere yet showing how easily accessible Melbourne CBD and regional centres are through road and/or rail connections.

During the period of the grant, officers have worked in partnership with Bacchus Marsh Tourism Association, Victoria Police and VicRoads to ensure a well-planned event and identify potential issues in advance addressing matters of concern from previous events. This includes implementing stringent traffic management measures particularly in the Avenue of Honour, a stronger focus on waste management and disposal, and the effective delivery of a carnival/market event in the Bacchus Marsh Town Centre.

Bacchus Marsh Tourism Association has responded positively to officer and stakeholder input and was supportive of the improvements. As a result, the 2019 event was delivered with no major safety issues. Traffic management and event delivery will continue to be refined to ensure increased levels of visitor safety and enjoyment. No event was held in 2020 due to restrictions on mass gatherings because of COVID-19.

Officers engaged a third party to undertake a survey of the event in 2019 which asked visitors a series of questions. Of those surveyed, 88% were either very or extremely satisfied and would attend the event again and 64% said they were very or extremely likely to visit Bacchus Marsh in the next 12 months. The full report is available in **Attachment 1.** For the years prior, information provided by Bacchus Marsh Tourism Association based on their own data shows a high level of visitor satisfaction with the event, and an effective use of social media to promote and market the event.

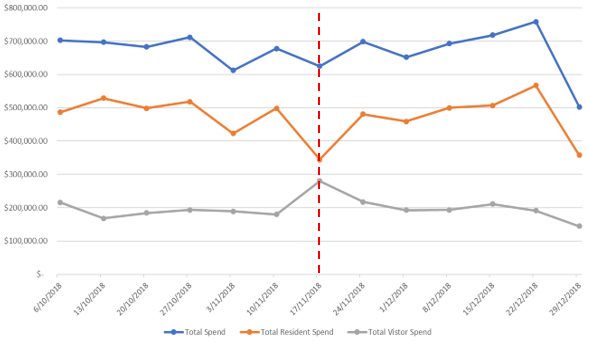
**Economic impact of funded events**

An analysis of expenditure during the event days has been generated from the economic data tool Spendmapp which calculates credit card and aggregated cash spending.

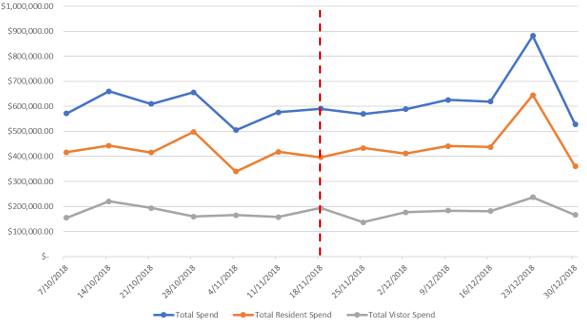
The Strawberries and Cherries Weekend has an (almost) neutral economic impact on local businesses. **Figure 1** and **Figure 2** show that there was an increase of total visitor spend (grey line) on both days, particularly Saturday. This is to be expected with an event having a potential outcome of attracting visitors to the area. However, this is offset by a change in the total resident spend (orange line) experiencing a decrease, particularly on Saturday. Total spend (blue line) experiences a decrease on Saturday and a slight increase on Sunday.

One explanation for this trend is the composition of businesses within Main Street. A significant amount are services or professional services and would not benefit from increased (visitor) foot traffic. There is a limited amount of retail (excluding The Village mall), a business type which would traditionally benefit from higher levels of visitation. Hospitality businesses were shown to have increased levels of trade with some pubs having record trading days, see **Figure 3**. There were no identifiable increases in spending patterns prior to or after the event.

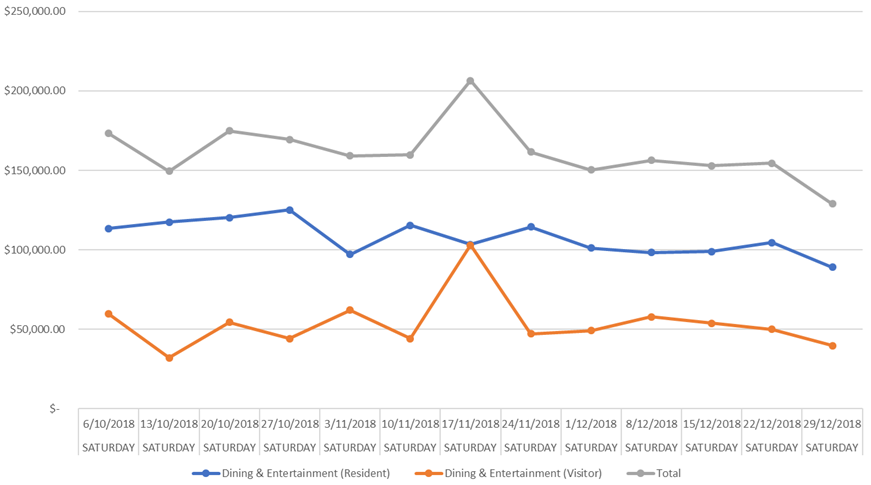
The data suggests that the Strawberries and Cherries Weekend has a stronger appeal to visitors than Shire residents.



**Figure 1:** Spend in Bacchus Marsh, Saturday only (October – December 2018)



**Figure 2:** Spend in Bacchus Marsh, Sunday only (October – December 2018)

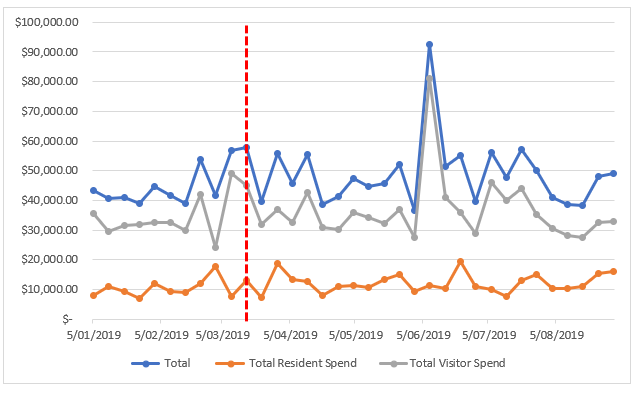


**Figure 3:** Spend in Bacchus Marsh for ‘Dining and Entertainment’ (October – December 2018)

The data for the Ballan Autumn Festival 2019 provides a different outcome. **Figure 4** shows that residents spent more during the event than the weekend prior or after (red line). Total visitor spend (green line) decreases from the week before. **Figure 5** demonstrates that the hospitality industry experienced a six-month high for total spend (blue line) on the event day.

The data suggests that the Ballan Autumn Festival has a stronger appeal to Shire residents than it does to visitors.

**Figure 4:** Spend in Ballan, Saturday only (October – December 2018)



**Figure 5:** Spend in Ballan for ‘Dining and Entertainment’ (January – August 2019)

**Conclusion**

Based on the assessment, the following is concluded:

 The Strawberries and Cherries Festival tends to attract visitors from outside the Shire.

 The Ballan Autumn Festival tends to attract local residents.

 Both events provide a social return on investment to the Shire.

 Hospitality businesses record significant increases in trade on event days.

 Both events act to showcase and promote the Shire’s village lifestyle with potential follow on impacts for residential and business growth.

Proposal

The proposal is for the Major Tourism Events grant to support the delivery of the Strawberries and Cherries Weekend and the Ballan Autumn Festival to be renewed for a period of three years. Council Officers will work with the Event organisers and volunteer groups to ensure safe and enjoyable events are delivered.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3B: Investment & Employment**

The proposal to renew the Major Tourism Events grants for a period of three years is consistent with the Council Plan 2017 – 2021.

Financial Implications

The grant of $25,000 per annum is budgeted as a recurrent item and there is no financial impact on future budgets.

Risk & Occupational Health & Safety Issues

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Grant is renewed. | Issuing the grant could be a major factor whether the groups proceed with planning and delivering the event as Council funding is relied upon. | High | Grant is renewed. |

Communications & Consultation Strategy

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| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Bacchus Marsh Tourism Association | Discussion on future event funding | Bacchus Marsh | 2020 | Combined understanding on future grant funding |
| Consult | Ballan Autumn Festival Association Inc. Committee | Discussion on future event funding | Ballan | 2020 | Combined understanding on future grant funding |

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 – Andy Waugh*

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

Conclusion

The Shire has two major events delivered by the Bacchus Marsh Tourism Association and the Ballan Autumn Festival Association Inc. Committee. Both events attract high levels of attendance and act in the role of marketing and promoting the Shire’s rural identity and providing an enjoyable and safe event. Both groups have received a Major Tourism Events grant for the past three years to assist in the delivery of their respective events. With the grant allocation now expired, an evaluation has been conducted of both events with a recommendation to renew the grant for a further period of three years.

Mrs. Hayley Bonnici addressed Council as a supporter to the recommendation for Item 12.2.

Mr. Daniel Bonnici addressed Council as a supporter to the recommendation for Item 12.2.

Mrs. Jodie Valpied addressed Council as a supporter to the recommendation for Item 12.2.

Mr. Shane Smith addressed Council as a supporter to the recommendation for Item 12.2.

Mrs. Margaret Hilli addressed Council as a supporter to the recommendation for Item 12.2.

Mr. Param Venkit addressed Council as a supporter to the recommendation for Item 12.2.

Mrs. Nataliya Thompson addressed Council as the applicant for Item 12.2.

