|  |  |
| --- | --- |
|  | |
| **MINUTES**  **Ordinary Council Meeting**  **Wednesday, 6 October 2021** | |
| **Date:** | **Wednesday, 6 October 2021** |
| **Time:** | **7.07pm** |
| **Location:** | **Online** |

**Order Of Business**

[1 Opening of Meeting and Prayer 4](#_Toc84589049)

[2 Acknowledgement of Country 4](#_Toc84589050)

[3 Recording of Meeting 4](#_Toc84589051)

[4 Present 4](#_Toc84589052)

[5 Apologies 4](#_Toc84589053)

[6 Confirmation of Minutes 5](#_Toc84589054)

[7 Disclosure of Conflicts of Interest 5](#_Toc84589055)

[8 Public Question Time 5](#_Toc84589056)

[9 Petitions 8](#_Toc84589057)

[10 Presentations/Deputations 8](#_Toc84589059)

[11 Chief Executive Officer Reports 9](#_Toc84589060)

[11.1 Audit and Risk Committee - Chairperson's Report 9](#_Toc84589061)

[11.2 Delegated Committees of Council - Reports 12](#_Toc84589062)

[11.3 Advisory Committees of Council - Reports 13](#_Toc84589063)

[11.4 Instruments of Delegation to Members of Delegated Committees 14](#_Toc84589064)

[12 Community Planning and Economic Development Reports 17](#_Toc84589065)

[12.1 Planning Scheme Amendment C91 - Flood Overlays - Panel Report 17](#_Toc84589066)

[13 Community Strengthening Reports 27](#_Toc84589067)

[14 Customer Care and Advocacy Reports 28](#_Toc84589068)

[14.1 Review of Customer Service Charter 28](#_Toc84589069)

[14.2 Proposed realignment of locality boundary between Bacchus Marsh and Pentland Hills 31](#_Toc84589070)

[14.3 2020/21 Moorabool Shire Council Annual Report 35](#_Toc84589071)

[14.4 CEO Employment and Remuneration Policy 38](#_Toc84589072)

[15 Community Assets and Infrastructure Reports 40](#_Toc84589073)

[16 Other Reports 40](#_Toc84589074)

[17 Notices of Motion 40](#_Toc84589075)

[18 Notices of Rescission 40](#_Toc84589076)

[19 Mayor’s Report 41](#_Toc84589077)

[19.1 Mayor's Report 41](#_Toc84589078)

[20 Councillors’ Reports 43](#_Toc84589079)

[20.1 Councillors' Reports 43](#_Toc84589080)

[21 Urgent Business 43](#_Toc84589081)

[21.1 Admission of Urgent Business 43](#_Toc84589082)

[22.2 Urgent Businees - Growing Suburbs Fund 43](#_Toc84589083)

[22 Closed Session of the Meeting to the Public 43](#_Toc84589084)

[23 Meeting Closure 44](#_Toc84589086)

This meeting was originally scheduled to commence at 6.00pm, however it was ascertained that the audio component of the Livestream was not working. Therefore, it was determined by the Chair and supported by the Councillors that the meeting be postponed and commence when the technical difficulties have been rectified.

1 Opening of Meeting and Prayer

The Mayor opened the meeting with the Council Prayer at 7.07pm

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 Rod Ward, Deputy Mayor East 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 Sally Jones General Manager Community Strengthening

Mr Henry Bezuidenhout Executive Manager Community Planning & Economic Development

Mr Phillip Howard Executive Manager Governance & Corporate Compliance

Mr Joshua Warner Executive Manager People & Culture

Ms Sarah Kernohan Manager Growth & Development

Mr Mike Whittaker Manager Customer Experience & Innovation

Mr Troy Delia Coordinator Governance & Risk

5 Apologies

Nil

6 Confirmation of Minutes

|  |
| --- |
| **Resolution**  **Moved:** Cr David Edwards  **Seconded:** Cr Moira Berry  **That the minutes of the Ordinary Council Meeting held on Wednesday 1 September 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** |
| --- | --- | --- | --- | --- |
| Scott Young, Fiskville | **Question:**  At the budget meeting the Victorian Farmers Federation provided a workable solution to the inequity caused by annual valuations.  It provided a way forward to smooth out the large spikes experienced across the rating categories especially farm rate. Why did the council not take up this valid recommendation? | Caroline Buisson – General Manager Customer Care & Advocacy | Yes |  |
|  | **Response:**  The Victorian Farmers Federation (VFF) proposed model advocated for Council to adopt a fluid approach on an annual basis in setting its rating differentials to respond to the impact of valuation movements. Due to the legislative framework, this approach had the potential to contradict some of the guiding principles Council adopted when it undertook its previous Rate Strategy and potential to alter the intended objective of the definitions of each differential rate category.  Although the VFF model provided some levelling of valuation impacts, it had some greater impacts to other sectors of our community which may have experienced challenging and changed circumstances as a result of the declared pandemic.  A thorough review of Council’s differential rate structure has commenced and a further opportunity for community input will be provided early in the new calendar year. |  |  |  |
| Kate Fischer, Darley | **Question:**  The removal of the nearby irrigation channel caused flooding issues through our property because the kerb and channel has not been completed in Nelson Street. Will the kerb and channel in Nelson Street be rectified so that it sufficiently diverts water from our property? If not, why not? And if so - when? | Phil Jeffrey – General Manager Community Assets & Infrastructure | Yes |  |
|  | **Response:**  Council has included a project in the current capital budget to construct new Kerb along the east side of Nelson Street, directing water into a new stormwater pit. This water will then flow, via underground pipes, to the drainage system in Grey street.  The design of the new Kerb, pit and pipeline is programmed to occur over the coming months and construction is currently scheduled for March/April 2022. |  |  |  |
|  | **Question:**  If this work is to be done, after it has been completed will the engineers do the remapping of the flood overlay? | Henry Bezuidenhout – Executive Manager Community Planning & Economic Development | Yes |  |
|  | **Response:**  The property at 47 Raglan Street is covered by a proposed Special Building Overlay (SBO) to reflect the 1 in 100 year flows related to the Melbourne Water drainage network.  The design and modelling currently being undertaken will upon completion be discussed with Melbourne Water to determine to what extent it will impact/mitigate the local drainage and Melbourne Water’s drainage.  Any changes in the planning scheme mapping will trigger a Planning Scheme Amendment at the appropriate time by the relevant agency/authority. |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Stephen Vereker | **Question:**  The C91 Amendment process occurred/occurs at a time of suspension of proper democratic processes at Local and State Government level (whilst Emergency powers were/are being enforced) and extreme never before seen conditions being endured for 18+ months by ratepayers (and this sustained hardship situation can easily be seen as being intentionally taken advantage of) to the detriment and disadvantage of ratepayers. Subsequently, imposition of the C91 Amendment in these circumstances needs to be deemed invalid and inappropriate, and this Amendment instead revisited by Council at a later much more appropriate time.  What (in detail) are the options now available to appeal/hold-off imposition of the C91 amendment? | Henry Bezuidenhout – Executive Manager Community Planning & Economic Development | Yes |  |
|  | **Response:**  It was initially intended that Amendment C91 would be exhibited for 8 weeks 12 March to 8 May 2020. However, due to the COVID 19 pandemic, a state of emergency was declared for Victoria within the first week of exhibition.  The exhibition period was subsequently extended to a total of 5 months, in excess of the standard one calendar month statutory requirement, with the closing date of submissions 18th August 2020.  It should be noted that the Planning and Environment Act 1987 does not provide a process for putting an amendment on hold. Whilst the Act allows for an amendment to be abandoned, this was not considered necessary or appropriate. Council is required to make a decision on the amendment within 40 business days of the date it receives the Panel’s report in accordance with Planning & Environment Act 1987 Section 12(2)(a) Ministerial Direction 15.  The extended exhibition period allowed adequate time for the public to review documents, consult with Council and Melbourne Water and make a submission.  Options are:  Consider the Panel’s findings and adopt the amendment with changes as per Panel recommendations and forward to the Minister for Planning for approval.  Or Abandon the amendment. |  |  |  |

