



AGENDA

Ordinary Council Meeting Wednesday, 4 October 2023

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

Date: Wednesday, 4 October 2023

Time: 6.00pm

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

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND PRAYER

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORDING OF MEETING

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

- The Moorabool News; and
- The Star Weekly

4 PRESENT

5 APOLOGIES

6 CONFIRMATION OF MINUTES

Ordinary Council Meeting - Wednesday 6 September 2023

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 ADOPTION "IN PRINCIPLE" OF THE 2022/23 PERFORMANCE STATEMENT FOR SUBMISSION TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION

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

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. 22/23 Performance Statement (under separate cover)

PURPOSE

The purpose of this report is to present to Council the 2022/23 Performance Statement for "in principle" adoption and submission to the Auditor-General for certification.

EXECUTIVE SUMMARY

- The 2022/23 Performance Statement has been prepared to meet the requirements of the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020.

RECOMMENDATION

That Council, in accordance with section 99 of the *Local Government Act 2020*:

1. Adopts "in principle" the 2022/23 Performance Statement and submits the Performance Statement, subject to no material change, to the Victorian Auditor General for certification.
2. Authorises Council's Audit and Risk Committee representatives, Councillor Dudzik and Councillor Berry, to certify the 2022/23 Performance Statement in its final form, after any changes recommended, or agreed to by the Auditor, have been made.

BACKGROUND

Since 2014 Councils have been required to report on their performance through their Annual Report to their community.

Pursuant to Section 98 (4) of the *Local Government Act 2020*, the Performance Statement in the Annual Report must contain the following:

- (a) the prescribed indicators of service performance for the services provided by the Council and funded in the budget for the financial year, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures;
- (b) the prescribed indicators of financial performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures;

- (c) the prescribed indicators of sustainable capacity performance, the prescribed measures relating to those indicators and the results achieved in relation to those performance indicators and measures; and
- (d) any other information prescribed by the regulations.

PROPOSAL

In accordance with Council's governance practices the Performance Statement, as attached to this report, was presented to Council's Audit and Risk Committee on Wednesday 13 September 2023 for review and recommendation to Council for "in principle" adoption and authorisation by two Audit and Risk Committee Councillor members and the Chief Executive Officer to sign the audited statements.

The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results for the 2022/23 financial year.

Overall there are 28 performance indicators that have been mandated for an independent audit. Of these indicators seven (7) relate to sustainable capacity, ten (10) relate to service performance and eleven (11) relate to financial performance.

The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variations in the results contained in the Performance Statement. The performance indicator results for 2022/23 will be compared to the results for the previous three financial years.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan at an Ordinary Meeting of Council on 22 June 2022 and which forms part of the 2022/23 Annual Budget and the Council Plan 2021 – 2025. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term.

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 Adoption "In Principle" of the 2022/23 Performance Statement for Submission to the Victorian Auditor-General for Certification is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications from this report. The preparation and presentation of the 2022/23 Performance Statement has been performed within the allocated budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Inadequate performance by Council	Inability to meet attainable levels of performance	Medium	Systems, processes and measures to provide comprehensive performance information that meets the needs of a number of audiences

COMMUNICATIONS & CONSULTATION STRATEGY

The Performance Statement will be presented to the Victorian Auditor General’s Office for review and certification. The Performance Statement will form part of Council’s Annual Report which will be lodged with the Minister for Local Government prior to 30 September 2023. The Annual Report will be made publicly available on Council’s website and at all office locations early in October 2022.

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 – Celeste Gregory

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

CONCLUSION

The 2022/23 Performance Statement has been prepared to meet the requirements of the *Local Government Act 2020* and the Local Government (Planning and Reporting) Regulations 2020 for adoption “in principle” by Council for submission to the Auditor-General for certification.

At the time of preparing this report, Council’s Performance Statement was included on the Agenda for consultation at the Audit and Risk Committee Meeting on Wednesday 13 September 2023, with a recommendation that the Audit and Risk Committee recommend that Council adopts the statement “in principle”.

Following a resolution, the Performance Statement will then be submitted to the Auditor General for certification. Council is also required to authorise two Councillors to sign the Performance Statement on behalf of Council, as required under the *Local Government Act 2020*.

It is practice for the Councillor members of the Audit and Risk Committee to sign the certified statements on behalf of Council.

11.2 2022/23 GOVERNANCE & MANAGEMENT CHECKLIST

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

Authoriser: Derek Madden, Chief Executive Officer

Attachments: 1. 22/23 Governance and Management Checklist (under separate cover)

PURPOSE

The purpose of this report is to present the 2022/23 Governance and Management Checklist (Checklist) for Council adoption.

EXECUTIVE SUMMARY

- The Governance and Management Checklist is a component of the Local Government Performance Reporting Framework (LGPRF) and is a requirement of Section 98(3)(c) of the *Local Government Act 2020* (the Act) and Regulation 9 of the Local Government (Planning and Reporting) Regulations 2020.

RECOMMENDATION

That Council adopts the 2022/23 Governance and Management Checklist and approves its inclusion in the 2022/23 Annual Report and submission to Local Government Victoria for publication on the “Know Your Council” website.

