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| **AGENDA**  **Special Council Meeting**  **Wednesday, 15 July 2020**  **In accordance with s. 395 of the COVID-19 Omnibus (Emergency Measures) Bill 2020, this meeting will not be available for public attendance, however will be streamed live via accessing the Council Internet site** | |
| **I hereby give notice that a Special Meeting of Council will be held on:** | |
| **Date:** | **Wednesday, 15 July 2020** |
| **Time:** | **7.00pm** |
| **Location:** | **The Pavilion Room, Darley Civic Hub** |
| **Derek Madden**  **Chief Executive Officer** | |

**Order Of Business**

[1 Opening of Meeting and Prayer 5](#_Toc45210138)

[2 Acknowledgement of Country 5](#_Toc45210139)

[3 Present 5](#_Toc45210140)

[4 Apologies 5](#_Toc45210141)

[5 Disclosure of Conflicts of Interest 5](#_Toc45210142)

[6 Presentations/Deputations 6](#_Toc45210143)

[7 Customer Care and Advocacy Reports 7](#_Toc45210144)

[7.1 Adoption of the 2017-2021 Council Plan (2020 Review) inclusive of Strategic Resource Plan 7](#_Toc45210145)

[7.2 Adoption of 2020/21 Budget 11](#_Toc45210146)

[8 Meeting Closure 20](#_Toc45210147)

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

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3 Present

4 Apologies

5 Disclosure of Conflicts of Interest

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

* A direct interest (section 77A, 77B)
* An indirect interest (see below)
* indirect interest by close association (section 78)
* indirect financial interest (section 78A)
* indirect interest because of conflicting duty (section 78B)
* indirect interest because of receipt of gift(s) (section 78C)
* indirect interest through civil proceedings (section 78D)
* indirect interest because of impact on residential amenity (section 78E)

**Time for Disclosure of Conflicts of Interest**

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

1. Leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
2. Remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

* Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
* Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

6 Presentations/Deputations

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

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

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.

7 Customer Care and Advocacy Reports

7.1 Adoption of the 2017-2021 Council Plan (2020 Review) inclusive of Strategic Resource Plan

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

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

**Attachments: 1. 2017 - 2021 Council Plan (2020 Review) (under separate cover)**

Purpose

The purpose of this report is to present the 2017-2021 Council Plan (2020 Review) for Council adoption.

Executive Summary

* A draft 2017-2021 Council Plan (2020 Review) was publicly exhibited between 23 May 2020 and concluded on 23 June 2020. At the close of the public submission period, Council did not receive any submissions.
* Since the consultation period, administrative adjustments to the progress of strategic actions have been made (as detailed in this report) and are reflected in the final Plan for Council adoption.
* Council is to consider a report on the adoption of the Annual Budget. Any changes to the Budget, resolved by the Council this evening, will be incorporated into the final version of the Strategic Resource Plan section of the adopted Council Plan.

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| Recommendation  **That Council:**  **1. Adopts the 2017-2021 Council Plan (2020 Review) inclusive of the Strategic Resource Plan as adopted in the 2020/21 Annual Budget (provided in Attachment 1).**  **2. Gives public notice of the adoption of the 2017-2021 Council Plan (2020 Review) in accordance with Section 125 of the *Local Government Act 1989*.**  **3. Submits a copy of the Council Plan 2017-2021 (2020 Review) to the Minister for Local Government in accordance with Section 125 of the Act.** |

Background

On Wednesday 20 May 2020, Council resolved to place the draft 2017-2021 Council Plan (2020 Review) on public exhibition in accordance with section 223 of the *Local Government Act 1989* (the Act).

At the close of the public submission period, Council did not receive any submissions to the draft 2017-2021 Council Plan (2020 Review) and at its meeting held 1 July 2020, resolved to receive a final report for consideration to formally adopt the 2017-2021 Council Plan (2020 Review).

Proposal

The draft 2017-2021 Council Plan (2020 Review), as consulted, outlined immaterial changes including:

* statistical information pertaining to the Shire’s population and business profile;
* progress made to date against each strategic progress indicator; and
* the replacement of the Strategic Resource Plan (to reflect the Council’s resolution in relation to the 2020/21 Annual Budget).