9 Petitions

Nil

10 Presentations/Deputations

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Item No** | **Description** | **Name** | **Method** | **Position** |
| 12.1 | Moorabool Planning Scheme Amendment, C91 Flood Overlays | Mr Mike Kearney | Online | Supporter |
| 12.1 | Moorabool Planning Scheme Amendment, C91 Flood Overlays | Mr David Caligari | Online | Objector |
| 12.1 | Moorabool Planning Scheme Amendment, C91 Flood Overlays | Mr John Righetti | Written Statement | Objector |
| 12.1 | Moorabool Planning Scheme Amendment, C91 Flood Overlays | Mr Arthur Chapman | Written Statement | Objector |
| 12.1 | Moorabool Planning Scheme Amendment, C91 Flood Overlays | Mr Stephen Kelly | Written Statement | Affected Party |

11 Chief Executive Officer Reports

11.1 Audit and Risk Committee - Chairperson's Report

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

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

**Attachments: 1. Audit & Risk Committee Chair Report Full Report 2020-21 (under separate cover)**

Purpose

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

This report is presented to Council to note the first full year report (**Attachment 1**) prepared by the Audit and Risk Committee’s Chairperson, Ms. Linda MacRae.

Executive Summary

 At its meeting of 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with requirements of the *Local Government Act 2020*.

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

 This is the first full year report to be presented to Council. The Committee reviewed the full year report at its meeting held 31 August 2021 and confirmed it is an accurate reflection of the Committee’s activities.

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Tonia Dudzik  **That Council notes the Audit and Risk Committee Chairperson’s Report, provided as Attachment 1.**  **Carried** |

Background

At the Ordinary Meeting of Council on 26 August 2020, Council adopted the Audit and Risk Committee Charter, in accordance with the requirements of the *Local Government Act 2020,* and appointed 5 members to its Audit and Risk Committee, consisting of 3 independent members and 2 Councillors.

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

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

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

Proposal

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

This is the first full year report to be presented to Council. The Committee reviewed the half yearly report at its meeting held 31 August 2021 and confirmed it is an accurate reflection of the Committee’s activities.

Council Plan

The Council Plan 2021-2025 provides as follows:

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

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

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Presentation | Audit and Risk Committee Members | Report presented to the Audit and Risk Committee | Online | 31 August 2021 | Confirmed accurate report of Committee’s activities |
| Briefing | Councillors | Chairperson presenting report at Councillor Briefing | Online | 1 September 2021 | Confirmation by Council |

Victorian Charter of Human Rights & Responsibilities Act 2006

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

Officer’s Declaration of Conflict of Interests

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

*Chief Executive Officer – Derek Madden*

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

*Author – Anthony Smith*

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

Conclusion

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

11.2 Delegated Committees of Council - Reports

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

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

**Attachments: 1. Confidential Moorabool Growth Management Committee Meeting Minutes 020621 - Closed (under separate cover)**

**2. Confidential Development Assessment Committee meeting minutes 210721 - Closed (under separate cover)**

**Purpose**

Delegated Committees are established to assist Council with executing specific functions or duties. By Instrument of Delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the *Local Government Act 2020*. The Council cannot delegate those powers identified in section 11(2) of the *Local Government Act 2020*.

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

**Executive Summary**

Councillors, as representatives of the following Delegated Committees of Council, present the report of the Committee Meetings for Council consideration.

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representative |
| Moorabool Growth Management Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/mgmc-minutes-020621-updated.docx) | Wednesday, 2 June 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-190521.docx) | Wednesday, 19 May 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-160621.docx) | Wednesday, 16 June 2021 | All Councillors |
| Development Assessment Committee Meeting - [Minutes](https://www.moorabool.vic.gov.au/files/content/public/about-council/councillors-and-meetings/council-meetings/council-committees-2021/dac-minutes-210721.docx) | Wednesday, 21 July 2021 | All Councillors |

|  |
| --- |
| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Moira Berry  **That Council receive the following Delegated Committee reports:**  **1. Moorabool Growth Management Committee Meeting Minutes, Wednesday 2 June 2021**  **2. Development Assessment Committee Meeting Minutes, Wednesday 19 May 2021, Wednesday 16 June 2021, and Wednesday 21 July 2021.**  **Carried** |

11.3 Advisory Committees of Council - Reports

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

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

**Attachments: 1. Audit and Risk Committee Summary of Minutes 120521 (under separate cover)**

**2. Local Business Advisory Committee Minutes 100821 (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.

 Please note, the resolution in relation to Item 5.3, Vulnerability Assessment and Office 365 Tenant Security Assessment was removed and replaced with commentary as the resolution contained sensitive information.

|  |  |  |
| --- | --- | --- |
| Committee | Meeting Date | Council Representatives |
| Audit and Risk Committee | Wednesday 12 May 2021 | Cr Tonia Dudzik  Cr Ally Munari |
| Local Business Advisory Committee | Tuesday 10 August 2021 | Cr Paul Tatchell  Cr Tonia Dudzik |

|  |
| --- |
| **Resolution**  **Moved:** Cr Ally Munari  **Seconded:** Cr Paul Tatchell  **That Council receive the following Advisory Committee reports:**  **1. Audit and Risk Committee meeting summary of minutes, Wednesday 12 May 2021.**  **2. Local Business Advisory Committee meeting minutes, Tuesday 10 August 2021.**  **Carried** |

11.4 Instruments of Delegation to Members of Delegated Committees

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

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

**Attachments: 1. DAC Instrument of Delegation 2021 (under separate cover)**

**2. MGM Instrument of Delegation 2021 (under separate cover)**

**Purpose**

In accordance with section 11(7) of the *Local Government Act 2020* (the Act), Council is required within a period of 12 months after a general election to review the delegations for the existing Development Assessment and Moorabool Growth Management Delegated Committees. This report is presented to Council to consider the adoption of the Instruments of Delegation for these committees.