BACKGROUND

Section 98(3)(d) of the Act provides that Council must contain in its report of operations the results, in the prescribed form, of the Council’s assessment against the prescribed governance and management checklist and indicators. The checklist is then certified by the Mayor and Chief Executive Officer.

PROPOSAL

The Governance and Management Checklist contains 24 items relating to Council plans, policies, strategies, frameworks and reporting. This checklist is reviewed by the Chief Executive Officer and presented to both the Audit and Risk Committee and Council for adoption prior to its incorporation into Council’s 2022/23 Annual Report, submission to Local Government Victoria and published on the ‘Know your Council’ website.

Overall, from the 24 listed items on the Checklist, 24 items are established and in operation.

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 2022/23 Governance & Management Checklist is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications relating to the 2022/23 Governance and Management Checklist.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

The Governance and Management Checklist will be published in Council's Annual Report and available for review on the Local Government Victoria "Know Your Council" 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.

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 – Celeste Gregory

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

CONCLUSION

The Governance and Management Checklist has been prepared and certified by the Mayor and Chief Executive Officer in accordance with *Local Government Act 2020*.

Council's Audit and Risk Committee has reviewed the Checklist and recommends that Council adopts the Governance and Management Checklist, prior to its submission to the 2022/23 Annual Report and submission to Local Government Victoria for publication on the "Know Your Council" website.

11.3 ADOPTION OF STATUTORY COMPLIANCE FRAMEWORK AND POLICY AND POLICY FRAMEWORK

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

Authoriser: Derek Madden, Chief Executive Officer

Attachments:

1. Statutory Compliance Framework (under separate cover)
2. Statutory Compliance Policy (under separate cover)
3. Policy Framework (under separate cover)

PURPOSE

To seek adoption of the Statutory Compliance Framework, Statutory Compliance Policy and the Policy Framework.

EXECUTIVE SUMMARY

- Both the Statutory Framework and Policy will underpin the use of the Reliansys compliance module for staff to monitor ongoing compliance in the future. This component is still in the development stage with a scheduled implementation in 2023/24.
- A Policy Framework has been developed to ensure consistency of policy development across Council.
- These policies were provided to the Audit & Risk Committee for review and feedback to ensure Council are meeting best practice. Any feedback received has been incorporated into the policies and framework.

RECOMMENDATION

That Council adopts the Statutory Compliance Framework, Statutory Compliance Policy and the Policy Framework.

BACKGROUND

A review of Council's Governance policies and frameworks has been conducted and the following policies are now presented for adoption by Council:

- Statutory Compliance Framework
- Statutory Compliance Policy
- Policy Framework

Draft policies were presented for consideration and review at the 9 August 2023 Audit and Risk Advisory Committee Meeting. Minor amendments suggested by the Audit and Risk Advisory Committee have been incorporated into the attached policies.

These policies/frameworks do not require community consultation as they relate to how Council manages compliance of statutory, regulatory and legal requirements.

All policies/frameworks have been drafted in accordance with legislation, Australian Standards and best practice models.

PROPOSAL

Statutory Compliance Framework and Policy

The purpose of the Statutory Compliance Framework is to provide a co-ordinated approach across Council to ensure activities are conducted in accordance with legislative requirements and obligations. Development of the Framework took into account the requirements of the ISO 37301:2021 Compliance Management Systems standard as well as Council's core values ICARE (Integrity, Creativity, Accountability, Respect and Excellence).

Council's legislative compliance framework consists of:

- Statutory Compliance Framework.
- Statutory Compliance Policy which outlines the legislative requirements and objectives of:
 - Compliance management;
 - Accountabilities;
 - Responsibilities; and
 - The management process of reviewing and updating Council's Instruments of Delegation and Authorisation.
- Supporting procedures, forms and registers that are a legislative requirement for Council complement management and administrative governance functions.
- Responsibilities for ongoing compliance with internal audit recommendations to ensure best practice and continuous improvement.

The Statutory Compliance suite of documents are intended to ensure Council maintains compliance in accordance with best practice.

Policy Framework

The power for the policy comes from the *Local Government Act 2020* (the Act) s10 – General Power, that subject to any limitations or restrictions by this Act or any other Act, a Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

Various Acts require Moorabool Shire Council to develop and adopt specific policies. The purpose of this Framework is to:

- Provide the framework for the development of policies for Moorabool Shire Council consistent with the principles of good governance and the Act.
- Ensure all current and proposed policies undergo a rigorous and thorough review/examination on a regular four-yearly cycle, or earlier if circumstances require more frequent adjustments.
- Provide flexibility for Council in the establishment of municipality specific, sector generic and operational policies.

This Framework applies to all Moorabool Shire Council policies including:

- Mandatory policies required under legislation or regulation.

- Policies required to articulate a matter of public policy, statement or strategic direction of Council for decision making purposes in matters affecting the wider community.
- Policies that establish the required behaviours, conduct, safety and well-being of Councillors and staff.
- Policies required to give direction to the operational areas of Council in the delivery of services and corporate administration. It excludes the review of external or policies of other government entities that are not Council or Chief Executive Officer adopted policies.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

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

The proposal to adopt the Statutory Compliance Framework and Policy and Police Framework is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

No financial implication have been identified.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No risks or OHS issues have been identified.

