



# **AGENDA**

## **Ordinary Council Meeting Wednesday, 4 September 2024**

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

**Date: Wednesday, 4 September 2024**

**Time: 6.00pm**

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

**Derek Madden  
Chief Executive Officer**



**Order Of Business**

<b>1</b>	<b>Opening of Meeting and Prayer</b> .....	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country</b> .....	<b>5</b>
<b>3</b>	<b>Recording of Meeting</b> .....	<b>5</b>
<b>4</b>	<b>Present</b> .....	<b>5</b>
<b>5</b>	<b>Apologies</b> .....	<b>5</b>
<b>6</b>	<b>Confirmation of Minutes</b> .....	<b>5</b>
<b>7</b>	<b>Disclosure of Conflicts of Interest</b> .....	<b>5</b>
<b>8</b>	<b>Public Question Time</b> .....	<b>6</b>
<b>9</b>	<b>Petitions</b> .....	<b>7</b>
	Nil	
<b>10</b>	<b>Presentations/Deputations</b> .....	<b>7</b>
<b>11</b>	<b>Chief Executive Officer Reports</b> .....	<b>8</b>
11.1	Proposed Feature Commemorative Renaming - Elaine Recreation Reserve to Ron Read Recreation Reserve .....	8
<b>12</b>	<b>Community Planning and Development Reports</b> .....	<b>13</b>
12.1	Heritage Strategy 2024-2028 .....	13
12.2	Swimming Pool and Spa Safety Barrier Inspection Service .....	19
12.3	Moorabool Retail Strategy.....	24
<b>13</b>	<b>Community Strengthening Reports</b> .....	<b>30</b>
13.1	Community Asset Committees - Reports .....	30
13.2	Advisory Committees of Council - Reports.....	31
<b>14</b>	<b>Customer and Corporate Services Reports</b> .....	<b>32</b>
14.1	Audit and Risk Advisory Committee - Independent Chair Full Year Report 2023/24 .....	32
14.2	Audit and Risk Advisory Committee of Council - Reports.....	35
<b>15</b>	<b>Community Assets &amp; Infrastructure Reports</b> .....	<b>36</b>
15.1	Proposed Change to Instrument of Delegation from Council to CEO.....	36
15.2	Capital Improvement Program - Quarterly (Final) Report June 2024.....	39
15.3	Response to Notice of Motion: Pedestrian Crossing at O'Leary Way, Maddingley .....	46
<b>16</b>	<b>Other Reports</b> .....	<b>50</b>
	Nil	
<b>17</b>	<b>Notices of Motion</b> .....	<b>50</b>
	Nil	
<b>18</b>	<b>Notices of Rescission</b> .....	<b>50</b>

Nil

**19 Mayor’s & Councillors Reports ..... 51**

    19.1 Mayor's Report .....51

    19.2 Councillors Reports .....52

**20 Urgent Business..... 53**

**21 Closed Session of the Meeting to the Public ..... 54**

    21.1 C0145 2024/2025 Ballan-Meredith & Ingliston Roads: Road Rehabilitation.....54

    21.2 C0136-2024/2025 Yendon No. 1 and Yendon No. 2 Roads, Yendon: Road  
        Rehabilitation .....54

**22 Meeting Closure ..... 55**

## **1 OPENING OF MEETING AND PRAYER**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

## **3 RECORDING OF MEETING**

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

- The Moorabool News; and
- The Star Weekly

## **4 PRESENT**

## **5 APOLOGIES**

## **6 CONFIRMATION OF MINUTES**

Ordinary Council Meeting - Wednesday 7 August 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**

Nil

## **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 PROPOSED FEATURE COMMEMORATIVE RENAMING - ELAINE RECREATION RESERVE TO RON READ RECREATION RESERVE**

**Author:** Kate Pryor, Governance Officer

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

**Attachments:**

- 1. Letter - Petition against renaming Elaine Recreation Reserve (under separate cover)**
- 2. Petition against renaming Elaine Recreation Reserve - Addresses Redacted (under separate cover)**

#### **PURPOSE**

The purpose of this report is to present Council with a proposal to rename Elaine Recreation Reserve to Ron Read Recreation Reserve in response to a petition received from residents and to inform Council of the submissions received from the public for and against the proposal.

#### **EXECUTIVE SUMMARY**

- A petition was received by Council from 106 residents to rename Elaine Recreation Reserve to Ron Read Recreation Reserve, Elaine, in commemoration of the late Ron Read.
- The proposal was published for public consultation for a period of 30 days and invited community members to make submissions and vote in a survey on the proposal.
- 312 submissions were received, comprising of 56 supporters, 255 objectors and 1 objecting petition containing 113 signatures, the petition being received at the Ordinary Meeting of Council on 5 June 2024.

#### **RECOMMENDATION**

**That Council, with regards to the proposal to rename the Elaine Recreation Reserve to the Ron Read Recreation Reserve, Elaine:**

- 1. Receives 312 submissions from the community submitted during the 30-day public consultation period, comprising of:**
    - (a) 56 supporters**
    - (b) 255 objectors**
    - (c) One (1) objecting petition containing 113 signatures.**
  - 2. Notes that the proposal is not supported by the community and no longer complies with the Place Naming Policy and Geographic Names Victoria Place Naming Rules.**
-



**BACKGROUND**

A petition was received by Council at the Ordinary Meeting of Council on 1 June 2022 from 106 residents of Elaine and surrounding townships to rename Elaine Recreation Reserve.

The proposal was published in April 2024 for 30 days for community consultation.

*Figure 1 – Elaine Recreation Reserve*

**PROPOSAL**

Council consulted with the ratepayers and surrounding community as per the requirements of Council's Place Naming Policy and the Naming Rules for Geographical Place Names Victoria (The Naming Rules).

During the consultation process, 312 submissions were received, comprising of:

- 56 supporters
- 255 objectors
- 1 objecting petition containing 113 signatures, which was received at the Ordinary Meeting of Council on 5 June 2024.

82% of submissions received objected to the proposal.

Figure 2 – Charts - Summary of Submissions

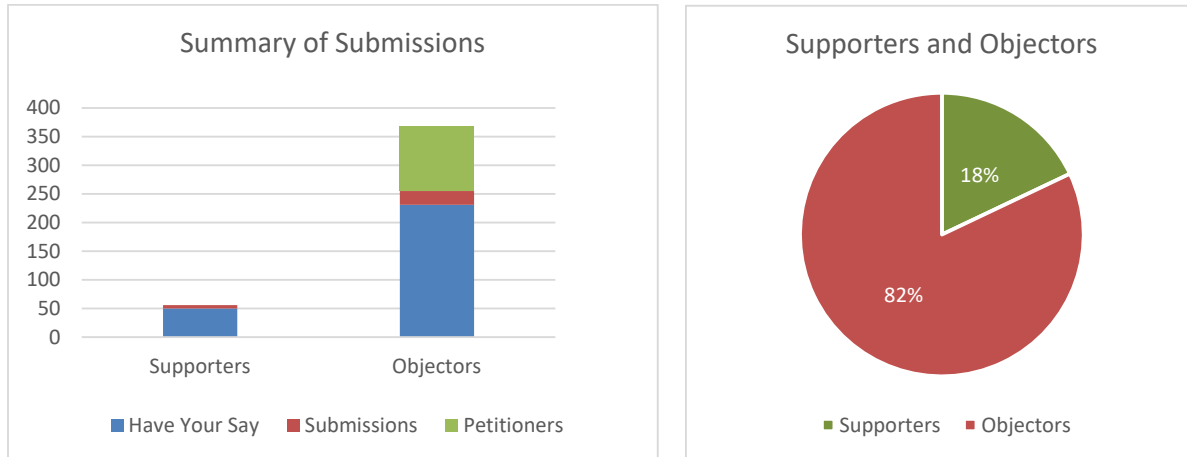


Figure 3 – Summary of Submissions by Postcode (where identified)

Postcode/Township	Objectors	Supporters
• 3333 – Meredith	26	1
• 3334 – Cargerie, Elaine, Morrisons, Mount Doran	250	37
• 3340 - Bacchus Marsh	0	1
• 3350 – Ballarat, Mount Clear, Mount Helen, Mount Pleasant	12	3
• 3351 – Chepstowe, Scarsdale	5	0
• 3352 – Addington, Clarendon, Durham Lead, Bonshaw, Bullarook, Lal Lal, Mount Egerton, Mount Mercer	50	4
• 3356 - Delacombe	2	0
• 3357 - Buninyong	9	1
• 3461 - Korweinguboorra	0	1
• Other postcodes	11	3

Figure 3 outlines the postcode or township of the submitters and petitioners where they have disclosed this information. Eight (8) anonymous submissions did not list a postcode or township.