**Executive Summary**

 The Instruments of Delegation for the Development Assessment Committee and Moorabool Growth Management Committee as presented, retain the same powers, conditions and limitations in the schedules as those contained in the Instruments of Delegation adopted by Council at its Special Meeting of 26 August 2020.

 Pursuant to section 11(1)(a) of the *Local Government Act 2020,* and in order to comply with section 11(7) of the Act, it is recommended that Council authorise the attached Instruments of Delegation to members of delegated committees, which is unaltered from the current Instruments of Delegation.

 It is recommended that Council adopts the Instruments of Delegation for its Development Assessment Committee and Moorabool Growth Management Committee as attached to this report, in order to comply with the requirements of section 11(7) of the *Local Government Act 2020,* by 24 October 2021.

|  |
| --- |
| **Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded**: Cr Moira Berry  **That Council:**  **1. In exercise of the powers conferred by s 63 of the Local Government Act 2020 and s 188 of the Planning and Environment Act 1987:**  **(a) adopts the Instrument of Delegation to the Development Assessment Committee (provided as Attachment 1); and**  **(b) it appoints all Councillors as members to the committee, until the end of the current electoral term.**  **2. In exercise of the powers conferred by s 63 of the Local Government Act 2020:**  **(a) adopts the Instrument of Delegation to the Moorabool Growth Management Committee (provided as Attachment 2); and**  **(b) appoints all Councillors as members to the committee, until the end of the current electoral term.**  **Carried** |

**Background**

The Act defines a Delegated Committee as a:

 delegated committee established by a Council under section 63; or

 joint delegated committee established by 2 or more Councils under section 64; or

 committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under any Act.

Section 11(7) of the *Local Government Act 2020* (the Act) states that a Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force. Therefore, Council must update and adopt the Instruments of Delegation for its Development Assessment Committee and Moorabool Growth Management Committee in accordance with the Act, 24 October 2021.

**Proposal**

The Instruments of Delegation for the Development Assessment Committee and Moorabool Growth Management Committee as presented, retain the same powers, conditions and limitations in the schedules as those contained in the Instruments of Delegation adopted by Council at its Special Meeting of 26 August 2020.

Therefore, Council can be assured that the Development Assessment Committee and the Moorabool Growth Management Committee can continue to operate in the same manner as they previously have, without change.

**Council Plan**

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.5: Be recognised for demonstrating a culture of excellence, creativity and inclusiveness**

The proposal to authorise the Instrument of Delegations to the Delegated Committees is consistent with the Council Plan 2021-2025.

**Financial Implications**

There are no financial implications associated with the adoption and implementation of new Instruments of Delegation for Councils Development Assessment Committee and Moorabool Growth Management Committee.

**Risk & Occupational Health & Safety Issues**

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Reputational Risk |  Not upholding good governance in decision making processes; | Medium |  Adoption of Instruments of Delegation;   Ongoing adherence to the conditions and limitation contained in the Instruments of Delegation. |

**Communications & Consultation Strategy**

The dates and times of the Development Assessment Committee and Moorabool Growth Management Committee meetings will continue to be communicated to the public via Council’s website.

**Victorian Charter of Human Rights & Responsibilities Act 2006**

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

**Officer’s Declaration of Conflict of Interests**

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

*General Manager – Derek Madden*

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

*Author – Phillip Howard*

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

**Conclusion**

The adoption of the Instruments of Delegation for the Development Assessment Committee and Moorabool Growth Management Committee will ensure that these committees can continue to operate in the same manner that they have in the past, whilst ensuring that Council is compliant with its obligations under the Act.

12 Community Planning and Economic Development Reports

Mr Mike Kearney addressed Council addressed Council in support of the recommendation for Item 12.1.

Mr David Caligari addressed Council as an objector to the recommendation for Item 12.1.

Mr John Righetti, Mr Arthur Chapman and Mr Stephen Kelly provided written statements in relation to the recommendation for Item 12.1.

|  |
| --- |
| **Suspension of Standing Orders** |
| Resolution  Moved: Cr Tonia Dudzik  Seconded: Cr Rod Ward  A motion was moved that Council suspend standing orders.  **Carried** |

|  |
| --- |
| **Resumption of Standing Orders** |
| Resolution  Moved: Cr Moira Berry  Seconded: Cr Rod Ward  A motion was moved that Council resume standing orders.  **Carried** |

12.1 Planning Scheme Amendment C91 - Flood Overlays - Panel Report

**Author: Rod Davison, Senior Strategic Planner**

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

**Attachments: 1. Panel Report (under separate cover)**

**2. Properties affected by recommended changes to LSIO and SBO extents (under separate cover)**

**3. Amendment Documentation (under separate cover)**

Purpose

To consider the Planning Panel’s report relating to Moorabool Planning Scheme Amendment C91 (the Amendment).

Executive Summary

 The Amendment seeks to apply the Land Subject to Inundation Overlay (LSIO) and the Special Building Overlay (SBO) to land subject to inundation, within the Werribee, Lerderderg and Little River catchments.

 The Amendment was prepared by Council, at the request of Melbourne Water which is the floodplain management authority for the Port Phillip and Westernport catchments.

 The Amendment was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 12 March to 18 August 2020 and 41 submissions were received. Council considered the submissions on 3 March 2021 and resolved to refer the submissions to an independent Planning Panel.