COMMUNICATIONS & CONSULTATION STRATEGY

Consultation was undertaken by the Audit and Risk Advisory Committee. No further consultation is required.

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 – Celeste Gregory

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

CONCLUSION

A review of Council's Governance policies and frameworks has been conducted and the following policies are now presented for consideration and review by Council:

- Statutory Compliance Framework
- Statutory Compliance Policy
- Policy Framework

Draft policies were presented for consideration and review at the 9 August 2023 Audit and Risk Advisory Committee Meeting. Minor amendments suggested by the Audit and Risk Advisory Committee have been incorporated into the attached policies.

11.4 REVISED NOM - REPORT ON HOMELESSNESS IN MOORABOOL SHIRE

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of the report is to amend the Notice of Motion requesting that a report on homelessness in Moorabool Shire be prepared.

EXECUTIVE SUMMARY

The original Notice of Motion was presented at the Ordinary Meeting of Council on 6 September 2023 and is as follows:

“That Council request the Chief Executive Officer to prepare a report on homelessness that provides the following:

1. *Statistical data on those considered homeless (or considered “marginal”) in 2022/23, and projects the expected extent of homelessness in Moorabool Shire into the future e.g. 5 years, 10 years, etc.*
2. *This report includes:*
 - (a) *a demographic profile of people living without a home in Moorabool;*
 - (b) *data about the reasons people are seeking assistance from homelessness services;*
 - (c) *local information about the housing market drivers of homelessness, including rental affordability and availability of social housing;*
 - (d) *local examples of non-housing responses to homelessness.*
3. *Outlines how MSC can most effectively take action to reduce the numbers of people living in MSC without a home, and identify what mechanisms are available to Council to end homelessness.*
4. *Information on services and assistance that is available to support those people experiencing homelessness (or at risk of homelessness) with housing, food and other welfare support, and identify how MSC can best support these organisations.*
5. *Outlines how MSC can ensure that Council Officers are equipped with appropriate knowledge and resources to respond effectively and consistently to reports of homelessness in the Shire.*
6. *Identify how MSC can enhance community understanding about the causes of homelessness and local support services.*
7. *Identify how MSC can advocate for the provision of additional social and affordable housing options in Moorabool Shire Council.*
8. *Identify how MSC can develop effective homelessness and housing strategies to develop the housing people need to end homelessness.”*

RECOMMENDATION

That Council amends the Notice of Motion as follows:

“That Council request the Chief Executive Officer to prepare a report on homelessness that provides the following:

1. Statistical data on those considered homeless (or considered “marginal”) in 2022/23, and projects the expected extent of homelessness in Moorabool Shire into the future e.g. 5 years, 10 years, etc.
2. This report includes:
 - (a) a demographic profile of people living without a home in Moorabool;
 - (b) data about the reasons people are seeking assistance from homelessness services;
 - (c) local information about the housing market drivers of homelessness, including rental affordability and availability of social housing;
 - (d) local examples of non-housing responses to homelessness.
3. Outlines how MSC can most effectively collaborate with State and Federal governments to reduce the numbers of people living in MSC without a home, and identify what mechanisms are available to Council to reduce homelessness.
4. Information on services and assistance that is available to support those people experiencing homelessness (or at risk of homelessness) with housing, food and other welfare support, and identify how MSC can best support these organisations.
5. Outlines how MSC can ensure that Council Officers are equipped with appropriate knowledge and resources to respond effectively and consistently to reports of homelessness in the Shire.
6. Identify how MSC can enhance community understanding about the causes of homelessness and local support services.
7. Identify how MSC can advocate for the provision of additional social and affordable housing options in Moorabool Shire Council.

BACKGROUND

The Notice of Motion presented to Council at the Ordinary Meeting of Council on 6 September 2023 had been amended several times prior to the final wording being approved by the Mayor. The Mayor advised that the adopted Notice of Wording contained slightly different wording, which was not reflected in the final report and wishes to amend the Notice of Motion to reflect his original intent.

PROPOSAL

It is proposed to amend the adopted Notice of Motion to correct the anomalies identified by the Mayor post the Ordinary Meeting of Council.

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 to amend the original wording of the Notice of Motion is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

There are no financial implications which will impact on changing the wording in the Notice of Motion.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues to be considered.

COMMUNICATIONS & CONSULTATION STRATEGY

No communication or consultation is required at this stage.

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 request to alter two points in the adopted Notice of Motion is considered appropriate, and more accurately reflects the Mayor's intent of the original Notice of Motion.

12 COMMUNITY STRENGTHENING REPORTS

12.1 OUTDOOR POOLS TEMPERATURE POLICY - OPERATING HOURS

Author: David Carnovale, Community Recreation and Leisure Team Leader

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments: 1. Outdoor Pools Temperature Policy (under separate cover)

PURPOSE

The purpose of this report is to seek Councillor endorsement of a new Outdoor Pools Temperature Policy. This report provides information on the existing Bacchus Marsh and Ballan Outdoor Pools temperature procedure and identifies improvements as requested at a Councillor Briefing on 21 September 2022. The improvements are reflected in the proposed Policy.

