

Minutes

**Council Meeting
Wednesday 28 February 2024 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne**



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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting was recorded and streamed live on the internet in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings Policy, which can be viewed on Council's website.

3 PRESENT

Cr Annette Death (Mayor), Cr Janet Pearce (Deputy Mayor), Cr Jennifer Anderson, Cr Dominic Bonanno, Cr Rob Guthrie, Cr Geoff Neil, Cr Mark Ridgeway, Cr Christine Walker, Cr Bill West

IN ATTENDANCE

Bernie O'Sullivan (Chief Executive Officer), Adele Drago-Stevens (Director Corporate), Rebecca Stockfeld (Director Planning and Environment), Shane Walden (Director Assets and Operations), Maria Weiss (Director Community), Lucy Olson (Senior Governance Officer - Council Business)

4 APOLOGIES

Nil

5 CONFLICTS OF INTEREST

Cr Neil declared a general conflict in relation to item AO.2 due to a family member being on the committee of the Dog Obedience Club.

6 PETITIONS**6.1 PETITION IN RELATION TO THE PEDESTRIAN BRIDGE CROSSING, WILLIMIGONGON CREEK ON CLARKE STREET, MOUNT MACEDON****Summary**

A petition has been received from Susan D'Urso a resident of Mount Macedon on behalf of 85 residents stating:

"Mayor. and Councillors of the Macedon Ranges Shire Council, we the undersigned, petition Macedon Ranges Shire Council as of January 2024 to reinstate the pedestrian bridge crossing Willimigongon Creek on Clarke Street, Mount Macedon within 6 months."

Recommendation**That Council:**

- 1. Notes the petition from Susan D'Urso on the matter of the Pedestrian Bridge Crossing, Willimigongon Creek on Clarke Street, Mount Macedon, with 85 signatories;**
 - 2. Notes that the petition has been circulated to all Councillors confidentially as it contains personal information; and**
 - 3. Requests the Director Assets and Operations to prepare a report in response to this petition to be presented at a future meeting of Council.**
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Cr Dominic Bonanno moved an amended officer recommendation.

Resolution 2024/2

Moved: Cr Dominic Bonanno
Seconded: Cr Christine Walker

That Council:

- 1. Notes the petition from Susan D'Urso on the matter of the Pedestrian Bridge Crossing, Willimigongon Creek on Clarke Street, Mount Macedon, with 85 signatories;**
- 2. Notes that the petition has been circulated to all Councillors confidentially as it contains personal information; and**
- 3. Requests the Director Assets and Operations to prepare a report in response to this petition to be presented to Council at a Council Meeting prior to the end of June 2024.**

CARRIED

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

7.1 PUBLIC QUESTION - LACHLAN LLOYD

Question:

Since upgrading Brooke St Woodend to include a slow point and a raised intersection more vehicles, in particular large vehicles and trucks have started using Wood Street to travel between Brooke St and Urquhart St.

There have been several near misses involving pedestrians who often use this road when travelling between the kinder and primary school, as well as those walking to the entrance of the walking track which is at the end of Wood St near the primary school.

Due to the council needs to urgently have this road upgraded to include a made road with speed bump to slow down traffic as well as a made footpath for the safety of pedestrians from the school, kinder and those wanting to get to the walking track.

When will this be done?

Answer:

The recent safety enhancements to Brooke Street infrastructure enhance pedestrian safety, particularly for students commuting to the nearby school and pedestrians heading to Woodend town centre, as requested by the community. The new slow should not be an impediment for vehicles utilising the newly constructed slow point and raised intersection.

Council officers will analyse the vehicular movement, speed and the types of vehicles utilising Wood Street by carrying out traffic counts in late March / April (outside of School Holidays). Any notable speeding will be reported to the local police for enforcement.

In the Shire Wide Footpath Plan this section of Wood Street, between Urquhart Street and Brooke Street, is a priority. Until these works are funded and constructed, residents are encouraged to utilise the existing footpaths on Templeton Street and Brooke Street.

There are no existing plans to seal Wood Street. Sealing of unsealed roads typically occurs through a Special Charge Scheme, where residents can request and pay for a component of the road sealing through the Special Charge Scheme. The Council is presently undergoing public consultation for the revision of the Special Charge Scheme. It encourages residents to participate in consultation via Council's "Have Your Say" web page, which is open until 3 March.

8 ADOPTION OF MINUTES

Resolution 2024/3

Moved: Cr Mark Ridgeway

Seconded: Cr Geoff Neil

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 13 December 2023 and the Unscheduled Council Meeting of Macedon Ranges Shire Council held on 30 January 2024, as circulated.