**Proposed adjustments**

a) Progress updates against each strategic action

Since the consultation period, the following strategic actions shown as ‘Complete’ remain incomplete and therefore require deferral to 2020/21:

i) Develop and implement a Fleet & Plant Strategy

ii) Revise the Community Engagement Policy and Framework

iii) Develop and implement a policy on allocation, use and trading of water for Council water assets

iv) Develop a long-term strategy for the Bacchus Marsh Civic Precinct

v) Deliver community emergency management education program

Conversely, the following actions shown as ‘modified’ have since been achieved.

i) Develop the Gateway Strategy

ii) Review future opportunities for the Darley Civic Precinct

iii) Design indoor courts in Bacchus Marsh

iv) Construct stage 1 of the Bacchus Marsh Racecourse Recreation Reserve

Accordingly, the progress indicators for the abovementioned strategic actions have been amended.

b) Amendment of terminology utilised in the Council Plan

Over the lifetime of this Council Plan, Council has utilised the term ‘modified’ to reflect progress made against strategic actions. Essentially, the term ‘modified’ has been used to identify actions as incomplete and referring such actions to the next year of the Council Plan for completion.

From an administrative point of view, ‘deferring’ actions is a more conventional, transparent explanation, as it is considered that ‘modified’ may suggest that the actual strategic action has altered, not the progress.

Therefore, the attached Council Plan has been amended to reflect this change in terminology.

c) Council is to consider a report on the adoption of the Annual Budget. Any changes to the Budget, resolved by the Council this evening, will be incorporated into the final version of the Strategic Resource Plan section of the adopted Council Plan.

Council Plan

The Council Plan 2017-2021 provides as follows:

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

**Context 1B: Our People**

The proposal to review the 2017-2021 Council Plan is consistent with the requirements of the *Local Government Act 1989.*

Financial Implications

In accordance with Section 126 of the *Local Government Act* 1989, Council has prepared the Strategic Resource Plan that details the resources required to achieve the objectives and strategies outlined in the 2017-2021 Council Plan (2020 Review).

The Strategic Resource Plan includes the following information in respect of the four year period of the Council Plan that concludes 30 June 2021.

* the standard statements describing the required financial resources in the form and containing the information required by the regulations as amended by the adoption of the 2019/20 Annual Budget; and
* statements describing the required non-financial resources, including human resources, in the form and containing the information required by the regulations.

The figures will be amended to reflect any budget changes resolved by the Council in the adoption of the 2020/21 Annual Budget report presented prior to this report in the Agenda.

Communications & Consultation Strategy

In accordance with the Act the 2017-2021 Council Plan (2020 Review) will progress through the final adoption process.

1. Notice of Adoption of Council Plan

Ballarat Courier – Saturday 18 July 2020   
Moorabool News – Tuesday 21 July 2020

2. Copies available for public inspection at Council Offices and on Council’s website from 17 July 2020.

3. Submission of the Council Plan 2017-2021 (2020 Review) to Minister for Local Government Prior to 31 July 2020.

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 limit, restrict or interfere with any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

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

*Author – Yvonne Hansen*

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

Conclusion

Having completed all statutory requirements, it is recommended that Council adopts the 2017-2021 Council Plan (2020 Review), with the incorporation of the adopted Strategic Resource Plan, and give public notice as required under the Act.

7.2 Adoption of 2020/21 Budget

**Author: Aaron Light, Senior Accountant**

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

**Attachments: 1. 2020/21 Budget Document (under separate cover)**

Purpose

In accordance with Section 130 of the Local Government Act 1989 (the Act) Council is required to formally adopt the 2020/21 Annual Budget by 30 June 2020 (an extended deadline has been granted by the Local Government Minister for 2020/21 Annual Budgets to be adopted by 31 August 2020).

