



AGENDA

Special Council Meeting Wednesday, 26 June 2024

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

Date: Wednesday, 26 June 2024

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 AND CORPORATE SERVICES REPORTS

7.1 ADOPTION OF THE COUNCIL PLAN 2021-2025 (2024 UPDATE)

Author: Leanne Manton, Manager Brand and Advocacy

Authoriser: David Jackson, General Manager Customer & Corporate Services

Attachments: 1. Draft Council Plan 2021-2025 (2024 update) (under separate cover)

PURPOSE

The purpose of this report is to present the 2024 update of the Council Plan 2021-2025 for Council adoption.

EXECUTIVE SUMMARY

- The draft Council Plan 2021-2025 (2024 update) was placed on public exhibition from 2 May 2024 concluding 30 May 2024, 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 one minor update to the draft Council Plan 2021-2025 (2024 update) was needed – removal of repetition of information on page 43.
- At the Special Meeting of Council held 12 June 2024, Council resolved to receive a final report for consideration to formally adopt the draft Council Plan 2021-2025 (2024 update).

RECOMMENDATION

That Council adopts the Council Plan 2021-2025 (2024 update) included in Attachment 1 of this report, that includes all updates noted at the Special Meeting of Council held on 12 June 2024.

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 2024/25.

On Wednesday 1 May 2024, Council resolved to place the draft Council Plan 2021-2025 (2024 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 (2024 update).

Since the consultation period, a final internal review by Council officers identified three items on page 43 under Objective 2 Priority 1 were inadvertently also included in the completed actions list

for this objective. These were removed from the completed items list before the document was finalised and attached to this report.

PROPOSAL

The Council Plan 2021-2025 (2024 update) has been thoroughly reviewed and includes a minor update identified by Council officers. It is now proposed that the Council Plan 2021-2025 (2024 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 2024/25 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 (2024 update) was published on Council's Have Your Say page on 2 May 2024 and advertisements were placed in the Moorabool News on the 10 May, 17 May and 24 May 2024 editions. Residents were invited to make submissions in writing up until 5pm on Thursday 30 May 2024 via Council's Have Your Say webpage, email or post.

Following the adoption of the Council Plan 2021-2025 (2024 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 – David Jackson

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 (2024 update) as shown in Attachment 1 of this report which includes all updates noted at the Special Meeting of Council held 12 June 2024.

7.2 ADOPTION OF THE 2024/25 BUDGET

Author: James Hogan, Coordinator Financial Services

Authoriser: David Jackson, General Manager Customer & Corporate Services

Attachments: 1. Moorabool Shire 2024/25 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 2024/25 Annual Budget by 30 June 2024.

As resolved by Council on 1 May 2024, the Proposed Budget was placed on public exhibition from Thursday 2 May 2024 to Thursday 30 May 2024 inclusive, calling for submissions as required under the Act.

The Act requires Council to follow a process of enabling submissions to be received. There were four (4) written submissions received by 30 May 2024. Council considered submissions at the Special Meeting of Council on 12 June 2024 and resolved as follows:

1. That the four (4) submissions be received.
2. That Council takes into consideration the matters raised within the submissions in consideration of the 2024/25 Annual Budget at the Special Meeting of Council on 26 June 2024.
3. That following the adoption of the 2024/25 Annual Budget, responses are provided to each Submitter.

Having completed all statutory requirements, the 2024/25 Annual Budget can now be considered for adoption.

EXECUTIVE SUMMARY

This report highlights the important points for consideration in adopting the 2024/25 budget.

These include:

- Responses to Budget Submissions.
- Amendments since the Proposed Budget was presented at the May 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

RECOMMENDATION**That Council:**

1. Note the verbal and written submissions received and considered at 12 June 2024 Special Meeting of Council as shown in Table 1.1.
2. Adopt the 2024/25 Annual 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 2024 to 30 June 2025 are:

Differential Type or Class of Land	2024/25 Cents/\$CIV
Commercial & Industrial Rate	0.358737
Commercial & Industrial Vacant Land	0.478316
Extractive Industry Rate	0.746173
Farm Rate	0.186543
General Rate	0.239158
Vacant Land General	0.478316
Vacant Land FZ and RCZ	0.239158
Vacant Land GRZ	0.478316
Residential Retirement Villages	0.215242

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

Type of Charge	Per Rateable Property 2024/25
Waste Management	\$118.00
Domestic Waste Collection	\$256.00
Kerbside Green waste	\$95.00
State Landfill Levy Charge	\$65.00

6. Makes the 2024/25 Budget publicly available on its website.

BACKGROUND

The Proposed 2024/25 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 2.75%, 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 with stringent budget and fiscal controls.

