



AGENDA

Ordinary Council Meeting Wednesday, 5 June 2024

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

Date: Wednesday, 5 June 2024

Time: 6.00pm

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

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND PRAYER

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORDING OF MEETING

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

- The Moorabool News; and
- The Star Weekly

4 PRESENT

5 APOLOGIES

6 CONFIRMATION OF MINUTES

Ordinary Council Meeting - Wednesday 1 May 2024

7 DISCLOSURE OF CONFLICTS OF INTEREST

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

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

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

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

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

8 PUBLIC QUESTION TIME

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

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

A Councillor or Council officer may:

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

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

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

9 PETITIONS

9.1 PETITION - OBJECTION TO RENAME THE ELAINE RECREATION RESERVE THE RON READ RECREATION RESERVE

Author: Kate Pryor, Governance Officer

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

Attachments: 1. Letter - Petition against renaming the Elaine Recreation Reserve (under separate cover)

PURPOSE

Council has received a petition containing 113 signatures from residents affected by the proposal to rename the Elaine Recreation Reserve to the Ron Read Recreation Reserve.

EXECUTIVE SUMMARY

The petition states:

- *We the undersigned strongly oppose the renaming of the Elaine Recreation Reserve.*

A letter also accompanied the petition, which is attached to this report.

RECOMMENDATION

That:

1. Council receives the petition containing 113 signatures in relation to renaming the Elaine Recreation Reserve.
 2. A report be prepared by officers for Council's consideration pertaining to the petitioner's request.
-

10 PRESENTATIONS/DEPUTATIONS

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

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

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

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

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

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

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

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

11 CHIEF EXECUTIVE OFFICER REPORTS

11.1 2021-2025 MOORABOOL SHIRE COUNCIL PLAN - PROGRESS REPORT Q3 - MARCH 2024

Author: Evelyn Tan, Service Improvement Business Partner

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. **Moorabool Shire 2021-2025 Council Plan - Progress Report Q3 - March 2024 (under separate cover)**

PURPOSE

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

This report provides an update on the status of the Council Plan Actions as of 5 April 2024.

EXECUTIVE SUMMARY

- There are 48 Strategic Actions to be achieved this fiscal year with seven forecasted to be completed in Quarter 1 of FY 2024-2025.
- Five Council Plan Actions have been completed as of 5 April 2024.
- 77.1% of actions show as on track against targets.

RECOMMENDATION

That Council receives the 2021-2025 Moorabool Shire Council Plan – Progress Report Q3 – March 2024, including Attachment 1 of this report.

BACKGROUND

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

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

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

The Annual and Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance while providing open and transparent reporting to the community. This report presents the progress performance against the actions set for the FY 2023/24.

The Year 3 Council Plan Progress Report identified 18 actions that were not completed by 30 June 2023, these have now all been extended to be due by 30 June 2024.

PROPOSAL

The 2021-2025 Moorabool Shire Council Plan - Progress Report Q3 – March 2024 is provided as Attachment 1 to this report.

There are 48 actions identified in the Council Plan to be achieved in Year 3. Through meetings with each manager, the 2022/23 key targets or milestones for each action have been reviewed and set to reflect the expected progress throughout the year.

As of 5 April 2024, 77.1% of actions show as on track against their targets, with four actions not started as they are waiting for its strategy or design to be fully endorsed by Council.

The following table summarises the status of the actions under each strategic objective set to be achieved by 30 June 2024:

Strategic Objective	Completed	In Progress			Not Started	Total
		Year 1 actions	Year 2 actions	Year 3 actions		
Healthy, inclusive and connected neighbourhoods	3	10	6	2	2	23
Liveable and thriving environments	2	4	5	6	2	19
A Council that listens and adapts to the needs of our evolving communities	0	3	3	0	0	6
Totals	5	17	13	8	4	48

Updates made since the last Council Action Progress report that went to the OMC include:

- Actions **Not Started** has decreased from eight actions to four actions following reduction in vacancies within the Council.
- Out of the 48 actions reported, seven actions are forecasted by managers to be completed in early FY 2024-2025 instead of the current FY 2023-2024, should there be any changes on this forecast it will be reflected in the Quarter Four Action Progress Report. These seven actions are:
 - 1.1.1.1 Review the Recreation and Leisure Strategy
 - 1.2.1.6 Consult and Complete Bungaree and Wallace Structure Plans
 - 1.2.2.2 Develop the Gateway Strategy
 - 1.2.2.4 Develop the Open Space Strategy
 - 1.2.3.7 Develop a Sustainable Materials Policy for Infrastructure Work
 - 1.2.4.4 Develop an Investment Attraction Prospectus
 - 1.3.1.18 Review the Customer Experience Strategy

- Stage 2 Bacchus Marsh Racecourse Recreation Reserve construction and Stage 1 and Stage 2 construction of the Aqualink Cycle are 5% away from their completion. They are anticipated to be completed by the end of April 2024.

Significant progress has been made within the Community Activation space as vacancies were filled. The developments feature four different Recreation Reserves Master Plans simultaneously progressing well, an application submitted to the *Enabling Tourism Fund* for our Council's *Audience Segmentation Study*, and lastly, the early commencement of the annual implementation of the Economic Development Strategy which was anticipated to happen in Quarter 4 of FY 2023-2024.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to receive the 2021-2025 Moorabool Shire Council Plan Progress Report as of March 2024, is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

The progress comments and performance status of each action will be uploaded onto the online Council Performance Dashboard in May 2024. Community members can access the dashboard to view the performance of each of the Council Plan Priorities, current as of February 2024.

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Joshua Warner

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

Author – Evelyn Tan

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

CONCLUSION

Overall, there are 48 actions being reported on for Year 3 including now 17 actions carried forward from Year 1. Seven Council actions targeted to be completed this fiscal year are expected to be completed in FY 2024-2025. As of 5 April 2024, 77.1% of actions show as on track against targets.

11.2 2017-2021 MOORABOOL SHIRE COUNCIL PLAN - OUTSTANDING ACTIONS PROGRESS REPORT Q3 - MARCH 2024

Author: Evelyn Tan, Service Improvement Business Partner

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. **Moorabool Shire 2017-2021 Council Plan - Outstanding Actions Progress Report March 2024 (under separate cover)**

PURPOSE

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

That Council receives the 2017-2021 Moorabool Shire Council Plan – Outstanding Actions Progress Report - March 2024, including Attachment 1 to this report.

BACKGROUND

Of the strategic actions identified for completion in the final year of the 2017-2021 Moorabool Shire Council Plan, ten were incomplete as of 30 June 2021 and were not captured in Council's 2021-2025 Council Plan. As of 30 June 2023, seven were completed and three were incomplete.

As of 30 September 2023, the end of Quarter 1, eight were completed and two were incomplete. Accordingly, quarterly reporting will continue for these outstanding Council Plan actions until all actions are complete.