Attachment 1 contains a summary of submissions received during the consultation period.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Further engagement is planned as follows:

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Petitioners, objectors, supporters Community Asset Committee Ratepayers and residents of Elaine Sporting clubs	Inform the community of Council’s decision	Letters Have Your Say website	July/August 2024	The community will be informed of the outcome of the 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.

**COUNCIL PLAN**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations in this report.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

There is a high probability the proposal to rename the reserve will be refused by Geographic Names Victoria (GNV) based on lack of community support and non-compliance with the Place Naming Principles.

Council risks reputational damage and dissent within the community should the proposal be lodged to GNV without significant community support.

**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 – Celeste Gregory*

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

*Author – Kate Pryor*

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

**CONCLUSION**

The proposal to rename Elaine Recreation Reserve to the Ron Read Recreation Reserve is opposed by the community, with 82% of submissions received during the 30-day public consultation period objecting to the proposal.

## 12 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

### 12.1 HERITAGE STRATEGY 2024-2028

**Author:** Catherine McLay, Special Projects Lead

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

**Attachments:**

1. Heritage Strategy 2024-2028 (under separate cover)
2. Consultation Summary (under separate cover)
3. Submission Summary (under separate cover)
4. Background Report (under separate cover)

#### PURPOSE

The purpose of this report is to consider submissions made in response to public consultation of the Draft Heritage Strategy 2024-2028, and to seek a resolution to adopt the final Heritage Strategy 2024-2028 (the Strategy).

#### EXECUTIVE SUMMARY

- The Draft Heritage Strategy 2024-2028 outlines Council's vision for managing and sharing local heritage and how this will be achieved through an action plan for implementation.
- Public exhibition on the Draft Heritage Strategy 2024-2028 was undertaken from 10 May to 9 June 2024.
- Consultation findings concluded that the Moorabool Shire Heritage Strategy 2024-2028 is generally supported by the community and stakeholders, with minor changes being made in response to the submissions received.

#### RECOMMENDATION

**That Council:**

1. **Adopts the Heritage Strategy 2024-2028 (Attachment 1).**
2. **Notes the Consultation Summary (Attachment 2) and Submission Summary (Attachment 3).**

---

#### BACKGROUND

The Heritage Strategy sets out how Council will meet its heritage obligations under the *Planning and Environment Act 1987*, the State Planning Policy Framework, *Heritage Act 2017*, and the *Aboriginal Heritage Act 2006*.

#### Moorabool Shire Heritage Strategy 2016-2020

Moorabool Shire's previous Heritage Strategy 2016-2020 was prepared in 2015. It outlined Council's vision for and role in managing heritage, achievements to date, heritage challenges and opportunities, and an action plan for implementation. A review of the previous Strategy helped inform the preparation of the new Heritage Strategy 2024-2028.

## Previous Engagement

In order to inform the development of the Strategy, engagement was undertaken with local heritage groups, landowners whose properties are covered by the Heritage Overlay (there are currently 195 places), Registered Aboriginal Parties (RAPs) and the broader community. The purpose of the engagement was to gain an understanding of community views on what makes up local heritage, as well as identifying challenges and opportunities for how local heritage is managed and shared.

For reference purposes, the review and findings from the first engagement are outlined in the Background Report (Attachment 4).

## PROPOSAL

### Moorabool Shire Heritage Strategy 2024-2028

Moorabool Shire is one of Victoria's fastest growing regional municipalities. Over the next 20 years, the Shire's population is projected to increase from 40,339 people to 65,693. As Moorabool Shire grows, the character and heritage values that underpin community identity and sense of place should be protected and used to inspire sustainable change. This is one of many challenges and opportunities that the Heritage Strategy 2024-2028 can help address.

The Strategy has been developed through a review of the previous 2016-2020 Strategy, and in response to community and stakeholder engagement held between 2022 and 2024, which is outlined in the Consultation Summary (Attachment 2) and Submission Summary (Attachment 3).

The Strategy outlines Council's role in managing and sharing heritage, Council's heritage vision statement and achievements to date. It identifies heritage challenges and opportunities that are addressed in the action plan, which is structured under four themes: knowing, protecting, supporting and communicating/promoting.

The vision statement was developed with input from the Moorabool Heritage Advisory Committee and draws on feedback gained from initial community engagement for the project. This feedback demonstrated strong support for heritage, particularly around six consistent themes set out below.

1. Knowledge sharing: desire for increased knowledge and awareness of heritage sites, including conservation guidance and education.
2. Celebrating and storytelling: expand heritage signage, storytelling and promotion of heritage projects.
3. Heritage-based tourism: celebration of heritage places and values through events, tourism and arts.
4. First Nations people and stories: opportunities for increased engagement with Traditional Owners and improved understanding of First Peoples' cultural heritage.
5. Sense of place and identity: balancing development pressures in growth areas with retaining existing heritage places and character to ensure local identity is reinforced.
6. Protecting important places: protection of heritage places via Heritage Overlays and maintaining accuracy of existing Heritage Overlays.

## Consultation Findings

Public consultation on the Strategy was undertaken for four weeks from 10 May 2024 to 9 June 2024 and consisted of:

- Strategy and Background report available on Council's Have Your Say page.
- Short online survey to provide submission.
- Notification of engagement through local newspapers and social media advertising.
- Letters inviting submissions sent to owners of properties within the Heritage Overlay.
- Email inviting submissions to previous engagement participants, as well as local heritage-focused community groups, heritage organisations and RAPs.
- Meetings with key stakeholder groups.

The social media promotions reached 10,305 individuals over two advertisements, which were viewed and interacted with 445 times. A total of 17 submissions were received from stakeholders and community members via Have Your Say. The Consultation Summary provides an overview of the responses and themes identified (Attachment 2).

Submissions received in response to the Draft Strategy were consistent with community and stakeholder feedback from earlier in the project. Feedback demonstrated broad support for the Strategy with some suggested changes, responses to which can be found in the Submission Summary (Attachment 3).

Key themes that emerged from the consultation are described below.

1. Heritage conservation: emphasis on ensuring that new development is consistent with existing heritage character, as well as the importance of protecting heritage places through the Heritage Overlay and local heritage policy.
2. Understanding and sharing our heritage: consistent feedback that Moorabool Shire's heritage, particularly regarding the goldrush, could be much better understood and documented so that it may be leveraged as a visitor offering.
3. First Nations cultural heritage: support for the inclusion of First Peoples' history in the Strategy, with suggestions to ensure that references to Aboriginal and non-Aboriginal cultural heritage are more distinguishable and equitable.
4. Sustainable growth and change: concern over the ability to lose what makes up Moorabool Shire's significant places and history in the pressure to accommodate a growing population.

### **Implementation**

The objectives of the Strategy will be implemented through the action plan, which lists the relevant directorates within Council responsible for contributing to delivery of each action. Actions cover strategic planning projects including a heritage gaps analysis, audit of existing Heritage Overlay citations for accuracy, as well as developing new information guides for heritage property owners. The action plan also provides for understanding and sharing local heritage through updating existing and creating new heritage trails, and developing an interactive map portal to assist property owners, visitors and researchers looking for information. It also acknowledges the further work required to address the significant opportunities and potential challenges of the Victorian Goldfields World Heritage Bid, which includes Moorabool Shire as one of 15 Local Government Areas.