 A Planning Panel was appointed, and a public hearing was held from 15 to 18 June 2021. The Panel report recommends that the Amendment be adopted as exhibited, subject to changes that were agreed by Council and Melbourne Water during the Panel hearing. These changes will result in the removal of the exhibited LSIO from 39 properties and a reduction in the exhibited LSIO or SBO extent applying to 16 properties.

|  |
| --- |
| Motion  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  **That Council:**  **1. Considers the Planning Panel’s report (provided as Attachment 1 to this report) and accept the Panel’s recommendations in relation to Moorabool Planning Scheme Amendment C91, pursuant to Section 27 of the *Planning and Environment Act 1987*.**  **2. Adopts Moorabool Planning Scheme Amendment C91, in accordance with the documents included in Attachment 3 to this report, pursuant to Section 29 of the *Planning and Environment Act 1987*.**  **3. Submits the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval, pursuant to Section 31 of the *Planning and Environment Act 1987*.**  **A division was called:**  **In Favour:** Crs David Edwards, Paul Tatchell and Tom Sullivan  **Against:** Crs Tonia Dudzik, Ally Munari, Moira Berry and Rod Ward  **The motion was lost** |

Background

The Amendment was prepared by Council, at the request of Melbourne Water which is the floodplain management authority for the Port Phillip and Westernport catchments.

The Moorabool Planning Scheme does not currently contain any overlays to identify land affected by a 1% annual exceedance probability (AEP) flood event (sometimes referred to as a 1 in 100 year flood event).

In Victoria, effective floodplain management is a responsibility of Melbourne Water and catchment management authorities (CMAs) in partnership with local government. Clause 13.2 of the Victorian Floodplain Management Strategy (2016) outlines this partnership stating that *“the CMAs and Melbourne Water will work with LGAs to ensure that planning schemes use the planning controls that align with their flood risks”*. For Moorabool Shire, the floodplain management authorities are Melbourne Water for the Port Phillip catchment area in the eastern half of the Shire, and Corangamite Catchment Management Authority for the western half of the Shire.

It is important that planning decisions are based on all available information. Given that flood extent mapping has been undertaken by Melbourne Water as the relevant floodplain management authority, Council has a statutory responsibility to ensure that available flood extent mapping is translated into planning controls and applied in a transparent manner. The usual controls to identify land affected by a 1% AEP flood event are the Flood Overlay (FO), the Land Subject to Inundation Overlay (LSIO), or the Special Building Overlay (SBO).

*Planning Practice Note 12 -* Applying the flood provisions in planning schemes (DELWP, June 2015) notes the following:

*“Flooding is a natural hazard but, unlike most other natural hazards, floods are to a great degree predictable in terms of their location, depth and extent. This means that appropriate measures can be developed to reduce flood damage. Land use planning is recognised as being the best means of avoiding future flooding problems. Through careful planning, flood risks to life, property and community infrastructure can be minimised and the environmental significance of our floodplains protected.*

*Section 6 (2) (e) of the Planning and Environment Act 1987 enables planning schemes to ‘regulate or prohibit any use or development in hazardous areas, or areas likely to become hazardous’. As a result, planning schemes contain State planning policy for floodplain management requiring, among other things, that flood risk be considered in the preparation of planning schemes and in land use decisions.*

*The statutory authorities responsible for the collection of flood information and for land use planning in flood-affected areas are councils and floodplain management authorities (i.e. Melbourne Water and Catchment Management Authorities).”*

Previous Amendments C14 and C73:

Council has previously proposed to apply flood controls within the Moorabool Planning Scheme on two occasions through Amendment C14 and Amendment C73. Neither of these amendments were progressed beyond the exhibition stage.

2017 Peer Review:

In 2017, Council commissioned Cardno to undertake a peer review of the flood studies and modelling, to address concerns raised about Amendment C73. The peer review concluded that the data, hydrological and hydraulic modelling produced results that are suitable for inclusion in the Moorabool Planning Scheme. However, the peer review recommended that the SBO flood extents for the lower Lerderderg study area should be amended using appropriate filtering techniques, such as those described in Melbourne Water’s 2016 technical specifications.

The SBO mapping for the lower Lerderderg study area was subsequently revised, resulting in a reduced SBO extent.

**AMENDMENT C91**

Following the 2017 peer review, Melbourne Water requested a Planning Scheme Amendment be initiated to introduce the LSIO and SBO in the Moorabool Planning Scheme.

At the ordinary meeting of Council on 4 September 2019, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment. On 25 November 2019 the Minister for Planning granted authorisation to prepare and exhibit the Amendment.

What the Amendment does:

The Amendment seeks to apply the LSIO and SBO to land affected by a 1% AEP flood event within the Werribee River, Lerderderg River and Little River catchments in the eastern portion of Moorabool Shire (see Figure 1). Approximately 2,600 parcels of land are affected by the proposed LSIO or SBO to varying degrees.

The LSIO and SBO maps were derived using current best practice hydrological and hydraulic modelling techniques and have been updated in response to the 2017 peer review.

Specifically, the exhibited Amendment proposes to make the following changes to the Moorabool Planning Scheme:

 Amends local policy Clause 21.02 ‘Natural Environment – Flood Management’, by adding reference to the Little River catchment and the urban drainage system, and adding a new flood management objective and strategy;

 Amends local policy Clause 21.11 ‘Reference Documents’, by adding the following reference documents:

 Report for Bacchus Marsh Area Floodplain Mapping (GHD November 2010);

 Lower Lerderderg Catchments Flood Mapping Report (Engeny Water Management; December 2011); and

 Ballan Township Flood Study, Final Report (Halcrow Pacific Pty Ltd, November 2011).

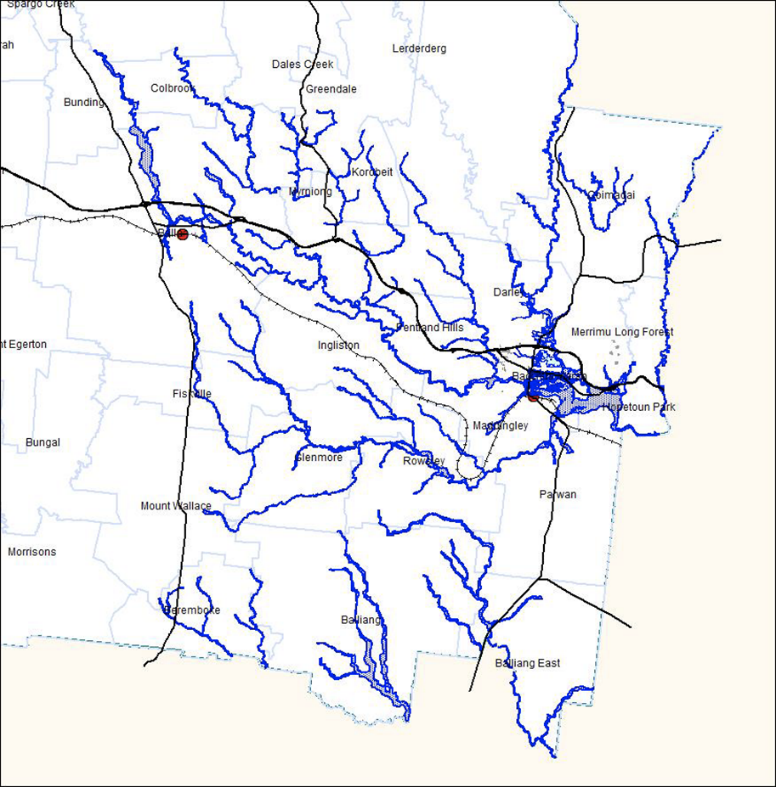
 Inserts Clause 44.04 (LSIO) and associated Schedule 1.