PROPOSAL

There were ten actions outstanding from the 2017-2021 Council Plan. As of 5 April 2024, no additional completion was made since September 30, 2023. The two incomplete actions are progressing slowly.

One has reached 80% or greater completion and the other has between 60% and 90% completion.

Under Action 1.4.1.6 *Incorporate strategic documents into the Planning Scheme - West Moorabool Heritage Study (2017 - 2021)*, the team has received a Conditional Authorisation document from the Department of Transport and Planning on 28 February 2024 and officers are currently working through the conditions.

A full progress report including commentary against these actions is provided in Attachment 1.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**Priority 3.4: Measure performance, communicate our results and continue to improve our services every day**

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

FINANCIAL IMPLICATIONS

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

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

Specific projects are the subject of their own communications strategy.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

Executive Manager – Joshua Warner

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

Author – Evelyn Tan

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

CONCLUSION

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

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

11.3 RESPONSE TO NOM NO. 319 - MOORABOOL SHIRE'S INVOLVEMENT IN THE COMMITTEE FOR BALLARAT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

This report responds to the Notice of Motion presented by Cr Tom Sullivan at the Ordinary Meeting of Council on 1 May 2024, requesting a report on membership to the Committee for Ballarat

RECOMMENDATION

That Council, as part of its annual review of memberships, lists the Committee for Ballarat for consideration.

BACKGROUND

The Committee for Ballarat represents Ballarat and the western region, extending north to include the Hepburn Shire, south to include the Golden Plains Shire and west to include the Pyrenees Shire. The Committee seeks to work across all three tiers of government to advocate that Ballarat and the region is seen as a dynamic regional centre that provides attractive lifestyle opportunities, sound connectivity, strong employment and investment prospects, and has a focus on innovation and sustainability.

Ballarat region's population is currently around 170,000, and this is projected to increase to approximately 260,000 by 2056. The Committee for Ballarat investigates and advocates for outcomes that will advance its vision for a thriving and vibrant regional community, recognised for its liveability, sustainability and inclusiveness. The Committee's work is focused on the future that will define us as a compassionate community, and one which is prosperous, sustainable, innovative, connected and safe, providing opportunity for all.

The Committee for Ballarat was established in May 2005, and Council's membership commenced in 2014. During the period of COVID-19, due to an administrative oversight, Council did not renew its membership. When notified of this oversight in 2023, Council re-commenced its annual contribution.

Membership provides Council with the opportunity to help shape the future of the region, build connections with our leaders and get involved in opportunities that make a difference.

A full listing of its members can be found via the link or via their website - [our members | Committee for Ballarat](#)

As part of its membership, Council can attend events and round tables with neighbouring Councils and businesses to provide input into the direction of the region.

PROPOSAL

As part of its annual review of memberships, it is proposed that the Committee for Ballarat is included.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

Priority 3.1: Listen, analyse and understand community needs

The proposal to consider continued membership to the Committee for Ballarat is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The annual membership cost to the Committee for Ballarat is \$4,620 which can be accommodated through existing budgets.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No risks have been identified with this proposal.

COMMUNICATIONS & CONSULTATION STRATEGY

No communication and/or consultation strategy is required with this proposal.

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 – Derek Madden

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

CONCLUSION

The Committee for Ballarat provides a voice to the region and presents opportunities for Council to help shape the future of the region, build connections with our leaders and get involved in opportunities that make a difference.

12 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

12.1 PLANNING SCHEME AMENDMENT C108MOOR BALLAN PRECINCT 5 - AUTHORISATION

Author: Jyoti Makan, Senior Strategic Planner

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

1. Amendment C108Moor Documents (under separate cover)
2. Community Infrastructure Contributions (under separate cover)

PURPOSE

The purpose of the report is for Council to resolve to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C108Moor, which provides for the rezoning of land in Ballan and introduces a Development Plan Overlay and Vegetation Protection Overlay to guide a future residential development.

EXECUTIVE SUMMARY

- The Ballan Strategic Directions identified the subject land as a future residential growth area within Ballan as Precinct 5: Western Growth Precinct.
- The amendment is proponent led and has been lodged providing strategic justification to support the rezoning of 98.5ha of land, which could support approximately 930 lots.
- The amendment proposes planning controls and community infrastructure which will service a master planned community of up to 2,800 residents and provide net community benefit to the existing residents of Ballan.
- To progress the amendment to public exhibition, Council will need to request authorisation to prepare and exhibit Amendment C108Moor from the Minister for Planning.

RECOMMENDATION

That Council:

1. Apply to the Minister for Planning in accordance with Section 8A of the *Planning and Environment Act 1987*, for authorisation to prepare and exhibit Moorabool Planning Scheme Amendment C108Moor in accordance with Attachment 1.
2. Authorise the Executive Manager Community Planning and Development to make minor changes to the amendment documentation if required, where they do not alter the intent of the amendment.
3. Prepare a S173 Agreement with the landowners(s), that captures the delivery of developer contributions as outlined in Attachment 2, with the Agreement required to be entered into prior to Council adoption of a final Amendment C108Moor.

BACKGROUND

Ballan Strategic Directions and Ballan Framework Plan

The Ballan Strategic Directions was adopted by Council in October 2019 to inform the future growth and development in Ballan. It identified the subject site for future residential growth with the ability to sustain the cultural, environmental, and country characteristics of Ballan. The site was identified as Precinct 5: Western Growth Precinct which highlighted the support and delivery of this precinct as a priority, due to its ability to be serviced and its un-fragmented land ownership. It also cited opportunities for view lines, activation of the creek, shared paths and connectivity, protection of vegetation, sensitive interfaces to the existing roadways, and diversity in lot sizes.

The Ballan Strategic Directions provides assessment criteria for Precinct 5 which includes the following:

- It has the ability to impact on the primary western gateway.
- Enhances the Werribee River and environs and biodiversity values will be a critical consideration for future development.
- The precinct is located on the periphery of the town and although not well connected to services and facilities, the Precinct has the ability to connect and enhance the open space network along the Werribee River.
- Key community facilities are within a reasonable distance from Precinct 5.
- Unfragmented land with the majority of the site within one ownership and some smaller lots around the periphery.
- Ability to deliver part of the open space network along the Werribee River.
- It can undertake a critical role in accommodating population growth in the short to medium term.
- The site has the ability to accommodate growth whilst in keeping with the sensitive nature and vision for Ballan.
- Ensuring growth is appropriately managed to protect gateways and is sensitive to the country charm will be critical to the future development of the Precinct.

Amendment C88 implemented the Ballan Strategic Directions into the Moorabool Planning Scheme. The Panel commented that there is a need to act in the short term to augment land supply in Ballan to maintain a 15-year minimum supply.

Clause 11.03-3S – (Peri-Urban Areas) in the Planning Scheme represents Ballan as a potential growth area. The Ballan Framework Plan (Figure 1) is incorporated into Clause 11.01-1L-03 of the Moorabool Planning Scheme, identifying the land as a Greenfield Growth area that will:

- Provide development that will respond to the topography, landscape, vegetation and natural features.
- Provide passive open space within a walkable catchment as part of future subdivision.
- Encourage a diversity of lot sizes and housing choices.