EXECUTIVE SUMMARY

A report was provided to Councillors in September 2022 outlining the outcomes of the 2021/22 outdoor pools season, including details around the temperature procedure that governs the outdoor pools operating hours. The request from Council was to:

- Undertake a review of the current temperature procedure, including costings and benchmarking of other councils, exploring expanded operating hours.

RECOMMENDATION

That Council endorses the Outdoor Pools Temperature Policy attached within this report.

BACKGROUND

The Bacchus Marsh Outdoor Pool (BMOP) and Ballan Outdoor Pool (BOP) follow a temperature procedure to govern operating hours. It should be noted that as the procedure is an operational process it has not previously been endorsed by Council.

Councillor feedback indicated the current temperature procedure was not streamlined and required some refinement, as in its current form has too many variables.

The current temperature procedure is outlined in Table 1.

Table 1

Month	Forecast below 23C	Forecast between 23C – 25C	Forecast 26C or over	Forecast 35C+
December				
Mon-Fri	Closed	3pm – 6pm	11am – 7pm	11am – 8pm
Weekends	Closed	1pm – 4pm	11am – 7pm	11am – 8pm
January				
Mon-Fri	Closed	11am – 7pm	11am – 7pm	11am – 8pm
Weekends	Closed	11am – 7pm	11am – 7pm	11am – 8pm
February/March				

Month	Forecast below 23C	Forecast between 23C – 25C	Forecast 26C or over	Forecast 35C+
Mon-Fri	Closed	3pm – 6pm	11am – 7pm	11am – 8pm
Weekends	Closed	1pm – 4pm	11am – 7pm	11am – 8pm

New Policy

Based on the findings of the benchmarking, common practice is to set different operating hours during the school term and school holidays to increase community usage.

The recommended Temperature Policy is outlined in Table 2.

Table 2

Month	Forecast below 23C	Forecasted 23C or over	Forecast 35C+
School Term (Early December, February & March)			
Mon - Fri	Closed	3.30pm – 7pm	3.30pm – 8pm
Weekends	Closed	11am – 7pm	11am – 8pm
School Holidays (Late December & January)			
Daily	Closed	11am – 7pm	11am – 8pm

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 1: Healthy, inclusive and connected neighbourhoods

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

The Outdoor Pools Temperature Policy proposal is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The proposed new Policy does not have a financial impact on the Pools operation.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Financial operating assumptions differ year to year	Medium	Comparison for the 2022/2023 has been undertaken to show the difference that may occur
Council reputation	Reputational risk if the community are unaware of the proposed changes that may be adopted	Medium	Any changes to the existing process will be communicated and promoted to the community

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Engage	Community	Promotion and advertising	Website and social media	Ongoing	Community aware of updated Policy

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – David Carnovale

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

CONCLUSION

It is recommended that Council endorse the new Outdoor Pools Temperature Policy.

12.2 COMMUNITY ASSET COMMITTEES - REPORTS**Author:** Kaylene Bowker, Executive Assistant**Authoriser:** Leigh McCallum, General Manager Community Strengthening

Attachments:

1. Minutes - Lal Lal Soldiers Memorial Hall CAC - 7 December 2022 (under separate cover)
2. Minutes - Millbrook Community Centre CAC - 21 February 2023 (under separate cover)
3. Minutes - Elaine Recreation Reserve CAC - 25 February 2023 (under separate cover)
4. Minutes - Blacksmith's Cottage & Forge CAC - 28 February 2023 (under separate cover)
5. Minutes - Bacchus Marsh Public Hall CAC - 6 March 2023 (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
Lal Lal Soldiers Memorial Hall Community Asset Committee	7 December 2022
Millbrook Community Centre Community Asset Committee	21 February 2023
Elaine Recreation Reserve Community Asset Committee	25 February 2023
Blacksmith's Cottage & Forge Community Asset Committee	28 February 2023
Bacchus Marsh Public Hall Community Asset Committee	6 March 2023

RECOMMENDATION

That Council receive the following Community Asset Committee Minutes:

1. Lal Lal Soldiers Memorial Hall CAC Minutes for 7 December 2022.
2. Millbrook Community Centre CAC Minutes for 21 February 2023.
3. Elaine Recreation Reserve CAC Minutes for 25 February 2023.
4. Blacksmith's Cottage & Forge CAC Minutes for 28 February 2023.
5. Bacchus Marsh Public Hall CAC Minutes for 6 March 2023.

12.3 BACCHUS MARSH BMX CLUB - RESPONSE TO NOTICE OF MOTION

Author: Anthony Cini, Senior Community Recreation Planner

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

- 1. BMX Club - Shelter and Seating Quote (under separate cover)**
- 2. BMX Club - Lighting Design (under separate cover)**
- 3. BMX Club - Berm Quote (under separate cover)**
- 4. BMX Club - Lighting Quote (under separate cover)**

PURPOSE

The purpose of this report is to provide Council with estimates associated with facility improvements at Bacchus Marsh BMX Club.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on 7 June 2023, Council resolved to receive a report that provides estimates for costs associated with facility improvements at Bacchus Marsh BMX Club.

