



# **AGENDA**

## **Special Council Meeting Wednesday, 10 May 2023**

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

**Date: Wednesday, 10 May 2023**

**Time: 6.00pm**

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

**Derek Madden  
Chief Executive Officer**



**Order Of Business**

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

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

## **3 PRESENT**

## **4 APOLOGIES**

## **5 DISCLOSURE OF CONFLICTS OF INTEREST**

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a councillor, any other meeting conducted under the auspices of the council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

## **6 PRESENTATIONS/DEPUTATIONS**

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

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

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

### **7.1 CONSIDERATION OF SUBMISSIONS - COUNCIL PLAN 2021 - 2025: 2023 UPDATE**

**Author:** Leanne Manton, Manager Brand and Advocacy

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

**Attachments:** 1. Draft Council Plan 2021 - 2025 (2023 edition) (under separate cover)

#### **PURPOSE**

This report is presented to Council at the conclusion of the public submission period for the draft Council Plan 2021-2025 (2023 update).

#### **EXECUTIVE SUMMARY**

- As part of the annual planning process, the Council Plan is checked to ensure it remains relevant and that the annual actions for the forthcoming financial year continue to reflect strategic priorities.
- The Draft Council Plan 2021-2025 (2023 update) was placed on public exhibition from 6 April, concluding on 4 May 2023 allowing submissions to be made by members of the public (in the prescribed manner).
- No submissions were received at the conclusion of the public submission period.
- A final internal review conducted by Council officers identified several additional minor updates proposed for consideration, including:
  - Change of wording for an action under Priority 2 from 'Develop a Development Contributions Policy' to 'Develop a Development Contributions Framework'.

#### **RECOMMENDATION**

**That Council:**

- 1. Notes that no submissions were received for consideration.**
- 2. Accepts the proposed minor updates identified by Council officers to the draft Council Plan 2021-25 (2022 update).**
- 3. Recommends that the final report for consideration of the Council Plan 2021-25 (2023 update) be presented for adoption at a Special Meeting of Council to be held Wednesday 17 May 2023.**

## BACKGROUND

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

Council met this requirement when it adopted the Council Plan 2021-25 on 30 June 2021 at a Special Meeting of Council. Council's Community Engagement Policy outlines that the development and review of the Council Plan must follow a deliberative community engagement approach.

Prior to adoption of the Council Plan in 2021, an extensive deliberative process was undertaken to develop and inform the Community Vision and Council Plan.

As part of the annual planning process, the Council Plan is checked to ensure it remains relevant and that the annual actions for the forthcoming financial year continue to reflect strategic priorities. The proposed changes to the Council Plan relate to grammar, statistics, formatting, data sources and small amendments to actions.

As the changes identified are minor, and there has been no change to the vision, strategic objectives and priorities, it has been determined that this does not trigger the requirement for a review through a deliberative engagement process.

Instead, a consultative process has been determined to provide an opportunity for the community to comment on the proposed minor amendments to the Council Plan. The draft Council Plan 2021-25 (2023 update) was placed on public exhibition from 6 April 2023 concluding on 4 May 2023 allowing submissions to be made by members of the public (in the prescribed manner).

## PROPOSAL

At the close of the public submission period, 4 May 2023, Council did not receive any submissions to the draft 2021-2025 Council Plan (2023 update).

A final internal review by Council officers of the 2021-2025 Council Plan (2023 update) has identified several additional minor updates needed to ensure that the document accurately reflects Council policies and is current following the recent adoption of various Council policies and reports.

The minor changes include:

- A change of wording for an action under Priority 2 from 'Develop a Development Contributions Policy' to "Develop a Development Contributions Framework".

It is proposed that the 2021-2025 Council Plan (2023 update) be referred to a Special Meeting of Council to be held Wednesday 17 May 2023 for adoption.

## COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.3: Focus resources to deliver on our service promise in a sustainable way**

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

**FINANCIAL IMPLICATIONS**

The 2023/24 Budget contains details of the financial resources required to deliver the Council Plan.

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

The 2021-2025 Council Plan (2023 update) was published on our Have Your Say page on 6 April 2023 and advertisements were placed in the Moorabool News on 11 April 2023 and 18 April 2023 editions. Residents were invited to make submissions in writing up until 5pm on Thursday 4 May 2023 via the Have Your Say page, email or post.