 Inserts Clause 44.05 (SBO) and associated Schedule 1.

 Amends Clause 72.03, by updating the list of maps forming part of the planning scheme.

 Inserts 38 LSIO and SBO maps.

On land affected by the LSIO or SBO, a planning permit will be required for subdivision and most new buildings and works, however, some minor buildings and works will be exempt from the need for a permit. The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development. Whilst the new planning controls will increase the number of planning permits required, it is important to identify the flood hazard to ensure that life and property are not unduly placed at risk.



**Figure 1:** Areas affected by the proposed LSIO and SBO (in blue).

In accordance with Clause 66.03 (Referral of Permit Applications), any application for a planning permit for development on flood prone land will need to be referred to Melbourne Water for consideration as a determining referral authority.

The proposed LSIO Schedule 1 and SBO Schedule 1 include permit exemptions for some minor buildings and works (e.g. a fence that is 50% permeable). Officers consider that this approach strikes a balance between the need to appropriately consider flood risk, whilst also reducing the number of planning permits triggered by the proposed overlays.

VicSmart provisions will apply to certain types of permit applications under the SBO, providing that a permit is not required under any non-VicSmart provision of the planning scheme. VicSmart is a streamlined permit process designed for simple applications. A VicSmart application is exempt from advertising and a permit decision can be issued by Council within 10 business days. This will assist in fast tracking some permits, such as a single dwelling on a lot larger than 300qm in the General Residential Zone, where the SBO is the only permit trigger. A VicSmart application must have been considered by Melbourne Water within the three months prior to the application being made to Council, and Melbourne Water needs to have stated in writing that it does not object to the granting of the permit for the proposal.

The proposed application of the LSIO and the SBO is consistent with Planning Practice Note 12 - Applying the flood provisions in planning schemes(DELWP, June 2015). These overlays are appropriate planning tools for identifying flood risk and have been applied in the majority of other Victorian planning schemes, including neighbouring municipalities Ballarat, Hepburn, Macedon Ranges, Melton, Wyndham, Greater Geelong and Golden Plains. The flood provisions do not address the cause of flooding, but the way future land development will impact on the flooding problem or be impacted itself by flooding.

Public Exhibition of the Amendment:

The Amendment was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* from 12 March to 18 August 2020. Notice was provided to all relevant government departments, agencies and affected landowners and occupiers. Notices were placed in the Moorabool News and the Victorian Government Gazette publications.

A total of 41 submissions were received, including 35 which objected or sought changes to the Amendment.

Council’s Consideration of Submissions:

Submissions to the Amendment were considered at the ordinary meeting of Council on 3 March 2021. At this meeting, Council resolved to request the Minister for Planning appoint an independent Planning Panel to hear submissions. A Panel was appointed by the Minister for Planning on 15 March 2021.

Planning Panel’s Consideration of Submissions:

A Directions Hearing was conducted 20 April 2021, followed by a Panel Hearing from 15 to 18 June 2021. The Directions hearing and the Panel hearing were held online via videoconferencing, due to COVID-19 restrictions. The Panel considered all 41 submissions to the Amendment, together with submissions from Council, Melbourne Water and seven submitters who were party to the Panel Hearing.

Council made the following submissions to the Panel:

 Part A submission: - distributed to all parties 2 weeks prior to the commencement of the Panel Hearing. The Part A submission included reference to Council’s recommended changes to the exhibited LSIO and SBO extents, consistent with Council’s resolution of 6 March 2021.

 Part B submission: - presented on the first day of the Panel Hearing. The Part B submission expanded on Council’s Part A submission.

 Closing submission: - presented on the final day of the Panel Hearing. The closing submission sought to refine Council’s position in response to submissions made by other parties during the hearing.

Panel Report:

The Panel report (Attachment 1) recommends that the Amendment be adopted as exhibited, subject to the following changes that were agreed to by Council and Melbourne Water during the course of the Panel hearing:

*1. “Delete Clauses 21.02-12 and 21.02-13.*

*2. Amend the application of the Land Subject to Inundation Overlay to 94-98 Main Street, Bacchus Marsh, to the land below 99.86 metres Australian Height Datum as shown in Figure 4 of this report.*

*3. Adopt the post-exhibition changes to the exhibited Land Subject to Inundation Overlay and Special Building Overlay extent as shown in Appendix D of this report.*

*4. Amend the Explanatory Report* *under the heading ‘Does the amendment address relevant bushfire risk?’ to read:*

*The amendment will not result in any increase in bushfire risk, as it only seeks to manage flood risks. The amendment does not involve, nor facilitate, any on-ground works (such as revegetation) which might lead to increased bushfire risk.”*

Regarding recommendation 1, the exhibited planning scheme documents proposed the insertion of the following local planning policy clauses relating to floodplain management:

*“Clause 21.02-12 – Objective - Flood Management*

*To recognise the constraints of floodplains and overland flow paths on the use and development of land.*

*Clause 21.02-13 – Strategy*

*Ensure that new development maintains the free passage and temporary storage of floodwater, integrates with the local drainage conditions, and minimises soil erosion, sedimentation and silting.”*

During the course of the Panel hearing, Council and Melbourne Water agreed that these proposed local policy clauses should be deleted, to avoid duplication of State policy relating to floodplain management at Clause 13.03-1S. Clause 13.03-1S has the following objectives:

*“To assist the protection of:*

 *Life, property and community infrastructure from flood hazard.*

 *The natural flood carrying capacity of rivers, streams and floodways.*

 *The flood storage function of floodplains and waterways.*

 *Floodplain areas of environmental significance or of importance to river health.”*

Relevant strategies under Clause 13.03-1S include:

 *“Avoid intensifying the impact of flooding through inappropriately located use and development.*

 *Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.”*

Regarding recommendation 2, the owner of 94-98 Main Street Bacchus Marsh presented expert evidence and submissions at the Panel hearing, indicating that the whole of the subject land had been filled above the specified flood level and that the LSIO should therefore not be applied. Council requested evidence of the extent of filling and the landowner subsequently produced a certified survey plan during the hearing. However, the survey plan showed that approximately 30% of the land remained below the specified flood level (refer to Figure 4 in the Panel report). The landowner then submitted that, if the subject land was to be filled above the specified flood level before the adoption of the Amendment, then the LSIO should not be applied to the land. Melbourne Water did not support the filling of the whole of the subject land to avoid the application of the LSIO. Council also objected to the proposal, but nevertheless stated that, if the site was filled to the specified height before the adoption of the Amendment and should this be confirmed in a certified survey plan, Council would not seek to apply the LSIO to the site.