- Quotations have been received for the installation of asphalt for three berms, a shelter at starting gate, track lighting and bench-style seating for spectators.
- A review has been conducted into the maintenance responsibilities for the BMX Club.

RECOMMENDATION

That Council:

- 1. Refers the quotations received for the installation of asphalt for three berms, a shelter at the starting gate, track lighting and bench style spectator seating to the Bacchus Marsh BMX Club;**
- 2. Assists the BMX Club to identify funding opportunities and to prepare grant applications to offset the costs of undertaking the identified facility improvements; and**
- 3. Notes the maintenance arrangements conducted by Council and continues to support the BMX Club by providing guidance and expertise in regard to track and facility maintenance.**

BACKGROUND

The Bacchus Marsh BMX Club currently has around 50 active paying members including juniors and is located at Bacchus Marsh Racecourse and Recreation Reserve. The track has a 4m high start hill and is approximately 290m long, with four straights and three turns.

Due to the appealing design of the track, the track regularly attracts riders from Warrnambool, Bendigo, Wyndham, Geelong, Ballarat and other areas. The club has the capacity to host State and National events and in addition to hosting regular weekend trials and events, the club trains at the venue twice a week during daylight savings, and only once a week outside of these times due to the lack of lighting. For the remainder of the time, the track is open for public use.

Large numbers of the public use the track for its intended purpose; however, the club has raised concerns with Council about non BMX use (outside Club use) which causes considerable damage to the track (i.e. motorbikes, remote control cars, electric scooters/bikes and go-carts). The cost for replacement gravel, and the hours required by the volunteers to undertake remedial work is significant. The Club has indicated that the burden and costs associated with the repairs is beyond the capacity of the club's volunteers.

At the Ordinary Meeting of Council held on 7 June 2023, Council resolved to receive a report that provides estimates for costs associated with facility improvements at Bacchus Marsh BMX Club:

That Council receives a report that:

- 1. Provides an estimate for the cost of installing asphalt on the three large berms marked in red in the photo in the report.*
- 2. Provides an estimate for the cost of installing a shelter over the starting gate which is common at other tracks and provides protection for riders and officials.*
- 3. Provides an estimate for the cost of installing lighting around the track.*
- 4. Provides an estimate for the cost of installing some bench-style seating on both sides of the track for spectators.*
- 5. Includes a review of maintenance responsibilities.*

PROPOSAL

Quotes have been sourced from suitably experienced and qualified contractors for the requested items.

Item 1: Installation of asphalt on the three large berms - \$146,630.00

Item 2: Installation of a shelter over the starting gate - \$ 32,108.35

Item 3: Installation of lighting around the track - \$117,616.18

Item 4: Installation of bench seating - \$ 25,660.45

Item 5: Review of maintenance responsibilities

In relation to maintenance of the BMX track area, under the current lease agreement, the Bacchus Marsh BMX Club manage and maintain the start ramp, track surface and batters. Council undertakes mowing of the grassed areas at the reserve, including litter collection, spraying, etc., on a weekly basis in accordance with the adopted Open Space Maintenance Management Plan. It is noted, however, that Council have previously supported the club through supply and delivery of material for the purpose of maintaining the track surface, at no cost.

There are some unknowns with respect to the maintenance effort required in taking on responsibility for the BMX track area, this includes proactive condition inspections, ongoing maintenance of the battered area and plantings as well as maintenance of the track surface as required, and as such the annual cost is estimated to be in the vicinity of \$30,000. It is likely that maintenance of the track would be contracted out due to the specialised surface and equipment required.

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 items identified for Bacchus Marsh BMX facility improvements are consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

Council received three quotes for costs for four items associated with improvements to the BMX track, totalling approximately \$350,000. This amount is currently not budgeted for. Council may consider factoring these costs into future capital budgets in consultation with the BMX Club.

The Bacchus Marsh BMX Club is currently responsible for managing and maintaining the track surface. Council may consider assuming this maintenance responsibility however the cost of doing so is not currently included in Council’s budget. The estimated annual cost for Council to maintain the track surface is in the vicinity of \$30,000.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
No action – Council does not maintain and support investment in BMX facility	Improvements are not undertaken and Club capacity to maintain facility is weakened and rider safety is at risk	High	Engage with club, seek and consider quotes for improvements and rectify where possible

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Community Groups	Meetings with Club	Various	March-August 2023	Council engages with club and shares information from quotes and maintenance review

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Anthony Cini

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

CONCLUSION

Three quotes have been received for four items associated with facility improvements at Bacchus Marsh BMX Club. Officers will consult with the club on the proposed works and will be available to assist the Club in preparing future grant applications.

Further, Council will engage with the club, clarifying maintenance responsibilities and will explore the possibility of a maintenance plan for the BMX track/facility.

12.4 FINAL ECONOMIC DEVELOPMENT STRATEGY 2023 - 2027

Author: Bec Carey-Grieve, Coordinator Arts and Economic Development

Authoriser: Leigh McCallum, General Manager Community Strengthening

Attachments:

1. **Moorabool Shire Stakeholder Engagement Summary Report (under separate cover)**
2. **Moorabool Shire Economic Development Strategy Summary (under separate cover)**
3. **Moorabool Shire Economic Development Strategy (under separate cover)**

PURPOSE

The purpose of this report is to present the final Economic Development Strategy for Council adoption.

