



# **AGENDA**

## **Special Council Meeting Wednesday, 15 June 2022**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Wednesday, 15 June 2022**

**Time: 5.00pm**

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

**Derek Madden  
Chief Executive Officer**



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

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

## **3 PRESENT**

## **4 APOLOGIES**

## **5 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.

## **6 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.

## **7 CUSTOMER CARE AND ADVOCACY REPORTS**

### **7.1 CONSIDERATION OF SUBMISSIONS - 2021-2025 COUNCIL PLAN (2022 UPDATE)**

**Author:** Amy Gloury, Senior Corporate Planning Lead

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

**Attachments:** 1. Draft Council Plan 2021 2025 - 2022 edition (under separate cover)

#### **PURPOSE**

This report is presented to Council at the conclusion of the public submission period for the draft Council Plan 2021-2025 (2022 update).

#### **EXECUTIVE SUMMARY**

- As part of the annual planning process, the Council Plan is checked to ensure it remains relevant and that the annual actions for the forthcoming financial year continue to reflect strategic priorities.
- The draft Council Plan 2021-25 (2022 update) was placed on public exhibition from 11 May 2022 concluding on 9 June 2022 allowing submissions to be made by members of the public (in the prescribed manner).
- No submissions were received at the conclusion of the public submission period.
- A final internal review conducted by Council officers identified several additional minor updates proposed for consideration, including:
  - a revised Acknowledgement of Country;
  - an updated Mayor and CEO message;
  - the updated organisational structure;
  - the replacement of the Council logo;
  - the replacement of images.

#### **RECOMMENDATION**

**That Council:**

- 1. Notes that no submissions were received for consideration at the conclusion of the public submission period of the draft Council Plan 2021-25 (2022 update).**
  - 2. Accepts the proposed minor updates identified by Council officers to the draft Council Plan 2021-25 (2022 update).**
  - 3. Recommends that the final report for consideration of the Council Plan 2021-25 (2022 update) be presented for adoption at a Special Meeting of Council to be held Wednesday 22 June 2022.**
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#### **BACKGROUND**

In accordance with Section 90 of the Local Government Act 2020, Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October

in the year following a general election. Council met this requirement when it adopted the Council Plan 2021-25 on 30 June 2021 at a Special Meeting of Council.

Council's Community Engagement Policy outlines that the development and review of the Council Plan must follow a deliberative community engagement approach. Prior to adoption of the Council Plan in 2021, an extensive deliberative process was undertaken to develop and inform the Community Vision and Council Plan.

As part of the annual planning process, the Council Plan is checked to ensure it remains relevant and that the annual actions for the forthcoming financial year continue to reflect strategic priorities.

The proposed changes to the Council Plan relate to grammar, statistics, formatting, data sources and small amendments to actions. As the changes identified are minor, and there has been no change to the vision, strategic objectives and priorities, it has been determined that this does not trigger the requirement for a review through a deliberative engagement process. Instead, a consultative process has been determined to provide an opportunity for the community to comment on the proposed minor amendments to the Council Plan.

The draft Council Plan 2021-25 (2022 update) was placed on public exhibition from 11 May 2022 concluding on 9 June 2022 allowing submissions to be made by members of the public (in the prescribed manner).

## PROPOSAL

At the close of the public submission period, 9 June 2022, Council did not receive any submissions to the draft 2021-2025 Council Plan (2022 update).

A final internal review by Council officers of the 2021-2025 Council Plan (2022 update) has identified several additional minor updates needed to ensure that the document accurately reflects Council policies and is current following the recent adoption of various Council policies and reports. The minor changes include:

- the update of the Acknowledgement of Country to align with the Age Well Live Well strategy adopted at the May Ordinary Meeting of Council;
- an updated Mayor and CEO message to reflect the challenges faced in the previous twelve months;
- the updated organisational structure that reflects the recent changes in reporting lines;
- the inclusion of the refreshed logo design following Council's approval at the June Ordinary Meeting of Council;
- the replacement of an image from a stock photo, to an image taken within the Shire.

It is proposed that the 2021-2025 Council Plan (2022 update) be referred to a Special Meeting of Council to be held Wednesday 22 June 2022 for adoption.

## COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**  
**Priority 3.3: Focus resources to deliver on our service promise in a sustainable way**

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

**FINANCIAL IMPLICATIONS**

The 2022/23 Budget contains details of the financial resources required to deliver the Council Plan.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

The 2021-2025 Council Plan (2022 update) was published on our have your say page on 11 May 2022 and advertisements were placed in the Moorabool News in the 17 May 2022 and 24 May 2022 editions. Residents were invited to make submissions in writing up until 5.00pm on Thursday 9 June 2022 via the have your say page, email or post.

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

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

**OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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

*General Manager – Caroline Buisson*

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

*Author – Amy Gloury*

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

**CONCLUSION**

As no submissions were received for consideration and the additional proposed changes are minor, it is then proposed that the 2021-2025 Council Plan (2022 update) be referred to a Special Meeting of Council to be held Wednesday 22 June 2022 for adoption.

**7.2 CONSIDERATION OF SUBMISSIONS TO THE PROPOSED 2022/23 ANNUAL BUDGET****Author:** Aaron Light, Senior Accountant**Authoriser:** Caroline Buisson, General Manager Customer Care & Advocacy**Attachments:** Nil**PURPOSE**

This report relates to the process for Council to adopt the 2022/23 Annual Budget in accordance with the *Local Government Act 2020*. The process includes giving public notice to allow 28 days for submissions to be made by members of the public and such submissions to be heard prior to Council adopting the 2022/23 Annual Budget.