After the Panel hearing, the owner of 94-98 Main Street Bacchus Marsh submitted another certified survey plan (Ref. 25602F1, version 3) to Council, which demonstrates that the majority of the land has now been filled above the specified flood level. Having considered the certified survey plan, Melbourne Water has advised that the LSIO should only be applied to a narrow strip of land adjacent to the eastern and northern boundaries, which remains below the specified flood level.

Regarding recommendation 3, the post-exhibition changes to the exhibited LSIO and SBO extents were recommended by Melbourne Water’s expert witness and Council agreed to these changes in its submissions to the Panel. These changes will result in the removal of the exhibited LSIO from 39 properties and a reduction in the exhibited LSIO or SBO extent applying to 15 properties (see Attachment 2 for property details).

Regarding recommendation 4, the explanatory report has been amended to reflect that no bushfire risks is associated with the amendment.

Other key conclusions of the Panel report (Attachment 1) were:

 The Amendment implements the relevant sections of the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) and is consistent with the relevant Ministerial Directions and Planning Practice Notes.

 The Amendment is well founded and strategically justified.

 “The Amendment is overwhelmingly supported under the *Planning and Environment Act 1987*, State and local planning policy, and the Victorian Floodplain Management Strategy.”

 The LSIO and SBO are appropriate controls to use given the nature of the flood risks identified in the flood studies.

 The schedules to the LSIO and SBO have been appropriately drafted.

 The technical basis of the Amendment is sound.

 The Amendment is consistent with State policy for flood studies and mapping.

 Any potential impacts on insurance price and availability for affected properties, and on the value of affected properties, are not relevant considerations for the Panel in considering the Amendment.

 Drainage system maintenance and future capital works are not relevant considerations for the Panel in considering the Amendment.

In regard to the flood studies and mapping, the Panel noted that:

*“The Panel received extensive submissions and evidence on the appropriateness of the flood studies to underpin the Amendment. The submissions and evidence indicate that although the flood studies were undertaken some time ago, nothing has occurred in the intervening time period to render them no longer a suitable basis for the Amendment, save some minor on-ground changes due to land development. The Peer Review of the flood studies in 2017 confirmed their suitability, as did Mr Swan’s expert evidence.*

*……………………………..*

*The Panel notes that no evidence was presented to it demonstrating any problems with the flood studies and Melbourne Water modelling such that the work should be disregarded in its entirety.*

*Relevantly, the Panel notes and supports both Council and Melbourne Water’s willingness to review flood mapping for individual sites where development and on-going works have been identified through submissions and where Council and Melbourne Water have agreed to amend the extent of the LSIO and SBO mapping where appropriate.”*

Updated Amendment Documents:

Attachment 3 contains an updated version of the following Amendment documents, in accordance with the Panel’s recommendations:

 Clause 21.02, updated by deletion of the local policy objective and strategy under clauses 21.02-12 and 21.02-13 (Floodplain Management);

 Planning scheme maps, updated in accordance with the recommended changes shown in Attachment D to the Panel report, together with a reduction of the LSIO extent on 94-98 Main Street Bacchus Marsh, to the land below the specified flood level applicable to the property (taking account of recent filling works).

 Explanatory Report, with updated text under the heading *‘Does the amendment address relevant bushfire risk?’*.

Council Plan

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to introduce the LSIO and SBO into the Moorabool Planning Scheme is consistent with the Council Plan 2021-2025, as it is aligned with priority 1 ‘Develop planning mechanisms to enhance liveability in the Shire’.

The proposal is consistent with the previous Council Plan 2017 – 2021 action to “Work with relevant authorities to ensure that flooding risks are addressed, and flood mapping incorporated into the planning scheme”.

Financial Implications

Melbourne Water, as the proponent for the Amendment, is paying all costs associated with public notification of the amendment (including advertising costs), together with planning panel hearing fees.

Risk & Occupational Health & Safety Issues

Should Council choose to abandon the Amendment, it would not be meeting its obligations to identify flood prone land in the planning scheme. In the absence of LSIO and SBO controls, there is no planning permit trigger to enable Council to consider flood risk. If a planning permit is required for a development under other zone or overlay controls, there is a risk that Council may grant approval without due consideration of flood risk.

Council has a duty of care as a planning authority to ensure that available flood extent mapping is translated into meaningful planning controls and are applied in a transparent manner. By adopting the Amendment, Council will ensure that development decisions (on land affected by the LSIO or SBO) are based on known flood extents. This will ensure that flood risks associated with proposed subdivisions, buildings and works are either avoided or mitigated.

Communications & Consultation Strategy

All submitters were notified in writing of this meeting. If the Amendment is ultimately approved by the Minister for Planning, notices of approval will be published in the Moorabool News and the Victorian Government Gazette.

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 – Rod Davison*

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

Conclusion

There is clear strategic justification for this Amendment. Council has a statutory responsibility to introduce flood controls and flood extent mapping to the Moorabool Planning Scheme, given that flood modelling and mapping has been undertaken by Melbourne Water as the relevant floodplain management authority.

The Amendment will ensure that Council can appropriately regulate proposed development on flood prone land and ensure that flooding is not exacerbated on other properties by inappropriate development.

13 Community Strengthening Reports

Nil

14 Customer Care and Advocacy Reports

14.1 Review of Customer Service Charter

**Author: Mike Whittaker, Manager Customer Experience & Innovation**

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

**Attachments: 1. Customer Charter (under separate cover)**

**2. Service Commitments (under separate cover)**

Purpose

The purpose of this report is to update Councillors on outcomes from a review of the Customer Service Charter.

Executive Summary

 A review of the Customer Service Charter has now been completed.

