



MINUTES

Special Council Meeting Wednesday, 17 May 2023

Date: Wednesday, 17 May 2023

Time: 5.00pm

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

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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

Cr Rod Ward, Mayor	East Moorabool Ward
Cr Ally Munari, Deputy Mayor	Woodlands Ward
Cr Paul Tatchell	Central Moorabool Ward
Cr Moira Berry	East Moorabool Ward
Cr Tonia Dudzik	East Moorabool Ward
Cr David Edwards	East Moorabool Ward
Cr Tom Sullivan	West Moorabool Ward

Officers:

Mr Derek Madden	Chief Executive Officer
Ms Caroline Buisson	General Manager Customer Care & Advocacy
Mr Phil Jeffrey	General Manager Community Assets & Infrastructure
Ms Leigh McCallum	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Mr Steve Ivelja	Chief Financial Officer
Mr James Hogan	Coordinator Financial Services
Ms Leanne Manton	Manager Brand & Advocacy

4 APOLOGIES

Nil

5 DISCLOSURE OF CONFLICTS OF INTEREST

Nil

6 PRESENTATIONS/DEPUTATIONS

Nil

7 CUSTOMER CARE AND ADVOCACY REPORTS

7.1 ADOPTION OF THE 2021-2025 COUNCIL PLAN (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 update) (under separate cover)**

PURPOSE

The purpose of this report is to present the 2023 update of the 2021-2025 Council Plan for Council adoption.

EXECUTIVE SUMMARY

- 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.
- No submissions were received at the conclusion of the public submission period.
- Since the consultation period, a final internal review conducted by Council officers identified that several additional minor updates to the draft Council Plan 2021-25 (2023 update) were needed following the recent adoption of various Council policies and reports.
- At the Special Meeting of Council held 10 May 2023, Council resolved to receive a final report for consideration to formally adopt the draft Council Plan 2021-2025 (2023 update).

RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Tom Sullivan

That Council adopts the Council Plan 2021-25 (2023 update) included in Attachment 1 of this report, that includes all updates noted at the Special Meeting of Council held on 10 May 2023.

CARRIED

BACKGROUND

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.

Through the initial review of the document minor grammar and formatting edits were identified, together with updates to statistical information, data sources for some performance indicators, and adjustments to a small number of Council Plan actions to reflect the proposed actions for 2023/24.

On Wednesday 5 April 2023 Council resolved to place the draft Council Plan 2021-2025 (2023 update) on public exhibition. At the close of the public submission period, Council did not receive any submissions to the draft Council Plan 2021-2025 (2023 update).

Since the consultation period, a final internal review by Council officers identified several additional minor updates needed to ensure that the document accurately reflected Council policies and was current following the recent adoption of various Council policies and reports.

PROPOSAL

The Council Plan 2021-25 (2023 update) has been thoroughly reviewed and includes minor updates identified by Council officers. It is now proposed that the Council Plan 2021-2025 (2023 update) be adopted by 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 3.3: Focus resources to deliver on our service promise in a sustainable way

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

FINANCIAL IMPLICATIONS

The 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 draft Council Plan 2021-2025 (2023 update) was published on Council's Have Your Say page on 5 April 2023 and advertisements were placed in the Moorabool News in the 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 webpage, email or post.

Following the adoption of the Council Plan (2023 update), the document will be placed on Council's website.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

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

General Manager – Caroline Buisson

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

Author – Leanne Manton

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

CONCLUSION

It is recommended that Council adopts the draft Council Plan 2021 – 2025 (2023 update) as shown in Attachment 1 of this report which includes all updates noted at the Special Meeting of Council held 10 May 2023.

7.2 ADOPTION OF THE 2023/24 BUDGET

Author: James Hogan, Coordinator Financial Services

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. 2023/24 Annual Budget (under separate cover)

PURPOSE

In accordance with Section 94 of the *Local Government Act 2020* (the Act) Council is required to formally adopt the 2023/24 Annual Budget by 30 June 2023.