Figure 1: Ballan Framework Plan

The Site

The site is bound by the Western Freeway to the north, Old Melbourne Road to the south, the Werribee River Valley to the east and Geelong-Ballan Road to the west. Old Melbourne Road currently forms the western gateway to the Ballan township.

Surrounding land is typically rural and low density residential, with the Ballan Township located further to the east of the site. South of Old Melbourne Road is a mix of low density residential and multi-unit dwelling developments.

The site has an area of approximately 98.5ha and is currently used for dwellings or agricultural purposes (grazing). The site consists of six parcels of land located within the Rural Living Zone.

The site is mostly clear of significant trees, with the majority of such trees within the Werribee River escarpment and some scattered across the site. The land generally slopes to the east towards the river. There are a number of existing road access points to existing dwellings located within the precinct.

PROPOSAL

Amendment C108Moor proposes to amend the Moorabool Planning Scheme to allow for a future residential development. The Amendment proposes to:

- Rezone approximately 98.5ha of land from the Rural Living Zone to the Neighbourhood Residential Zone.
- Apply the Development Plan Overlay (DPO) to provide a framework for future development including subdivision, transport, landscaping, stormwater management and bushfire management requirements.

- Apply the Vegetation Protection Overlay (VPO) to conserve and maintain significant trees and areas of natural habitat for flora and fauna.
- Remove the Design and Development Overlay – Schedule 2 (DDO2) which is intended to control the use of reflective materials in rural areas.
- Retain the Design and Development Overlay – Schedule 3 (DDO3) which is intended to minimise the adverse impacts of noise from the Western Freeway on sensitive uses.
- Retain the Environmental Significance Overlay – Schedule 1 and 2 (ESO1 and ESO2) along the Werribee River Corridor and across the site. The ESO1 relates to proclaimed water catchment areas and the ESO2 relates to Waterway protection.
- Retain the Land Subject to Inundation Overlay (LSIO) along the Werribee River Corridor.

Key Considerations

In response to Council feedback and the challenges identified on site, a proposed concept plan was prepared. The amendment is now at a point where the key issues have been resolved to the extent that the Amendment can be exhibited to the public. There may be emerging issues which are raised and resolved through the planning panel process. Council will have an opportunity to consider recommendations of the Panel before deciding if the Amendment should be adopted.

The proposed future development would include:

- Approximately 930 lots accommodating up to 2,800 residents.
- Significant native vegetation to be protected in reserves and along the Werribee River.
- Local parks created with medium density residential opportunities at the periphery.
- Active open space and recreation area.
- Land for a community hub.
- A neighbourhood activity centre identified for small scale commercial development.
- Mixed density levels with conventional densities along the site interfaces.
- Wetland/retention basin adjoining the Werribee River Corridor.
- A development contributions offer.

A summary of the key considerations is provided below:

Concept Plan

The Concept Plan (Figure 2) will guide the preparation of a future Development Plan to be approved by Council. The Concept Plan has been reviewed by Council officers and relevant agencies and flows from the Ballan Strategic Directions and the recommendations of a range of specialist background reports contained in the supporting documentation. The background reports provide strategic justification for the Amendment and addresses the prerequisites contained in the Ballan Framework Plan/Ballan Strategic Directions, as well as the Strategic Assessment Guidelines (Planning Practice Note 46).

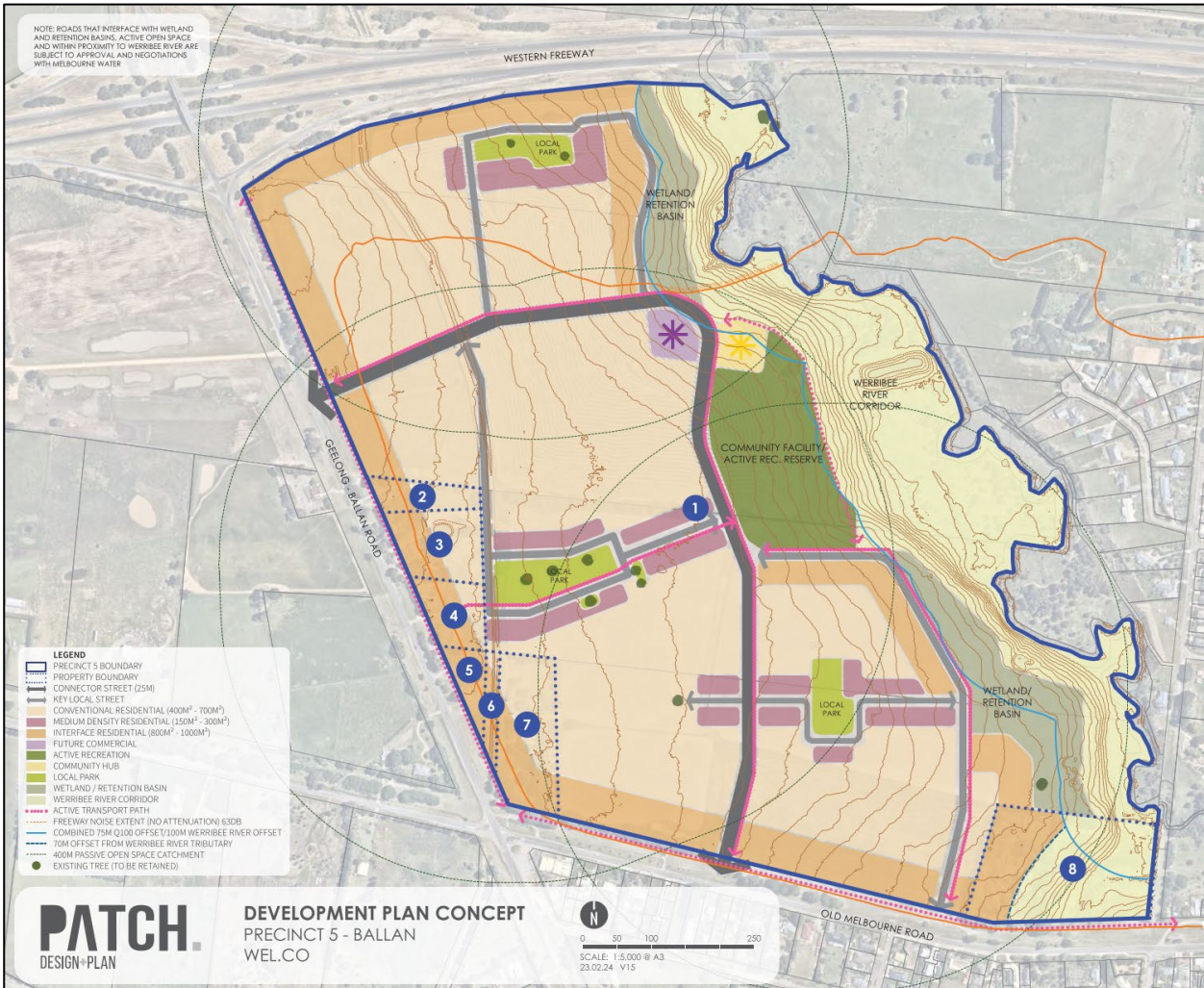


Figure 2: Concept Plan – Including lot ownership (blue dots)

Integrated Transport Network

The site is accessed via Geelong Ballan Road and Old Melbourne Road, with connections identified to the south and west of the site. The site also adjoins the Western Freeway to the north.