PROPOSAL**Budget Submissions**

Council commenced statutory procedures for the 2024/25 Annual Budget at the Ordinary Meeting of Council held on Wednesday 1 May 2024. At that meeting, Council resolved to put on public display the Proposed 2024/25 Annual Budget that was considered at the meeting.

A public notice was published in The Moorabool News on Friday 10 May 2024 which called for submissions to the proposed budget.

As a result of this advertising process, a total of four (4) written submissions were received by the stated cut-off date of 30 May 2024. 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>S Venditti-Taylor</p> <p>Works on Roads within the Shire</p> <p>All roads in Moorabool need a full audit on construction, within weeks they are destroyed, before any future works are undertaken a full investigation into why follow ups are never done, why the works don't meet any Australian standards, why when construction at Stonehill has major stormwater issues why it is still proceeding, why the money allocated to roads can't be spent on fixing issues within the Bacchus Marsh, Maddingley Darley areas.</p> <p>The roads fixed in Ballan basically using rocks are doing nothing to improve the image and is embarrassing why spend millions of dollars to have a sub-Australian standard finish.</p>	<p><i>Reconstruction of existing roads in the Shire is carried out by qualified civil contractors and, at times, by Council's in-house Works crews. Road designs and specifications are prepared using industry guidelines and standards for road construction documentation and applicable Australian Standards.</i></p> <p><i>Roads and drainage infrastructure works in new subdivisions are carried out by Developers, again to industry guidelines and standards for design and construction of civil infrastructure, applicable Australian Standards, and the Infrastructure Design Manual.</i></p> <p><i>For both new and existing roadworks, there is a standard maintenance period, post completion, where defect issues are rectified by Developers and Contractors at no cost to Council.</i></p> <p><i>Council is confident it has a rigorous contract management regime, including surveillance of the work being carried out, that ensures the roads and drainage infrastructure is built to the highest standard and in a manner that protects ratepayers from any liability due to any rework from substandard construction.</i></p>
2	<p>P Le Lievre – Ballarat Cricket Association</p> <p>Turf Cricket Wickets at Darley Park and Maddingley Park</p> <p>On behalf of the rapidly growing sport of cricket and of two of the Ballarat Cricket Association (BCA) largest clubs we make a submission for a small amount of annual expenditure to be included in the budget for 2024/25.</p> <p>The increasing size of Darley and Bacchus Marsh cricket clubs administered and operated by volunteers is reflected in the following table:</p>	<p><i>Council currently provides facilities, sporting ovals and community spaces at a discounted community rate for a range of community uses. Whilst Council appreciates the need for competition to be fair and equitable, it is not in a position to provide this funding within the current budget cycle. Officers will consider what other non-financial support can be provided to assist the clubs in the</i></p>