12.2 PA2008258 - Eighth extension of time for the construction of five dwellings at 4A Rivergum Place Maddingley

**Author: Mark Lovell, Coordinator Statutory Planning**

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

**Attachments: Nil**

Application Summary

**Permit No: PA200258**

**Lodgement Date: 9 April, 2021**

**Planning Officer: Mark Lovell**

**Address of the land: 4A Rivergum Place, Maddingley. Formerly 6 Peelmans, Lane Maddingley, formerly 2/6 Peelmans Lane Maddingley, Formerly Lot 1 on PS5312402 then known as 2/6 Rivergum Place Maddingley**

**Proposal: Eighth extension of time**

**Lot size: 1206 sqm**

**Why is a permit required? An extension of time is required to the complete the development**

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| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council, having considered all matters as prescribed by the *Planning and Environment Act 1987,* issues a Refusal to extend the permit completion expiry date based on the following grounds:**  **1. The applicant has had adequate time to complete the development since commencement.**  **2. The applicant provided a written assurance not to apply for any further extensions of time in the previous extension of time approval.**  **3. The request for an eighth extension of time is beyond a reasonable amount of time since the issue of the permit 12 years ago and commencement of development four years ago.**  **Carried** | |
| Public Consultation | |
| Was the application advertised? | A request for an extension of time is not required to be advertised under Section 69 of the *Planning and Environment Act 1987*. |
| Notices on site: | No. |
| Notice in Moorabool Newspaper: | No. |
| Number of objections: | Nil. |
| Consultation meeting: | No consultation held. |

Policy Implications

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 3: Stimulating Economic Development**

**Context 3A: Land Use Planning**

The proposal is consistent with the Council Plan 2017 – 2021.

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 – Mark Lovell*

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

Executive Summary

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| Application referred? | No. |
| Any issues raised in referral responses? | Nil. |
| Preliminary concerns? | No. |
| Any discussions with applicant regarding concerns? | Nil. |
| Any changes made to the application since being lodged? | None. |
| Brief history. | The permit was issued after the issue of Notice of Decision on 29 September 2009 for the construction of five dwellings. One dwelling has completed with a Certificate of Occupancy. Four dwellings are in varying stages of construction |
| Previous applications for the site? | See History section. |
| General summary. | The applicant has taken some time to commence works and now to complete works. Only one of the five approved dwellings have been completed. The applicant in the last extension of time approval advised they would complete works within 12 months and advised in writing they would not apply for any further extensions of time. The applicant has not completed works and given the length of time that has lapsed, the application should be refused. |
| **Summary of Officer’s Recommendation** | |
| That, having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council issue a Refusal to extend the completion date for PA2008258 for the construction of five dwelling at 4A Rivergum Place, Maddingley | |

Site Description

The subject site was originally identified as Lot 1 on PS531240S, 2/6 Rivergum Place, Maddingley and has gone through a number of street address changes including Peelmans Lane Maddingley. It is currently known as 4A Rivergum Place, Maddingley. The site is rectangular in shape with a total area of 1,206sqm. The site is located at the end of Rivergum Place, access to the site is provided via a carriageway easement which has a width varying between 10.5m and 15.75m. The carriageway easement is located on the land occupying an existing dwelling at 4 Rivergum Place. The site is currently a construction site with only the rear eastern dwelling (Unit 5) completed.

Proposal

The applicant is seeking an extension of time to the completion date which expired on 29 March 2021. The original approval was issued on 29 September 2008 allowed for the construction of five dwellings.

A history of the requests for an extension of time are as follows:

First extension of time (E1)

The reasons given for the request were:

 Six month delay from Planning to endorse plans under Condition 1.

 Three month delay from water authority to connect water main.

 Above delays meant funding collapsed.

 New funding is linked to alteration to certification of subdivision application.

The extension of time request was approved under delegation on 27 October 2011.

The expiry conditions were extended to:

 Development commencement by 29 September 2013.

 Development completion by 29 September 2015.

Second extension of time (E2)

The reason given for the request was:

 Finance has only recently been approved.

The extension of time request was approved under delegation on 16 September 2013.

The expiry conditions were extended to:

 Development commencement by 29 September 2014.

 Development completion by 29 September 2016.

Third extension of time (E3)

The reason given for the request was:

 Finance has only recently been approved.

The extension of time request was approved under delegation on 5 December 2014.

The expiry conditions were extended to:

 Development commencement by 29 September 2015.

 Development completion by 29 September 2017.

Fourth extension of time (E4)

The reason given for the request was:

 Finance.

Officers recommended refusal of the extension of time request. Council determined at the Ordinary Meeting of Council held on 3 February 2016 to approve a further one year to the expiry dates.

The expiry conditions were extended to:

 Development commencement by 29 September 2016.

 Development completion by 29 September 2018.

Fifth extension of time (E5)

The reasons for the request was:

 All buildings are under construction, all base work completed.

The extension of time request was approved under delegation on 31 August 2018.

The expiry condition was extended to:

 The development is not completed by 29 September 2019.

Sixth extension of time (E6)

The reason given for the request was identical to E5 and applicant also advised

 Unit 5 nearing practical completion and base works complete on one to four.

The extension of time request was approved under delegation on 23 January 2020. Rather than a one year extension, it was reduced to six months only.

The expiry condition was extended to:

 The development is not completed by 29 March 2020.

Seventh extension of time (E7)

The reasons given for the request were detailed including a history of financial impediments/problems and the applicant provided a Certificate of Occupancy permit for Unit 5 confirming its completion.

In part, the reasons stated:

 The funder held funding for the remaining works until Moorabool issue a planning permit for the extension.

The extension of time request was approved under delegation on 12 May 2020 with a written assurance from the applicant which stated:

*‘I confirm it is my understanding that 12 month planning permit extension is being granted to complete the project at 4A Peelmans Lane Rivergum. Based on this understanding I confirm I will not make any further application for extension of time.’*

The expiry condition was extended to:

 The development is not completed by 29 March 2021.

Current eighth extension of time (E8)

The reason given for the request due to the events of last year (bushfire, Covid) the project has been interrupted in three significant ways:

 Manufacture of materials.

 Delivery of materials.

 Labour on site.

History

PA2017005 was issued on 19 July 2017 authorising a five lot subdivision.

Public Notice

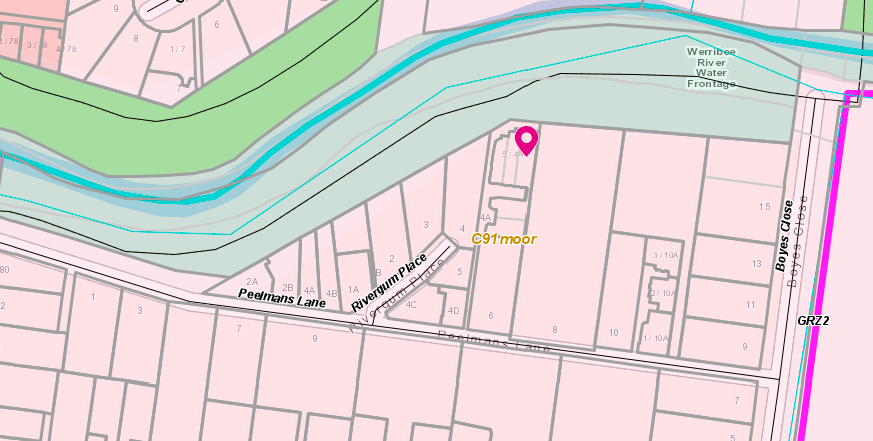
No public notification is required for an extension of time application.

Locality Map

The map below indicates the location of the subject site and the zoning of the surrounding area.



**Map 1:** Aerial photograph



**Map 2:** Zone Map

Planning Scheme Provisions

Assessment of Extension of time applications – Kantor test

There are no specific controls in the Planning Scheme relating to the assessment of an extension of time of a permit. However, there are some general guidelines or “tests” that can be applied to guide an assessment of an extension of time application. Such guidance was provided by His Honour Mr. Justice Ashley in considering a number of Tribunal decisions in *Kantor v. Murrindindi Shire Council 18* AATR 285 where His Honour stated that a Responsible Authority “may rightly consider” the following:

 Whether there had been change in planning policy.

 Whether the landowner is seeking to “warehouse” the permit.

 Intervening circumstances as bearing upon grant or refusal.

 The total elapse of time.

 Whether the time limit originally imposed was adequate.

 The economic burden imposed on the landowner by the permit.

 The probability of a permit issuing should a fresh application be made.

It is important to note that most of the above decisions do not necessarily provide clear direction on the “weighting” that should be applied to the various criteria and it is important that each proposal be assessed on the merits of the individual circumstances.

The Kantor tests are generally used by the Moorabool Shire Planning Department to assess extension of time applications.

Zone

The subject site is located within the General Residential Zone Schedule 2 (GRZ2).

**OVERLAYS**

The site is located within a Design & Development Overlay Schedule 6 (DDO6). Part 1 of DDO6 has the following design objectives:

 To encourage medium density residential development provided that such development respects and responds to the character of the neighbourhood.

 To encourage the development and subdivision of land which concentrates on the retention of the openness of the streetscapes, created by generous nature strips and spacious garden settings to the dwellings.

 To encourage the development of a built form character that responds to the existing site characteristics including creating appropriate interfaces with Boyes Close to the east and the Werribee River to the north.

 To ensure that the subdivision and development of land fronting the Werribee River includes provision for an access road and pedestrian path.

 To encourage new development which provides for and maintains a country town character.

 To ensure new residential development is oriented towards the Werribee River corridor and Boyes Close to promote public safety in the public and private realm.

 To ensure residential development abutting public frontages is appropriately set back to allow for canopy tree planting to maintain the country town character.

 To encourage retention and establishment of vegetation that contributes to the character of the precinct.

 To consider a variety of building heights across the precinct, to a maximum of 9m.