The Department of Transport and Planning (DTP) supports the retention of the Design and Development Overlay – Schedule 3 as it seeks to minimise any adverse effects of noise from the Western Freeway on sensitive uses within any proposed development. Due to the increase in development and constant traffic and freight volumes, acoustic reduction measures such as noise walls and built form elements will reduce the risk of noise to future residential developments.

The traffic impact assessment reveals increased movements onto the arterial network which will require new intersections including kerbing, pavement and street lighting to facilitate safe and effective movements for road users. New and existing intersections in the vicinity of the site will need to be to the satisfaction of DTP.

DTP highlights that no additional access points (other than those shown) will be allowed to Geelong-Ballan Road or Old Melbourne Road to ensure safety and efficiency for users of the arterial roads. DTP support the interim intersection upgrades to Old Melbourne Road – Geelong Ballan Road as proposed by the developer to facilitate safer movements and to address increased turning demands.

The Ballan Transport Study (May 2023) recommends a future roundabout as the ultimate upgrade required at the Old Melbourne Road – Geelong Ballan Road intersection to support future growth in traffic volumes. DTP recommends that a future contribution towards these works should be explored by Moorabool Shire Council with the developer to achieve the ultimate outcome.

Shared paths that link the site and river corridor to the existing network in Ballan are listed as a requirement in the schedule to the DPO.

Open Space Network

The proposed Masterplan indicates local parks within 400m of all development within Precinct 5 improving walkability and amenity for future residents. Shared paths are proposed along the Werribee River Corridor and connecting to the active recreation reserve, community facility, local parks and main connecting roads.

The focal point of connectivity is the active recreational space along the Werribee River Corridor offering a place of conservation, community facility, a full-size AFL football oval or two soccer pitches, three hard courts, car parking, terraced viewing area, sports pavilion, district playground and area for adjoining nature play of similar.

This space will provide Council the flexibility to accommodate either AFL football or soccer needs of Ballan in the future as required, with final details to be captured in the Development Contributions s173 Agreement prior to the approval of the Amendment.

Biodiversity

As part of the strategic justification of the Planning Scheme amendment, a biodiversity management plan and flora and fauna assessment was undertaken. This assessment identified the presence of high value native vegetation and fauna, including Environmental Protection and Biodiversity Conservation listed communities within the creek corridor and road reserve. The creek corridor is shown to be protected in the DPO and the ESO overlays on the land are proposed to be retained. The road reserve is located outside the developable area although would need protection during construction. The VPO will protect any additional scattered trees within the site considered worthy of retention.

Community Infrastructure and Contributions

The proponent has provided a Community Facilities and Education Needs Assessment, Open Space Needs Assessment and Infrastructure Servicing Report.

Development contributions have been negotiated that reflect Council's future needs for Ballan and will be made up of public open spaces including local parks, active open space, community facility, multipurpose hard courts, and sports pavilion. The proposed list of community infrastructure items negotiated as developer contributions is included in Attachment 2. Contributions include works in kind, financial and land contributions.

Intersection upgrades, lighting, and internal shared paths are also proposed, although are considered to be developer works, and have not been included as community infrastructure contributions. Timing and detailed specifications of contributions will be resolved in the creation of a s173 Agreement to be finalised prior to any Council adoption of the Amendment.

Next Steps

To progress the Planning Scheme Amendment for Ballan Precinct 5, Council is required to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

Following receipt of authorisation:

- A period of public exhibition will be undertaken, in accordance with the requirements of the *Planning and Environmental Act 1987* and Ministerial Direction No. 15.
- Relevant residents, landowners and the wider community will be invited to make submissions to Council on the proposed Amendment.
- A report will be brought to Council following public exhibition and Council will be able to request a planning panel to consider any unresolved submissions.

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 seek authorisation from the Minister for Planning to prepare and exhibit Amendment C108Moor is consistent with Council Plan Priority 2.1. Appropriate mechanisms are proposed to enhance liveability and provide community infrastructure to meet the needs of the growing community.

FINANCIAL IMPLICATIONS

As a privately initiated planning scheme amendment, the applicant is required to pay statutory fees in accordance with the planning and environment fees regulations. The applicant is also responsible for covering other costs associated with the Amendment as allowed under the *Planning and Environment Act 1987*, including advertising and panel costs. If the Amendment is approved, dwellings and residents in Ballan will increase. Development contributions will provide significant contributions towards the expanded community infrastructure requirement. Ongoing maintenance costs for facilities and open space will need to be included in future budgets.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Developer Contributions	Contributions are not secured prior to rezoning and therefore not provided or renegotiated.	Medium	Require contributions s 173 Agreement to be finalised and signed before adopting the Amendment.
Community Awareness	This amendment will apply a DPO limiting advertising requirements of future permits, meaning the amendment exhibition stage is the only opportunity for the community to engage in the future land use and development proposal. If the community is not aware of the Planning Scheme Amendment exhibition, then they lose any opportunity to provide their views.	Medium	Extensive engagement with existing residents of Ballan, including letters to property owners and residents.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Individual property owners and general community	Mail out, notification in gazette and Moorabool newspaper, and Council’s Have Your Say website.	Ballan	Approximately 40 business days from receipt of authorisation	Submissions will be reported to Council. Unresolved submissions can be referred to an independent Planning Panel.

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 – Jyoti Makan

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

CONCLUSION

Amendment C108Moor proposes to rezone approximately 98.5ha of land in Ballan and implement the DPO to provide a framework for future residential development. At full development, it will result in up to 2,800 residents joining the existing community of Ballan. This increase will be supported by open space, additional sports and recreation facilities, and a community hub to be funded by a development contributions agreement.

13 COMMUNITY STRENGTHENING REPORTS

13.1 FAIR ACCESS POLICY

Author: Chloe Beech, Coordinator Sport and Active Recreation

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

- 1. Fair Access Policy (under separate cover)**
- 2. Fair Access Policy Action Plan (under separate cover)**

PURPOSE

The purpose of this report is to present the final Fair Access Policy for adoption.

EXECUTIVE SUMMARY

At the 6 March 2024 Ordinary Meeting of Council, Council resolved to publicly exhibit the draft Fair Access Policy for a period of four weeks prior to adoption. The four-week public exhibition period has concluded with seven submissions received. Council acknowledges the comments received and no further updates to the policy have been made. The final Fair Access Policy and Action Plan is presented for adoption.