As resolved by Council on 5 April 2023, the Proposed Budget was placed on public exhibition from Thursday 6 April 2023 to Thursday 4 May 2023 inclusive, calling for submissions as required under the Act. This was advertised in The Moorabool News on 11 April 2023.

The Act requires Council to follow a process of enabling submissions to be received. There were 5 written submissions received by 4 May 2023. Council considered submissions at the Special Meeting of Council on 10 May 2023 and resolved as follows:

1. That the 5 submissions be received;
2. That Council takes into consideration the matters raised within the submissions in consideration of the 2023/24 Annual Budget at the Special Meeting of Council on 17 May 2023; and
3. That following the adoption of the 2023/24 Annual Budget, responses are provided to each Submitter.

Having completed all statutory requirements, the 2023/24 Annual Budget can now be considered for adoption.

EXECUTIVE SUMMARY

This report highlights the important points for consideration in adopting the 2023/24 budget.

These include:

- Responses to Budget Submissions
- Amendments since the Proposed Budget was presented at the April Ordinary Meeting of Council

Also, the attached Budget document which outlines the:

- Proposed Rate Increase
- Differential Rate Categories and Cents/\$CIV
- Proposed Annual Waste Service Charges
- Detailed Capital Improvement Program
- Record levels of capital grant funding received amounting to \$28.020m

RESOLUTION**Moved: Cr Tom Sullivan****Seconded: Cr Paul Tatchell****That Council defers the item for two weeks.****LOST****RESOLUTION****Moved: Cr David Edwards****Seconded: Cr Tonia Dudzik****That Council:**

- 1. Note the verbal and written submissions received and considered at 10 May 2023 Special Meeting of Council as shown in Table 1.1.**
- 2. Adopt the 2023/24 Budget, shown as Attachment 1 to this report, for the purpose of Section 94 of the *Local Government Act 2020*.**
- 3. Adopts the fees and charges as attached.**
- 4. Adopts that the rate in the dollar for each type of rate to be levied for the 12-month period from 1 July 2023 to 30 June 2024 are:**

Differential Type or Class of Land	2023/24 Cents/\$CIV
Commercial & Industrial Rate	0.3425
Commercial & Industrial Vacant Land	0.4566
Extractive Industry Rate	0.7124
Farm Rate	0.1781
General Rate	0.2283
Vacant Land General	0.4566
Vacant Land FZ and RCZ	0.2283
Vacant Land GRZ	0.4566
Residential Retirement Villages	0.2055

- 5. Adopts the below service charges as per section 162 of the Act:**

Type of Charge	Per Rateable Property 2023/24
Waste Management	\$120.00
Domestic Waste Collection	\$258.00
Kerbside Green waste	\$101.00
State Landfill Levy Charge	\$69.00

- 6. Makes the 2023/24 Budget publicly available on its website.**

Cr Tatchell called for a Division:

In Favour: Crs Tonia Dudzik, Moira Berry, David Edwards and Rod Ward

Against: Crs Tom Sullivan, Ally Munari and Paul Tatchell

THE MAYOR DECLARED THE MOTION CARRIED 4/3

BACKGROUND

The Proposed 2023/24 Annual Budget recognises the importance of setting a clear direction for the future, achieving measurable objectives, encouraging community input and consultation and being financially responsible. It is part of a financial plan that aims to secure a viable and sustainable path to achieve the Shire's objectives.

The budget includes a rate increase of 3.50%, which is in line with the Fair Go Rates System (FGRS) which has capped rates increases by Victorian Councils. Despite the cap on rates, Council has been able to minimise the rate burden on residents through the use of stringent budget and fiscal controls.

PROPOSALBudget Submissions

Council commenced statutory procedures for the 2023/24 Annual Budget at the Ordinary Meeting of Council held on Wednesday 5 April 2023. At that meeting, Council resolved to put on public display the Proposed 2023/24 Annual Budget that was considered at the meeting.