 To create a network of attractive public streets and walkways connecting through the existing network of the precinct which achieves efficient access for vehicular transport, pedestrians and cyclists. The preferred street layout should follow a modified grid pattern.

 To ensure that development is orientated to provide public frontages.

The site is also located within an Environmental Significance Overlay Schedule 2 (ES02)

Particular Provisions

No relevant provisions.

Discussion

Kantor tests

There have been extensive changes to the planning scheme since the original approval was issued in 2009. A DDO6 was introduced on 23 June 2016 under Amendment C51 to improve the design outcomes within Bacchus Marsh. Specially, DD06 seeksto encourage medium density residential development provided that such development respects and responds to the character of the neighbourhood. The current development may not comply with this current control.

The development has commenced, and a site inspection undertaken on 14 February 2017 confirmed completion of a concrete slab for the two southern units and plumbing/underground works through the site. The commencement took the applicant eight years since the issue of the planning permit. It would be reasonably expected the completion could be satisfied by 29 September 2018 as approved by Extension of Time 4.

The applicant has instead progressed the construction at a very slow rate and to extent that they are not building all five dwellings to the same construction phase which has resulted in completion of one dwelling only with a Certificate of Occupancy, two dwellings to the lock stage and two dwellings to the frame stage. Council has been generous over quite a long period of time to enable the applicant to complete works on site.

One of the Kantor tests is whether the time limit originally imposed was adequate. It would be considered since the construction has commenced in 2017 that two years would be reasonable for completion. Consideration must be given that during Extension of Time 7, the applicant confirmed they had completed one dwelling and requested a 12 months extension rather than the six months provided under Extension of Time 6, as this would be adequate time to complete the development. The applicant advised in writing they would not apply for any further extension of time. They were aware they would need to apply for a fresh planning permit if the permit expired on 29 March 2021 and be subject to the current planning controls which could result in additional requirements such as additional landscaping to comply with Schedule 2 of the General Residential Zone.

The applicant has submitted a works program showing that Unit 3 currently under construction will be the first to be completed in June 2021 and the remaining units will be completed in January 2022. This work program highlights that works are not advancing to an increased rate and the applicant is requiring an additional one year based on this timeline.

The common theme with the extension of time requests has been finance and this may be attributed to the applicant unable to start the five units together or complete all five units together. The extension of time approvals previously granted have been fair and reasonable and the applicant has reached a point where time has been adequate to complete works and no further extensions should be granted.

General Provisions

Clause 65 - Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - Stipulates all the relevant referral authorities to which the application must be referred.

Financial Implications

There are no financial implication in refusing this extension of time application.

Risk & Occupational Health & Safety Issues

The recommendation of refusal does not implicate any risk or OH&S issues to Council.

Communications Strategy

The application was not advertised in accordance with the *Planning & Environment Act 1987*, the applicant was invited to attend this meeting and invited to address Council if required.

Options

 Issue a refusal to extend the time limits in accordance with the recommendation of this report; or

 should Council wish to consider approving the extension of time request they need to explore justifications for the extension of time.

Conclusion

Council has been exceptionally generous over a long period of time in granting previous extension of time approvals to initially the commencement date and more recently to the completion dates.

The applicant advised in writing they would not apply for any further extension of time.

The proposal cannot be supported based on the well-established tests for an extension of time application. It is recommended that the extension of time request be refused.

13 Community Strengthening Reports

13.1 Disability Access and Inclusion Plan 2021-2024

**Author: Belinda Stewart, Manager Active Ageing & Diversity**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Moorabool Shire Council Disability Access and Inclusion Plan 2021-2024 (under separate cover)**

**2. Moorabool Disability Access and Inclusion Advisory Committee Terms of Reference (under separate cover)**

Purpose

To seek Council endorsement on the proposed Disability Access and Inclusion Plan 2021-2024 as attached.

Executive Summary

* Section 38 of the *Disability Act 2006* stipulates that a public sector body must have a Disability Action Plan (DAIP) in place.
* The DAIP was previously integrated within the Age Well, Live Well Strategy.
* A proposal was endorsed in 2019 to separate the DAIP from the Age Well, Live Well Strategy to ensure that planning specific to access and inclusion could be met.
* Key consultation and workshops with community members, internal and external stakeholders was undertaken in 2020 to develop the draft DAIP.
* The draft DAIP sets out Council’s strategy for improving equitable and dignified access to all of Council’s services, facilities, programs, communications, planning and employment processes.
* A Disability Access and Inclusion Advisory Committee is proposed to be established to monitor the implementation of the DAIP and provide reports to Council on its progress.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council:**   1. **Approves the Moorabool Disability Access and Inclusion Plan 2021–2024 provided as attachment 1 to this report.**   **2. Approves the Moorabool Disability Access and Inclusion Advisory Committee Terms of Reference proved as attachment 2 to this report.**  **Carried** |

Background

Moorabool Shire Council’s previous ‘Age Well Live Well & Disability Access and Inclusion Plan 2019–2022’ was an integrated Plan that set out Council’s goals to meet the needs of older residents and people living with a disability together. A decision to remove the disability components from that Plan was made in November 2019 to separate the plans to enable disability issues to be prioritised on their own.

This draft DAIP 2021–2024 sets a new commitment to improvements that will contribute to a number of positive outcomes for the greater inclusion of people with a disability into the future.

The draft DAIP brings together the successes of work undertaken through previous plans and links with other related corporate plans, policies and strategies, whilst setting future actions and strategies aimed at progressing accessibility and inclusion across Moorabool.

The draft DAIP has been developed through community, internal and external stakeholder consultation. Through the consultation processes undertaken in 2020, a number of key themes and priorities emerged. These themes highlighted four key leadership roles for Council as a **planner**, **provider** of services, **advocate** and **partner** within the community. These roles will enable Council to make an enormous contribution in protecting the rights of people living with a disability.

The consultation process also identified four objectives as follows:

1. **Services, Places and Spaces** – We will aim to ensure all Council services, programs and infrastructure facilities are accessible to people with a disability.

2. **Employment** – We will aim to improve employment opportunities for people with a disability within Council.

3. **Community Inclusion** – We will aim to provide opportunities for people with a disability to participate in events, meetings or celebrations, feel valued and included in the community.

4. **Council Leadership and Advocacy** – We will aim to ensure that all corporate, strategic planning and communications actively help achieve tangible changes in attitudes and practices which discriminate against people with a disability.

In identifying and removing barriers that people with a disability face, Council will act within the strategic frameworks that exist to support access for people with disabilities at Global, National and State levels. This framework will be embedded within Council’s legislative and policy commitments for a ‘Whole of Council’ approach.

Common access barriers to inclusion include inaccessible communication, employment, transport, community attitudes, service capacity, affordability and the built environment. Inclusion is a fundamental human right for everyone.

Removing barriers and improving access for people with a disability will have additional benefits for others within the community, as it ensures access for all, including:

 Parents with prams;

 Older people with mobility aids;

 People with injuries;

 People with temporary disabilities;

 People with mental health issues; and

 Children walking or riding to school.

To effectively manage and monitor the implementation and progress of the DAIP, a Disability Access and Inclusion Advisory Committee is to be established as a Council endorsed Committee which will provide bi-annual reports to Council on its progress.

Proposal

It is proposed that the draft DAIP be endorsed by Council to enable the Plan to be launched to the community, with a Disability Access and Inclusion Advisory Committee to be established to monitor the implementation and progress of the Plan.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 4: Improve Social Outcomes**

**Context 4B: Community Connectedness and Capacity**

The proposal to endorse the draft DAIP and the establishment of a Disability Access and Inclusion Advisory Committee is consistent with the Council Plan 2017–2021.

Financial Implications

All proposed plans and actions are to be included within the individual Department budget.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Reputational | Impacts to Council’s reputation in failing to appropriately deliver on the DAIP. | Medium | Close supervision. |

Communications & Consultation Strategy

| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| --- | --- | --- | --- | --- | --- |
| Consult | Community Members | Online consultation with community members. | Online | May 2020 | Feedback was provided by community members to determine key priorities. |
| Engage | Internal and External Stakeholders | Virtual sessions were held with internal and external stakeholders to discuss community feedback and determine future priorities. | Online | September to October 2020 | Feedback was provided to stakeholders to determine the future key priorities. |
| Launch | Community members and community organisations | Launch of the new DAIP. | Online / small community event pending COVID restrictions | To be determined | Provide a virtual or small community event to launch the new DAIP/ |

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 – Sally Jones*

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

*Author – Belinda Stewart*

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

Conclusion

The DAIP 2021–2024 will provide clear strategies and directions to be implemented to ensure that Council shows leadership and advocacy in removing barriers to access and inclusion in the community. The DAIP will also continue to improve and monitor a range of community services and facilities in partnership with the community and other agencies to promote wellbeing, safety, social independence and inclusion in the community. Apart from the usual physical aspects of accessibility, great change can occur by thinking differently about how people living with a disability can be included in all aspects of community life. The DAIP aims to prompt and guide such thinking to create a more inclusive community.

14 Customer Care and Advocacy Reports

14.1 Proposed realignment of locality boundary between Bacchus Marsh and Pentland Hills

**Author: Tim Warfe, GIS Officer**

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

**Attachments: Nil**

Purpose

The purpose of this report is to present Council with a proposal to realign the locality boundaries between Bacchus March and Pentland Hills to meet the needs of Australia Post and Emergency Services Victoria.