Heritage Victoria recommends that Councils update their heritage strategy every four years to ensure they remain current with legislation and policy. The lifespan of the Strategy is 2024-2028 and preparation of the next heritage strategy would commence in 2028.

**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 Heritage Strategy is consistent with Council Plan priorities to enhance liveability within the Shire.

**FINANCIAL IMPLICATIONS**

There are no immediate financial implications associated with adoption of the Strategy. Any actions contained within the action plan that are not achievable within existing operational budget have been worded as such, to reflect that the action is subject to funding being secured.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

No specific risks have been identified associated with adoption of the Strategy.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Groups/Historical Societies Heritage Advisory Committee General Public Landowners within Heritage Overlay Registered Aboriginal Parties Internal Council Directorates	Letters sent to owners of properties within the Heritage Overlay, along with local historical societies, the Moorabool Heritage Advisory Committee and Registered Aboriginal Parties. Advertisement in the Moorabool News, Council’s social media channels, and Council’s Have Your Say website. Have Your Say webpage survey. Meetings with the Moorabool Heritage Advisory Committee, Historical Societies and Registered	Various	September 2022 – March 2023	Feedback provided by the community and stakeholders was used to inform draft of the Heritage Strategy.



		Aboriginal Parties. Internal meetings with Council Directorates.			
Consult	Community Groups/Historical Societies Heritage Advisory Committee General Public Landowners within Heritage Overlay Registered Aboriginal Parties	Letters sent to owners of properties within the Heritage Overlay, along with local historical societies, the Moorabool Heritage Advisory Committee and Registered Aboriginal Parties inviting submissions.  Advertisement in the Moorabool News, Council’s social media channels and Council’s Have Your Say website.	Various	May – June 2024	Feedback provided by the community and stakeholders was used to refine and make edits to the draft Heritage 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 – Henry Bezuidenhout*

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

*Author – Catherine McLay*

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

**CONCLUSION**

The Heritage Strategy 2024-2028 is an important document that will inform how directorates across Council identify, work with and protect the Shire’s heritage for the lifespan of the strategy

and beyond. The document actively responds to engagement findings, reflecting achievable actions for Council to deliver in partnership with community and stakeholders. It recognises the substantial heritage assets and opportunities available for Moorabool Shire to better understand and leverage.

The previous Heritage Strategy laid a foundation for the conservation of Moorabool Shire's heritage and the new Strategy will build on this, providing a more holistic direction for the next four years. In the context of significant population growth projected for Moorabool Shire, the Strategy positions heritage as something that can be used to inspire change rather than seen as something to prevent it.

## 12.2 SWIMMING POOL AND SPA SAFETY BARRIER INSPECTION SERVICE

**Author:** Wayne Clarke, Municipal Building Surveyor/Co-ordinator Building Services

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

**Attachments:** Nil

### PURPOSE

To seek Council approval to introduce a reduced fee for Council officers to undertake swimming pool and spa safety barrier compliance service to property owners within the Shire. The goal of this initiative is to:

- Enhance safety.
- Foster a safer, more responsible community while also demonstrating Council's commitment to public wellbeing and equitable service provision.
- Achieve higher levels of compliance with private swimming pool and spa safety barriers within the Shire.

### EXECUTIVE SUMMARY

- Approximately 25% of the registered swimming pools or spas in the Shire have outstanding compliance certificates.
- Council has identified that some property owners, particularly in rural areas, are experiencing difficulties in finding inspectors to attend their properties.
- Currently Council does not offer an inspection service and relies on private building inspectors to provide this service. Council is proposing to introduce a reduced fee for swimming pool and spa safety barrier inspection.
- This initiative aims to provide property owners with an additional, viable option when seeking an inspector, ultimately working towards achieving higher levels of compliance.

### RECOMMENDATION

**That Council approves the proposed swimming pool and spa safety barrier inspection service at a rate of \$250 for an initial inspection and \$100 for a reinspection where required.**

---

### BACKGROUND

From 2000 to November 2019 27 young children fatally drowned in Victorian private swimming pools and spas. In at least 20 of those cases the non-compliance of the safety barrier was a contributing factor. In response, amendments to the *Building Act 1993* commenced on 1 December 2019 and introduced requirements for Councils to establish and maintain a register of swimming pools and spas in their municipality and be the gatekeeper for compliance of safety barriers.

Once a swimming pool or spa is registered with Council, property owners are required to engage an inspector to carry out an inspection and to lodge a certificate of barrier compliance every four years to Council. Council currently doesn't provide an inspection service and relies on private inspectors to service the community.

The laws apply to swimming pools and spas that can hold more than 300mm (30cm) of water. This includes permanent pools, above ground pools, indoor pools, hot tubs, bathing or wading pools and some relocatable pools.

### **Council's Role**

In Victoria, the *Building Act 1993* and *Building Regulations 2018* set the safety regulations for private pool barriers.

Councils play a key role in ensuring that pool owners comply with safety regulations. This includes ensuring property owners:

- Register their pool with their Council.
- Engage an inspector to certify that their pool barriers meet safety standards.
- Lodge a certificate to Council showing their pool meets safety standards.

### **Victoria Auditor General's Office (VAGO)**

In February 2023 VAGO examined if Councils effectively implement private pool and spa safety barrier regulations. This audit found Councils do not know if all pool barriers meet safety standards because 55% of owners in their municipalities have not certified their pools.

### **PROPOSAL**

Approximately 25% of property owners in the Shire have outstanding inspection compliance certificates for their swimming pools or spas.

To encourage a greater level of compliance, Council is taking proactive measures by offering a reduced fee for swimming pool and spa safety barrier inspections to property owners when seeking an inspector, ultimately working towards achieving higher levels of compliance within the Shire.

Council is proposing to introduce a swimming pool and spa safety barrier compliance service at a reduced rate of \$250 for the initial inspection, with a re-inspection fee of \$100 in lieu of the current \$450.10. This additional service can be provided by Council as a result of the recent service planning and additional resourcing in the Building Services Team, as well as Council investing in existing officers obtaining additional qualifications to undertake swimming pool and spa safety barrier compliance.

The potential benefits of offering a reduced fee service for swimming pool and spa barrier is to:

- Enhance community safety - ensuring that more pool and spa barrier fencing meet safety standards, therefore reducing the risk of accidents, injuries and drownings, particularly among children. With higher compliance rates Council can demonstrate a commitment to public safety, potentially reducing incidents and related liabilities.
- Promote fairness - A reduced fee structure for swimming pool and spa barrier compliance can make safety compliance more equitable, ensuring that all pool owners, regardless of their financial situation, can afford to maintain safe environments.
- Encourage proactive compliance - Lower costs may motivate pool owners to address safety concerns promptly rather than delaying or avoiding inspections due to financial constraints.

- Increase compliance rates - Lower fees can make inspections more affordable for pool and spa owners to participate in regular safety checks.
- Increased Efficiency - Council can streamline the compliance process and reduce the need for more intensive enforcement actions later.
- Positive Community Relations - Offering a reduced fee for swimming pool and spa barrier compliance can improve the Council’s reputation and relationship with the community by showing that it prioritises residents’ safety and wellbeing.

While Council does not currently provide a swimming pool and spa safety barrier inspection service, Council’s budget currently includes a fee of \$450.10 to provide this service. However, this is above current commercial rates as shown in the below table when benchmarked against private swimming pool and spa safety barrier inspectors advertised fees.

Private Inspectors	Inspection Fee	Reinspection Fee
1	\$350	\$190
2	\$250	\$100
3	\$280	n/a
4	\$360	\$150

It is proposed to reduce Council’s swimming pool and spa safety barrier inspection fee from the current \$450.10 to \$250 for the first inspection. This fee would include an initial preassessment checklist discussion to reduce the need for re-inspection. If a re- inspection is required, a \$100 fee per inspection is proposed in lieu of the current \$450.10. These fees would be in line with the cheapest options currently available to the community, assisting in minimising the financial impact to pool owners and encouraging compliance.