RECOMMENDATION

That Council adopts the Fair Access Policy and Action Plan.

BACKGROUND

To comply with Victoria's Gender Equality Act (2020), Victorian Councils are required to develop and adopt a Fair Access Policy to advance gender equitable access and use of community sports infrastructure by 1 July 2024. The adoption of the policy ensures Council will continue to be eligible to apply for State Government sports infrastructure funding.

The requirement for a Fair Access Policy stems from the 2015 inquiry into Women and Girls Sport and Active Recreation. The State Government is now taking steps to ensure there is a level playing field for women and girls in sport and active recreation participation and infrastructure.

Under the Act, Councils are required to complete Gender Impact Assessments (GIAs) and to consider and promote gender equality in community sport policies, programs and services. Council currently requires GIAs for a range of projects.

Council adopted the first Female Friendly Sport and Recreation Infrastructure and Participation Strategy in 2022 demonstrating a commitment to promoting gender equity as a principle. The Fair Access Policy extends Council's position on gender equity in sport.

Council's Fair Access Policy must follow four criteria to remain eligible for future State Government funding:

1. The policy must be adopted by 1 July 2024.
2. The policy must align with the intent of the Fair Access Policy Roadmap – which ensures community sporting environments are welcoming, accessible and inclusive for all. It must

demonstrate how Council will effectively drive gender equitable access and use of community sports infrastructure in the LGA to improve outcomes for women and girls.

3. The policy is measurable and must include specific and achievable goals or targets as part of implementation of the policy. These goals then need to be measured to determine the policy's effectiveness.
4. The policy will be reviewed at regular intervals and amended to achieve the best community outcomes.

Following the four-week public exhibition period, a summary of feedback is as follows:

- Three submissions were feedback outlining personal experiences of access to sport and recreation.
- One submission asked questions around implementation of the policy, which will be responded to by Officers.
- One submission commended the policy.
- One submission included feedback on Council's sporting infrastructure and was not relevant to the draft policy.
- One submission was blank.

Six out of the seven submissions were anonymous.

The feedback received is noted and acknowledged. There are no updates or changes made to the policy presented for adoption.

The Office for Women in Sport and Recreation reviewed the draft policy and action plan. Based on their review and feedback, two updates have been made to the action plan. These updates are:

- Updating indicators of success previously referring to "increased participation of women and girls in sport" to specific indicators that can be measured and achieved, included in Principle 1 and Principle 2 of the Fair Access Action Plan Addendum.
- Addition of an action in Principle 3 of the Fair Access Action Plan Addendum for developing a prioritisation for allocations criteria for clubs to meet during peak periods where demand outweighs supply. This has been worded so clubs who are actively trying to provide opportunities but do not have the uptake are not penalised.

PROPOSAL

It is proposed Council adopts the Fair Access Policy and Action Plan.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

Priority 1.1: Improve the health and wellbeing of our community

The proposal of adopting the Fair Access Policy and Action Plan is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

If the Fair Access Policy is not adopted Council will be ineligible for future Sport and Recreation Victoria (SRV) sports infrastructure funding; this has the potential to place Council at a disadvantage and a number of projects will be placed on hold.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Adoption of policy	If the policy is not adopted by 1 July 2024, Council will be ineligible for future sports infrastructure SRV funding.	High	Ensure Executive Group and Councillors are informed and support the policy.
Decrease in participation of community sport and recreation	Without fair access to sport and recreation facilities, a decline in participation in community sport could be experienced, placing the health and wellbeing of the community at risk	High	Support for Fair Access Policy and action plan to be implemented

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community	Community engagement via Have Your Say Platform	Online	11 March – 7 April 2024	Policy supported by the broader community

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Chloe Beech

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

CONCLUSION

The Fair Access Policy will ensure that Council complies with Victoria's Gender Equality Act (2020). The adoption of the policy and action plan confirms Council will continue to be eligible to apply for State Government sports infrastructure funding. Following the public exhibition period, the Policy has received community support.

13.2 COMMUNITY ASSET COMMITTEES - REPORTS

Author: Kaylene Bowker, Executive Assistant

Authoriser: Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Millbrook Community Centre CAC - 22 August 2023 (under separate cover)
 2. Minutes - Navigators Community Centre CAC - 24 October 2023 (under separate cover)
 3. Minutes - Wallace Public Hall CAC - 12 November 2023 (under separate cover)
 4. Minutes - Bacchus Marsh Public Hall CAC - 22 January 2024 (under separate cover)
 5. Minutes - Bacchus Marsh Public Hall CAC - 25 March 2024 (under separate cover)
 6. Minutes - Greendale Recreation Reserves CAC - 22 February 2024 (under separate cover)
 7. Minutes - Blacksmith's Cottage and Forge CAC - 27 February 2024 (under separate cover)

PURPOSE

Community Asset Committees are established by Council under section 65 of the *Local Government Act 2020* to manage and maintain Community Assets within the municipal district. 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*.

EXECUTIVE SUMMARY

The following Community Asset Committees present the following reports of the Committee Meetings for Council consideration.

Committee	Meeting Date
Millbrook Community Centre Community Asset Committee Meeting	22 August 2023
Navigators Community Centre Community Asset Committee Meeting	24 October 2023
Wallace Public Hall Community Asset Committee Meeting	12 November 2023
Bacchus Marsh Public Hall Community Asset Committee Meeting	22 January 2024, 25 March 2024
Greendale Recreation Reserves Community Asset Committee Meeting	22 February 2024
Blacksmith's Cottage and Forge Community Asset Committee Meeting	27 February 2024

RECOMMENDATION

That Council receives the following Community Asset Committee Minutes:

- 1. Millbrook Community Centre CAC Minutes for meeting held on 22 August 2023.**
 - 2. Navigators Community Centre CAC Minutes for meeting held on 24 October 2023.**
 - 3. Wallace Public Hall CAC Minutes for meeting held on 12 November 2023.**
 - 4. Bacchus Marsh Public Hall CAC Minutes for meetings held on 22 January 2024 and 25 March 2024.**
 - 5. Greendale Recreation Reserves CAC Minutes for meeting held on 22 February 2024.**
 - 6. Blacksmith's Cottage and Forge CAC Minutes for meeting held on 27 February 2024.**
-

13.3 COMMUNITY GRANT RECOMMENDATIONS - MARCH ROUND 2024

Author: Kristian Brudenell, Coordinator Community Development and Engagement

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments: 1. Community Grants March 2024 Round (under separate cover)

PURPOSE

The purpose of this report is to make recommendations to Council regarding funding applications for the March 2024 round of the Community Grants Program.