Executive Summary

 Council is requested to approve the consultation process as outlined in this report

 Consultation will ascertain support to realign the locality boundaries between Bacchus Marsh and Pentland Hills

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  **That Council approves the commencement of the consultation process with all stakeholders affected by the proposed realignment of the locality boundaries between Bacchus Marsh and Pentland Hills.**  **Carried** |

Background

There has been a request from Australia Post to review the current locality boundary alignment between Pentland Hills and the west boundary of Bacchus Marsh to increase the size of the Bacchus Marsh Locality. This will enable Australia Post to better align postcodes for proposed mail delivery services.  Furthermore, potential issues for emergency services have also been raised as this area of Pentland Hills can only be accessed from Bacchus Marsh and not from the freeway turnoff for Pentland Hills.

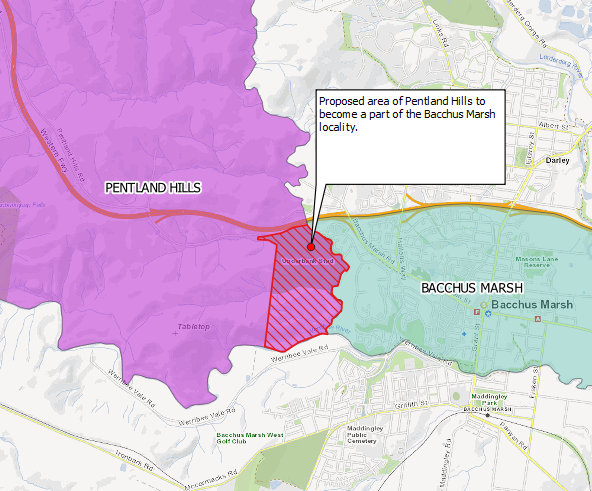
The land to the west of Korkuperrimul Creek is currently known as Pentland Hills, and the land to the east of the creek is known as Bacchus Marsh. The proposed boundary would follow the boundary of the current General Residential Planning Zone (GRZ2) to the west.

It is expected that the Underbank Estate development will provide approximately 1200 new home lots in the near future.

Proposal

To realign the Bacchus Marsh and Pentland Hills locality boundary as shown in Figure 1, Council will need to consult with the ratepayers and surrounding community as per the requirements set out by the Geographic Names Victoria guidelines.

Figure 1



The proposed consultation will include direct letters to the property developer and affected property owner/s. An invitation for submissions will also go out to the wider Moorabool community via print and digital media.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 3A: Land Use Planning**

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by utilising existing resources.

Financial Implications

The financial implications associated with this report can be managed within the current year’s budget allocations.

Risk & Occupational Health & Safety Issues

There are potential risks associated with public safety due to emergency services not being able to access the proposed Underbank Estate via the Pentland Hills freeway exit ramp. Timely and accurate mail delivery may also be an issue.

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Property Developer | Direct Mail | N/A | 31 May 2021 | To ascertain support for the proposed realignment |
| Consult | Affected property owner/s | Direct Mail | N/A | 31 May 2021 | To ascertain support for the proposed realignment |
| Submission process | General community | Call for written submissions over a 28 day period | N/A | 31 May 2021 | To ascertain community support for the proposed realignment |

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 – Tim Warfe*

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

Conclusion

The consultation process as recommended in this report will identify whether the proposed boundary realignment is supported by the relevant stakeholders and the greater Moorabool community. On conclusion of the consultation process, a further report will be presented to Council.

14.2 Advisory Committees of Council - Reports

**Author: Anthony Smith, Manager Governance, Risk and Corporate Planning**

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

**Attachments: 1. Minutes - Local Business Advisory Committee - 9 February 2021 (under separate cover)**

**2. Minutes - Heritage Advisory Committee - 17 February 2021 (under separate cover)**

**Purpose**

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

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

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

**Executive Summary**

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

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representatives |
| Local Business Advisory Committee | 9 February 2021 | Cr. Tatchell, Cr. Dudzik |
| Heritage Advisory Committee Meeting | 17 February 2021 | Cr. Tatchell |

|  |
| --- |
| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr David Edwards  **That Council receives the following Advisory Committee reports:**  **1. Local Business Advisory Committee Meeting Minutes 9 February 2021**  **2. Heritage Advisory Committee Meeting Minutes 17 February 2021**  **Carried** |

14.3 2017-2021 Council Plan Third Quarter Progress for January - March 2021

**Author: Anthony Smith, Manager Governance, Risk and Corporate Planning**

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

**Attachments: 1. Council Plan Actions Progress Report - Quarter 3 - January - March 2021 (under separate cover)**

Purpose

The 2017 – 2021 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.

Executive Summary

 Overall, there are 47 actions to be achieved this financial year.

 Progress is being made on a majority of the actions of the 2017 - 2021 Council Plan.

|  |
| --- |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  **That Council receives the 2017-2021 Moorabool Shire Council Plan – Third Quarter Progress Report for the period January - March 2021.**  **Carried** |

Background

The Four Strategic Objectives outlined in the Council Plan and that guide new initiatives and continuing services are:

1. Providing Good Governance and Leadership

2. Minimising Environmental Impact

3. Stimulating Economic Development

4. Improving Social Outcomes

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

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 third quarter progress performance against the actions set for the   
2020/21 financial year.

Proposal

The 2017 – 2021 Moorabool Shire Council Plan – Third Quarter Progress Report January – March 2021 is provided as **Attachment 1** to this report.

Overall, there are 47 actions to be achieved this financial year.

Of these actions for the third quarter period, 32 actions have reached 90% or greater of their target for the period, 10 actions have achieved between 60% and 90% of their target and 5 actions are at less than 60% of their target.

The following table summarises the status of those actions set to be achieved in the 2020/21 financial year:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Strategic Objective** | **Completed** | **In Progress** | **Deferred** | **Not Started** | **Total** |
| Providing Good Governance and Leadership | 6 | 12 | - | - | 18 |
| Minimising Environmental Impact | - | 7 | - | - | 7 |
| Stimulating Economic Development | 1 | 8 | - | - | 9 |
| Improving Social Outcomes | - | 11 | - | 2 | 13 |
| Totals | 7 | 38 | 0 | 2 | 47 |

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications from this report.

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, nevertheless this report will be displayed on Council’s website and the annual 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 – Anthony Smith*

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

Conclusion

Overall, there are 47 actions being reported on for 2020/21. Progress is being made on a majority of the actions of the Council Plan for the third quarter of the 2020/21 financial year.

14.4 Procurement Policy Review

**Author: Jacinta Erdody, Co-ordinator Revenue and Procurement**

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

**Attachments: 1. Procurement Policy (under separate cover)**

Purpose

The *Local Government Act 1989* requires Council to formally review and adopt a Procurement Policy in accordance with Section 186A on annual basis. With the new *Local Government Act 2020* having a phased implementation, the procurement policy provisions do not come into effect until 31 December 2021. In order to remain compliant with the existing legislative framework, Officers are seeking formal adoption of the existing policy for a further six months whilst provisions of the new framework are reviewed in line with the *Local Government Act 2020*.

Executive Summary

 The existing LGA requires an annual review of Council’s Procurement Policy

o Existing Policy expires 30 June 2021

o New LGA framework for Procurement comes into effect 1 January 2022

o Seeking extension of existing policy until 31 December 2021

|  |
| --- |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr David Edwards  **That Council adopts the Procurement Policy as provided as Attachment 1 to this report.**  **Carried** |

Background

The new *Local Government Act 2020* does not come into effect until 31 December 2021 which means that until this time, Council needs to continue to adhere to the provisions of the existing LGA.

Proposal

That the current Procurement Policy be adopted for a further six months. In the new financial year, a review of the existing Procurement Policy is expected to commence and is currently scheduled for consideration at the October 2021 Ordinary Council Meeting.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal to adopt our existing Procurement Policy for a further six months is consistent with the Council Plan 2017 – 2021.

Financial Implications

The review and adoption of the existing Procurement Policy for a further six months does not pose any known financial implications.

Risk & Occupational Health & Safety Issues

The proposal to adopt the current Procurement Policy for a further six months will ensure that Council is fully compliant with the *Local Government Act 1989* up until the transitional date of 31 December 2021. It effectively eliminates the risk of non-compliance with outgoing LGA 1989 during the transitional period.

Communications & Consultation Strategy

There will be no significant communication and consultation proposed as part of this proposal. A more extensive consultation and communication strategy will be undertaken as part of the development of the new Procurement Policy in the coming financial year.

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 – Jacinta Erdody*

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

Conclusion

That the existing Procurement Policy be adopted for a further six months whilst a thorough review of the Procurement Policy is conducted in accordance with the new legislative framework.

14.5 March 2021 Quarterly Financial Report

**Author: Aaron Light, Senior Accountant**

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

**Attachments: 1. Quarterly Report - March 2021 (under separate cover)**

Purpose

The purpose of this report is to inform Council of the financial performance for the third quarter ending 31 March 2021, in accordance with Section 97 of the *Local Government Act 2020*.

Executive Summary

The Quarterly Report provided in Attachment 1 outlines the year to date financial position of Council for the period from 1 July 2020 to 31 March 2021 and officer’s assessment of current end of financial year forecast projections compared to the Adopted 2020/21 Budget (with approved carryover projects).

Financial performance to 31 March 2021

The year to date underlying surplus is $0.608m favourable compared to budget. This is mainly due to new grant received since the adoption of the budget and also timing issues with payments to contractors for various Council services, and the completion of one-off projects.

Year to date capital expenditure totals $13.774m which is lower than year to date budget. Several capital projects have been delayed for varying reasons and it is expected that some projects will have works carried over into the 2021/22 financial year.

Forecast results

Council’s underlying operating result is a forecast deficit of approximately $1.202m. This is $1.245m unfavourable compared to the Amended Budget, and $0.200m unfavourable to the result presented in the December Quarterly Report as part of the Mid-Year Budget Review.