**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 Council to undertake swimming pool and spa safety barrier inspection service at a rate of \$250 for an initial inspection and \$100 for each re-inspection where required is consistent with the Council Plan 2021-2025.

**FINANCIAL IMPLICATIONS**

The swimming pool and spa safety barrier inspection service would be provided utilising existing Council officers, without any additional resources required.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Swimming pool and spa barrier non compliance	Near drowning or death.	High	Offer a reduced fee for swimming pool and spa safety barrier inspections to encourage compliance.

Swimming pool and spa barrier non compliance	Council brought into Coroner Proceedings.	High	Council being proactive and fulfilling requirements under the Building Act and Regulations to reduce the act of negligence by offering a reduced fee for swimming pool and spa safety barrier inspections to encourage compliance.
Reputation risk to Council	Community loses confidence in Council in regulating swimming pool and spa safety barrier compliance.	Medium	Offer a reduced fee for swimming pool and spa barrier compliance can improve the Council's reputation and relationship with the community.

**COMMUNICATIONS & CONSULTATION STRATEGY**

If approved, the inspection service and associated fees would be advertised through Council's current promotional channels including social media and direct mail out.

Level of Communication	Stakeholder	Activities	Location	Date
Communicate to the community that council is offering a reduced fee to swimming pool and spa owners to encourage compliance with the swimming pool and spa safety barriers	Property owners with a swimming pool and/or spa	Social media Council's website Printed media Letters/emails to property who have registered their pool and/or spa with Council	Various	Late September 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.

*Executive Manager – Henry Bezuidenhout*

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

*Author – Wayne Clarke*

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

**CONCLUSION**

Currently Council has approximately 25% of swimming pool and spa safety barrier compliance certificates outstanding. By lowering the swimming pool and spa barrier inspection fee and introducing this inspection service, Council will be able to compete with private providers. This initiative will also provide residents with an additional viable option when looking to engage an inspector, thereby encouraging higher levels of compliance within the Shire to reduce the incidence of non-compliance and enhance the safety and wellbeing of the community.

### 12.3 MOORABOOL RETAIL STRATEGY

**Author:** Liam Prescott, Senior Strategic Planner

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

**Attachments:**

1. Moorabool Retail Strategy (under separate cover)
2. Background Report (under separate cover)
3. Consultation Summary (under separate cover)
4. Submissions Summary (under separate cover)

#### PURPOSE

The purpose of this report is to consider submissions made in response to the exhibition of the draft Retail Strategy, and to seek a resolution to adopt the Retail Strategy (the Strategy).

#### EXECUTIVE SUMMARY

- The Retail Strategy sets out Council's vision for a retail hierarchy across Moorabool Shire and provides guidance for the development of retail activity centres over the next 10 years.
- As Moorabool Shire grows, new or larger retail activity centres will be required to serve everyday shopping needs. The Retail Strategy is necessary to support and guide decision making and planning for appropriate retail developments which deliver the most benefits to the community, particularly in greenfield residential areas.
- The Retail Strategy was consulted on between 2 February and 3 March 2024. Updates to the Retail Strategy and Background Report have been made after considering feedback, and the final Strategy and Background Report are presented for adoption.

#### RECOMMENDATION

**That Council:**

1. **Adopts the Retail Strategy 2024 (Attachment 1) and Background Report (Attachment 2).**
2. **Notes the Consultation Summary (Attachment 3) and Submission Summary (Attachment 4).**

---

#### BACKGROUND

##### Retail Strategy 2016

The existing Moorabool Retail Strategy adopted in 2016 was based on research undertaken as early as 2014. An update is necessary to reflect the significant changes in strategic planning for Bacchus Marsh and Ballan. Since 2016 Council has adopted plans including the Bacchus Marsh Urban Growth Framework, Ballan Strategic Directions and numerous amendments to the Moorabool Planning Scheme. These decisions will result in the urban areas of Moorabool receiving more growth than projected in the 2016 Retail Strategy.



**Retail Strategy 2024**

Development of the Strategy commenced in 2022 and was informed by targeted engagement with the Ballan Chamber of Commerce meeting, the Moorabool Local Business Advisory Committee (LBAC), Bacchus Marsh Town Centre Structure Plan drop-in sessions and meetings with retail investors and developers.

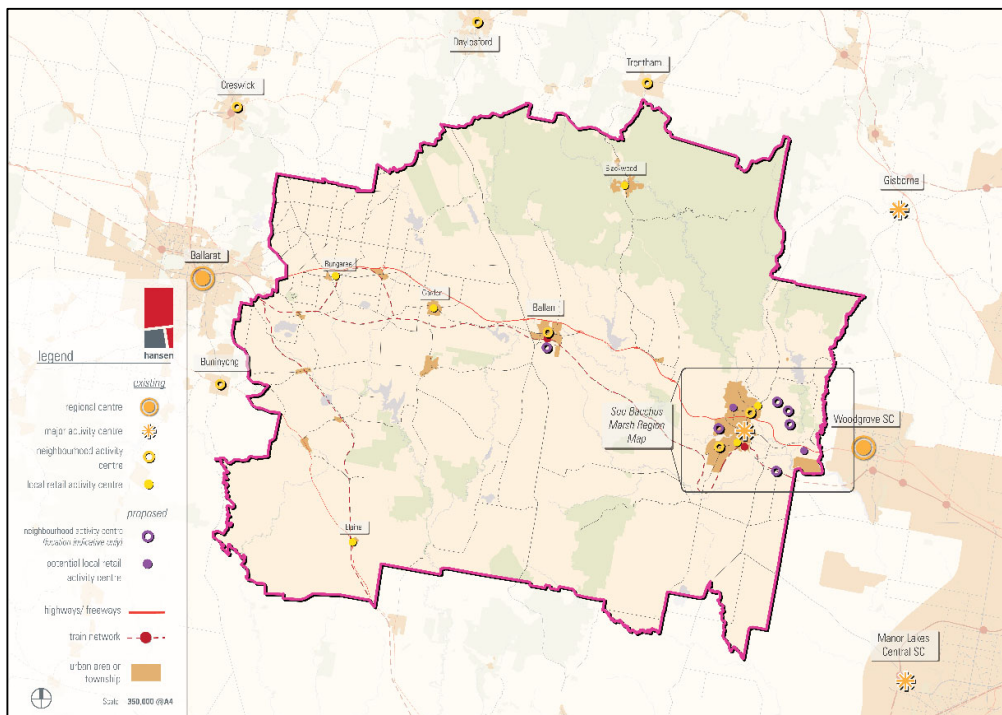
The Strategy (Attachment 1) provides guidance for the development of retail activity centres in Moorabool Shire over the next 10 years, and will complement Council’s existing strategies on economic development, tourism and land use planning. The Strategy is supported by a Background Report (Attachment 2).

The Strategy sets out Council’s vision for a retail hierarchy across the Shire (Figure 1). As Moorabool Shire grows, new retail activity centres will be required to serve everyday shopping needs and to provide central locations which promote community interaction. Existing centres will also require support and enhancement.

Bacchus Marsh can provide many of these services, but to ensure the quality-of-life which Moorabool is known for, it is important that daily needs are a short walk or drive away for all residents. The greenfield areas will need to plan for new neighbourhood centres at an early stage to ensure that residents are not isolated from daily services and that there is not an overprovision of retail opportunities.

Ballan is planned to grow substantially, providing an opportunity for the existing centre to mature into a more comprehensive retail centre. Larger scale and well-located development sites in Ballan are limited, meaning a carefully planned expansion will be required to ensure any retail developments outside the commercial core do not reduce activity within the existing main street centre.

The Strategy also encourages investment in smaller towns, both to provide local retail options for residents and support the development of specific tourist retail offerings.