EXECUTIVE SUMMARY

- The Community Grants Program provides funding to community organisations to deliver projects that build on local strengths to develop healthy, inclusive and connected neighbourhoods.
- Council received 19 applications across the five program categories: Community Arts and Culture (4), Community Strengthening (10), Community Events (2), Community Development (2) and Sustainability and Environmental Engagement Grants (1).
- A combined value of \$67,508 was requested with \$109,282 available this round.
- Eligible applications were assessed by a community grants assessment panel consisting of Council officers from a diverse range of departments.
- This report presents Council with a list of recommended grants for the March 2024 funding round prepared by the community grants assessment panel (Attachment 1 - Community Grants March 2024 Round).
- In total, 12 applications are recommended to receive a combined \$41,357.50 in funding.
- The proposed allocation of this sum is detailed in the funding recommendations within this report and in Attachment 1 - Community Grants March 2024 Round.

RECOMMENDATION

That Council approves the allocation of community grants to the value of \$41,357.50 as outlined in Attachment 1 to this report.

BACKGROUND

This report provides an assessment of applications received for the Community Grants Program March 2024 Round. The grant round was opened 1 March and closed 31 March 2024, with 11 different community groups submitting applications. A combined value of \$67,508 was requested, with \$109,282 available this round. Eligible applications were assessed by an assessment panel.

Council's Community Grants Program enables not for profit community groups to apply for funding to support projects that result in broad community benefit for the Moorabool community. An annual allocation of \$270,400.00 is available in 2023/24 with \$109,282 available this round. The community grants program has the following five program categories:

- **Community Arts and Culture Grants:** Supporting local artists and organisations to use a creative approach to the development of community projects and initiatives (\$10,000 available this round).
- **Community Strengthening Grants:** Community projects, programs and initiatives with a specific focus on connecting communities and building community capacity (\$60,000 available this round).
- **Community Events Grants:** Non-recurrent, seed funding designed to encourage and promote the development of sustainable local events (\$10,000 available this round).
- **Community Development Fund Grants:** Supporting community infrastructure projects which significantly impact on community development (\$19,732 available this round).
- **Sustainability and Environmental Engagement Grants:** Supporting the community in reducing expenditure of gas and electricity, investing in sustainability measures and providing opportunities to raise awareness of environmental issues to the broader community (\$9,550 available this round).

Community groups and organisations can apply for up to \$5,000 for Community Strengthening Grants and up to \$3,000 for Arts, Events and Sustainability Grants. Groups need to demonstrate a cash or in-kind contribution toward the cost of their project on a ratio of \$1 for \$1 (Council \$1: Group \$1). Small Community Strengthening projects under \$1,000 are not required to demonstrate an applicant contribution.

A Grant Assessment Panel of Council officers assessed the applications against a set of criteria. Applications need to achieve a score of 70 or above to be recommended by the assessment panel to receive funding, subject to Council's endorsement.

The assessment criteria are as follows:

- Project description and why the applicant wants to complete the project – 10%
- Why is the project needed in your community? – 20%
- What will this project achieve? – 20%
- Who will be involved in the project? – 15%
- How will you carry out your project (including risk management)? – 15%
- Project budget and explanation of how the group arrived at the costs – 20%

Each criterion is assessed out of 10 and weighted according to the criteria percentage. The maximum possible score of any application is 100. The scoring guide is as follows:

- 0 Did not address criteria
- 1-2 Minimal
- 3-5 Satisfactory
- 6-8 Good
- 9-10 Excellent

PROPOSAL

March 2024 Community Grant Recommendations

In total, 19 applications were received across the five program categories as follows:

- Community Arts and Culture Grants (4)
- Community Strengthening Grants (10)
- Community Events Grants (2)
- Community Development Grants (2)
- Sustainability and Environmental Engagement Grant (1)

All 19 submitted applications were individually assessed by a panel of Council officers prior to a Grant Assessment Panel meeting. A total of \$67,508 was requested with \$109,282 available this round. The assessment panel recommends a total value of \$41,357.50 to be awarded to 12 applications. This community grant funding will contribute to local projects worth \$289,589.15 in total.

Category	Applications Received	Amount Available	Amount Requested	Amount Recommended	Applications Recommended
Community Arts and Culture Grants	4	\$10,000.00	\$12,000	\$6,000	2
Community Strengthening Grants	10	\$60,000.00	\$31,258	\$22,357.50	8
Community Events Grants	2	\$10,000.00	\$4,500	\$0	0
Community Development Fund Grants	2	\$19,732.00	\$16,750	\$10,000	1
Sustainability and Environmental Engagement Grants	1	\$9,550	\$3,000	\$3,000	1
Total	19	\$109,282	\$67,508	\$41,357.50	12

The recommendation provided in Attachment 1 - Community Grants March 2024 Round represents all the community grant applications from the March 2024 grant round.

Applicant Support

The Community Grant Guidelines specify that applicants are required to liaise with a Community Development Officer prior to lodging an application to ensure applicants receive clear guidance on eligibility and how to best present their applications. All applicants received support and advice from Council officers before lodging their application. Additional support was provided after the funding round closed to clarify any ambiguity in applications.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

Priority 1.1: Improve the health and wellbeing of our community

The proposed allocation of grants under the March 2024 round of the Community Grants Program is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Consistent with the Community Grants Policy and 2023/24 budget allocation, a total of \$109,282 is available for allocation in the March 2024 Community Grants Program.

The following amounts are recommended:

- \$6,000.00 for Community Arts and Culture Grants
- \$22,357.50 for Community Strengthening Grants
- \$0.00 for Community Events Grants
- \$10,000.00 for Community Development Fund Grants
- \$3,000.00 for Sustainability and Environmental Engagement Grants

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Project timelines	Grant recipients exceeding prescribed timelines.	Medium	Terms and conditions agreements required to be signed by grant recipients. Scheduled monitoring of projects.
Financial – Inadequate funds to finish project	Grant recipients misappropriate expenditure of Council funds.	Medium	Terms and conditions agreements required to be signed by grant recipients. Grant acquittal required upon completion of projects.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community Groups	Advised of Community Grants opening and encouraged to apply.	Via direct email	February-March 2024	Community Groups are aware of the grant opportunities and can put forward a submission.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Moorabool residents	Promotional flyers at libraries, community centres, and noticeboards. Council website. Social media channels. Moorabool News advertisement. Email banners/signatures. Electronic roadside sign. Council visual display boards. Arts network meeting.	Across the shire	February-March 2024	Council's Community Grants Program is well promoted to the Moorabool community.
Inform	Moorabool residents	Grant Writing Workshops. Drop-in support sessions.	Online and in person	February-March 2024	The community can learn about the Community Grants Program and develop their applications.
Inform	Successful applicants	Letter of formal notification.	Via email	June 2024	Following a decision of Council, successful grant applicants are notified.
Inform	Unsuccessful applicants	Letter of formal notification. Advised of future grant writing workshops. Provided an opportunity to meet with staff.	Via email	June 2024	Unsuccessful grant applicants are notified and provided feedback on their application. Applicants will be supported where applicable to redevelop their application for a following round.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Kristian Brudenell

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

CONCLUSION

The March 2024 community grants round resulted in 19 applications. Eligible applications were assessed by an assessment panel. Based on the application assessment process and funding criteria, it is proposed that Council allocates funding to the value of \$41,357.50 to be distributed to 12 applications through the Moorabool Shire March 2024 Community Grant Program per the recommendations provided in Attachment 1.

