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| **AGENDA**    **Special Council Meeting**  **Wednesday, 16 June 2021**  **In accordance with s.395 of the *Local Government Act 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, 16 June 2021** |
| **Time:** | **5.00pm** |
| **Location:** | **Online** |
| **Derek Madden**  **Chief Executive Officer** | |

**Order Of Business**

[1 Opening of Meeting and Prayer 5](#_Toc74297460)

[2 Acknowledgement of Country 5](#_Toc74297461)

[3 Recording of the Meeting 5](#_Toc74297462)

[4 Present 5](#_Toc74297463)

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[6 Disclosure of Conflicts of Interest 5](#_Toc74297465)

[7 Presentations/Deputations 6](#_Toc74297466)

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1 Opening of Meeting and Prayer

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

2 Acknowledgement of Country

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

3 Recording of the Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting will be livestreamed.

4 Present

5 Apologies

6 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.

7 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.

8 Chief Executive Officer Reports

8.1 CEO Annual Leave

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

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

**Attachments: Nil**

Purpose

This report seeks approval of the Council for the Chief Executive Officer Derek Madden to take annual leave.

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| Recommendation  **That Council:**   1. **Approves annual leave for the Chief Executive Officer Derek Madden for the period Thursday 24 June 2021 to Wednesday 14 July 2021.**   **2. Approves the appointment of Sally Jones, General Manager Community Strengthening as Acting Chief Executive Officer for the period Thursday 24 June 2012 to Wednesday 14 July 2021.** |

Proposal

It is requested that Council approves annual leave for the Chief Executive Officer from Thursday 24 June 2021 to Wednesday 14 July 2021.

The Acting Chief Executive Officer for this period will be Sally Jones, General Manager Community Strengthening.

Council Plan

The Council Plan 2017-2021 provides as follows:

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

**Context 1B: Our People**

The proposal is consistent with the Council Plan 2017 – 2021.

Financial Implications

The only financial implications are associated with providing a higher duties allowance while the Acting Chief Executive Officer is in place.

Risk & Occupational Health & Safety Issues

No risks have been identified.

Communications & Consultation Strategy

There is no requirement for a communication or consultation strategy to be developed for the period of annual leave.

Victorian Charter of Human Rights & Responsibilities Act 2006

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

Officer’s Declaration of Conflict of Interests

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

*Chief Executive Officer – Derek Madden*

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

*Author – Dianne Elshaug*

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

Conclusion

The Chief Executive Officer Derek Madden is seeking approval for annual leave for the period mentioned in the report.

9 Customer Care and Advocacy Reports

9.1 Consideration of Submissions to the Proposed 2021/22 Annual Budget

**Author: Aaron Light, Senior Accountant**

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

**Attachments: 1. Submission 1 - Bacchus Marsh RSL (under separate cover)**

**2. Submission 4 - Garry Coles (under separate cover)**

**3. Submission 12 - Victorian Farmers Federation (under separate cover)**

**4. Submission 13 - Stephanie Jones (under separate cover)**

Purpose

This report relates to the process for Council to adopt the 2021/22 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 2021/22 Annual Budget.

Executive Summary

 15 written submissions have been received. Where the submitter has sent in a letter or larger documents they have been attached separately to this report.