**Figure 1:** Location of existing and proposed activity centres, Moorabool

A retail strategy is necessary to ensure Council is setting clear expectations for developers and investors, and to provide strategic justification for future planning scheme controls which will guide appropriate retail centre development. The Strategy will assist in discussions and assessment of applications (both planning scheme amendments and planning permits) for new retail and activity centre proposals, including those relating to the proposed new growth precincts in Bacchus Marsh and Ballan.

The Strategy provides:

- A vision for retailing in Moorabool Shire.
- A purpose and description of each objective.
- Principles for activity centre networks in growth areas.
- Actions and an implementation program.

The Strategy has been developed by economist Tim Nott, assisted by Hansen Partnership. This team have also prepared the draft Bacchus Marsh Town Centre Structure Plan. Funding for the Strategy has been provided through the VPA's Streamlining for Growth grant program.

## **PROPOSAL**

### **Consultation**

Consultation on the Strategy was undertaken from 2 February to 3 March 2024 and included the following:

- Strategy and Background report viewable on Council's Have Your Say page.
- Short online survey to provide brief feedback.
- Notification of engagement through local newspapers and social media advertising.
- Letters inviting submissions sent to traders in Bacchus Marsh and Ballan, stakeholders such as centre owners, Ballan Chamber of Commerce and retail investors.
- Presentations/discussion with LBAC.

The advertisements were viewed and interacted with 1,884 times on social media and 47 surveys were completed by stakeholders and community members. The Consultation Summary provides an overview of the surveys and the themes identified (Attachment 3). Three key themes emerged, which were the demand for an increased range of goods and services, opportunities for improvements to transport and accessibility and a desire for a clothing retail offering in Bacchus Marsh. These themes are consistent with the objectives of the Strategy, and implementing the Strategy will bring retail provision in Moorabool Shire closer to community expectations.

In addition, 11 written submissions were received by stakeholders who have an interest in future retail developments. A summary of these submissions, an officer response and any proposed changes are provided in Attachment 4.

Following consultation, the following changes were made to the documents to reflect submissions:

- Corrections to the demand and supply of land within Bacchus Marsh Town Centre, to better align with the draft Bacchus Marsh Town Centre Structure Plan (the Structure Plan). The draft Structure Plan already identifies land which should be considered for a future commercial rezoning, subject to meeting set criteria. This land and other expansion areas

which can be considered are discussed in the background report and indicated in figure 4-7 of that document.

- A recommendation to increase the retail floor space cap for Darley Plaza in the Planning Scheme from the current 1,552sqm to 5,900sqm to reflect the expected population growth in Darley and Merrimu.
- Identification of a bulky goods location to meet immediate and short-term needs in Bacchus Marsh, along with an action to determine the location of a future precinct which meets set criteria.
- Minor changes to improve wording or add additional explanations.

Broad issues raised by the community, such as the variety or quality of retailers and clothing needs in Bacchus Marsh can be addressed by the Strategy through providing certainty for new retailers, and providing the strategic guidance for how Council will consider development applications for zoned and unzoned land across the shire. The Planning Scheme is unable to control the type or location of retail premises where a planning permit is not required.

### **Implementation**

The objectives of the Strategy will be implemented through the Action Plan and a Planning Scheme Amendment, which will establish the retail hierarchy and provide future planning guidance. Other actions include the Bacchus Marsh Town Centre Structure plan, a future Ballan Town Centre Plan and various planning and economic development activities and advocacy. A review at five years (2029) has been included to ensure the Strategy remains relevant to deliver the long-term objectives. The Strategy has a 10-year lifespan (2034) and would require a full review at this time to appropriately consider changes to the economic environment, demographics and strategic planning.

### **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 Retail Strategy is consistent with Priority 2.1, 'Develop planning mechanisms to enhance liveability in the Shire.' Further the Retail Strategy supports the development of the Bacchus Marsh Town Centre Structure Plan which is in the Council Plan 2021-2025.

### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications associated with adoption of the Strategy and Background Report. Any future planning scheme amendment to implement the Strategy within the Moorabool Planning Scheme can be accommodated with the Growth and Development budget.

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

No specific risks have been identified in the adoption of the Strategy and Background Report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

<b>Level of Engagement</b>	<b>Stakeholder</b>	<b>Activities</b>	<b>Location</b>	<b>Date</b>	<b>Outcome</b>
Involve	Businesses	Meetings with Retail investors and Developers	Various	Late 2022	Information was used to develop retail hierarchy, understanding of future supply
Involve	Community/ Business Groups	Meetings with business groups, advisory committee	Various	Early 2023	Suggestions were incorporated into vision and objectives
Involve	General public	Two drop-in sessions (Bacchus Marsh Town Centre Structure Plan)	Lerderberg Library	February 2023	50+ attendees. Feedback and suggestions were incorporated into vision and objectives
Consult	General public, stakeholders	Release draft documents - direct mail, newspaper, social media, website	Online	February 2024	Feedback resulted in changes to Strategy and Background 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 – Henry Bezuidenhout*

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

*Author – Liam Prescott*

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

**CONCLUSION**

The Retail Strategy is necessary to support and guide decision making and planning for appropriate retail developments which deliver the most benefits to the community, particularly in greenfield residential areas. The Retail Strategy will ensure Council is setting clear expectations for developers and investors and providing strategic justification for future planning scheme controls to guide appropriate retail centre development.

### 13 COMMUNITY STRENGTHENING REPORTS

#### 13.1 COMMUNITY ASSET COMMITTEES - REPORTS

**Author:** Kaylene Bowker, Executive Assistant

**Authoriser:** Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Wallace Public Hall CAC - 11 March 2024 (under separate cover)
  2. Minutes - Elaine Recreation Reserve CAC - 20 March 2024 (under separate cover)
  3. Minutes - Gordon Public Hall CAC - 10 April 2024 (under separate cover)
  4. Minutes - Bacchus Marsh Public Hall CAC - 27 May 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
Wallace Public Hall Community Asset Committee Meeting	11 March 2024
Elaine Recreation Reserve Community Asset Committee Meeting	20 March 2024
Gordon Public Hall Community Asset Committee Meeting	10 April 2024
Bacchus Marsh Public Hall Community Asset Committee Meeting	27 May 2024

#### RECOMMENDATION

**That Council receives the following Community Asset Committee Minutes:**

1. Wallace Public Hall CAC Minutes for meeting held on 11 March 2024.
2. Elaine Recreation Reserve CAC Minutes for meeting held on 20 March 2024.
3. Gordon Public Hall CAC Minutes for meeting held on 10 April 2024.
4. Bacchus Marsh Public Hall CAC Minutes for meeting held on 27 May 2024.

**13.2 ADVISORY COMMITTEES OF COUNCIL - REPORTS**

**Author:** Kaylene Bowker, Executive Assistant

**Authoriser:** Leigh McCallum, General Manager Community Strengthening

- Attachments:**
1. Minutes - Moorabool Health and Wellbeing Advisory Committee Meeting - 6 May 2024 (under separate cover)
  2. Minutes - Maddingley Park Advisory Committee Meeting - 3 June 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.

<b>Committee</b>	<b>Meeting Date</b>	<b>Council Representatives</b>
Moorabool Health and Wellbeing Advisory Committee	Monday 6 May 2024	Cr Tonia Dudzik Cr Moira Berry (sub)
Maddingley Park Advisory Committee	Monday 3 June 2024	Cr Rod Ward Cr Moira Berry (sub)

**RECOMMENDATION**

**That Council receive and note the following Advisory Committee Minutes:**

1. **Moorabool Health and Wellbeing Advisory Committee Meeting Minutes for Monday 6 May 2024.**
2. **Maddingley Park Advisory Committee Meeting Minutes for Monday 3 June 2024.**

## 14 CUSTOMER AND CORPORATE SERVICES REPORTS

### 14.1 AUDIT AND RISK ADVISORY COMMITTEE - INDEPENDENT CHAIR FULL YEAR 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 Full Year 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 full year report 2023/24 (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 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 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 full year report 2023/24 to be presented to Council. The Audit and Risk Advisory Committee reviewed the full year report at its meeting held 14 August 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 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 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 Chairperson’s Report, which has been prepared in accordance with the Act, and the Committee’s Charter.