14 CUSTOMER AND CORPORATE SERVICES REPORTS

14.1 AUDIT AND RISK ADVISORY COMMITTEE - INDEPENDENT CHAIR HALF YEARLY REPORT 2023/24

Author: Kaylene Bowker, Executive Assistant

Authoriser: David Jackson, General Manager Customer & Corporate Services

Attachments: 1. Audit and Risk Advisory Committee - Independent Chair Half Yearly Report 2023/24 (under separate cover)

PURPOSE

The Audit and Risk Advisory 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 2023/24 half yearly report (Attachment 1) prepared by the Audit and Risk Advisory Committee's Independent Chair, Ms Linda MacRae.

EXECUTIVE SUMMARY

- At its meeting of 26 August 2020, Council adopted the Audit and Risk Advisory 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 Advisory Committee Charter, the Chairperson of the Audit and Risk Advisory 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 2023/24 half yearly report to be presented to Council. The Committee reviewed this report at its meeting held 21 February 2024 and confirmed it is an accurate reflection of the Committee's activities.

RECOMMENDATION

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

BACKGROUND

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

Ms Linda MacRae was declared Chairperson of the Audit and Risk Advisory 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 Advisory Committee Charter, the Chairperson of the Audit and Risk Advisory Committee is required to prepare an annual report on the activities of the Committee, including its findings and recommendations, and provide a copy of the report for tabling at a Council meeting.

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

PROPOSAL

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

This is the 2023/24 half yearly report to be presented to Council. The Committee reviewed this report at its meeting held 21 February 2023 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 Advisory Committee Independent Chair Report is consistent with the Council Plan 2021 – 2025.

FINANCIAL IMPLICATIONS

There are no financial implications associated with noting the Audit and Risk Advisory Committee Independent Chair 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 Advisory Committees under the <i>Local Government Act 2020</i> .	Medium	Noting the Chairperson’s Report, provided in accordance with the <i>Local Government Act 2020</i> and the Audit and Risk Advisory 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 Advisory Committee Members	Report presented to the Audit and Risk Advisory Committee	Darley Civic and Community Hub and Online	21 February 2024	Confirmed accurate report of Committee’s activities
Briefing	Councillors	Chairperson presenting report at Councillor Briefing	Council Chambers, Ballan and Online	22 May 2024	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.

General Manager – David Jackson

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

Author – Kaylene Bowker

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 Advisory Committee Independent Chair 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.

14.2 AUDIT AND RISK ADVISORY COMMITTEE OF COUNCIL - REPORTS

Author: Kaylene Bowker, Executive Assistant

Authoriser: David Jackson, General Manager Customer & Corporate Services

Attachments: 1. **Audit and Risk Advisory Committee Summary of Minutes - 21 February 2024 (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
Audit and Risk Advisory Committee	Wednesday 21 February 2024	Cr Moira Berry Cr Tonia Dudzik

RECOMMENDATION

That Council receives the Audit and Risk Advisory Committee Summary of Minutes for the meeting held on Wednesday 21 February 2024.

14.3 MARCH 2024 QUARTERLY FINANCIAL REPORT**Author:** James Hogan, Coordinator Financial Services**Authoriser:** David Jackson, General Manager Customer & Corporate Services**Attachments:** 1. March 2024 Quarterly Report (under separate cover)**PURPOSE**

The purpose of this report is to inform Council of the financial performance for the period ending 31 March 2024, in accordance with Section 97 of the *Local Government Act 2020*.

EXECUTIVE SUMMARY

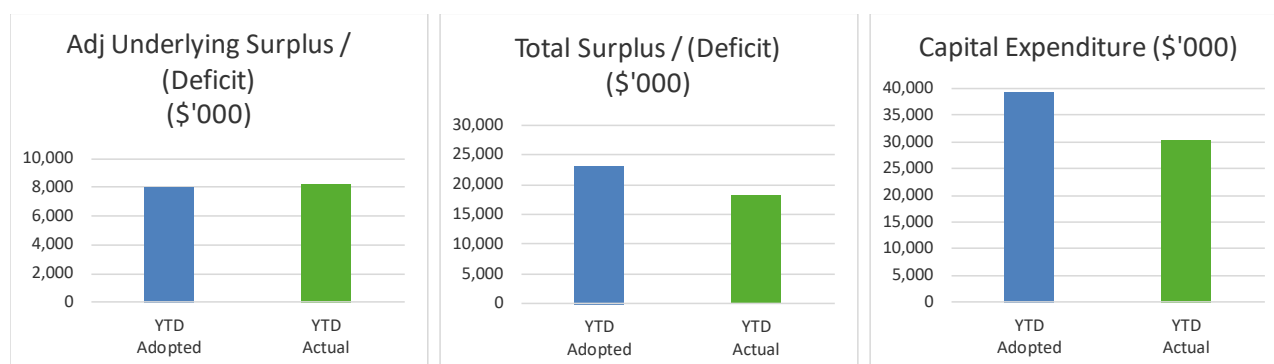
- This Quarterly Report provided in Attachment 1 outlines the year-to-date financial position of Council for the period from 1 July 2023 to 31 March 2024. It also contains a comparison between the adopted budget and the year-end forecast.
- The Income Statement reports the year to date adjusted underlying result is a surplus of \$8.149 million that is a \$0.159 million favourable when compared to budget. The adjusted underlying result extracts the impact of the non-recurrent capital income items, including one-off capital grants, donated assets from subdivisions, and developer contributions.
- The Statement of Capital Works reports year to date expenditure of \$30.506 million that is \$8.636 million less than budget. The variance primarily relates to the timing of contract payments, and also some major projects being carried over to next financial year.
- Council's cash balance as at 31 March 2024 is \$21.091 million, which is \$4.196 million favourable compared to year-to-date budget.
- Council's overall financial position at the end of March 2024 is considered sound and continues to be closely monitored to ensure the achievement of budgeted outcomes.

RECOMMENDATION

That Council receives the Quarterly Financial Report – March 2024, provided as Attachment 1 to this report.

BACKGROUND

The attached Quarterly Financial Report provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date budget, with reference to the annual budget. It also contains a comparison of the adopted budget and the year-end forecast.