EXECUTIVE SUMMARY

- In October 2021 Council engaged Urban Enterprise to develop the Economic Development Strategy.
- Extensive consultation was undertaken with local business and industry experts. The Moorabool Shire Stakeholder Engagement Summary Report was produced and is attached highlighting key insights and themes.
- The strategy has been informed by consultations and research.
- Broader feedback from the community was invited via public exhibition of the draft Strategy from 6 May – 11 June 2023.
- Feedback has now been incorporated into the final document and the final strategy is now presented to Council for adoption.

RECOMMENDATION

That Council:

1. **Adopts the Economic Development Strategy 2023-2027;**
2. **Prioritises the development of a Business Investment Attraction Plan and Prospectus as the first action to be implemented from the Economic Development Strategy 2023-2027; and**
3. **Includes the development of a Business Investment Attraction Plan and Prospectus as part of the 2024/25 budget considerations.**

BACKGROUND

Moorabool Shire has been identified as a growth municipality, and to maximise its economic, tourism and local jobs potential the development of an Economic Development Strategy was identified as a priority in the Council Plan 2021-2025.

The process for developing the strategy was as follows:

- October 2021: Through a competitive tender process Urban Enterprise was engaged to prepare the Economic Development Strategy.
- October – December 2021: Extensive internal and external consultation took place as part of phase one of the consultation plan. The Moorabool Shire Stakeholder Engagement Summary Report was produced to inform the development of both an Economic Development Strategy and Visitor Economy Strategy.
- January – May 2022: Draft Economic Development Strategy was developed.
- July – October 2022: Transition of the economic development function to the Community Strengthening Directorate.
- November 2022 – February 2023: The draft strategy document was refreshed to include up to date data including the impact of COVID-19 and the 2021 Australian Bureau of Statistics census information.
- March – July 2023: Council briefings took place to seek further feedback and inform the draft Strategy.
- May 2023: Draft strategy endorsed at the Ordinary Meeting of Council for public exhibition.
- May – June 2023: Draft strategy on public exhibition, inviting community feedback.
- August – Strategy presented to Ordinary Meeting of Council for consideration. Further information was sought.

PROPOSAL

Council undertook a combined community engagement process for both the Economic Development Strategy and the Visitor Economy Strategy. From this engagement Council received seven submissions, four via public consultations and three online. Feedback ranged from:

- Population growth and the need to increase residential and commercial land use;
- Engagement with Traditional Owners;
- Townships and placemaking, signage and how smaller towns are addressed within the Strategies; and
- Increased awareness of the Shire's key assets.

This feedback has been assessed and incorporated into the Strategy where appropriate.

At the August Ordinary Meeting of Council, Councillor feedback indicated a preference for clearer articulation of how Council may attract large scale business to the shire, and how economic growth and investment would be measured. The Business Investment Attraction Plan and Prospectus is a key action from the Economic Development Strategy 2023-2027 that will enable Council to consider what steps can be taken to attract and retain business within the shire, and how economic yield will be measured and reported.

It is proposed that Council adopts the Economic Development Strategy and prioritises the development of a Business Investment Attraction Plan and Prospectus as the first action to be implemented.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.4: Grow local employment and business investment

The proposal to adopt the Economic Development Strategy is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The development of the strategy has been funded from the 2021/22 and 2022-2023 adopted Council budgets. Budget proposals will be developed to support recommended actions and submitted through the annual budget process. A Business Investment Attraction Plan and Prospectus will be prioritised as the first action. This will be referred to the 2024/25 budget for consideration. The strategy and available budget will be leveraged to secure external funding opportunities and partnerships to further support implementation.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

Risk Identifier	Detail of Risk	Risk Rating	Control/s
The final strategy is not adopted by Council.	Community expectations will remain unmet. Missed opportunities to leverage Economic Development to achieve Council and community goals.	High	The strategy is adopted by Council.
Reputation – A negative perception of the final Economic Development Strategy.	The strategy receives negative feedback during public exhibition.	Medium	Extensive public consultation and communication has been undertaken to ensure the Strategies meet community expectations. Further communications occurred during the public exhibition period. Community feedback during public exhibition was considered in the final strategy.
Financial - implementation of the Strategy exceeds the allocated budget.	There are not enough resources to implement the Strategies.	Medium	An annual plan developed including budget allocation request. Further funding will also be sought from State, Federal and other funding sources.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Moorabool Community	Promotion and Communication Social Media Posts Direct Emails Have Your Say Page	Across the Shire	November 2021	Engagement opportunity promoted broadly to the Moorabool community.
	Councillor Briefing	An overview of key findings from the survey and research were presented	Online	November 2021 March/April 2022	Councillor’s provided insights and feedback.
Consultation	Local Residents Local businesses	Online and in person workshops with community representatives.	Bacchus Marsh, Ballan, Gordon Greendale, Blackwood and surrounds Online	November - December 2021	44 participants across all workshops.
	Consultations with key staff	1-1 interviews Online forum Internal Teams Group		November – December 2021	Extensive interviews conducted by Urban Enterprise.
	Public Survey	A survey was published on Moorabool’s ‘Have Your Say’ Engagement hub	Have Your Say Moorabool web page.	November 2021	256 surveys were received and responses were collated to inform the Strategies.
	External Industry stakeholders	Online workshops conducted	Visitor Information Centre Volunteers Local Business Advisory Committee Ballan	March 2021	In depth data was collected from respondents who may not have seen the survey or who were tourists who lived outside the Shire.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
			Chamber of Commerce Parwan and Co. Kryal Castle Farming Moorabool Naturipe Fruits City of Ballarat Ballarat Regional Tourism Local real estate agents and businesses		
	Traditional Owner Consultations	Online consultations were conducted with Wurundjeri, Wadawurrung	Online	November 2021	Two online workshops with representatives from Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation and Wadawurrung Traditional Owners Aboriginal Corporation.
2023 Public Exhibition Consultation	Local Businesses	Business and Growth Monthly E-news (May edition). PowerPoint presentation at the Ballan Chamber of Commerce. Distribution of flyer including	Online Across the Shire	May 6 – June 11	Broad awareness of the strategies across local business. 120 attendees across both business forums. Four submissions received via public consultation.