Current forecast capital expenditure for the year is $26.213m compared to the Amended Budget of $40.152m. As at the end of March, there are a number of multi-year major projects that are expected to have works carried over into the 2021/22 financial year. The total estimated carry over for the Capital Improvement Program is $18.443m.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr David Edwards  **That Council receives the Quarterly Financial Report – March 2021.**  **Carried** |

Background

The attached Quarterly Financial Report provides an analysis of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with explanation to key variances.





Financial performance to 31 March 2021

*Income Statement*

The main changes within the Income Statement are as follows:

 Operating Income - $0.165 m favourable

o Favourable in Grants - operating ($0.873m) mainly due to new funding received since the adoption of the budget. This is offset by a decline in User fees ($0.637m) primarily due to COVID-19 restrictions.

 Operating Expenses - $0.443 m favourable

o Favourable in Materials and services ($0.592m). This is mainly due to the timing of payments made to contractors relating to various Council services and grant funded one-off projects and new initiatives.

*Balance Sheet and Cashflow Statement*

The Balance Sheet reflects Council’s financial position as at 31 March 2021 and is prepared in accordance with Australian Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council is showing a cash position of $28.244m, which is $4.003m more than the year to date Amended Budget.

The Balance Sheet continues to show a strong net position. This is represented by $636.182m of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are $29.560m, which results in net assets of $606.622m.

*Capital Improvement Program (CIP)*

Total capital expenditure at the end of March 2021 is $13.774m, which is $5.117m less than the year-to-date budget. This is mainly due to timing variances with Road, Building and Recreational project works, including Bacchus Marsh Racecourse and Recreation Reserve. A number of major multi-year projects are expected to be completed next financial year.

*Pandemic Recovery Fund disbursement update*

Council set aside $0.630m to help our community recover from the impact of the COVID-19 Pandemic. So far, funding has been disbursement totalling $0.125m, which has helped support 198 small businesses, community groups and non-for-profit organisations, ranging from food premises, health premises, and street-trader permit fee waivers, to rent and outgoing relief on rental of Council buildings.

Forecast results

Below is a summary of key matters identified through officer’s review of the first nine month of the 2020/21 financial year.

*Operating Budget*

1. Favourable forecast variances:

(a) Grants - operating is forecast to be $0.889m greater than budget due to new funding received since the adoption of the budget. This includes Community Activation and Social Isolation Initiatives, Outdoor Eating and Entertainment, and additional Maternal and Child Health funding.

(b) Other income is forecast to be $0.259m greater than budget due to unbudgeted Job Keeper payments for trainees, and additional cost recoveries from Workcover.

2. Unfavourable forecast variances:

(a) User fees are forecast to be $0.768m less than budget mainly due to the impact of COVID-19 restrictions on service delivery. This includes restrictions on the operation of leisure facilities, Home and Community Care, and Childcare services. In addition, there were reductions in patronage to the Bacchus Marsh Transfer Station, and a decline in Statutory Building fees.

(b) Interest income is forecast to be $0.183m less than budget due to lower investment interest rates and the waiver for eligible COVID-19 impacted rates debtors.

(c) Material and services are forecast to be $1.399m more than budget mainly due to the Pandemic Recovery Fund, COVID-19 related response expenses, and additional legal and consultancy costs in Major Developments (Strategic Planning).

*Capital Budget*

The 2020/21 Capital Improvement Program (CIP) included over 110 projects including 2019/20 carried over projects with a total program value around $40.152m. The current forecast spend as at 30 June 2021 is $26.213m, which includes estimates for carry overs and new funding received.

Officer’s review of the current CIP has identified a number of projects (including multi-year projects) that will be carried over into the 2021/22 Financial year, with a value around $18.443m. Included in this figure are estimates for major projects such as Darley Park Pavilion ($3.540m), Ballan Recreation Reserve Pavilion ($3.176m), Bacchus Marsh Indoor Recreation Facility ($3.093m), and Ballan Depot Relocation ($1.495m).

There were also a range of new capital grants confirmed from State and Federal Governments in the first half of 2020/21 financial year to support local roads, bridges, and community facilities. Although payments of grants will be based on grant agreements, Council may not receive all payments by 30 June 2021. Key new grants confirmed are Local Roads and Community Infrastructure Program (Round 2), Heavy Vehicle Safety and Productivity Program, Bridges Renewal Program, and AgriLinks (Old Melbourne Road, Millbrook).

The forecast position for both Operating and Capital budgets will continue to be actively monitored and managed throughout the remainder of 2020/21 financial year.

Proposal

That Council receives the Quarterly Financial Report – March 2021.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal to adopt the Quarterly Report – March 2021 is consistent with the Council Plan 2017 - 2021.

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 5 May 2021, and to the Audit and Risk Committee meeting.

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*, officer’s 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.

*Manager – Steve Ivelja*

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

Conclusion

Whilst the impact of COVID-19 will have an impact on the current year budget, Councils overall financial position at the end of March 2021 is considered sound.

14.6 Consideration of the Proposed 2021/22 Annual Budget

**Author: Aaron Light, Senior Accountant**

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

**Attachments: 1. 2021/22 Proposed Budget (under separate cover)**

Purpose

This report relates to the commencement of the process for Council to adopt the 2021/22 Annual Budget, in accordance with the requirements of the *Local Government Act 2020*.

The proposed budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a four-year Strategic Financial Plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

Executive Summary

This report highlights the important points for consideration in the 2021/22 budget. These include:

 Proposed Loan Borrowings and Loan Redemption;

 Proposed Rate Increase;

 Proposed Changes to Annual Waste Service Charges;

 28 Day Public Consultation Period.

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Tonia Dudzik  **That Council:**  **1. In accordance with section 94 of the *Local Government Act 2020*, place the Draft 2021/22 Annual Budget on public exhibition.**  **2. Authorise the Chief Executive Officer to give public notice and make available for public inspection the Draft 2021/22 Budget.**  **3. Invite submissions under section 223 of the *Local Government Act 1989* on any proposal contained in the proposed Annual Budget 2021/22 and allows 28 days for submissions to be made by members of the public (in the prescribed manner).**  **4. Considers any submissions at the Special Meeting of Council to be held on Wednesday 16 June 2021, at a venue to be determined; and**  **5. Endorses, subject to changes to the proposed Annual Budget 2021/22 after consideration of all submissions, to notify and place on public notice its intention to adopt the 2021/22 Annual Budget on Wednesday 30 June 2021 at the Special Meeting of Council, at a venue to be determined.**  **Carried** |

Background

This report relates to the commencement of the process for Council to adopt the 2021/22 Annual Budget, in accordance with the requirements of the *Local Government Act 2020*.

The proposed budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a four-year Strategic Financial Plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

The proposed rate increase is 1.5 per cent, in line with the order by the Minister for Local Government under the Fair Go Rates System. Council resolved to not apply for a rate cap variation for the 2021/22 year and is very aware of cost pressures on individuals and businesses.

The rate increase is to fund the Capital Improvement Program, New Initiatives, service growth and Council operations. The budget document appended to this report (Appendix A) provides detailed information with regard to the major impacts for 2021/22. It also provides details with regard to Council’s financial management principles to ensure a financially sustainable future.

Proposal

 Total income of $83.754 million;

 Total expenses of $58.358 million.

In addition to the planned delivery of recurrent services, the 2021/22 Annual Budget is proposing to fund a number of New Initiatives. Some of these being:

 Increase of Civil Infrastructure Maintenance Budgets ($0.085 million net cost);

 Bungaree and Wallace Structure Plans ($0.070 million net cost);

 Develop a Service Planning Framework ($0.070 million net cost);

 Management of Gifted Reserves ($0.050 million net cost);

 Implementation of key recommendations of Arts & Culture Strategy ($0.030 million net cost);

 Implementation of Female Friendly Facilities Strategy ($0.030 million net cost);

 New Municipal Early Years Plan and Youth Strategy ($0.030 million net cost);

 10,000 Plants Program ($0.025 million net cost);

 Roadside Vegetation Mapping ($0.015 million net cost).

In total, Council will invest $0.986 million in new service initiatives across service areas. The investment in New Initiatives of $0.986 million will be delivered whilst at the same time achieving minimal growth in overall expenditure and ensuring a sustainable operating budget surplus.

Capital Projects

Council’s Capital Works program maintains a mix between the need to maintain existing infrastructure and build new assets to meet community expectations. Included in the 2021/22 budget is $58.276 million (includes $18.443 million in estimated carry overs from 2020/21) in funds set aside for the delivery of the Capital Improvement Program. Some of the projects proposed as part of the 2021/22 Capital Program include;

 Bacchus Marsh Indoor Recreation Facility ($12.950 million);

 Bacchus Marsh Racecourse and Recreation Reserve - Stage 2 ($4.300 million);

 West Maddingley Early Years Facility ($2.250 million);

 Bacchus Marsh Bowls Club Pavilion and Bowling Green ($2.000 million);

 Old Melbourne Road, Millbrook - Rehabilitation & Widening ($0.826 million);

 Old Geelong Road, Ballan - Rehabilitation ($0.612 million);

 Yendon-Egerton Road, Millbrook - Culvert renewal ($0.609 million);

 Darley Civic and Community Hub - Building renewal ($0.609 million);

 Ballan-Meredith Road, Mount Wallace - Rehabilitation ($0.489 million).

Waste Service Charges

The Waste Management Service Charge will increase from $82.00 to $85.00 and the overall Waste Collection Charge will reduce from $209.00 to $205.00. The State Landfill Levy will increase from $40.00 to $53.00, and the optional Kerbside Green Waste service will decrease from $78.00 to $77.00 for 2021/22.