This is the full year report 2023/24 to be presented to Council. The Audit and Risk Advisory Committee reviewed the half yearly report at its meeting held 21 February 2024 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 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 Advisory Committee Chairperson’s Annual Report.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Presentation	Audit and Risk Advisory Committee	Report presented to the Audit and Risk Advisory Committee	Darley Civic Hub and Online	14 August 2024	Confirmed accurate report of Committee’s

	Members				activities
Briefing	Councillors	Chairperson presenting report at Councillor Briefing	Council Chambers, Ballan and Online	21 August 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 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.

**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 - 15 May 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 15 May 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 15 May 2024.**

## 15 COMMUNITY ASSETS & INFRASTRUCTURE REPORTS

### 15.1 PROPOSED CHANGE TO INSTRUMENT OF DELEGATION FROM COUNCIL TO CEO

**Author:** Corinne Jacobson, Coordinator Major Projects

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

**Attachments:** Nil

#### PURPOSE

It is recommended that temporary amendment to the CEO delegation be implemented to allow the award of contracts in value between \$500,00 and \$1,000,000 excl GST. This would ensure the continuous delivery of the capital program for the period 18 September to 31 December 2024, limiting the risk of delay for completion of projects.

#### EXECUTIVE SUMMARY

- The Capital Improvement Program (CIP) is a significant part of Council's annual program of works. The Election (Caretaker) period introduces some risks around timely delivery of the program.
- It is proposed to implement measures to adjust financial delegated decision-making processes during the Election (Caretaker) period to ensure continuity of delivery of the 2024-2025 Capital Improvement Plan within required timeframes.
- Projects would need to meet an agreed criteria based on value and existing projects approved through the adopted CIP.

#### RECOMMENDATION

**That Council:**

1. **Resolves to implement a temporary amendment to the Chief Executive Officer's delegation to allow the awarding of contracts in value between \$500,000 and \$1,000,000 excluding GST for the period 18 September to 31 December 2024.**
2. **The temporary delegation is limited to:**
  - (a) **The projects listed in this report that form part of the adopted Capital Improvement Program; and**
  - (b) **Do not exceed the allocated budget for each project.**

---

#### BACKGROUND

Council elections are scheduled for October 2024 with the Election (Caretaker) period commencing on 17 September 2024. The proposed Meetings of Council in September 2024 will be the last opportunity to seek Council approval to award contracts in excess of the Chief Executive Officer delegation, until a new Council is in place.

Planning is well advanced for the delivery of the 2024-2025 Capital Improvement Program with a number of projects already in the procurement phase to ensure they can be delivered this financial year. A number of these will not be ready for approval prior to the Election (Caretaker) period. Contracts with a value over \$500,000 require approval from Council to award. However, during the Election (Caretaker) period, this mechanism is unavailable, and the next available OMC is December 2024.

As such, any contracts with a value greater than \$500,000 will need to either be ready for Council to consider the matter in September 2024, or the award approval deferred until the next available OMC in December, post Council elections in October 2024.

The risk with contracts planned for award after the Council elections is that the later the matters are considered by Council, the higher the likelihood that those projects will not be completed during the 2024-2025 FY. This particularly relates to road projects where favourable weather conditions are important.

There are currently up to seven Capital Works contracts that will require Council approval post Council elections with all only likely to achieve delivery in 2024-2025 if they are approved for award prior to 31 December 2024.

**PROPOSAL**

To ensure continuity of delivery of the 2024-2025 CIP within required timeframes, it is proposed that Council implement measures to ensure its financial delegated decision-making processes are ongoing during the Election (Caretaker) period to the end of 2024.

It is recommended that a temporary amendment to the CEO delegation be implemented to allow the award of contracts in value between \$500,00 and \$1,000,000. This would ensure the continuous delivery of the capital program for the period 17 September to 31 December 2024 limiting the risk of delay for completion of projects.

The following list of projects which form part of the adopted Capital Improvement Plan and do not exceed \$1,000,000 are eligible under the proposed delegation and it is proposed that delegation is limited to the adopted budget value for each project.

<b>2024-2025 Capital Improvement Program – Contract &gt; \$500,000</b>			
<b>Contract</b>	<b>Budget</b>	<b>Planned Contract Start</b>	<b>Planned Contract Completion</b>
Lal Lal Township Upgrade Project	\$925,000	December 2024	March 2025
McLeans Reserve Upgrade, Ballan	\$890,000	December 2024	April 2025
Old Melbourne Rd & Ballan Meredith Road Shoulder Sealing	\$711,000	December 2024	April 2025
Ballan Office Stage 2	\$575,000	November 2024	March 2025
Hine Court Upgrade, Darley	\$502,000	January 2025	May 2025
Masons Lane Dog Park	\$610,000	December 2024	April 2025
Federation Park Upgrade	\$937,000	February 2025	July 2025

**COUNCIL PLAN**

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

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

**FINANCIAL IMPLICATIONS**

Whilst there are no direct financial implications associated with the preparation of this report, the temporary amendment to CEO delegation allows the award of contracts up to the value of \$1,000,000 throughout the Election (Caretaker) period.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

<b>Risk Identifier</b>	<b>Detail of Risk</b>	<b>Risk Rating</b>	<b>Control/s</b>
CIP delivery	Delayed delivery of projects	High	Increased delegation to the CEO

**COMMUNICATIONS & CONSULTATION STRATEGY**

Section 11(8) of the *Local Government Act 2020* requires Council to keep a register of delegations.

**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 – Corinne Jacobson*

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

**CONCLUSION**

It is recommended that Council approve temporary amendment to the CEO delegation to allow the award of contracts in value between \$500,00 and \$1,000,000 for the period 17 September to 31 December 2024. This would ensure the continuous delivery of the capital program during this period, limiting the risk of delay for completion of projects.

**15.2 CAPITAL IMPROVEMENT PROGRAM - QUARTERLY (FINAL) REPORT JUNE 2024****Author:** Ewen Nevett, Manager Engineering Services**Authoriser:** Phil Jeffrey, General Manager Community Assets & Infrastructure**Attachments:** 1. CIP Project Status Report 30 June 2024 - Rev 1 (under separate cover)**PURPOSE**

This quarterly report provides Council with an overview of the progress of Council's 2023-2024 Capital Improvement Program (CIP) to 30 June 2024.

**EXECUTIVE SUMMARY**

The delivery of the 2023-2024 CIP progressed with:

- The original budget approved by Council in June 2023 increasing by \$2.30M during the year through various state and federal government grants.
- CIP expenditure in 2023-2024 was \$34.28M, down from \$51.15M in 2022-2023.
- There were 76 projects reported to Council, including two projects added during the year.
- 54 CIP projects were completed during the year with a further three projects expected to be completed by October 2024. Six projects are not due for completion until after 30 June 2025, being 'multi-year' projects (five) or projects 'on-hold' (one).
- Six (7.9 per cent) of the CIP projects are 'multi-year' projects continuing beyond 2023-2024.
- One (1.3 per cent) of the CIP projects is deferred and 'on-hold.'

**RECOMMENDATION**

**That Council resolves to receive the Capital Improvement Program quarterly report to 30 June 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 outcome of Council's 2023-2024 CIP to 30 June 2024.

**Implementation of the 2023-2024 CIP**

The 2023-2024 CIP consisted of 76 projects (up from 74 at the start of the year), of which one (1.3 per cent) remained 'on-hold' with Melbourne Water responsible for managing the planning and delivery. Of the twenty-one projects underway, six represent multi-year projects, or projects added during the year, which are ongoing with carry forward into the 2024-2025 CIP.