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
		the QR link to the Strategies at the Bacchus Marsh Career Expo. Direct email to the Local Business Advisory Committee for feedback. Installation of posters at the public libraries and community centres. Two business Forums. Four drop-in sessions.			
	Local community	Have Your say page	Online	May 6 – June 11 2023	Wide engagement with the Strategies with views of 1,790 and 332 document downloads. Three written submissions received.
	Local Community	Social Media – Facebook and Instagram	Online	May 6 – June 11 2023	5,454 unique views with 170 click throughs.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER’S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Leigh McCallum

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

Author – Coordinator Arts and Economic Development - Bec Carey-Grieve

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

CONCLUSION

The Economic Development Strategy development was identified as a key action in the Council Plan.

The Strategy, after considerable community consultation, provides Council with direction on key priorities and actions, investment of resources and outlines the role of Council over the next four years. A Business Investment Attraction Plan and Prospectus will be prioritised as the first action. This will be referred to the 2024/25 budget for consideration.

It is recommended the Economic Development Strategy 2023 - 2027 is adopted by Council.

13 CUSTOMER CARE AND ADVOCACY REPORTS

13.1 ADOPTION "IN PRINCIPLE" OF THE 2022/23 FINANCIAL STATEMENTS FOR SUBMISISON TO THE VICTORIAN AUDITOR-GENERAL FOR CERTIFICATION

Author: James Hogan, Coordinator Financial Services

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. 2023 Financial Statements (under separate cover)

PURPOSE

To present the 2022/23 Financial Statements to Council for adoption "in principle" and authorise two Councillors, being the Councillor members of the Audit and Risk Advisory Committee, to sign the audited statements, before being submitted to the Auditor-General for certification.

EXECUTIVE SUMMARY

The following report presents the 2022/23 Financial Statements for adoption "in principle" by Council for submission to the Auditor-General for certification.

RECOMMENDATION

That Council, in accordance with section 98 of the Local Government Act 2020:

- 1. Adopts in principle and submits the 2022/23 Financial Statements to the Auditor-General for certification; and**
- 2. Authorise the Council's Audit and Risk Advisory Committee Representatives, Cr Dudzik and Cr Berry to certify the 2022/23 Financial Statements in their final form, after any changes recommended, or agreed to by the Auditor, have been made.**

BACKGROUND

The Local Government Act 2020 requires that Council complete the following at the end of each financial year with respect to producing an Annual Report.

S. 98 Annual report

- (1) A Council must prepare an annual report in respect of each financial year.
- (2) An annual report must contain the following:
 - (a) a report of operations of the Council;
 - (b) an audited performance statement;
 - (c) audited financial statements;
 - (d) a copy of the auditor's report on the performance statement;
 - (e) a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994;

- (f) any other matter required by the regulations.
- (5) The financial statements must:
 - (a) include any other information prescribed by the regulations; and
 - (b) be prepared in accordance with the regulations.

S. 99 Preparation of annual report

- (1) As soon as practicable after the end of the financial year, a Council must cause to be prepared in accordance with section 98, the performance statement and financial statements of the Council for the financial year.
- (2) The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.
- (3) The Council must ensure that the performance statement and financial statements, in their final form after any changes recommended or agreed by the auditor have been made, are certified in accordance with the regulations by:
 - (a) two Councillors authorised by the Council for the purposes of this subsection; and
 - (b) any other persons prescribed by the regulations for the purposes of this subsection.
- (4) The auditor must prepare a report on the performance statement.

Note: The auditor is required under Part 3 of the Audit Act 1994 to prepare a report on the financial statements.

- (5) The auditor must not sign a report under subsection (4) or under Part 3 of the Audit Act 1994 unless the performance statement or the financial statements (as applicable) have been certified under subsection (3).
- (6) The auditor must provide the Minister and the Council with a copy of the report on the performance statement as soon as is reasonably practicable.

Note: The auditor is required under Part 3 of the Audit Act 1994 to report on the financial statements to the Council within 4 weeks and to give a copy of the report to the Minister.