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

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

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

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

*General Manager – Caroline Buisson*

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

*Author – Leanne Manton*

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

**CONCLUSION**

As no submissions were received for consideration and the additional proposed changes are minor, it is then proposed that the 2021-2025 Council Plan (2023 update) be referred to a Special Meeting of Council to be held Wednesday 17 May 2023 for adoption.

**7.2 CONSIDERATION OF SUBMISSIONS TO THE PROPOSED 2023/24 ANNUAL BUDGET****Author:** James Hogan, Coordinator Financial Services**Authoriser:** Caroline Buisson, General Manager Customer Care and Advocacy**Attachments:** Nil**PURPOSE**

This report relates to the process for Council to adopt the 2023/24 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 2023/24 Annual Budget.

**EXECUTIVE SUMMARY**

- Five written submissions have been received.

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

No.	Submission From	Main Points
1.	K Sharkey	<p><b>Smooth Out Rate Spikes</b></p> <p>Council have received budget submissions over previous years including from the Victorian Farmers Federation (VFF) providing evidence for how council can use mechanisms to help smooth out rate spikes felt most acutely by the farm rate category; however, council continue to ignore it.</p> <p>The 2023/24 draft budget shows the rate distribution is set to disproportionately hit the farm rate category again with excessive rate increases.</p> <p>Can council explain why it continues to ignore options for a more equitable and fairer rate distribution across the Moorabool Shire.</p>
2.	Anonymous	<p><b>Increased Footpaths</b></p> <p>I live on Davies Street, Darley which has no footpaths. I see a lot of pedestrians walking on the road, pensioners with or without walking sticks, parents with prams, or children walking to and from school. Also a lot of people walk their dogs, or just walk. I personally am a pensioner and have to use a walker, as does my neighbour opposite. I have to walk on the road, as walking on the grass is too uneven. The road can be dangerous and is very rough. I also babysit my 2-year-old grandson, who likes to ride his balance bike. The road is getting busier lately with trucks as well as cars, especially with all the building going on in Holts Lane. I would really appreciate footpaths being put in to help with all this pedestrian traffic. Is this at all possible? Please consider this and implement as soon as possible.</p>

3.	<b>D Hazell</b>	<p><b>Bacchus Marsh EasterFest</b></p> <p>Bacchus Marsh EasterFest has been running for 8 years (minus 2 covid years) and has established itself as the go to Festival on Good Friday for families and Friends from local and afar, bringing in tourists, and supporting local small business and performing artists.</p> <p>100% volunteer run including our performers.</p> <p>We are seeking a commitment from Moorabool Shire Council for \$10,000.00 per year on an ongoing basis, ideally on a 5-year term, with an option to extend for a further 5 years after each 5-year period has ceased, for as long as BMEF is running.</p>
4.	<b>I Coutts</b>	<p><b>Projects for Spargo Creek/Korweinguboorra</b></p> <p>As a resident of Spargo Creek, located within the Woodlands Ward, I wish to express my disappointment in the Proposed 2023/24 Annual Budget. Despite the council having a Strategic Objective of 'Connected Communities' and also a priority of 'enhancing the natural environment', I see not one Capital Works project has been allocated in the Spargo Creek/Korweinguboorra areas (in fact neither of these areas is mentioned in the proposed budget at all).</p> <p>As a resident of Spargo Creek for 11 years, I feel the council continually neglects this area, and I certainly feel like a member of a disconnected community.</p> <p>Despite the many natural assets of this area, I believe these could be enhanced and supported more by council through investment in the area – in line with the council priority of 'developing a vision and provide opportunities for rural communities'.</p> <p>In addition, I wish to raise my concern of the current state of Spargo Creek Road between Tuisk Rd and Ballan-Daylesford Rd and submit a request for this to be considered for improvement works by council.</p> <p>This stretch of road is currently in very poor condition and is only single width bitumen wide – requiring to go off the road when encountering cars in the opposite direction. Despite this, there is significant amount of traffic now using this road, and I have on more than one occasion had the misfortune of encountering an oncoming B-Double truck. The road has now become quite dangerous, particularly when encountering traffic on the narrow bends.</p>
5.	<b>Victorian Farmers Federation</b>	<p><b>Farm Rates</b></p> <p>Disappointingly Council has yet again decided to foist a greater rate burden onto the shire's agricultural sector with a proposed 16.84% increase to the average farm rate assessment.</p> <p>The increase represents significant rates shock for farmers and will hurt business growth and productivity which are ultimately needed to help create local jobs, and to help protect farm</p>

businesses into the future. It also represents one of the highest farm rate increases across all Victorian rural and regional councils for the year ahead.