**EXECUTIVE SUMMARY**

- Four written submissions have been received.

**RECOMMENDATION****That Council:****1. Receives the following submissions:**

No.	Submission From	Main Points
1.	Tracey Brewer	<p><b>“Reseal Program Budget”</b></p> <p>Given the amount of trucks that drive through town to the coal mine &amp; new housing developments I think more funding needs to be set for the annual reseal program. There are numerous pot holes where light patch is never sufficient &amp; the pothole returns. I think you could slash some of the rehabilitation funding to increase the reseal program.</p>
2.	Melissa Gardner	<p><b>“Ballan Roads Maintenance”</b></p> <p>I wish to formally request that several of the roads in Ballan undergo urgent maintenance and upgrades. Specifically;</p> <ul style="list-style-type: none"> <li>- Hogans Road in its entirety. This is a single lane width with several meters of gravel/nature strip that should be paced to allow for two way traffic. The condition of the road itself is entirely unsatisfactory with potholes and loose gravel that the Council has dumped without sealing to fill potholes. This is the only road that services ~70 residences. There are also an abundance of wild rabbits that cross in this area in general, adding to the lack of safety.</li> <li>- Spencer Road between Berry St and McMahon Rd. This is a single lane width only with several meters of gravel/nature strip that should be paved to allow for two way traffic. As you approach from the south there is an incline and oncoming traffic appears with no warning. There are also an abundance of wild rabbits that cross in this area in general, adding to the lack</li> </ul>

		<p>of safety.</p> <ul style="list-style-type: none"> <li>- Spencer Road between Berry St and McMahon Rd. In this stretch there is no pedestrian access whatsoever. The footpath that ends before Berry St needs to continue through to McMahon Rd to ensure safety of its residents.</li> <li>- Simpson Street between Cowie St and Stead St. This is a very wide road with only half of each lane properly paved. The edges of each lane are uneven and pothole-ridden with loose gravel. This road services the only Day Care/Kindergarten facility in the entire suburb and receives heavy traffic. This needs to be fully paved to ensure a greater gap from oncoming cars, as drivers often drive over the centre dividing line because it causes less damage to their vehicle.</li> <li>- Old Melbourne Road between Stead St and the beginning of the 100km zone. This is pothole-ridden and has evidence of ineffective patch-ups instead of a full re-paving as required considering this is one of only two ways in and out of the town.</li> </ul> <p>I would respectively implore the Council to see that these roadworks are completed urgently, considering the financial hit its residents will be coping when rates rise, in the case of the Waste Charge for example, this is a price hike of almost 30%. I strongly feel that the residents of this town deserve to have adequate roads to safely travel in/out and around the town without worry of damage to their vehicles.</p> <p>Thank you.</p>
3.	Robert Reid	<p><b>“Rate Increase and Infrastructure Spend”</b></p> <p>Building infrastructure is important on many levels. However, sporting centres, swimming pools etc are less important than citizens being able to pay rates/rent and providing food, clothing. Education and transport.</p> <p>It is my opinion that in the current economic climate, a temporary reduction in infrastructure spending, or perhaps placing some non-life threatening projects on hold.</p> <p>Councils must apply maximum pressure on our state government to cover at least 75 percent of all major infrastructure costs as increasing costs to Council rate payers will erode the ability of Councils to remain relevant.</p> <p>I am totally opposed to any rate increase at this point in time, and suggest that Council revisit their budget.</p>
4.	Craig Woods	<p><b>“Rate Increase”</b></p> <p>We have just gone through the longest lockdown in the world. Cost of living is rising at an extreme rate. My rates have increased by 7% in the first year of the pandemic, and another 19% in the second year, and now are to rise again for capital</p>

		<b>works which may benefit a minority of rate payers. Home care has been handballed to private enterprise. Councils have lost their way with regard to servicing the broader community.</b>
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2. **Takes into consideration the matters raised within the submissions in its consideration of the 2022/23 Annual Budget at the Special Meeting of Council on Wednesday 22 June 2022.**
3. **Provides a response to each Submitter following the adoption of the 2022/23 Annual Budget.**

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## **BACKGROUND**

Council commenced statutory procedures dealing with the 2022/23 Annual Budget at the Council Meeting held on Wednesday, 11 May 2022. At this meeting, Council resolved to put on public display the Proposed 2022/23 Annual Budget.

The proposed 2022/23 budget has been prepared in accordance with the *Local Government Act 2020*.

As a result of this advertising process, a total of four written submissions were received by the closing date of 9 June 2022.

None of the submitters have indicated their intention to be heard in support of their written submission.

## **PROPOSAL**

That Council considers the four submissions received before the budget is adopted at the Special Meeting of Council on Wednesday, 22 June 2022.

## **COUNCIL PLAN**

The Council Plan 2017-2021 provides as follows:

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

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

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

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

## **COMMUNICATIONS & CONSULTATION STRATEGY**

The Proposed Budget was available for submissions and public comment from Thursday 12 May 2022 to 5.00pm on Thursday 9 June 2022.

Following adoption of the 2022/23 Annual Budget, a public notice will be published in the local newspapers and the 2022/23 Annual Budget will be published on Council's website.

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

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

**OFFICER'S DECLARATION OF CONFLICT OF INTERESTS**

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*General Manager – Caroline Buisson*

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*Author – Aaron Light*

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

**CONCLUSION**

Following the conclusion of the community consultation period in relation to the proposed 2022/23 Annual Budget and having completed all statutory requirements, it is recommended that Council consider the submissions received.

**8 MEETING CLOSURE**