No	SUBMISSION	COUNCIL RESPONSE																		
	<table border="1" data-bbox="256 217 933 421"> <thead> <tr> <th></th> <th>Darley CC</th> <th>B/Marsh CC</th> </tr> </thead> <tbody> <tr> <td>Junior Boys & Girls</td> <td>7</td> <td>10</td> </tr> <tr> <td>Senior Women</td> <td>1</td> <td>1</td> </tr> <tr> <td>Senior Men</td> <td>5</td> <td>6</td> </tr> <tr> <td>Total Teams</td> <td>13</td> <td>17</td> </tr> <tr> <td>Blasters Introduction level players</td> <td>35</td> <td>60</td> </tr> </tbody> </table> <p data-bbox="252 434 928 752">In line with the population growth of the Moorabool Shire Council (MSC) and community expectations of the sport of cricket the MSC based cricket clubs have moved from the Gisborne Cricket Association to the BCA turf-based competition. This has involved the considerable investment in capital equipment and in the case of the Darley CC the earthworks and transportation to install the initial turf wicket square. We note the installation of the turf square has been undertaken by MSC as part of the development of the racecourse reserve precinct.</p> <p data-bbox="252 775 900 835">The BCA has a 5-year agreement with the City of Ballarat to leverage the use of club volunteers to:</p> <ul data-bbox="252 857 928 1429" style="list-style-type: none"> • Support the growth in participation in cricket at grass roots level and provide pathways for juniors including the upskilling of junior coaches. • Maximize the use of active spaces, upskill volunteers and obtain specialist turf wicket preparation skills. • Provide the best possible turf facilities for use by all sections of the club (women, men and juniors) • Maintain and update cricket capital equipment of rollers, mowers etc. • Undertake turf wicket preparation to support the outstanding success and economic benefit of conducting events such as the Australian National Under 17 titles in January 2024. • Provide the governance structure to ensure funds provided are used only for agreed activities. <p data-bbox="252 1451 916 1574">To support a fair and equitable competition and leverage the efforts and commitments of club volunteers the BCA seeks a similar annual contribution from the MSC of \$17,000 (\$8,500 per club).</p>		Darley CC	B/Marsh CC	Junior Boys & Girls	7	10	Senior Women	1	1	Senior Men	5	6	Total Teams	13	17	Blasters Introduction level players	35	60	<p data-bbox="965 217 1366 244"><i>maintenance of their cricket wickets.</i></p>
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3	<p data-bbox="252 1592 928 1653">Thomas Shaw – Bacchus Marsh Baseball Association Bacchus Marsh</p> <p data-bbox="252 1675 788 1702">Refurbishment of Baseball Field at Masons Lane</p> <p data-bbox="252 1724 928 2072">The Bacchus Marsh Baseball Association (Bacchus Marsh Tigers), is based at Masons Lane, Bacchus Marsh and was established in 1986. The Tigers enter teams in the Geelong Baseball Association each winter. Our club has a proud past with success across all age groups and has been the home club for players who have gone on to play in the Major League Baseball in the USA, Australian National Team, New Zealand National Team, as well as Victorian State Teams over the years. Since COVID we have struggled to maintain volunteers and players resulting in less income and ultimately less works conducted on the field and facilities. We have annually raised</p>	<p data-bbox="965 1592 1426 1883"><i>Council currently undertakes a number of maintenance activities at the Baseball facility including mowing, broadleaf spray, minor maintenance and renovation works. It has also historically supplied the club materials to assist with maintenance activities. However, the field is currently not irrigated which prevents major renovation work.</i></p> <p data-bbox="965 1906 1426 2056"><i>Council acknowledges that to ensure the safety of the users of the baseball diamond, maintenance or upgrade works will be required. Initial discussions have commenced with club representatives in</i></p>																		