What's worse, is that residential ratepayers will see no change to the average rate assessment under Council's proposed budget. This is a manifestly unfair and inequitable position that Council is choosing to take.

Whilst there is little Council can do to affect the property valuation asymmetries that underlie the relative rate increases for each property sector, the VFF maintains that Council can nevertheless take action to ensure the rating burden does not shift disproportionately and unfairly onto the farming sector - whilst remaining compliant with the Victorian Government's rating system.

As the VFF has suggested to Council in previous consultations on its budget and rating strategies, a dynamic rating strategy must be adopted that sees the active use of differential rating powers to counteract the valuation asymmetries between different property classes. This system has been successfully employed by other Councils such as Ararat, Mansfield and Pyrenees.

There is a nexus that exists between the Extractive Industries Rate and the Farm Rate. Under the Local Government Act, Council is prohibited from setting its highest differential rate more than four times greater than that of its lowest rate. This means that by maintaining the Extractive Industries Rate at a high level, the Farm Rate must also be inflated. Council should therefore consider decreasing the Extractive Industries Rate to allow for downward movement in the Farm Rate so that farmers are not forced to pay an inequitable increase. Council can do this without compromising its overall budgetary position by sharing the rate increase more equally between all other differential categories.

The VFF recommends the following alterations to the Draft Budget:

- Council set a General Rate of 0.2322 instead of the proposed 0.2283 – this would represent a 1.5% rate increase for the average General Rate assessment.
- Council set the Extractive Industries Rate at .618952 (266.56% of the General Rate) to allow for downward movement in the Farm Rate.
- Council set the Farm Rate at .154738 (66.64% of the General Rate) – this would represent a 1.5% rate increase for the average Farm Rate assessment in line with the rate cap.
- Minor alterations to other differential categories be made to provide overall balance and achieve Council's revenue objective.

		<p>The VFF recommends that Council look at implementing a more adaptive and dynamic rating strategy that seeks to implement more equitable rate increases across property classes year on year. The principle of differential rating should be that where one property sector's value increases disproportionately to the others, the rate in the dollar should be actively adjusted to maintain the rating burden across all sectors.</p> <p>The farming community cannot be expected to continue to endure the most from continued rate increases that results in less funds available to farmers to invest in their businesses, to create economic activity and to provide local jobs. The VFF implores Moorabool Shire Council to take action to mitigate the proposed rating increase and this submission put forwards recommendations detailing how Council can do this.</p> <p>As this is a particularly busy time for farmers in the region with crops being sown, the VFF is concerned that many local farmers will be oblivious to Council's proposed rate hike. They therefore have little ability to be consulted. Council must therefore give this submission considerable weight as it makes its judgment.</p>
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2. **Takes into consideration the matters raised within the submissions in its consideration of the 2023/24 Annual Budget at the Special Meeting of Council on Wednesday 17 May 2023.**
3. **Provides a response to each Submitter following the adoption of the 2023/24 Annual Budget.**

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## BACKGROUND

Council commenced statutory procedures dealing with the 2023/24 Annual Budget at the Council Meeting held on Wednesday, 05 April 2023. At this meeting, Council resolved to put on public display the Proposed 2023/24 Annual Budget.

The proposed 2023/24 budget has been prepared in accordance with the *Local Government Act 2020*.

As a result of this advertising process, a total of 5 written submissions were received by the closing date of 04 May 2023.

One of the submitters has indicated their intention to be heard in support of their written submission.

## PROPOSAL

That Council considers the four submissions received before the budget is adopted at the Special Meeting of Council on Wednesday, 17 May 2023.

**COUNCIL PLAN**

The Council Plan 2021-2025 provides as follows:

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

**Priority 3.3: Focus resources to deliver on our service promise in a sustainable way**

**RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES**

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

**COMMUNICATIONS & CONSULTATION STRATEGY**

The Proposed Budget was available for submissions and public comment from Thursday 06 April 2023 to 5.00pm on Thursday 04 May 2023.

Following adoption of the 2023/24 Annual Budget, a public notice will be published in the local newspapers and the 2023/24 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.

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*General Manager – Caroline Buisson*

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*Author – James Hogan*

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 2023/24 Annual Budget and having completed all statutory requirements, it is recommended that Council consider the submissions received.

**8 MEETING CLOSURE**