A public notice was published in The Moorabool News on Tuesday 11 April 2023 which called for submissions to the proposed budget.

As a result of this advertising process, a total of 5 written submissions were received by the stated cut-off date of 4 May 2023. The table below shows the Council responses and recommendations for the submissions received.

Table 1.1 - Council Responses to Budget Submissions

No	SUBMISSION	COUNCIL RESPONSE
1	<p>K. Sharkey</p> <p>Smooth Out Rate Spikes</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>	<p><i>State Government is the authority for property valuation and overall rates increase calculation. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year.</i></p> <p><i>The average valuation for farm properties is projected to increase by 16.1% in the 2023/24 rating year. This larger increase is driven by a small number of farm properties situated in strategic growth corridors. Those farm properties are experiencing more demand from developers and other buyers in preparation for future developments and are planned to be rezoned in the coming years. In total, 31 farm properties are situated in growth areas and have been impacted</i></p>

		<p><i>by significant valuation increases.</i></p> <p><i>Excluding the impact of the 31 growth properties, the average valuation increase for 1198 farm properties for the 2023/24 rating year is 4.7%.</i></p> <p><i>50% of farm properties will receive a rate decrease as compared to the 2022/23 rating year.</i></p> <p><i>As an aside, it is important to note that the 31 properties that are based in growth zones will likely be subject the State Government Windfall Gains Tax from July 1, 2023. The WGT will result in tax liability of up to 50% of the value uplift for properties that have been rezoned where the valuation uplift is greater than \$100,000 from July 1, 2023, onwards.</i></p>
2	<p>Anonymous</p> <p>Increased Footpaths</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>	<p><i>A footpath for Davies Street, Darley has been included in the Bacchus Marsh Integrated Transport Strategy and Local Area Traffic Management Plan for the area. The project is included in the long-term capital program that is reviewed and prioritised annually to inform the annual budget allocations.</i></p>
3	<p>D. Hazell</p> <p>Bacchus Marsh EasterFest</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>	<p><i>Council encourages events that increase visitation to Moorabool Shire and levels of economic activity. A Tourism Events Grants Program is available for private operators running events, such as the Bacchus Marsh Easter Festival. Private individuals are eligible to apply to this grant program, provided they have an ABN and can demonstrate significant return to the local economy.</i></p> <p><i>Please refer to Moorabool Shire Council's Tourism Grants guidelines - Tourism events grant program Moorabool Shire Council</i></p> <p><i>Please contact the Arts and Economic development team to discuss other ways we may be able to support the festival.</i></p>