As resolved by Council on 20 May 2020, the proposed Budget was placed on public exhibition from Tuesday 26 May 2020 to Tuesday 23 June 2020 inclusive, calling for submissions as required under Section 223 of the Act. This was advertised in The Moorabool News on 26 May 2020.

Section 223 of the Act requires Council to follow a process of enabling submissions to be received. There were 5 written submissions received by 23 June 2020. Council considered submissions at the Ordinary Meeting of Council on 1 July 2020 and resolved as follows:

1. That the 5 submissions be received;

2. That Council takes into consideration the matters raised within the submissions in consideration of the 2020/21 Annual Budget at the Ordinary Meeting of Council on 1 July 2020; and

3. That following the adoption of the 2020/21 Annual Budget, responses are provided to each Submitter.

Having completed all statutory requirements, the 2020/21 Annual Budget can now be considered for adoption.

Executive Summary

This report highlights the important points for consideration in adopting the 2020/21 budget. These include;

 Proposed Loan Borrowings and Loan Redemption

 Proposed Rate Increase

 Differential Rate Categories and Cents/$CIV

 Proposed Changes to Annual Waste Service Charges

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| Recommendation  **That Council:**  **1. Note the verbal and written submissions received and considered at 1 July 2020 Council Meeting as shown in Table 1.1.**  **2. Note the declaration of rates included in the 2020-21 Budget.**  **3. Resolve to adopt the amended 2020-21 Budget for the purpose of Section 127 of the Local Government Act 1989.**  **4. That in accordance with Section 130 of the Act, Council resolved to notify and place on public notice its intention to adopt the 2020/21 Annual Budget on 15 July 2020 at the Special Meeting of Council to be held at the Council Offices, Darley.** |

Background

The Proposed 2020/21 Annual Budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation, and being financially responsible. It is part of a financial plan that aims to secure a viable and sustainable path to achieve the Shire’s objectives.

The budget includes a rate increase of 2.00%, which is in line with the Fair Go Rates System (FGRS) which has capped rates increases by Victorian Councils. Despite the cap on rates, Council has been able to minimise the rate burden on residents through the use of stringent budget and fiscal controls.

Proposal

Budget Submissions

Council commenced statutory procedures for the 2020/21 Annual Budget at the Special Meeting of Council held on Wednesday, 20 May 2020. At that meeting, Council resolved to put on public display the Proposed 2020/21 Annual Budget that was considered at the meeting.

A public notice was published in The Moorabool News on Tuesday 26 May, 2020 which called for submissions to the proposed budget.

As a result of this advertising process, a total of 5 written submissions were received by the stated cut-off date of 23 June 2020. The table below shows the Council responses and recommendations for the submissions received.

Table 1.1 - Council Reponses to Budget Submissions

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| **No** | **SUBMISSION** | **COUNCIL RESPONSE** |
| 1 | Turf Cricket Pitch Maddingley Park | *The business case and accompanying letters show significant community support for this project. It is recommended, that as a masterplan for Maddingley Park is currently being scoped by Council Officers, through engagement and consultation with community and stakeholders, the installation of a turf pitch as an outcome of this will be considered.*  *It is further recommended that should the project be included in the 2020/2021 budget, the ongoing maintenance and labour costs for the turf pitch would be the responsibility of the cricket club per the Strategic Alliance partnerships as presented by the Bacchus Marsh Cricket Club business case.* |