This full list of projects incorporates projects from various sources including but not limited to the following:

- Projects carried forward from 2022-2023 program.
- 2023-2024 Council budgeted projects.
- State and Federal Grant funded/part-funded projects, including:
  - Living Libraries Fund
  - Growing Suburbs Fund
  - Roads to Recovery
  - Local Road and Community Infrastructure Program
  - Transport Accident Commission
  - Transfer Station Upgrade Fund
  - Department of Transport & Planning
  - Sports and Recreation Victoria
  - Regional Development Victoria

A number of highlights include:

- Bald Hill Activation – Stage 2, Telford Park – Completion of the All-Abilities Trail and associated landscaping.
- Bald Hill Activation – Stage 3, Summit – Commencement of the All-Abilities Trail.
- Hogan Road & Densley Street Ballan – Completion of the upgrade works incorporating underground drainage, kerb and channel, asphalt surfacing and associated landscaping.
- Gordon Township – Stage 3b – Completion of underground drainage, kerb and channel and pavement rehabilitation on Stanley Street complimenting Stage 3a works completed in 2022-2023.
- Ballan Recreation Reserve – Completion of the Ballan Pavilion.
- Harry Vallance Drive Reserve – Completion of the reserve upgrade.
- Jonathan Drive Reserve – Completion of Stage 2 upgrades, incorporating half basketball court and picnic shelter, complimenting Stage 1 completed in 2022-2023.
- Blackwood – Commencement of the Small-Town Improvement Program.
- Links Road, Darley – Completion of new footpath joining Robertson Drive to Fairway Crescent.
- Bacchus Marsh Racecourse Reserve – Completion of Stage 2 facilities.
- Bacchus Marsh Indoor Recreation Centre – Completion of MARC Stage 1.
- Mill Park Ballan – Completion of Splash Park.
- Darley Park Pavilion – Completion.
- Aqualink Cycling and Walking Corridor – Completion of Stages 1 and 2 including multiple community nodes.



- Commenced construction of:
  - Ballan Library and Community Hub
  - Navigators Community Centre
  - Dunnstown Pavilion Renovation

Community Assets and Infrastructure nominates seven key stages of the project delivery process and reports with reference to these stages regarding the overall program status.

The table below summarises the overall program status on 30 June 2024:

CIP Program Delivery Stage	Actual as of 30 June 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
Documentation/Design Preparation	2	6	1	9	11.8
Tender/Quote Stage	0	1	0	1	1.3
Project Awarded – Waiting Commencement	0	1	0	1	1.3
In Progress/Under Construction	5	4	1	9	13.2
Complete	35	15	4	54	71.1
<b>TOTAL</b>	42	27	7	76	100

The attached report details the status, including specific comments in relation to the progress, of each individual project for 2023-2024.

Program Status and Financial Year Performance

Of the 76 projects, there are 22 projects that will be carried forward into the 2024-2025 CIP, including the one project currently 'on hold', six 'multi-year' projects and projects added during the year with completion dates beyond 30 June 2024. 22 Projects remained incomplete on 30 June 2024.

The status of all 76 projects is summarised on the attachment '2023-2024 Capital Improvement Program - Project Status'.

Of the 22 projects incomplete on 30 June 2024, three projects are expected to be complete by October 2024. The table below outlines each of 22 projects and their status:

<b>Carry Forward Projects</b>		
#	Project Description	Project Status (on 30 June 2024)
1	Ballan Senior Citizens Centre, Ballan - Refurbishment of the toilet facility including upgrade to DDA compliance	An amended concept plan is being developed to finalise the scope of this project
2	Connor Court, Ballan - Drainage Renewal	Project being delivered by Melbourne Water who have just gone out to tender for the design.
3	Bald Hill/1000+ Steps - Stage 3, Darley - Summit Trail & Lookouts	Construction is underway with completion scheduled for December 2024
4	Donald Street, Bacchus Marsh (0-190) Kerb Installation & Drainage	Project awarded to OnTrack. Works commenced in June 2024 with completion scheduled for August 2024.
5	Gordon Township, Gordon - Drainage Renewal Investigation	Drainage investigations are underway
6	Haddon Drive, Ballan - Increasing capacity of roadside drainage and culverts	Major construction is complete with construction of cast in situ end walls outstanding due to a private water leak. The end walls will be constructed following the rectifications of the water leak.
7	Mount Egerton Transfer Station, Mount Egerton - Replacement of existing concrete slab	Project is in the design / documentation prep stage with construction scheduled for October to December 2024
8	Old Melbourne Road, Millbrook (20769-21734) Shoulder Sealing (LRCIP4)	Construction commenced in May 2024 with poor weather prohibiting spray sealing. Construction is scheduled to recommence and be completed in October 2024, subject to suitable weather.
9	STIP Works, Blackwood - Township Improvement	Project is currently underway with works within the township well progressed. Works on the Greendale - Trentham Road, Terrill Street Intersection will commence in September 2024
10	Bacchus Marsh Bowls Club Pavilion and Bowling Green	Select tender closed in June 2024. Tenders currently being evaluated.
11	Ballan Town Centre Plaza	Project included in the Ballan Library works. Project awarded to AW Nicholson and is scheduled for completion in August 2025.
12	BM Racecourse Reserve Stage 2 – Pavilion	Design in progress.
13	BMRRR - Cricket Nets	Project awarded to Smartgrass. Works commenced in February 2024 with completion scheduled for July 2024.
14	Darley Civic Centre Renovations (incl Clad Replacement) Stg2	Cladding project was completed in September 2023. Stage 2 office refurbishment is currently in design preparation with commencement scheduled for 2025.
15	Darley Park Footpaths	Tender to be advertised in early July 2024. Completion scheduled for early 2025.
16	Darley Park Rec Reserve - Playground	Tender to be advertised in early July 2024. Completion scheduled for early 2025.

<b>Carry Forward Projects</b>		
#	Project Description	Project Status (on 30 June 2024)
17	Library Facility, Ballan - Construction	Project awarded to AW Nicholson. Works commenced in June 2024 and scheduled for completion in August 2025.
18	Maddingley Park - Resheet and Seal of Pathways	Tender documentation being prepared following completion of the masterplan. Tender scheduled for August 2024 with completion anticipated in March 2025.
19	Masons Lane Recreation Reserve, Bacchus Marsh - Short term Dog Park installation	Tender documentation being prepared following successful grant announcement. Tender scheduled for August 2024 with completion anticipated in March 2025.
20	Navigators Community Centre	Project was awarded to SCMS School Builders with commencement in February 2024. Completion is scheduled for October 2024.
21	SRV Female Friendly Facilities Grant - Dunnstown Rec Res	Project was awarded to SCMS School Builders with commencement in February 2024. Completion is scheduled for October 2024.
22	Edols Street, Ballan Kerb Replacement	Works have commenced with additional works identified on site. Works are scheduled to be completed by October 2024

Considering the seven projects either ‘on hold,’ ‘multi-year,’ or ‘added during the year,’ 54 (78.3%) projects out of a possible 69 projects were completed.

Factors contributing to the lower completion rate included the availability of adequate internal resources, relevant authority approvals, latent conditions, re-advertising projects due to tender prices and contractor availability delaying construction commencements.

Key aspects of the 2023-2024 CIP delivered projects include:

- 45.3kms of roads resealed or resurfaced
- 15.2kms of sealed roads reconstructed
- 11.3ms of gravel roads re-sheeted
- 7.6kms of unsealed shoulders re-sheeted
- 4.5kms of unsealed shoulders sealed
- 3.0km of new footpaths

‘On-Hold’ Projects

The following table provides an update of the one project that is currently “On-hold”:

<b>On-Hold Projects</b>		
#	Project Description	Project Status (on 30 June 2024)
1	Connor Court, Ballan - Drainage renewal	Project being delivered by Melbourne Water who have just gone out to tender for the design.

### Program Financial Status

The original budget of \$38.49M (excluding carry forwards of \$21.59M), approved by Council in June 2023, increased by \$2.30M during the year. The amended budget, including carry forwards and added project budgets, was \$62.38M, of which \$31.09M will carry forward into the 2024-2025 CIP.