CARRIED

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - DECEMBER 2023 - FEBRUARY 2024****Resolution 2024/4**

Moved: Cr Rob Guthrie
Seconded: Cr Jennifer Anderson

That Council receives and notes the Mayor's report.

CARRIED

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF

10.1	RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - DECEMBER 2023 TO FEBRUARY 2024
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Summary

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.

Cr Mark Ridgeway moved an amended officer recommendation.

Resolution 2024/5

Moved: Cr Mark Ridgeway
Seconded: Cr Rob Guthrie

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report noting that Trevor Budge and Susan Fayad attended the Council Briefing on 20 February 2024 via Zoom.

CARRIED

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS**PE.1 CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C153MACR – 101-105 WILLOWBANK ROAD GISBORNE****Summary**

Planning Scheme Amendment C153macr (the Amendment) and permit application PLN/2022/359 (the Permit) is a combined planning scheme amendment undertaken by Council at the request of the landowner, Brady Road Investments Pty Ltd.

The Amendment proposes to rezone land located at 101-105 Willowbank Road Gisborne from General Residential Zone Schedule 1 to Commercial 1 Zone, introduce Design and Development Overlay Schedule 27 and vary the Restrictive Covenant PS549356W to allow for the development of a local activity centre.

Alongside the rezoning application, the Permit seeks approval for:

- Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces.

The Amendment was formally exhibited from 8 May to 13 June 2023 and received 15 submissions.

At the Planning Delegated Committee meeting of 12 September 2023, the Committee referred the matter to an independent planning panel, and Planning Panels Victoria held an in-person hearing on Monday 27 November 2023.

Overall, the Panel supports the Amendment subject to a number of recommended changes to the draft permit conditions and proposed Design and Development Overlay Schedule 27 (DDO27).

Resolution 2024/6

Moved: Cr Rob Guthrie
Seconded: Cr Dominic Bonanno

That Council:

1. **Adopts Amendment C153macr with changes outlined in this report and provided in Attachment Three.**
2. **Submits Amendment C153macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the *Planning and Environment Act 1987*.**
3. **Notifies all submitters of Council's decision.**

CARRIED

PE.2 ADOPTION OF AMENDMENT C157MACR – MOLLISON STREET MALMSBURY**Summary**

Planning Scheme Amendment C157macr (the Amendment) has been undertaken by Council at the request of the landowners. The Amendment proposes to rezone 12 parcels of land located within the township of Malmsbury from Commercial 2 Zone (CZ2) to the Neighbourhood Residential Zone - Schedule 14 Mollison Street Malmsbury (NRZ14).

The Amendment was formally exhibited from 6 November and 13 December 2023.

Two submissions of support were received and no objections. As the Amendment received no objections it is not necessary to seek an independent Planning Panel prior to submitting the Amendment to the Minister for Planning for approval.

Resolution 2024/7

Moved: Cr Mark Ridgeway

Seconded: Cr Janet Pearce

That Council:

- 1. Adopts Amendment C157macr with changes outlined in this report and shown in Attachment Three.**
 - 2. Submits Amendment C157macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the *Planning and Environment Act 1987*.**
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CARRIED

PE.3 STANLEY PARK MANAGEMENT ARRANGEMENTS**Summary**

This report seeks Council approval to dissolve the Stanley Park Community Asset Committee and to support the transition to an alternative governance structure such as a 'Stanley Park Friends of Group'.

Recommendation**That Council:**

- 1. dissolves the Stanley Park Community Asset Committee effective 31 May 2024.**
 - 2. writes to the Stanley Park Community Asset Committee and its members and thanks them for their valuable contribution to the management of Stanley Park.**
 - 3. supports a process to transition the Stanley Park Community Asset Committee to an alternative governance structure such as a 'Friends of Group'.**
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Cr Christine Walker moved an alternative motion.

Resolution 2024/8

Moved: Cr Christine Walker
Seconded: Cr Rob Guthrie

That Council:

1. **dissolves the Stanley Park Community Asset Committee effective 31 May 2024.**
2. **writes to the Stanley Park Community Asset Committee and its members and thanks them for their valuable contribution to the management of Stanley Park.**
3. **supports a process to transition the Stanley Park Community Asset Committee to an alternative governance structure.**
4. **commits all monies transferred or paid to Council from the Stanley Park Community Asset Committee in accordance with Clause 32.1 of the instrument of delegation will be used to make improvements to Stanley Park in accordance with the approved Stanley Park Environmental Management Plan or future Stanley Park Infrastructure Master Plan when adopted.**

CARRIED

12 CHIEF EXECUTIVE OFFICER REPORTS**CX.1 RECOGNITION OF AUSTRALIA DAY HONOURS RECIPIENTS 2024****Summary**

The 2024 Australia Day Honours Awards included three people from the Macedon Ranges Shire Council Community:

- Ngaire Joy Elwood (AM)
- Mervyn Allan Cann (OAM)
- Shirley Ann Cann (OAM)

Associate Professor Ngaire Joy Elwood of Mount Macedon was recognised in the 2024 Australia Day Honours for significant service to medicine, particularly through stem cell research.