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| Recommendation  **That Council:**  **1. Receives the following submissions:**   |  |  |  | | --- | --- | --- | | **No.** | **Submission From** | **Main Points** | | **1.** | **Carl Wright – Secretary of Bacchus Marsh RSL sub-branch** | **“The Resting Poppy”**  **Bacchus Marsh RSL's proposed 'Resting Poppy' memorial is to be a vibrant, abstract bronze and plaque public art installation designed to provide the local community with a place to honour, remember and share stories about the special individuals from Bacchus Marsh & District who served in WWI. Of significant size and intrigue, the 'Resting Poppy' memorial will: attract visitors and media; facilitate a modern and accessible cultural arts experience for local residents and visitors; and become an all-year-round tourism destination. The 'Resting Poppy' will be located within the iconic Avenue of Honour at Bacchus Marsh.**  **The total projected expenditure for the 'Resting Poppy' (including marketing and promotion, project / production costs, and fees for artists) is $322,000. The Bacchus Marsh RSL Sub- branch and Bacchus Marsh Community Bank (Bendigo Bank) have each committed $20,000 towards this project, and Bacchus Marsh Village Shopping Centre is making monthly donations to match the income from their regular market.**  **Bacchus Marsh RSL sub-branch requests that Moorabool Shire Council allocates $25,000 in its 2021/2022 Budget towards 'Resting Poppy' in the form of a pledge, with these funds to be made available when the project is fully funded and ready to commence.**  ***\*\*Copies of all documents sent with the submission are attached*** | | **2.** | **Bronwyn Flack** | **“The Resting Poppy”**  **Dear Councilors**  **I hope that the Council will assist in "The Fallen Poppy" as it will be a great tourist attraction for the Marsh.** | | **3.** | **Iris Roberts** | **“The Resting Poppy” – submitted via Have Your Say**  **I am an Affiliate Member of the Bacchus Marsh RSL. I would very much like Council to support the Resting Poppy Monument Project for which the RSL are striving to get for the Community of Bacchus Marsh. This would bring in tourism and be a great asset at the side of the Avenue of Honour and the Township. The RSL need support. The Volunteers are hard working to raise funds each month. Bendigo Bank and the Village shopping and big supporters. Please show you care.** | | **4.** | **Gary Coles** | **“The Resting Poppy”**  **I note there are no funds allocated to Resting Poppy, to be located in the Avenue of Honour, Bacchus Marsh. To address this oversight, my request is that an extra CIP item be included in the final approved 2021/22 Annual Budget. Resting Poppy was one of the submissions to the Centenary of Armistice Memorial Project, it being declared the winner on ANZAC Day 2019 by Mayor (and present 'Councilor) Paul Tatchell, who said ". . . 'Resting Poppy' bridges the gap between the past and contemporary design, whilst maintaining its commemorative. genre. When the project is completed it will add a unique and significant Contribution to the Avenue of Honour; Lest we forget." More than two years later there is no visible sign of the installation; it runs the risk of being forgotten! My request of Moorabool Shire Council is for $25,000 to be included in the 2021/22 budget; the bulk of the funds to accomplish the project are being sourced independently. Once completed Resting Poppy will be not only a fitting memorial to the locals who served our country during World War 1, but also a significant and unique tourist attraction. I do not wish to be heard in support of my written application.**  ***\*\*Copies of all documents sent with the submission are attached*** | |  |  |  | | **5.** | **Don Wilsher** | **“The Resting Poppy”**  **I am writing to submit my support for “The Resting Poppy” memorial which has been put forward and submitted by the Bacchus Marsh RSL. It is a worthwhile project as it would be located in the Avenue of Honour for locals and others to reflect and recall the horrors of war. I believe the Moorabool Council should make an allocation to contribute to this project so as it can proceed.** | | **6.** | **Anna Atkinson** | **“The Resting Poppy”**  **As a rate payer, RSL member and fundraiser for the Resting Poppy, I fully support all efforts to have this iconic everlasting one of a kind Memorial erected for our community putting Bacchus Marsh on the map as a must see destination.** | | **7.** | **Stuart Robertson** | **“The Resting Poppy” – submitted via Have Your Say**  **My submission to the budget 2021/22 pertains to the continued support of the Bacchus Marsh sub-branch of the Returned Services League & support of the proposed “Resting Poppy” memorial within the Avenue of Honour reserve. The RSL supports the community & those (incl. families) who have served to preserve our freedom.** | | **8.** | **Danny Dunne** | **“Settlement Road, Elaine” – submitted via Have Your Say**  **Fix Settlement Road, Elaine. It is so bouncy that it is almost impassable in a vehicle over 3 tonne. It has been bad for a long time in the 2 section 2 km north of the midland highway. Also, Elaine Mt Mercer road is terrible from midland highway to Bamganie Rd. They are very bouncy and rough. They cannot be driven on safely and are a school bus route.** | | **9.