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| 2 | Moorabool West Road, Gordon | *Moorabool West Road, Gordon is not included in Council’s draft 2020-21 Capital Improvement Program for renewal and is considered to be safe and fit for purpose. However, there are 4 Road Management Plan defects that require rectification, which are potholes in the road shoulder and in the traffic lane. These defects will be rectified by the end of July as part of Council’s maintenance grading program. An inspection of this road was conducted on Tuesday 23 June, and no further Road Management Plan defects were identified. Council is in the process of obtaining updated road condition data which will help inform future capital works priorities.* |
| 3 | Apple FM Radio Lease Agreement | *On 3rd May 2017, Council resolved to offer Apple FM a licence agreement for an initial period of three years with a further option of two years under a discounted (80%) market rental. Council has been advised that Apple FM will continue with the two-year option and as such the current agreed rental rates will continue. Annually Council funded youth support funding programs reflect the second point within the endorsed decision.*  *Council does not determine how external organisations fundraise or for what purpose.* |
| 4 | Graham Street Footpath | *The footpath connection between the current termination and the end of Graham Street is not currently included in the draft 2020/21 Capital Improvement Program. Notwithstanding that, the construction of this section has been referred to the long-term program for future consideration along with other priority projects within the Shire. As such a timeframe for funding and construction is unable to be provided, however the project will be considered for inclusion in future capital works programs.* |
| 5 | Manning Boulevard Footpath | *A new footpath in Manning Boulevard is not currently included in the long-term Capital Improvement Program. Although it is not currently listed in any of Council’s strategic documents for footpath provision, a Local Area Traffic Management (LATM) study is proposed to cover this area in the coming years that will engage the local community and recommend various road and pedestrian improvement options.* |

*Budget Amendments and related matters*

Since the Proposed Budget was presented to Council there are some suggested amendments to the Operating budget. New or updated information has become available and these amendments are highlighted below.

*Indicative Financial Assistance Grant Allocations for 2019/20*

On 22 May 2020, Council was advised by the Victorian Grants Commission of its indicative Financial Assistance Grants for 2020/21. As a result of this preliminary advice, it is likely that Council will receive $202,400 less than the level estimated in the 2020/21 Proposed Budget. The decrease is made up of;

Table 1.2 - Changes to Grants Commission Funding

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|  | **Proposed Budget** | **Indicative** |  |
|  | **2020/21** | **2020/21** | **Change** |
| General Purpose Grant | 4,904,904 | 4,843,434 | (61,470) |
| Local Roads Grant | 2,110,018 | 1,969,088 | (140,930) |
| **Total** | **7,014,922** | **6,812,522** | **(202,400)** |

*Other Financial Adjustments*

Other adjustments include the following;

* Rates and charges – A freeze of the proposed increase in the Land Fill Levy for 6 months of 2020/21 has resulted in a decrease in contract costs and therefore a decrease in waste management charges of $75,100.
* Grants - Operating (non-recurrent) – New funding for a number of projects has been announced since proposed budget was presented to Council, resulting in an increase of $218,860.
* Grants - Capital (non-recurrent) – New funding announcements as discussed below and shown in table 1.6 has resulted in an increase of $3,871,703.
* Contributions – monetary – Cash contributions will increase by $399,428 ($250,000 relating to Darley Recreation Reserve Pavilion).
* Interest received – A recent review of cash investment interest rates, and also changes to interest calculations on Rates income has resulted in a decrease overall of $175,433.
* Employee costs – There has been some minor updates made since the proposed budget was presented to Council. This has increased employee costs overall by $61,586.
* Materials and services – Have increased overall by $1,295,701 which mainly relates to the carry-over of incomplete New Initiatives and Grant Funded projects from 2019/20, $1,252,344. There have also been minor adjustments in Waste contracts and new grant funding.
* Depreciation – Changes to the Capital Improvement Program and the timing of proposed asset revaluations have increased depreciation in 2020/21 by $231,536.
* Borrowing costs – adjustments to the amount and timing of borrowings has resulted in a small increase in interest repayments in 2020/21.

*Summary of Adjustments to Comprehensive Income Statement*

Overall the changes will impact the Comprehensive Income Statement by $2,418,755. The table below shows these amendments and the impact on the overall surplus for the 2020/21 Budget.

Table 1.3 - Changes to Comprehensive Income Statement



*Loan Borrowings*

The proposed budget document that was presented to Council on 20 May 2020 included borrowings of $1,600,000 for 2020/21. It also included borrowings in the 2019/20 forecast of $10,736,014. This is shown below in Table 1.4.

Table 1.4 - Statement of borrowings from the proposed budget document.



Since the Proposed Budget was approved for public consultation, it is now known that total borrowings will be less than $10,736,014 in the 2019/20 financial year. Total borrowings in 2019/20 will now be $8,608,000, which is $2,128,000 less. This amount will be deferred to the 2020/21 budget.