<p>4</p>	<p>I. Coutts</p> <p>Projects for Spargo Creek/Korweinguboora</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 / Korweinguboora 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. 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>	<p><i>Projects:</i></p> <p><i>The Spargo Creek area was impacted by the recent weather events. There are a number of environmental projects occurring both on public land and private land to ensure the natural habitat is restored and maintained. Spargo Mineral Springs had works undertaken to clear some trees and the track to the springs was reinstated and resurfaced. Many trees were deemed habitat trees and remain for the environmental recovery.</i></p> <p><i>There has also been a cultural heritage recovery art project undertaken. Korweinguboora Recreation Reserve has had storm damage works undertaken to clear trees and assess other trees, it has approx. \$30K being spent on infrastructure maintenance which includes disabled toilet access, painting etc.</i></p> <p><i>A STAND (Satellite Technology and Natural Disasters) NBN and Battery Drip Feed was installed to support the community for future resilience. A facilitated CEMP (Community Emergency Management Planning Committee) has formed and will continue into the future. Council We have also facilitated and funded Mental Health First Aid and First Aid Training Courses for the Korweinguboora and surrounding community which has been well attended.</i></p> <p><i>Road:</i></p> <p><i>Moorabool Shire Council is currently responsible for the maintenance, renewal and upgrade of over 1,480 kilometres of roads with a total asset value of in excess of \$380 million. It is a challenging process to prioritise the selected projects which form the draft budget. Council conducts regular condition audits to assess every road segment to determine a condition score which is utilised along with traffic volume, risk and feedback from our road maintenance team and road users to form a prioritised list of works subject to available budget. The condition of this section of Spargo Creek Road will continue to be reviewed annually to inform the draft program in conjunction with other roads across the shire. Please note that Council will continue to maintain this asset in line with its adopted Road Management Plan and will continue to review its priority status as this data changes.</i></p>
<p>5</p>	<p>Victorian Farmers Federation</p> <p>Farm Rates</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><i>State Government is the authority for property valuation and overall rates increase calculation. The Fair Go Rates System (FGRS) sets out the maximum amount councils may increase rates in a year.</i></p> <p><i>The average valuation for farm properties is projected to increase by 16.1% in the 2023/24 rating year. This larger increase is driven by a small</i></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 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.</p> <p>This is a manifestly unfair and inequitable position that Council is choosing to take.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The VFF recommends the following alterations to the Draft Budget:</p> <ul style="list-style-type: none"> • 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% 	<p><i>number of farm properties situated in strategic growth corridors. Those farm properties are experiencing more demand from developers and other buyers in preparation for future developments and are planned to be rezoned in the coming years. In total, 31 farm properties are situated in growth areas and have been impacted by significant valuation increases.</i></p> <p><i>Excluding the impact of the 31 growth properties, the average valuation increase for 1198 farm properties for the 2023/24 rating year is 4.7%.</i></p> <p><i>50% of farm properties will receive a rate decrease as compared to the 2022/23 rating year.</i></p> <p><i>As an aside, it is important to note that the 31 properties that are based in growth zones will likely be subject the State Government Windfall Gains Tax from July 1, 2023. The WGT will result in tax liability of up to 50% of the value uplift for properties that have been rezoned where the valuation uplift is greater than \$100,000 from July 1, 2023, onwards.</i></p>
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	<p>rate increase for the average Farm Rate assessment in line with the rate cap.</p> <ul style="list-style-type: none"> • 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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Budget Amendments and Related Matters

Since the Proposed Budget was presented to Council there have only been minor formatting amendments to the budget.

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

FINANCIAL IMPLICATIONS

The 2023/24 Annual Budget has been prepared within the adopted four-year Strategic Financial Plan. This will allow Council to improve its financial sustainability and balance the building of new infrastructure with maintaining our existing infrastructure.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

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

COMMUNICATIONS & CONSULTATION STRATEGY

In accordance with the Act, Council considered submissions on 10 May 2023. Council received 5 written submissions.

The following outlines the timetable for the communication and adoption of the 2023/24 Annual Budget:

Timetable for the Proposal and Adoption of the 2023/24 Annual Budget	
Proposed 2023/24 Annual Budget presented for Council adoption and Public Notification	5 April 2023
Advertise Proposed 2023/24 Annual Budget, inviting public inspection and submissions according to the <i>Local Government Act 2020</i> , in Council's nominated newspapers	6 April to 4 May 2023
Community Budget information session – Darley	18 April 2023
Community Budget information session – Ballan	20 April 2023
Consider public submissions per the <i>Local Government Act 2020</i> for the Proposed 2023/24 Annual Budget	10 May 2023
Formally adopt 2023/24 Annual Budget	17 May 2023
Public Notice – Adoption of 2023/24 Annual Budget	22 May 2023

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 budget presents Council's immediate and longer-term financial strategy and links the actions set out in the Council Plan. It also identifies the capital works and services the community can expect from Council during the 2023/24 financial year and beyond.

8 ANY OTHER BUSINESS

Nil

9 MEETING CLOSURE

The Meeting closed at 5.28pm.

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CHAIRPERSON