** | **Steve Sewell** | **“Flack Street, Ballan” – submitted via Have Your Say**  **I would like to applaud Council's decision to finally after many many years of false starts to include the sheeting and sealing of Flack St. Flack St has been subject to a number of sub divisions over the last few years with increasing levels of traffic and associated dust clouds with no improvement in road amenity. Flack St is one of the only streets in the built-up area of Ballan to remain unsealed for so long. It is pleasing to see that Council have now included the sheeting and sealing works in the 21/22 Capital Works Program.** | | **10.** | **Max O’Connor** | **“Animal Registrations”**  **Whilst I understand that budgets need to cover costs how can a de-sexed animal be $69 to register? Up $4 in one year and in 2014 it was $34. That is not in any way in line with CPI. Also are the current Managers and coordinators (and above) suggesting these fees even rate payers at Moorabool? Or do they think it's just ok to charge others that?** | | **11.** | **Elspeth Swan** | **“Support for the Environment” – submitted via Have Your Say**  **I would like to specifically support several items in the proposed budget especially those related to revegetation roadside mapping managing gifted reserves and the employment of an environmental planner. Settings aside funds to allow more revegetation is very important as with nearly every project subdivision and dwelling vegetation is being lost. It is timely to be adding more native plants back into the environment. Street trees helps with cooling and beautification but do little to support wildlife. Supporting the reestablished Rowsley community nursery would be advantageous for the local Landcare groups as locally sourced plants are hard to come by. Adding an environmental planner is a great step forward and hopefully that person will be able to provide education on the planning scheme and why permits are required. It would be good to also budget for more inspections to make sure permit conditions are being adhered to.** | | **12.** | **Charles Everist - Victorian Farmers Federation** | **“Farm Rates” – submitted via Have Your Say**  ***\*\*Copies of all documents sent with the submission are attached*** | | **13.** | **Stephanie Jones** | **“Safety Signs and Funding for the Environment” – submitted via Have Your Say**  **I write to provide feedback on the proposed budget for 2021/22.**  **1. There is a significant amount of money allocated to roads, I assume to make them safer. In a recent communication with Traffic and Transport, Shire Moorabool, I was told it was Council policy not to install safety signs alerting drivers to wildlife hazards. I would suggest that a proportion of the money allocated to roads is allocated to putting up signs in areas where risk is high such as Ballan-Daylesford Road, commencing at Bunding, and Springbank Road, near Bullarook. BADGAR, the animal rescue service in Greendale, I am sure could assist with information on the high-risk roads for animal deaths and injuries, if Council has not conducted such an audit. Aside from the tragedy of so much wildlife killed by motorists, one day there is going to be a terrible accident leading to human deaths as they swerve to avoid wildlife. This is aside from the insurance costs to all involved.**  **Recommendation: funding to install roadside safety signs regarding wildlife**  **2. It may be that Council has prepared its Strategies for Climate Change, for protection of bio-diversity, habitat and the natural environment, but I cannot find anything on the website and there is nothing for the natural environment in the budget this year. It is heavily weighted on infrastructure and services. I am sure that most residents, like me live in the Shire for the natural environment and animal life. It would be great to see funds allocated to protecting this fabulous resource.**  **Recommendation: funding to develop comprehensive plans to protect the environment and wildlife, and for climate change.**  **Thank-you for the opportunity to provide feedback. I think you have done a great job in landscaping Ballan main street.**  ***\*\*Copies of all documents sent with the submission are attached*** | | **14.** | **Chris Sharkey** | **“Primary Producers”**  **In 2013 at a Council meeting a question was taken on notice - the question asked what were the true numbers of registered primary producers in the Moorabool Shire. It’s now 2021 and the question still remains unanswered.**  **1) In the current budget under the farm rate category it notes 1273 “assessments”. Are these “assessments” individual registered farm businesses?**  **2) Given whatever the true number of farm businesses are, how does Council justify an almost 13% increase in this rating category?** | | **15.** | **Scott Graham** | **“Gordon Township”**  **Could Council provide a clear schedule of the not so easily apparent works with allocated budget in Gordon 2021-22. Please show us how those allocations have been prioritised. Items like Main Street kerb replacement - what part of Main Street? There isn’t any kerbs so describe the projects with a level of an ability fit anyone to be aware of works that have been scoped and budget allocated.** |   **2. Takes into consideration the matters raised within the submissions in its consideration of the 2021/22 Annual Budget at the Special Meeting of Council on Wednesday 30 June 2021.**  **3. Provides a response to each Submitter following the adoption of the 2021/22 Annual Budget.** |