PROPOSAL

The 2022/23 Financial Statements have been prepared in accordance with the requirements of the Local Government Act, Local Government (Planning and Reporting) Regulations 2014 and Australian Accounting Standards.

In accordance with Council's Governance protocols, the reports will be presented to Council's Audit and Risk Advisory Committee for review and recommendation to Council for adoption "in principle" and authorisation of two Councillors, being the Councillor members of the Audit and Risk Advisory Committee, to sign the audited statements.

In summary, the statements indicate the following results for 2022/23:

- 1. Financial Statements: reflect the comparative performance to the previous financial year.
 - Comprehensive Income Statement – The result reflects a total comprehensive gain of \$91.793 million. Included within this result are the following significant items:
 - i. \$2.555 million increase in 'Rates and charges' mainly due to significant growth in rating assessments during the 2022/23 financial year.

- ii. \$7.820 million increase in 'Grants -Capital' due to a number of new non-recurrent grants being received.
 - iii. \$6.309 million increase in 'Contributions – Non-Monetary', Council received significantly more in Developer Contributions this financial year due to delays in milestones being met for some developments over the past few years. There is also an increase in Public Open Space Contributions.
 - iv. \$2.309 million decrease in employee costs charges resulting from Council's exit from Aged Services at the end of the 2021/22 Financial Year.
- Balance Sheet – The movement in net assets reflects the total operating gain of \$91.793 million. Included within this result are the following significant items:
 - i. \$6.261 million increase in Current Assets mainly attributed to higher overall levels of cash and term deposits as at 30 June 2023.
 - ii. \$100.262 million increase in 'Property, Infrastructure, Plant and Equipment' mainly due to the Capital Improvement Program, the impact of Asset Revaluations conducted in 2022/23, and Assets Gifted from Subdivision.
 - iii. A net \$13.390 million increase in 'Interest-Bearing Loans and Borrowings' which reflects new borrowings taken out in 2022/23.
 - Cash Flow Statement – The movement in cash held at the end of the year is an increase of \$17.356 million. Included within this result are the following significant items:
 - i. Net cash flows from operating activities increased by \$11.641 million from last year to \$43.511 million. This is mainly due to an increase in 'Contributions-Monetary'.
 - ii. Net cash used in investing activities has increased by \$5.810 million to \$38.758 million. This is due to the 2022/23 financial year containing a significantly larger Capital Improvement Program.
 - iii. Net cash flows provided by financing activities has increased overall by \$18.603 million to \$12.603 million mainly due to new borrowings.
 - Statement of Capital Works – Overall, capital expenditure for 2022/23 is \$26.929 million more than the previous year, made up of the following items:
 - i. Expenditure on 'Buildings' was \$21.013 million more than 2022/23, mainly due to works on the Ballan Depot and Bacchus Marsh Indoor Recreation Facility.
 - ii. 'Plant and equipment' was \$0.386 million less than last year due to some significant items being deferred to 2023/24.
 - iii. Capital expenditure on 'Infrastructure' in 2022/23 was \$6.828 million more than 2022/23 mainly due to spending on recreational, leisure and community facilities.

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 2022/23 Financial Statements are consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The financial statements detail Council's financial performance and position for 2022/23. They demonstrate that over time Council has steadily improved its financial position but indicates that there are still numerous financial challenges that lay ahead which will require responsible fiscal stewardship.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no Risk and Occupational Health & Safety Issues.

COMMUNICATIONS & CONSULTATION STRATEGY

The Annual Financial Statements and Performance Statements are reported to Council to adopt "in principle" for submission to the Auditor-General for certification. Audited Statements are then incorporated into Council's Annual Report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Caroline Buisson

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

Author – James Hogan

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

CONCLUSION

The attached Financial Statements for 2022/23 have been prepared in accordance with the requirements of the Local Government Act. Council's Audit and Risk Advisory Committee have reviewed the statements and recommended that Council adopt the statements "in principle". The Statements will then be submitted to the Auditor-General for certification. Council is also required to authorise two Councillors to sign the statements on behalf of Council, as required under the Local Government Act.

It is practice for the Councillor members of the Audit and Risk Advisory Committee to sign the certified statements on behalf of Council.

14 OTHER REPORTS

Nil

15 NOTICES OF MOTION

Nil

16 NOTICES OF RESCISSION

Nil

17 MAYOR'S REPORT

17.1 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.

18 COUNCILLORS' REPORTS

19 URGENT BUSINESS

20 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*:

20.1 C29-2022/2023 Bald Hill, Darley, Stage 3, Construction of All Abilities Trail, Carpark, and associated Works

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.

20.2 Bald Hill Lease & Plantation

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.

20.3 Financial Hardship Matters

This matter is considered to be confidential under Section 89(2) - (b) 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 the personal hardship of any resident or ratepayer.

20.4 Bacchus Marsh Aerodrome Governance and Assistance Options

This matter is considered to be confidential under Section 3(1) - e 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 legal privileged information, being information to which legal professional privilege or client legal privilege applies.

20.5 C08-2023/24 - Arboricultural Services

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 MEETING CLOSURE