The cost to Council of delivering waste collection services to the community has been materially impacted by significant increases in recent years to the disposal cost for recyclables, and the Victorian State Government proposal to increase the State Landfill Levy from $65.90 per tonne in 2020/21 to $105.90 per tonne for 2021/22.

Loan Funding

The 2021/22 budget includes new borrowings of $12.778 million (includes $3.728 million of deferred borrowings from 2020/21) which will be used to help fund the 2021/22 CIP Program.

The 2021/22 budget also includes loan principle repayments of $6.021 million.

Cash Management

Overall, total cash and investments of $27.745 million are forecast as at 30 June 2022.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal Consideration of the Proposed 2021/22 Annual Budget is consistent with the Council Plan 2017 – 2021.

Financial Implications

The 2021/22 Budget contains details of the financial resources required to deliver the Council Plan.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

Subject to Council endorsing the Proposed 2021/22 Budget, an advertisement will be placed in local newspapers. The process includes giving public notice to allow 28 days for submissions to be made by members of the public and such submissions will be heard prior to Council adopting the 2021/22 Annual Budget.

Copies of the Proposed 2021/22 Annual Budget can also be viewed on Council’s website: [www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au) with physical copies mailed out on request.

Residents are invited to make submissions in relation to the Proposed 2021/22 Annual Budget until 5.00pm on Tuesday 8 June, 2021.

Feedback should be made in writing and be addressed to:

The Chief Executive Officer

Budget Submission

Moorabool Shire Council

PO Box 18

Ballan VIC 3342

Alternatively, submissions can be emailed to [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au) or submitted online at [haveyoursaymoorabool.com.au](http://www.haveyoursaymoorabool.com.au)

Any person requesting that he or she be heard in support of a submission is entitled to appear before the Special Meeting of Council either personally or by a person acting on his or her behalf. Any person who wishes to be heard in support of a submission should indicate this request in their written submission. A meeting to hear submissions is scheduled to occur on Wednesday 16 June 2021, at a venue to be determined.

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 – Aaron Light*

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

Conclusion

The Proposed Budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2021/22 financial year and beyond.

14.7 Draft Revenue & Rating Plan

**Author: Adrian Pawar, Project Accountant**

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

**Attachments: 1. Draft Revenue and Rating Plan 2021-2025 (under separate cover)**

Purpose

The draft Revenue and Rating Plan (Plan) establishes the revenue raising framework within which Council proposes to raise revenue.  The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Moorabool Shire Council which in conjunction with other income sources, will adequately finance the objectives in the Council Plan.

Executive Summary

* The new *Local Government Act 2020* (that is more principles based and less prescriptive in nature), mandates for Council to have a Revenue and Rating Plan (R&RP) that covers four financial years.
* The Plan embodies a comprehensive view, the rational, objectives and core strategies that Council uses to raise its revenue purse through its rating option model, fees and charges, grants, contributions, interest income and borrowing strategy.
* The Plan will form part of Council’s strategic framework to support understanding of medium to long term implication on resource allocation and Council’s financial performance.

|  |
| --- |
| **Resolution**  **Moved:** Cr David Edwards  **Seconded:** Cr Tonia Dudzik  **That Council:**   1. **Approves the draft 2021-2025 Revenue and Rating Plan.**   **2. Authorises the Chief Executive Officer to give public notice in accordance with 223 of the *Local Government Act 1989* of Council’s intention to adopt, at a Special Council meeting proposed to be held at 6:00pm on 30 June 2021, the 2021-2025 Revenue and Rating Plan presented to this meeting.**  **3. Notes that any person who makes a written submission in relation to the draft 2021-2025 Revenue and Rating Plan and requests to be heard in support of the written submission, be heard at the Special Meeting of Council to be held in the Pavilion Room, Darley Civic and Community Hub on 16 June 2021.**  **4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the *Local Government Act 1989*.**  **Carried** |

Background

The *Local Government Act 2020* requires each Council to prepare a Revenue and Rating Plan to cover a minimum period of four years following each Council election.

This Plan is an important part of Moorabool Shire Council’s integrated planning framework, which will support the achievement of the Community Vision and the Council Plan.

Strategies outlined in this Plan must align with the objectives contained in the Council Plan and will feed into our budgeting and long-term financial planning documents, as well as other strategic planning documents under our Council’s strategic planning framework.

Proposal

This Plan will explain how Council calculates the revenue needed to fund its activities and how the funding burden will be apportioned between ratepayers and other users of Council’s facilities and services.

The Plan sets out decisions that Council has made in relation to its currently adopted Rating Strategy to ensure the fair and equitable distribution of rates across property owners including methodology and principles relating to non-rate revenue including user fees and charges, government grants, developer contributions and all other Council income sources.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1C: Our Business and Systems**

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by utilising existing resources.

Financial Implications

There are no immediate financial implications envisaged that will impede or put pressure on the 2021-2022 budgeting process. In future years, as Council progressively refines its Revenue and Rating Plan, the document will inform the development of future years budgets and the 10-year financial plan.

Risk & Occupational Health & Safety Issues

The Revenue and Rating Plan is a new requirement as part of the *Local Government Act 2020* and is required to be adopted by 30 June 2021. The draft Revenue and Rating Plan seeks to ensure legislative compliance and reduce the risk of non-compliance with the *Local Government Act 2020*.

Communications & Consultation Strategy

The Revenue and Rating Plan is closely aligned with the Draft Budget 2021/22. As such, it is recommended that the Draft Rating and Revenue Plan be endorsed for public comment at the same time that the Draft Budget 2021/22 is released for public consultation. Whilst deliberative community engagement is not prescribed for the Rating and Revenue Plan in the *Local Government Act 2020*, some level of engagement and input from the community may be seen as desirable.

In future years, as Council further refines and develops its Revenue and Rating Plan, more detailed community engagement will be undertaken.

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 – Adrian Pawar*

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

Conclusion

The Revenue and Rating Plan is a new legislative requirement under the *Local Government Act 2020*. It builds on Council’s existing Municipal Rating Strategy and establishes the revenue raising framework within which Council proposes to raise revenue. The Plan forms an important component of the Integrated Strategic Planning Framework.

14.8 Endorsement of the Community Vision 2030 for Public Exhibition and Feedback and Endorsement of the Proposed Council Plan 2021 - 2025 for Community Consultation

**Author: Tom Laurie, Manager Communications, Advocacy & Government Relations**

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

**Attachments: 1. Community Vision 2030 (under separate cover)**

**2. Council Plan 2021-2025 (under separate cover)**

Purpose

The purpose of this report is for Council to consider endorsing the Community Vision 2030 (Community Vision) for public exhibition and feedback and endorsing the proposed Council Plan 2021 – 2025 (Council Plan) for community consultation.

Executive Summary

 Council ran a deliberative engagement program between December 2020 and March 2021 to identify the opinions and expectations of our community for the next ten years. In order to gain a wide range of insights during the interactive workshops, Council established a Community Reference Group that reflected the diverse groups within our municipality.

 The insights gained during the deliberative engagement workshops helped Council shape the Community Vision 2030 whilst providing the medium to long-term direction of how the community sees the municipality in ten years’ time.

 The development of the proposed Council Plan 2021 – 2025 has been informed by the Community Vision 2030 and contains the measures required to deliver the strategic objectives during the next four years.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council:**  **1. In accordance with Section 88 of the *Local Government Act 2020*, endorses the Community Vision 2030 for public exhibition and feedback.**  **2. In accordance with Section 90 of the *Local Government Act 2020*, endorses the proposed Council Plan 2021 – 2025, shown as Attachment 2 for community consultation.**  **3. Authorises the Chief Executive Officer to give public notice of the proposed Council Plan 2021 – 2025 and invite submissions between Tuesday 11 May 2021 to Tuesday 8 June 2021.**  **4. Resolves to hear submissions (if required) on Wednesday 16 June 2021 at a Committee of Council Meeting to be held in the Pavilion Room, Darley Civic & Community Hub commencing at 5.00pm.**  **5. Resolves to notify and place on public notice its intention to adopt the Council Plan 2021 – 2025 on Wednesday 30 June 2021 at a Special Meeting of Council to be held in the Council Chambers, 15 Stead Street, Ballan commencing at 6.00pm.**  **Carried** |

Background

In developing the Community Vision and the proposed Council Plan, Council has a number of statutory requirements to be undertaken. Section 88 of *Local Government Act 2020* relates to the Community Vision and states:

1. A Council must maintain a Community Vision that is developed with its municipal community in accordance with its deliberative engagement practices.

2. The scope of the Community Vision is a period of at least the next ten financial years.

3. A Community Vision must describe the municipal community's aspirations for the future of the municipality.

4. A Council must develop or review the Community Vision in accordance with its deliberative engagement practices and adopt the Community Vision by 31 October in the year following a general election.

5. The Community Vision adopted under subsection (4) has effect from 1 July in the year following a general election.

Sections 89 & 90 of the *Local Government Act 2020* relate to the Strategic Planning Principles and the Council Plan and states that:

**Strategic planning principles**

1. A Council must undertake the preparation of its Council Plan and other strategic plans in accordance with the strategic planning principles.

2. The following are the strategic planning principles:

(a) an integrated approach to planning, monitoring and performance reporting is to be adopted;

(b) strategic planning must address the Community Vision;

(c) strategic planning must consider the resources needed for effective implementation;

(d) strategic planning must identify and address the risks to effective implementation;

(e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

**Council Plan**

1. A Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election in accordance with its deliberative engagement practices.

2. A Council Plan must include the following:

(a) the strategic direction of the Council;

(b) strategic objectives for achieving the strategic direction;

(c) strategies for achieving the objectives for a period of at least the next four financial years;

(d) strategic indicators for monitoring the achievement of the objectives;

(e) a description of the Council's initiatives and priorities for services, infrastructure and amenity;

(f) any other matters prescribed by the regulations.