 The insights gained through this review have resulted in the development of the attached Customer Charter and associated service commitments that inform customers on how timely Council delivers its services.

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Tonia Dudzik  **That Council:**  **1. Adopts the Customer Charter, provided as Attachment 1.**  **2. Develops a plan for communicating the Customer Charter to the Moorabool community and internal staff across the organisation.**  **Carried** |

Background

The Moorabool Shire Council’s Customer Service Charter was developed in 2014 and outlines what customers can expect when contacting Council by phone, in writing and in person. It focuses primarily on the ‘customer service’ component of the overall customer experience and is often perceived by many staff as a customer service unit responsibility rather than something that applies to all staff.

The Customer Service Charter has now been reviewed and updated to ensure that it reflects Council’s commitment to the entire end to end experience which includes service design, customer service, and service delivery. As such, it is a foundation document that underpins the Customer Experience Strategy moving forward.

Proposal

**1. New charter and service commitments**

The new Customer Charter has been designed to ensure a transparent, consistent, and timely delivery of services; with a large focus on improving the customers’ overall experience now and into the future.

The Charter focuses on four commitments designed to reflect what matters most to the customer. These are:

 We understand your needs

 We are easy to deal with

 We keep you updated

 We do what we say we will

These four commitments align with the Service Victoria’s Customer Experience Principles and are consistent with our own research findings on what matters most to the customer - obtained through the 2020 Customer Satisfaction Survey results.

The new service charter is also supported by a range of service commitments that inform the customer on how timely Council delivers its services.

These service commitments have been developed through consultation with each service unit and approved by managers to ensure they are realistic, achievable, and measurable.

Council’s performance against these service commitments will be reported on quarterly via the Council’s performance reporting dashboard on the website (starting end of first quarter 2021/22).

**2. Internal customer service standards**

The principles of the new Customer Charter also underpin the way we will design and deliver internal customer experiences to ensure they meet the needs and expectations of staff and service units.

While there are already a number of internal service commitments that apply to all service units, it is proposed that more specific internal service commitments will be developed over time through consultation with staff to understand their needs and expectations.

Going forward, the Customer Experience and Innovation service unit will continue to work with service units to assist them to meet their service commitments.

Council Plan

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.2: Align services to meet the needs of the community**

The proposal for the new Customer Charter is consistent with the Council Plan 2021-2025.

Financial Implications

Financial resourcing for implementation of the new Customer Charter is included in the approved budget for 2021-22.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

The Customer Charter has been informed through consultation with our community via the Customer Experience and Community Satisfaction Surveys.

Once endorsed by Council, the Customer Charter will be promoted and made available to the community via Council’s website, social media and the Customer Service Contact Centre.

Victorian Charter of Human Rights & Responsibilities Act 2006

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

Officer’s Declaration of Conflict of Interests

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

*General Manager – Caroline Buisson*

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

*Author – Mike Whittaker*

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

Conclusion

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

14.2 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 proposed realignment of the Bacchus Marsh and Pentland Hills locality boundaries.

 Council submits this request to the Office of Geographic Names Victoria for gazettal.

|  |
| --- |
| Resolution  **Moved:** Cr Moira Berry  **Seconded:** Cr David Edwards  **That Council approves the request for gazettal of 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.

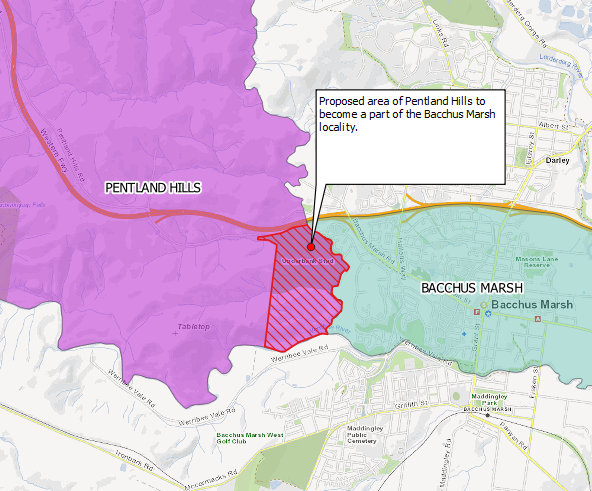
The land to the west of Korkuperrimul Creek is currently known as Pentland Hills, and the land to the east of the creek is known as Bacchus Marsh. The proposed boundary would follow the boundary of the current General Residential Planning Zone (GRZ2) to the west.

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

Proposal

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

Figure 1



Council resolved on the 5th May 2021 to commence the consultation process with the community in relation to the locality boundary realignment between Bacchus Marsh and Pentland Hills. These submissions were invited from 1 June 2021 to 30 June 2021. Invitations were sent out to the affected property owner and the wider Moorabool community via print and digital media. One positive response was received from the Community. No objections we received.

Council Plan

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.2: Align services to meet the needs of the community**

The proposal is not provided for in the Council Plan 2021-2025 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** |
| Notify | Office Geographic Names Victoria – Including Vicmap | Submit request – ves.land.vic.gov.au (Victorian Editing System website) |  | Oct 2021 | To have the proposed change gazetted |
| Notify | Australia Post | Email |  | Oct 2021 | To advise of the gazetted change |
| Notify | ESTA (Emergency Services Telecommunications Authority) | Email |  | Oct 2021 | To advise of the gazetted change |
| Notify | Property Owner(s)/Developer | Email |  | Oct 2021 | To advise of the gazetted change |

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

After consulting with the community in relation the realignment of the locality boundary between Bacchus Marsh and Pentland Hills, there we no negative submissions received. Changing the boundary will enable Australia Post and Emergency Service Victoria to deliver their services smoothly and efficiently within this area for the community.

14.3 2020/21 Moorabool Shire Council Annual Report

**Author: Genevieve Clark, Senior Communications, Media & Advocacy Officer**

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

**Attachments: 1. Annual Report 2020-2021 (under separate cover)**

Purpose

The purpose of this report is to present the Annual Report to Councillors at the Ordinary Meeting of Council.

Executive SummarY

 Under the Local Government Act 2020, Council is required to prepare an Annual Report.

 Council is required to hold a meeting to consider the report.

|  |
| --- |
| Resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr David Edwards  **That Council receives the 2020/21 Annual Report in accordance with section 98 of the *Local Government Act 2020*.**  **Carried** |

Background

Under Section 98 of the *Local Government Act 2020,* Council is required to prepare an Annual Report and submit it to the Minister for Local Government within three months after the end of the financial year reported on. The Moorabool Shire Council Annual Report 2020/21 is expected to be sent to the Minister for Local Government on Thursday 24 September 2021.