Therefore, borrowings in the 2020/21 Adopted Budget have increased by $2,128,000 and will now be $3,728,000. Table 1.5 below shows the new statement of borrowings that will be presented in the Adopted Budget document.

Table 1.5 - Statement of borrowings proposed for the Adopted Budget.



*Capital Improvement Program*

Since the 2020/21 Proposed Budget was released for public consultation, there have been a number of changes to the Capital Improvement Program. These include;

* New funding received for Darley Recreation Reserve Pavilion - $3,750,000 ($2,500,000 in grants, $250,000 in contributions and $1,000,000 of Council funds brought forward from 2021/22 budget)
* Bacchus Marsh Indoor Recreation Facility - $1,250,000 brought forward from 2021/22 budget
* Additional carry overs - $4,324,627 (the Proposed Budget included $3,578,612 in estimated carry overs from 2019/20, the new estimate is $7,903,239).
* New funding received for Local Roads & Community Infrastructure Program - $1,281,703

Since the budget was released for community consultation, Council has been provisionally notified that it has been successful in receiving $2.5m in Growing Suburbs grant funding for the Darley Recreation Reserve Pavilion. As a condition attached to the funding agreement, Council is required to demonstrate an equivalent matching contribution in the Adopted 2020/21 Budget ‘over and above’ the Draft 2020/21 Budget in order to secure the $2.5m grant funding. As a consequence, Officers are recommending that $2.5m in Capital projects are “brought forward” from 2021/22 to satisfy the condition of the funding agreement. These being;

* Darley Recreation reserve pavilion -$1.25m (brought forward from 2021/22)
* Bacchus Marsh Indoor Recreation facility - $1.25m (brought forward from 2021/22)

These projects are currently contained in the 5-year Capital program and are included in future years budget allocations. This will have the impact of increasing the 2020/21 Budget and reducing the 2021/22 Budget by an equivalent amount resulting in no additional cost to Council.

At this stage, it is unlikely that these amounts will be fully spent and their inclusion is recommended to ensure Council can secure the $2.5m in funding as part of the Growing Suburbs grant.

The table below shows the impact on the Statement of Capital Works for 2020/21 and how it will be presented in the Adopted Budget.

Table 1.6 – Changes to Statement of Capital Works



Council Plan

The Council Plan 2017-2021 provides as follows:

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

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

The proposal Consideration of the Proposed 2020/21 Annual Budget is consistent with the Council Plan 2017 – 2021.

Financial Implications

The 2020/21 Annual Budget has been prepared within the adopted five-year Strategic Financial Plan. This will allow Council to improve its financial sustainability and balance the building of new infrastructure with maintaining our existing infrastructure.

Risk & Occupational Health & Safety Issues

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| OHS –  Manual Handling | Strain to office worker when using equipment | Medium | Ergonomic Assessment, training, equipment |

Communications & Consultation Strategy

In accordance with Section 223 of the Act, Council considered submissions on 1 July 2020. Council received 5 written submissions.

The following outlines the timetable for the communication and adoption of the 2020/21 Annual Budget:

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| **Timetable for the Proposal and Adoption of the 2019/20 Annual Budget** | |
| Proposed 2020/21 Annual Budget presented for Council adoption and Public Notification | 20 May 2020 |
| Advertise Proposed 2020/21 Annual Budget, inviting public inspection and submissions according to Section 223 of the Local Government Act 1989, in Council’s nominated newspapers | 26 May to 23 June 2020 |
| Consider public submissions per Section 223(1)(b) of the Local Government Act 1989 for the Proposed 2020/21 Annual Budget | 01 July 2020 |
| Formally adopt 2020/21 Annual Budget | 15 July 2020 |
| Submit 2020/21 Budget to the Minister for Local Government | 17 July 2019 |
| Public Notice – Adoption of 2020/21 Annual Budget | 21July 2019 |

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 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

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

*Author – Aaron Light*

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

Conclusion

The budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2020/21 financial year and beyond.

8 Meeting Closure