3. A Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.

4. The Council Plan adopted under subsection (3) has effect from 1 July in the year following a general election.

Proposal

The proposed Council Plan supports the achievement of the Community Vision through strategic objectives and measurable actions over the next four years.

The *Local Government Act 2020* requires Councils to take an integrated approach to strategic planning and reporting. This new approach recognises that planning must be holistic and driven by the community. It ensures we share a clear vision to guide collaborative working, partnerships and advocacy opportunities. It helps Council build accountability and demonstrate value back to the community on an annual basis.

We engaged the community to ensure that the statistical information about our community and business profiles was up to date. Further to this, we considered the challenges and external forces that Council faces when delivering the proposed strategic objectives over the next four years.

**COMMUNITY VISION 2030**

The development of the proposed Council Plan is informed by the insights from the Community Vision. Comprehensive community consultation that reflects the diversity of the municipality was undertaken in December 2020 and March 2021. Council has undertaken extensive deliberative community engagement through a series of activities such as an online survey, phone interviews, consultation with schools and virtual workshops. More than 450 people participated in the community engagement activities.

This process has assisted Council to understand and appreciate the matters that are important to our community: their concerns, aspirations and expectations over the next ten years. As a result of the engagement program we have identified five key themes and constructed a Vision Statement that is realistic and inclusive.

**Key themes:** Maintaining our rural charm, connected communities, well-planned neighbourhoods, embracing sustainability and a strong local economy.

**Our 2030 Community Vision Statement:** “We embrace our natural environment and lifestyle options to create an inspiring place for everyone to live, work and play.”

**COUNCIL PLAN STRATEGIC OBJECTIVES**

The Council Plan 2021 – 2025 as proposed, promotes the purpose, values and strategic directions of Council through to 2025. The Council Plan contains three strategic objectives:

1. Healthy, inclusive and connected communities;​

2. ​Liveable and thriving environments;

3. A Council that listens and adapts to the needs of our evolving communities.

The proposed Council Plan sets out the actions and activities that will be used to achieve five priorities for each strategic objective. We will measure our performance against each objective through specific Council indicators. We will also monitor certain measures which fall outside of the control of Council, but influence Council’s performance against its strategic objectives.

Financial Implications

The proposed Council Plan informs Council’s annual budget planning processes. Funding for the implementation of activities proposed in the draft Council Plan will be provided for in the Annual Budget on an annual basis.

The Strategic Resource Plan will be incorporated into the Council Plan 2021 – 2025 following the community consultation on the proposed Budget 2021/22 and formal adoption by Council in June 2021.

Risk & Occupational Health & Safety Issues

There are no risk or occupational health and safety issues identified in relation to this report.

Communications & Consultation Strategy

Comprehensive community consultation was undertaken from December 2020 through March 2021 which was facilitated on Council’s behalf.

| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| --- | --- | --- | --- | --- | --- |
| Inform | Residents and businesses | Posters and flyers | Across the Shire | Jan 2021 | Promote feedback opportunities |
| Inform | Residents and businesses | Reply paid postcards and surveys | Across the Shire and distributed through Active Ageing and Diversity mailout | Jan 2021 | Older residents and those without internet access/confidence could provide their feedback |
| Consult | Residents and businesses | Community Vision 2030 Survey | Online | Dec 2020 – Jan 2021 | Identify key themes that shape 10-year direction |
| Consult | Residents and businesses | Community Reference Group workshops | Online | Jan 2021 | Refine key themes that shape 10-year direction |
| Consult | Residents and businesses | Community Reference Group interviews | Phone | Jan 2021 | Refine key themes that shape 10-year direction |
| Consult | Children and young people | Drawing competition | Online | Feb-March 2021 | Collate insights via schools for activities, services and concerns for young people |

| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| --- | --- | --- | --- | --- | --- |
| Consult | Local farming families | Community Vision 2030 Survey | Online | March 2021 | Gain insights on activities, services and concerns for farming families |
| Consult and Involve | Schools and young people | Guided teacher led engagement sessions | Local schools | Feb 2021 | Collate insights via schools for activities, services and concerns for young people |
| Inform | Residents and businesses | Social media posts and website updates | Online | Jan – Mar 2021 | Infographics and content updates of key themes |

A communications plan has been developed to advise the community via Council’s website, media release, social media and Council’s community consultation website: haveyoursay.com.au.

Advertisements are being placed in the local papers and members of the community will have no less than 28 days to make a submission.

In accordance with the *Local Government Act 2020*, the proposed Council Plan will progress through the following consultation and adoption process:

|  |  |
| --- | --- |
| Ordinary Council Meeting – Community Vision 2030 and Proposed 2021 – 2025 Council Plan | Wednesday 5 May 2021 |
| Advertise the Proposed 2021 – 2025 Council Plan for community consultation in the local newspapers | Tuesday 11 May 2021 |
| Have your say website (Moorabool) | Tuesday 11 May to Tuesday 8 June 2021 |
| Conclusion of the 28-day consultation period | Tuesday 8 June 2021 |
| Committee of Council Meeting – Consideration of Submissions on the Proposed 2021 – 2025 Council Plan at a venue to be determined | Wednesday 16 June 2021 |
| Special Meeting of Council – Adoption of the 2021 – 2025 Council Plan | Wednesday 30 June 2021 |

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 – Tom Laurie*

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

Conclusion

Having completed all statutory requirements it is recommended that Council endorses the Community Vision 2030 for public exhibition and feedback and endorses the proposed Council Plan 2021 – 2025, for community consultation.

15 Community Assets & Infrastructure Reports

15.1 2020 - 2021 Quarterly Capital Improvement Program Report

**Author: Ewen Nevett, Manager Engineering Services**

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

**Attachments: 1. CIP Quarterly Report Project Updates 20/21 v4 (under separate cover)**

Purpose

To provide Council with an overview of the progress of Council’s 2020-2021 Capital Improvement Program to 31 March 2021.

Executive Summary

The delivery of the 2020-2021 Capital Improvement Program is on schedule with:

 36% of the CIP Projects completed.

 31% of the CIP Projects either commenced or awarded awaiting start.

 23% of the CIP Projects in the design or tendering stage.

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Moira Berry  **That Council receives the Capital Improvement Quarterly Report to March 2021.**  **Carried** |

Background

The delivery of the Capital Improvement Program (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 2020-2021 Capital Improvement Program to 31 March 2021.

**Implementation of the 2020-2021 Capital Improvement Program**

The 2020-2021 Capital Improvement Program currently consists of 87 projects. The number of projects may be adjusted throughout the year as other projects become active. This list incorporates projects from various sources including but not limited to the following:

 Projects carried forward from 2019-2020 program.

 2020-2021 Council budgeted projects.

 Grant funded projects.

For simplicity, the reseal and final seal programs have been listed as 1 project in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages regarding the overall program status.

**Program Status**

Table 1 below summarises the overall program status as at 31 March 2021:

|  |  |  |
| --- | --- | --- |
| CIP Program Delivery Stage | Actuals as of 31 March 2021 | |
| No. of Projects | % |
| Inactive / On Hold | 7 | 8.0% |
| Not Commenced | 2 | 2.3% |
| Documentation / Design Preparation | 13 | 14.9% |
| Tender / Quote Stage | 7 | 8.0% |
| Project Awarded – Awaiting Commencement | 6 | 6.9% |
| In Progress / Under Construction | 21 | 24.1% |
| Complete | 31 | 35.6% |
| Total | 87 | 100 |

Table 1 CIP Delivery Summary

The program is generally on track for delivery, although some projects will be carried forward to the 2021-2022 financial year; specifically, a number of grant funded project added during the year.

 36% of the CIP Projects completed.

 31% of the CIP Projects either commenced or awarded awaiting start.

 23% of the CIP Projects in the design or tendering stage.

The attachment to this report details specific comments in relation to the status of each of the 87 projects. A summary of the status of key projects is provided below:

**2020-2021 Incomplete Projects (with carry over budget into 2021-2022)**

Local Area Traffic Management Project Implementation - 5 No. projects to be delivered. Capacity issues finalising designs. The first project to commence in June 2021 with remaining projects to follow on during July to October 2021.

Griffith Street design – Tendered in December 2020 with prices exceeding budget. Project was re-tendered in February/March 2021 with significantly improved pricing. Contract will be awarded in early April 2021 with a 20-week design program.

Mill Park Upgrades – Original grant application was unsuccessful. Project was then allocated funding under the Federal Government Local Roads and Community Infrastructure Program (LRCIP) - Round 2 in January 2021. The Project will now be delivered by December 2021.

**Projects Inactive/On Hold**

Woolpack Road, Bacchus Marsh, Bridges – Project is on hold pending a decision on the West Gate Tunnel Project storage site and confirmation of the haul route.

Darley Park Recreation Reserve, Playground Renewal – Project is on hold awaiting finalisation of Master Plan.

Maddingley Park, Resheet and Seal of Pathways – Project is on hold awaiting finalisation of the Master Plan.

Maddingley Park, Preplanning Public Toilet – Project is on hold awaiting finalisation of the Master Plan.

SRV Female Friendly Facilities Grant, Dunnstown Recreation Reserve - Council part funded this project in 2020-2021. Matching grant funding was not forthcoming. Project and Council funding contribution will be carried forward.

SRV Female Friendly Facilities Grant, Netball Courts - Council part funded this project in 2020-2021. Matching grant funding was not forthcoming. Project and Council funding contribution will be carried forward.

SRV Cricket Facilities Grant - Council part funded this project in 2020-2021. Matching grant funding was not forthcoming. Project and Council funding contribution will be carried forward.