Projects completed with an expenditure greater than 10 per cent above approved budget are discussed below:

- Hogan Road, Ballan (0-700) Reconstruction (Inc R1002 Densley 0-200)
- Navigators Community Centre
- Taverner Street, Maddingley

A further twelve projects were completed with expenditure between 5 per cent to 10 per cent over budget. These were:

- Ballan Recreation Reserve Pavilion, Ballan - New Pavilion
- Bungeeltap South Road, Mount Wallace (95-1200) Reconstruction
- Coalmine Road, Lal Lal (0-2355) Gravel Resheet & Seal
- Haywood Road, Lal Lal (0-1670) Gravel Resheet & Seal
- Jonathan Drive Reserve, Darley – Upgrade
- Nelson Street, Darley (Sheldon Ave - David Court) Drainage Renewal
- Shaws Road, Buninyong (0-1180) Gravel Road Resheet
- Simmons Drive, Bacchus Marsh - Drainage Renewal
- Tramway Lane, Darley - Formalising roadside drainage
- Aqualink Stage 1 - Strategic Cycle Corridor
- Ballan Depot Relocation
- BM Indoor Recreation Facility - Construction

### **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, Implementation of the 2021-2022 CIP, is consistent with the Council Plan 2021-2025.

### **FINANCIAL IMPLICATIONS**

The expenditure associated with the capital improvement program forms part of Council's overall financial reporting and is incorporated into the quarterly financial reports to Council. The forecast is consistent with the whole of life cost reporting for the program throughout the year.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**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 2023-2024 Capital Improvement Program delivery for the full year to 30 June 2024 for the information of Councillors.

**15.3 RESPONSE TO NOTICE OF MOTION: PEDESTRIAN CROSSING AT O'LEARY WAY, MADDINGLEY**

**Author:** Ohid Morad, Traffic & Transport Engineer

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

**Attachments:** 1. Maddingley Village Pedestrian Safety Investigation Report: 1 August 2024 (onemilegrid) (under separate cover)

**PURPOSE**

The purpose of this report is to provide a response to the Notice of Motion for O'Leary Way, Maddingley pedestrian safety.

**EXECUTIVE SUMMARY**

- A Notice of Motion was carried in relation to O'Leary Way, Maddingley pedestrian safety at the Ordinary Meeting of Council on 2 August 2023.
- A traffic engineering consultant was engaged to investigate the safety of road users and pedestrians around Maddingley Village shopping precinct.
- The Maddingley Village traffic engineering investigation report has generally identified low level risks to pedestrian safety within the study area.
- The report recommends some action within the Maddingley Village Shopping Centre to rectify a number of identified low risk issues.

**RECOMMENDATION**

**That Council:**

1. **Notes the traffic engineering report titled Maddingley Village Pedestrian Safety Investigation.**
2. **Refers the following recommended treatments to future funding opportunities included in Council's long-term Capital Improvement Program:**
  - (a) **Installation of a wombat crossing and kerb outstand on Gladman Road.**
  - (b) **Installation of wombat crossings on all four legs of the roundabout at the intersection of O'Leary Way, McCormacks Road, Griffith Street and Bacchus Marsh-Ballieng Road.**
  - (c) **Installation of no standing signage and sight distance improvements north of the shopping centre access to O'Leary Way.**
3. **Seek approval from Department of Transport and Planning (DTP) for a speed reduction on O'Leary Way (from Griffith Street to Calderwood Road) to 50km/h.**
4. **Writes to the owners of Maddingley Village Shopping Centre recommending the following potential safety improvements:**
  - (a) **Installation of lights along the internal pathway between the shopping centre carpark and Gladman Road.**

- (b) **Construct the connecting pedestrian path along the northern boundary to the car parking area.**
- (c) **Correct the alignment of the tactiles to provide greater guidance within the carpark area.**
- (d) **Correct the convex mirror located on the south side of the carpark access to O'Leary Way.**

---

## **BACKGROUND**

A Notice of Motion was carried in relation to O'Leary Way, Maddingley pedestrian safety at the Ordinary Meeting of Council on 2 August 2023.

*That Council:*

*Investigates the merits of a pedestrian crossing or pedestrian safety measures in O'Leary Way, Maddingley adjacent to the Shopping Centre precinct.*

*Requests a report regarding the investigation including options to improve pedestrian safety at this location.'*

Following the Notice of Motion, a consultant, Onemilegrid was appointed to conduct the investigation.

## **PROPOSAL**

A traffic engineering consultant was engaged by Moorabool Shire Council to undertake a Pedestrian Safety Investigation at Maddingley Village. The project involved a thorough site inspection, which was undertaken in May 2024 with the collection of traffic and pedestrian data and then a review of the existing pedestrian facilities. The goal of the project was to assess the existing pedestrian facilities and provide recommendations for improved safety.

During the investigation the issues identified were classified as low risk. However, it is acknowledged that residential growth continues in this corridor and a new primary school is planned in the future and the number of pedestrian and road users will increase. Therefore, the following is recommended from a traffic and road safety perspective:

Council:

- Installation of wombat crossings on all four legs of the roundabout at the intersection of O'Leary Way, McCormacks Road, Griffith Street and Bacchus Marsh-Balliing Road.
- Installation of no standing signage, north of the shopping centre access to O'Leary Way.
- Street tree pruning/ removal, north of the shopping centre access to O'Leary Way.

Maddingley Village Shopping Centre:

- Install lights along the pathways between the shopping centre carpark and Gladman Road.
- Construct a connecting pathway on the northern boundary to the carpark area.
- Correct the alignment of the tactiles to provide greater guidance within the carpark area.
- The convex mirror located on the south side of the carpark access to O'Leary Way should be rotated.

In addition, a review of the existing 60km/hr speed limit on O’Leary Way has been undertaken and given the built-up nature of the section of O’Leary Way between Griffith Street and Calderwood Road officers are recommending that we seek approval from Department of Transport and Planning (DTP) for a speed reduction to 50km/h.

**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 1.5: Provide access to services to improve community connection in the Shire**

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

**FINANCIAL IMPLICATIONS**

There are currently no allocations for these projects within the existing budget. The recommended treatments will be referred to either future grant funding opportunities or Council’s long-term Capital Improvement Program.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

Risks identified as part of the study were all considered to be low. Information is contained in the attached report.

**COMMUNICATIONS & CONSULTATION STRATEGY**

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Residents	Correspondence	Within the project area	Unknown	Project delivery

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

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

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

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

*General Manager – Phil Jeffrey*

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

*Author – Ohid Morad*

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



**CONCLUSION**

A Pedestrian Safety Investigation was completed at the Maddingley Village Shopping Precinct in May 2024.

The degree of pedestrian safety provided throughout the study area does not currently present any major concerns. Several recommendations have been provided within the investigation report that both Council and Maddingley Shopping Centre could address.

**16 OTHER REPORTS**

Nil

**17 NOTICES OF MOTION**

Nil

**18 NOTICES OF RESCISSION**

Nil

## **19 MAYOR'S & COUNCILLORS REPORTS**

### **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.**

---

**19.2 COUNCILLORS REPORTS**

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

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

**Attachments:** Nil

**PURPOSE**

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

**EXECUTIVE SUMMARY**

That the Councillors Reports be accepted for consideration at the Ordinary Meeting of Council.

**RECOMMENDATION**

**That Council receives the Councillors Reports.**

---

**20 URGENT BUSINESS**

## **21 CLOSED SESSION OF THE MEETING TO THE PUBLIC**

### **RECOMMENDATION**

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:**

#### **21.1 C0145 2024/2025 Ballan-Meredith & Ingliston Roads: Road Rehabilitation**

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

#### **21.2 C0136-2024/2025 Yendon No. 1 and Yendon No. 2 Roads, Yendon: Road Rehabilitation**

This matter is considered to be confidential under Section 3(1) confidential information - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

---

**22 MEETING CLOSURE**