	Year to Date				Annual			
	YTD Adopted \$'000	YTD Actual \$'000	Variance		Adopted Budget \$'000	Forecast \$'000	Variance	
			\$'000	%			\$'000	%
Operating Income	54,006	53,377	(629)	-1%	62,591	65,573	2,982	5%
Operating Expenses	46,016	45,228	788	2%	62,745	65,969	(3,224)	-5%
Adj Underlying Surplus / (Deficit)	7,990	8,149	159	2%	(155)	(396)	(241)	156%
Capital/Non-Recurrent income	15,240	10,143	5,097	33%	41,061	33,920	7,141	17%
Total Surplus / (Deficit)	23,230	18,292	(4,938)	-21%	40,906	33,524	(7,382)	-18%
Capital Expenditure	39,142	30,506	(8,636)	-22%	56,413	44,467	(11,946)	-21%

Income Statement

The main changes within the Income Statement are as follows:

- Year to Date Operating Income - \$0.629 million unfavourable
 - Unfavourable in “Grants - operating” (\$0.615m). This is mainly due to issues with the timing and recognition/receipt of grants relating to Best Start Program, Supported Playgroups, and Outdoor Activation.
- Year to Date Operating Expenses - \$0.788 million favourable
 - Favourable in “Employee costs” (\$0.384m). This is due to vacancies.
 - Favourable in “Materials and Services” (\$0.442m). This is mainly due to timing issues with contract payments.

Balance Sheet and Cashflow Statement

The Balance Sheet reflects Council’s financial position as at 31 March 2024 and is prepared in accordance with the Australia Accounting Standards. The Cashflow Statement captures Council’s cash movement for the period.

Council is showing a cash position of \$21.091 million, which is \$9.280 million less than last year.

At the end of March, Council’s Balance Sheet continues to show a strong net position. This is represented by \$846.135 million of assets which is largely made up of Council Property, Infrastructure, Plant and Equipment. Council’s total liabilities are \$55.799 million, which results in net assets of \$790.336 million.

Capital Improvement Program (CIP)

Total capital expenditure at the end of March 2024 is \$30.506 million, which is \$8.636 million less than the year-to-date budget. This is mainly due to timing variances with contract payments.

There are also a number of projects that will be incomplete at year end and will be carried over to next financial year. These include Bacchus Marsh Bowls Club, Ballan Library, and Bacchus Marsh Racecourse & Recreation Reserve Pavilion.

PROPOSAL

That Council receives the Quarterly Report – March 2024.

COUNCIL PLAN

The Council Plan 2021 - 2025 provides as follows:

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

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

The proposal to adopt the Quarterly Report – March 2024 is consistent with the Council Plan 2021 - 2025.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified risks associated with this process.

COMMUNICATIONS & CONSULTATION STRATEGY

To Council, through the Ordinary Meeting of Council on 5 June 2024 and to the Audit and Risk Advisory Committee meeting on 15 May 2024.

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 – David Jackson

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

Coordinator Financial Services - James Hogan

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

CONCLUSION

That Council's overall financial position at the end of March 2024 is considered sound and Council notes the March Quarterly Report.

15 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

15.1 CAPITAL IMPROVEMENT PROGRAM - QUARTERLY REPORT MARCH 2024

Author: Ewen Nevett, Manager Engineering Services

Authoriser: Phil Jeffrey, General Manager Community Assets & Infrastructure

Attachments: 1. 2023-2024 CIP Project Report Update (under separate cover)

PURPOSE

To provide Council with an overview of the progress of Council's 2023-2024 Capital Improvement Program to 31 March 2024.

EXECUTIVE SUMMARY

The 2023-2024 Capital Improvement Program (CIP) consists of 76 projects reported to Council with the delivery principally managed by two Services Units, Engineering Services (42 capital works projects) and Major Projects (27 major projects). The delivery of the remaining 7 projects are managed by Asset Management, Operations and Community Activation and also included in this report.

Delivery of the 2023-2024 CIP is on schedule with 48.7 per cent of projects already completed and a further 34.2 per cent of the projects either underway, soon to commence, or soon to be awarded.

RECOMMENDATION

That Council resolves to receive the Capital Improvement Program Quarterly Report to 31 March 2024.

BACKGROUND

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

PROPOSAL

This quarterly report provides Council with an overview of the progress of Council's 2023-2024 Capital Improvement Program to 31 March 2024.

Implementation of the 2023/2024 Capital Improvement Program

The 2023-2024 CIP currently consists of 76 projects reported to Council. This number may be adjusted throughout the year as other projects become active. Three projects (totalling \$846,018) have already been added since the 2023-2024 Budget was adopted.

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

- Projects carried forward from 2022-2023 program
- 2023-2024 Council funded projects
- Grant funded projects

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

The table below summarises the overall program status at 31 March 2024.

CIP Program Delivery Stage	Actual as of 31 March 2024				
	No. of Projects				Per cent
	Capital Works	Major Projects	Other	Total	
Not Commenced - inactive/"On Hold"	0	0	1	1	1.3
Not Commenced	0	0	0	0	0.0
Documentation/Design Preparation	2	8	2	12	15.8
Tender/Quote Stage	2	1	1	4	5.3
Project Awarded – Waiting Commencement	2	0	0	2	2.6
In Progress/Under Construction	5	14	1	23	26.3
Complete	31	4	2	34	48.7
TOTAL	42	27	7	76	100.0

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

As at 31 March 2023, the current budget is \$60.3M with an anticipated carry forward from multi-year projects and projects "On Hold" of \$24.09M. The final outcome will be dependent on the physical progress of projects and any impacts from unforeseen events. Any projects planned for delivery in 2023-2024 and at risk of being incomplete by 30 June 2024 are reported on below.

Program Status

Capital Works Projects

At this stage of the financial year the program is generally on schedule for completion by 30 June 2024.

95.2 per cent of the capital works projects are either completed, underway, soon to commence or soon to be awarded, with a further 4.8 per cent at design or document preparation stage.

Eight Capital Works projects are behind the original scheduled delivery timeframes. Of these, two will likely have elements to carry forward:

- Blackwood Small Township Improvement - due to timelines to construction from approval of the concept plan.
- Seereys Track, Coimadai Causeway design – design timeline will be extended in 2024-2025 due to ongoing liaison with Melbourne Water over an acceptable concept.

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

Major Projects

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

In total there are 27 projects, 71 per cent of the major projects are either completed, underway, soon to commence or soon to be awarded.

There are four projects that will not commence this financial year for various reasons, and will be carried forward to the next financial year:

- Darley Park Playground and Pathway (likely tender June 2024)
- Maddingley Park Pathway and Toilet (masterplan finalised and design commenced)
- Bacchus Marsh Bowls Facility (tender to be issued mid-April 2024)
- Racecourse Pavilion (design and budget review in progress)

Other Projects

Connor Court drainage improvements remains “on Hold” pending advice/action from Melbourne Water. The four “other” projects not yet complete, will all be completed this financial year.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

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

FINANCIAL IMPLICATIONS

Reporting of the Capital Improvement Program has been resourced as part of Council’s budget. At this point in time the program is within the budget parameters, including any predicted over expenditure, previously advised to Council. The program is being closely monitored to identify areas for savings to maintain the expenditure within these budget parameters.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

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

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

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

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Phil Jeffrey

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

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 2023-2024 period for the information of Councillors.

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.

RECOMMENDATION

That Council receives the Mayor's Report.

20 COUNCILLORS' REPORTS

21 URGENT BUSINESS

22 CLOSED SESSION OF THE MEETING TO THE PUBLIC

Nil

23 MEETING CLOSURE