**Additional Projects**

During the year an additional $6.77M in funding was provided by the Federal Government from:

 Local Roads and Community Infrastructure Program (Round 2) - $1.78M.

 Bridges Renewal Program (Round 5) - $0.48M.

 Heavy Vehicle Safety and Productivity Program (Round 7) - $0.99M.

This has allowed an additional 10 No. projects to be brought forward from future programs.

The State Government provided $350,000 from its Agrilinks Funding Program which has been allocated to the section of Old Melbourne Road, Millbrook across the now redundant level crossing.

A further project, “Aqualink” stage 1, which is the proposed strategic cycle route along the disused SRW open water channel in Bacchus Marsh/Darley, has been jointly funded by the State and Federal Governments. The grant allocation for this project is $3.52M (funded 50/50 State/Federal). Delivery of this project is due by 30 June 2021 although will likely extend beyond this date.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

Reporting of the Capital Improvement Program has been resourced as part of Council’s budget; accordingly, there are no additional financial implications. At this point in time, there are no significant budget issues to report, with the overall program anticipated to be delivered within +/-0.5% of the budget allocation (excluding the carryover projects).

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 monitored by the allocated Project Manager 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:

1. Infrastructure update on active projects weekly;

2. Update on major projects monthly;

3. Moorabool Matters quarterly;

4. Moorabool News as required;

5. 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, letter drops and door knocking.

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 – 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 third quarter of the 2020-2021 period for the information of Councillors.

15.2 Draft Asset Management Policy

**Author: Bivish Ghimire, Asset Management Coordinator**

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

**Attachments: 1. Draft Asset Management Policy (under separate cover)**

Purpose

Following initial presentation to the Ordinary Meeting of Council in March 2021, the purpose of this report is to present the final Draft Asset Management Policy to Councillors for formal adoption.

Executive Summary

 Council is responsible for the management of almost $0.7B of physical infrastructure assets that support the delivery of services to the community.

 Asset management is a core service and is at the centre of Council’s financial and strategic decision making. The *Local Government Act 2020* requires that Councils have adequate control over their assets and mandates the development and adoption of a ten year Asset Plan to guide the management of Council assets throughout the asset lifecycle (acquisition, maintenance, renewal, upgrade/expansion, decommissioning and disposal).

 The Asset Management Policy is a high-level document within Council’s Asset Management Framework, outlining the organisation’s approach to achieving comprehensive, accountable and transparent management practices.

 A review of Council’s existing Asset Management Policy has been undertaken and feedback from the April Ordinary Meeting of Council has been incorporated in the updated draft document which is now presented to Councillors for adoption.

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| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That Council adopts the updated Asset Management Policy provided as Attachment 1 to this report.**  **Carried** |

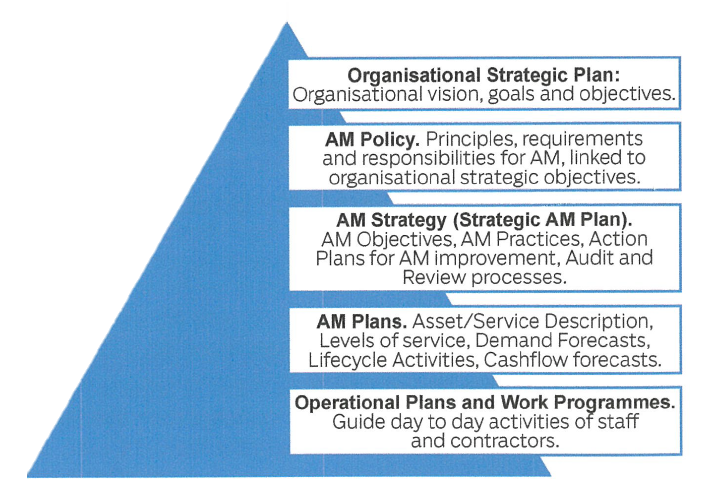
Background

Moorabool Shire Council is responsible for the management of almost $0.7B of physical infrastructure including roads, bridges, paths, drainage, buildings and open space assets, that support the delivery of services to the local community.

As custodian of these assets, Council’s role is to ensure that they are effectively managed, to ensure they are fit for purpose and continue to meet the needs of the growing community whilst achieving best value, sustainable outcomes.

Asset management is a core service and is at the centre of Council’s financial and strategic decision making. The *Local Government Act 2020* requires that Councils have adequate control over their assets and mandates the development and adoption of a ten year Asset Plan to guide the management of Council assets throughout the asset lifecycle (acquisition, maintenance, renewal, upgrade/expansion, decommissioning and disposal).

Together with the Asset Management Strategy and individual Asset Plans, the Asset Management Policy provides the framework for comprehensive, accountable and transparent asset management practices and ensures that asset management is clearly recognised by Council and the community. The framework is outlined in the diagram below.



The policy is a high-level document within the framework which sets out the organisation’s approach to asset management including the principles that will be followed. A review of the existing policy has been undertaken by key internal staff, including benchmarking against current practice as well as other Council’s strategic documentation. A draft updated version is attached to this report.

Only minor updates from the previous version are proposed in order to streamline the document and more clearly articulate the roles and responsibilities with respect to asset management.

Proposal

Following a review by internal staff, and presentation of the draft document to the Ordinary Meeting of Council in March 2021, and incorporating further feedback from the April Ordinary Meeting of Council, it is now proposed that the updated Asset Management Policy be adopted.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1A: Our Assets and Infrastructure**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications associated with the recommendation contained within this report.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

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| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Inform | Council customers | Copy of the updated policy (once adopted) made available on Council’s website. | Online | May 2021 | Customers have access to Council’s key strategic asset management documentation. |

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 – Bivish Ghimire*

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

Conclusion

A review of Council’s existing Asset Management Policy has been undertaken and a draft updated version presented to the Council Meeting of Council in March 2021. Further feedback from the April Ordinary Meeting of Council has been incorporated into the updated Policy. It is now proposed that the updated Asset Management Policy be adopted.

16 Other Reports

Nil

17 Notices of Motion

Nil

18 Notices of Rescission

Nil

19 Mayor’s Report

19.1 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.

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| **Cr Tom Sullivan – Mayor’s Report** | |
| ***Date:*** *5 May, 2021* | |
| 14 April | * Councillor Briefings – Western Irrigation Network Update; Proposed Council Brand Identity; Rating & Revenue Plan; Major Tourism Events Grants; Proposed Realignment of Locality Boundary between Bacchus Marsh and Pentland Hills; Disability Access and Inclusion Plan; Confidential Briefing; Review of the DAC Agenda; General Business |
| 15 April | * Timber Towns Victoria General Meeting |
| 21 April | * Councillor Briefings – High Level Review Draft Budget and CIP 2021/22; Draft Community Vision & Council Plan; Review of the OMC Agenda and General Business * Development Assessment Committee Meeting |
| 25 April | * Bacchus Marsh RSL Anzac Day Dawn Service and Wreath Laying |
| 28 April | * Councillor Briefings – Open Space Strategy; Waste Strategy & Kerbside Recycling Bin Tagging Program; General Business |
| 30 April | * On site meeting with Andy Meddick, Member for Western Victoria regarding funding for the sports precinct, Taverner Street, Maddingley |
| 5 May | * Seniors Free Morning Tea, a program run through the CASI Community Connector Program * Ordinary Meeting of Council |

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| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Ally Munari  **That Council receives the Mayor’s Report.**  **Carried** |

20 Councillors’ Reports

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| 20.1 Councillors' Reports  Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:   |  |  | | --- | --- | | **Councillor** | **Activity** | | Cr Munari | * VLGA Gender Equality Seminar * Peri Urban Regional Council Meeting * Chaired the Myrniong Hall Committee AGM | | Cr Tatchell | * Myrniong Hall Committee AGM * Rowsley Hall Committee Meeting * Ballan RSL Anzac Day Function | | Cr Berry | * 25 April 2021 Bacchus Marsh Anzac Day Dawn Service | | Cr Dudzik | * 19 April 2021 Bacchus Marsh Biz Connect Meeting * 20 April 2021 Ballan Chamber of Commerce Meeting * 25 April 2021 Bacchus Marsh Anzac Day Dawn Service * 30 April 2021 ALGWA Conference | |
| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Ally Munari  **That Council receives the Councillors’ Reports.**  **Carried** |

21 Urgent Business

Cr Paul Tatchell raised an item of urgent business in relation to the Rowsley Hall Committee.

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| 21.1 Admission of Urgent Business |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr David Edwards  **That Council resolves to admit the item of urgent business in relation to the Rowsley Hall Committee.**  **Carried** |

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| 21.2 Urgent Business - Rowsley Hall Committee |
| Resolution  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Ally Munari  **That Council supports Cr Paul Tatchell to stand in as the interim Chairperson until such time as the Rowsley Hall Committee appoint a new Chairperson.**  **Carried** |

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| Adjournment – 7.13PM  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Moira Berry  **That the meeting now stand adjourned for a period of 5 minutes.**  **Carried** |

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| **Resumption - 7.20pm** |
| Resolution  **Moved:** Cr Ally Munari  **Seconded:** Cr David Edwards  **That the meeting be resumed.**  **Carried** |

22 Closed Session of the Meeting to the Public

This matter is considered to be confidential under Section 3(1)(a) of the *Local Government Act 2020*, and the Council is satisified that discussion of this matter in an open meeting would prejudice the Council’s position in commercial negotiations if prematurely released.

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  **That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:**  **22.1 Bacchus Marsh Golf Club**  **Carried** |

23 Meeting Closure

The Meeting closed at 7.41pm.

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**CHAIRPERSON**