Background

Council commenced statutory procedures dealing with the 2021/22 Annual Budget at the Council Meeting held on Wednesday, 5 May 2021. At this meeting, Council resolved to put on public display the Proposed 2021/22 Annual Budget.

A public notice was published in “The Moorabool News” on Tuesday, 11 May 2021 and called for submissions on the proposed budget.

The proposed 2021/22 budget has been prepared in accordance with the *Local Government Act 2020.*

As a result of this advertising process, a total of 15 written submissions were received by the closing date of 8 June 2021.

The following parties have indicated their intention to be heard in support of their written submissions:

 Representative of the Bacchus Marsh RSL sub-branch

 Charles Everist - Victorian Farmers Federation

Proposal

That Council considers the 15 submissions received before the budget is adopted at the Special Meeting of Council on Wednesday, 30 June 2021.

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 Tuesday 11 May 2021, to 5.00pm on Tuesday 8 June 2021.

Following adoption of the 2021/22 Annual Budget, a public notice will be published in the local newspapers and the 2021/22 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

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 – Steve Ivelja*

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 2021/22 Annual Budget and having completed all statutory requirements, it is recommended that Council consider the submissions received.

9.2 Consideration of Submissions to the Proposed Council Plan 2021 - 2025

**Author: Tom Laurie, Manager Communications, Advocacy & Government Relations**

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

**Attachments: 1. Submission 1 (under separate cover)**

**2. Submission 2 (under separate cover)**

Purpose

The purpose of this report is for Council to hear any submissions received in relation to the Proposed Council Plan 2021 – 2025.

Executive Summary

 The Proposed Council Plan 2021 – 2025 was advertised from Tuesday, 11 May 2021 for community consultation.

 The community consultation period closed Tuesday, 8 June 2021.

 Two (2) written submissions were received.

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| Recommendation  **That Council:**  **1. Notes two (2) submissions were received as detailed in the section Communications & Consultation Strategy of the report.**  **2. Takes into consideration the matters raised within the submissions in its consideration of the Council Plan 2021 – 2025 at the Special Council Meeting to be held Wednesday, 30 June 2021.**  **3**. **Provides a written response to each submitter following the adoption of the Council Plan 2021 – 2025.** |

Background

In accordance with Section 90 of the *Local Government Act 2020*, Council endorsed the Proposed Council Plan 2021 – 2025 for community consultation.

Council gave public notice of the Proposed Council Plan 2021 – 2025 and invited submissions between Tuesday, 11 May 2021 to Tuesday, 8 June 2021.

As a result of this advertising process, a total of two (2) written submissions were received by Council at the conclusion of the community consultation period, Tuesday, 8 June 2021.

Of the submissions received, one was anonymous, and one indicated that they did wish to be heard by Council.

Proposal

That Council considers the two (2) submissions received before the Council Plan 2021 – 2025 is adopted at the Special Council Meeting to be held Wednesday, 30 June 2021.

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 for consideration of submissions to the proposed Council Plan 2021 – 2025 is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications identified in relation to this report.

Risk & Occupational Health & Safety Issues

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

Communications & Consultation Strategy

In accordance with the *Local Government Act 2020*, the proposed Council Plan will progress through the following consultation and adoption process:

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| Ordinary Council Meeting – Community Vision 2030 and Proposed 2021 – 2025 Council Plan | Wednesday 5 May 2021 |
| Advertise the Proposed 2021 – 2025 Council Plan for community consultation in the local newspapers | Tuesday 11 May 2021 |
| Have your say website (Moorabool) | Tuesday 11 May to Tuesday 8 June 2021 |
| Conclusion of the 28-day consultation period | Tuesday 8 June 2021 |
| Committee of Council Meeting – Consideration of Submissions on the Proposed 2021 – 2025 Council Plan at a venue to be determined | Wednesday 16 June 2021 |
| Special Meeting of Council – Adoption of the 2021 – 2025 Council Plan | Wednesday 30 June 2021 |

Following the conclusion of the community consultation period two (2) submissions were received which are summarised in the table below:

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| **Number** | **Submission From** | **Submission Summary** |
| 1. | Anonymous | 1. Reconciliation Action Plan (RAP)  The most important action that is missing in the Council Plan is the development of a Reconciliation Action Plan. This needs to be a stand -alone action in the Healthy, Inclusive and Connected Communities Priority.  2. Diversity Photographic images throughout the plan  There is a lack of diversity in the photographic images. We need images that project different backgrounds.  3. What are we doing for volunteers?  4. More actions related to what Council is doing to support young people.  5. You have provided the option of anonymous feedback. Why are you asking for contact details and address? |
| 2. | Simon Lumb  Maddingley | This submission extends on their submission for the draft of ‘Our Community Vision for 2030’.  The submission highlights concerns that there is an emphasis on the locality of jobs, without much consideration to the future of work for jobs that can be undertaken in any location, or are “location agnostic”, and how the Shire may take advantage of this trend largely happening in many well paid “professional” jobs.  The submitter questions what actions or measures are being taken to attract knowledge type workers to the Shire that do not have a fixed location of employment.  It is acknowledged in the submission that many actions that could be taken are likely to reside within individual strategies as indicated under the Grow local employment and business investment for Liveable and thriving environments, however the wording of “grow local employment” may remove some focus on attracting highly skilled and well-paid knowledge workers that do not have any location of employment. |

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 – Tom Laurie*

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 Council Plan 2021 – 2025 and having completed all statutory requirements, it is recommended that Council consider the submissions received.

10 Meeting Closure