Council is also required to advertise that the Annual Report will be presented to Council for consideration.

Public notice will be given via the Moorabool News on 5 October 2021 that the Annual Report has been completed and will be available for inspection on our website subject to Council receiving it.

Proposal

In accordance with requirements of the Local Government Act (2020), the 2020/21 Annual Report has been advertised and is presented to Council to consider and receive the report.

Hard copies of the Annual Report are available at Council offices for inspection and can be supplied upon request. The public can download a copy of the Annual Report from the Council website.

The Annual Report distributed with this Agenda has been produced to meet the requirements of the *Local Government Act 2020.*

Council Plan

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to consider the 2020/21 Annual Report is consistent with the Council Plan 2021 - 2025.

Financial Implications

There are no financial implications in relation to this report.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Community | Newspaper advertising/website | Various | October | Community is aware that the Annual Report is being presented to Council. |

Victorian Charter of Human Rights & Responsibilities Act 2006

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

Officer’s Declaration of Conflict of Interests

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

*General Manager – Caroline Buisson*

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

*Author – Genevieve Clark*

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

Conclusion

The 2020/21 Annual Report is now a public document that is on our website and can either be distributed to stakeholders or made available for inspection on request. In line with Local Government requirements, we ask Council to receive the 2020/21 Annual Report.

14.4 CEO Employment and Remuneration Policy

**Author: Joshua Warner, Executive Manager People & Culture**

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

**Attachments: 1. CEO Employment and Remuneration Policy (under separate cover)**

Purpose

The purpose of the report is to present to Council the CEO Employment and Remuneration Policy for adoption.

Executive Summary

 Council is required to develop and implement a CEO Employment and Recruitment Policy as prescribed under the *Local Government Act 2020*.

 The policy will provide direction and guidance on the management of the life cycle of the Chief Executive Officer’s employment, including recruitment, performance and end of contract processes.

|  |
| --- |
| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Moira Berry  **That Council adopts the CEO Employment and Remuneration Policy provided as Attachment 1 to this report.**  **Carried** |

Background

Council is responsible for the appointment of the Chief Executive Officer (CEO), determining (with the CEO) the CEOs Performance Plan, assessing the performance against that plan and determining the CEOs contract conditions, including remuneration.

Proposal

The attached Policy has been developed to support the requirements of the *Local Government Act 2020* relating to CEO employment and remuneration, and Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with best practice principles, which are detailed in the attached policy.

The policy also proposes to establish a CEO Employment and Remuneration Committee in accordance with s.45(1) of the *Local Government Act 2020*, including the appointment of an independent member for a term of three years to help facilitate the process.

Council Plan

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to adopt the CEO Employment and Remuneration Policy is consistent with the Council Plan 2021-2025.

Financial Implications

There are no financial implications associated with the adoption and implementation of the CEO Employment and Remuneration Policy.

Risk & Occupational Health & Safety Issues

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Legislative requirements | Failure to comply with the requirements of the *Local Government Act 2020*. | Medium | Council to adopt and comply with the CEO Employment and Remuneration Policy. |

Communications & Consultation Strategy

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Consult | Councillors | The proposed Policy was discussed at a Councillor Briefing | via Teams | 8 September 2021 | Councillor input was sought of the proposed Policy. |

Victorian Charter of Human Rights & Responsibilities Act 2006

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

Officer’s Declaration of Conflict of Interests

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

*General Manager – Caroline Buisson*

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

*Author – Joshua Warner*

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

Conclusion

The adoption of the CEO Employment and Remuneration Policy will demonstrate to the Moorabool community Council’s commitment to good governance whilst ensuring compliance with the requirements of the *Local Government Act 2020*.

15 Community Assets and Infrastructure reports

Nil

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.

|  |  |
| --- | --- |
| **Cr Tom Sullivan – Mayor’s Report** | |
| ***Date:*** *6 October 2021* | |
| 3 September | * Central Highlands Councils Victoria Mayors and CEOs Meeting |
| 8 September | * Councillor Briefings – CEO Employment & Remuneration Policy; Community Assets Committees-Guideline Implementation Plan; Planning Scheme Amendment C91 Flood Overlays; Review of the draft DAC Agenda; General Business |
| 14 September | * Online Australian Citizenship Ceremonies |
| 15 September | * Councillor Briefings – Gender Equity Framework; Customer Care & Advocacy Update (including the Customer Charter Service Standards); General Business * Development Assessment Committee |
| 16 September | * Timber towns Victoria General Meeting |
| 21 September | * Councillor Briefing – Revenue & Rating Plan Workshop 1 |
| 22 September | * Councillor Briefings – Regional Roads Victoria Update (Gisborne Rd/Main St, Bacchus Marsh); Moorabool Gateways Strategy; Draft Procurement Policy; Proposed Realignment of Locality Boundary between Bacchus Marsh and Pentland Hills; Review of the OMC Agenda; General Business |
| 28 September | * Meeting with Beverley McArthur re Western Vic Transmission Lines |
| 30 September | * Online Australian Citizenship Ceremonies |
| 6 October | * Councillor Briefings: Future of Aged Care * Ordinary Meeting of Council |

|  |
| --- |
| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  **That Council receives the Mayor’s Report.**  **Carried** |

.

20 Councillors’ Reports

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 20.1 Councillors' Reports   |  |  | | --- | --- | | **Councillor** | **Activity** | | ***Date:*** *6 October 2021* | | | Cr Munari | * Attended a Citizenship Ceremony (online) | | Cr Berry | * Attended two Citizenship Ceremonies on 14 September (online) | | Cr Ward | * Attended the Bacchus Marsh Aerodrome Management Committee Meeting | |  | | |

21 Urgent Business

Cr Tatchell raised an item of Urgent Business in relation to the Growing Suburbs Fund.

|  |
| --- |
| 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 Growing Suburbs Fund.**  **Carried** |

|  |
| --- |
| 22.2 Urgent Business - Growing Suburbs Fund |
| **Resolution**  **Moved:** Cr Paul Tatchell  **Seconded:** Cr Tonia Dudzik  **That Council endorse Council officers to submit an application for the current Growing Suburbs Fund for the amount of $4.25m.  The submission is to support the delivery of the Ballan Library and Community Hub Project and the All Abilities Playground at Bacchus Marsh Racecourse Recreation Reserve.**   **Carried** |

22 Closed Session of the Meeting to the Public

Nil

23 Meeting Closure

**The Meeting closed at 8.18pm.**

**...................................................**

**CHAIRPERSON**