No	SUBMISSION	COUNCIL RESPONSE
	<p>funds from members and sponsors to continually upgrade and maintain the field and facilities, but we cannot keep up with this increasing costs which is leading to unsafe conditions and players not wanting to play at our club for risk of injury. The field and rooms belong to Council and have had minimal input in recent years and is on the brink of being usable. Our club has reached out to Council on multiple occasions and are now at risk of not having a team and uncertain about the future of the club The Bacchus Marsh Baseball Club supports the Moorabool Shire Council's strategic objectives by providing a safe, family friendly, uni-sex sporting club and volunteer space. We attract players and visitors from all across Ballarat, Melton, Werribee, and Geelong each week. Baseball is a great past time as it is very inclusive of all athletic abilities, sex, and social backgrounds. The field has been deemed unsafe to play and this season the majority of players were not willing to risk time off work and time away from their family if they were to get injured playing on our ground. This is unacceptable that we cannot provide an even playing surface that is risk free to our players and visiting players.</p> <p>We have met with the Moorabool Shire Council's parks team and we appreciate being a small club that a lower end of funding is expected but currently we do not even get basic seasonal maintenance as there are no sprinklers on the field. No other sport is treated this way in the Council. WE NEED YOUR SUPPORT We cannot continue without help. We have spent thousands of dollars on the field which should have been spent on playing equipment and kitchen appliances so we can continue to grow. We desperately need the field, the edges, and the scoria area topped up, levelled out, and re-seeded ahead of the 2025 season (before March 2025) or risk losing a choice for locals to get healthy. I cannot stress how urgent this is. We need a plan in place and works to begin this year. I estimate the field can be refurbished and made safe for under \$20,000 with the help of Council park's team.</p>	<p><i>relation to future works.</i></p> <p><i>Time is required to determine the best way to address this issue. There are concerns that \$20,000 may only produce a short-term solution, which then may produce the need for an added cyclical maintenance program of similar value every 2-3 years.</i></p> <p><i>It is recommended that officers consider recommendations from the Masons Lane Masterplan and undertake a review of options to find a financially sustainable way to fund these works and report back to Council with a recommendation.</i></p>
4	<p>J White – Wallace Recreation Reserve CoM</p> <p>Wallace Recreation Reserve Oval Redevelopment</p> <p>The Wallace Recreation Reserve Oval Redevelopment is the highest priority project identified in the recently completed Wallace Recreation Reserve Master Plan 2024-2033.</p> <p>The oval deteriorates rapidly in wet weather, resulting in the Springbank Football Netball Club having to cancel on-ground training sessions and to sometimes relocate home matches to other reserves. The poor condition of the oval is well-known amongst the players and supporters of all clubs within the Central Highlands Football League, and as a consequence it is now impacting the club's ability to both recruit and retain players, and to establish a Senior Women's team.</p> <p>Moorabool Shire Council has requested the Wallace Recreation Reserve Committee of Management prepare this Business Case in support of a Council funding contribution of \$709,060 ex-GST towards the project. The Business Case will enable officers and Councillors to fully consider the project, and determine whether funding will be allocated in Council's</p>	<p><i>At the 3 April 2024 Ordinary Meeting of Council, Council noted the Wallace Recreation Reserve Masterplan and resolved to:</i></p> <ul style="list-style-type: none"> <i>• Work with the user groups to attract funding for identified projects, and</i> <i>• Refer priority items identified in the Master Plan to the long term Capital Improvement Plan</i> <p><i>Costings for the project will need to be determined through detailed design and the project referred to the Long Term Capital Improvement Plan for Councils future consideration.</i></p>

No	SUBMISSION	COUNCIL RESPONSE
	<p>2024-2025 Capital Works Budget.</p> <p>The completion of this project in readiness for the 2025 season will be a highlight in the planned 100th Year Anniversary Celebrations for the football club.</p> <p>This report includes the following important project information:</p> <ol style="list-style-type: none"> 1. Project scope 2. Strategic need for project 3. Community need for project 4. Project budget 5. Project management and project plan <p>The Business case (attached) has been prepared by Jacob White (member of the Reserve Committee), on behalf of the Wallace Recreation Reserve Committee of Management and the Springbank Football Netball Club.</p>	

Budget Amendments and Related Matters

Since the Proposed Budget was presented to Council there have been minor formatting and other minor amendments to the budget. These amendments are immaterial in nature.

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 2024/25 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 12 June 2024. Council received four (4) written submissions.

The following outlines the timetable for the communication and adoption of the 2024/25 Annual Budget:

Timetable for the Proposal and Adoption of the 2024/25 Annual Budget	
Proposed 2024/25 Annual Budget presented for Council adoption and Public Notification	1 May 2024
Advertise Proposed 2024/25 Annual Budget, inviting public inspection and submissions according to the <i>Local Government Act 2020</i> , in Council's nominated newspapers	2 May to 30 May 2024
Consider public submissions per the <i>Local Government Act 2020</i> for the Proposed 2024/25 Annual Budget	12 June 2024
Formally adopt 2024/25 Annual Budget	26 June 2024
Public Notice – Adoption of 2024/25 Annual Budget	27 June 2024

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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General Manager – David Jackson

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 2024/25 financial year and beyond.

8 ANY OTHER BUSINESS

9 MEETING CLOSURE