Mr Mervyn Allan Cann of Woodend North was recognised in the 2024 Australia Day Honours for his service to the community through a range of organisations.

Mrs Shirley Ann Cann of Woodend North was recognised in the 2024 Australia Day Honours for her service to the community through a range of roles.

Resolution 2024/9

Moved: Cr Geoff Neil
Seconded: Cr Dominic Bonanno

That Council writes a letter of congratulations to Ngaire Joy Elwood (Am), Mervyn Allan Cann (OAM) and Shirley Ann Cann (OAM) for recognition of their 2024 Australia Day Honour award.

CARRIED

13 DIRECTOR CORPORATE REPORTS

COR.1 QUARTERLY FINANCIAL REPORT - OCTOBER TO DECEMBER 2023 AND MID YEAR BUDGET REVIEW 31 DECEMBER 2023

Summary

The purpose of this report is to provide Council and the community with a report on the financial position of the Macedon Ranges Shire Council to 31 December 2023 for the 2023/2024 financial year (Quarter 2), in accordance with the requirements of the *Local Government Act 2020*.

Resolution 2024/10

Moved: Cr Mark Ridgeway
Seconded: Cr Dominic Bonanno

That Council:

1. receives the Quarterly Financial report as at 31 December 2023, in accordance with the requirements of the Local Government Act 2020; and
2. adopts the budget changes identified as part of the mid-year budget review.

CARRIED

COR.2 INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Summary

This report seeks Council's approval to appoint authorised officers under the *Planning and Environment Act 1987* (the Act) by an Instrument of Appointment and Authorisation. Under the Act only Council, by a resolution, can appoint authorised officers who must be employees of Council. In addition, Council is required to revoke any appointments for authorised officers who are no longer employees of Council.

An Instrument of Appointment and Authorisation is required for two officers. In addition, an Instrument is required to be revoked as the authorised officer no longer works for Council.

Recommendation

That Council resolves that in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987:

1. the Instruments of Appointment and Authorisation of Jacqueline Robson and Awais Sadiq be revoked;
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2. Council Officers named in the Instruments of Appointment and Authorisation provided at Attachment 1 be appointed and authorised;
 3. any previous Instruments issued to the officers in Attachment 1 by Council are revoked;
 4. the Instruments of Appointment and Authorisation come into force upon signing and remain in force until Council determines to vary or revoke these; and
 5. the Instruments of Appointment and Authorisation at Attachment 1 be signed.

Cr Jennifer Anderson moved an amended officer recommendation.

Resolution 2024/11

Moved: Cr Jennifer Anderson

Seconded: Cr Rob Guthrie

That Council resolves that in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987:

1. the Instruments of Appointment and Authorisation of Jacqueline Robson and Awais Sadiq be revoked;
2. Council Officers named in the Instruments of Appointment and Authorisation provided at updated Attachment 1 and Attachment 2 be appointed and authorised;
3. any previous Instruments issued to the officers in updated Attachment 1 and Attachment 2 by Council are revoked;
4. the Instruments of Appointment and Authorisation come into force upon signing and remain in force until Council determines to vary or revoke these; and
5. the Instruments of Appointment and Authorisation at updated Attachment 1 and Attachment 2 be signed.

CARRIED

COR.3 CONTRACTS TO BE AWARDED AS AT FEBRUARY 2024**Summary**

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- a) direct that the Chief Executive Officer (CEO) award the contract under the direct delegation from Council; or
- b) specifically delegate the power to the CEO.

Resolution 2024/12

Moved: Cr Dominic Bonanno

Seconded: Cr Bill West

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2024-59 Provision of Mulching Services Retendered**
 - (b) **C2024-60 Integrated Water Management Plan**
 - (c) **C2024-61 Gisborne Fields Stage 5 Landscaping**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2024-62 Supply Panel Plant and Equipment Hire**

CARRIED

COR.4 AUDIT AND RISK COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER**Summary**

The Audit and Risk Committee comprises two Councillors and four independent members. This report Council's approval to appoint the preferred independent member following the conclusion of the term held by Peter Matthews.

To protect the privacy of the candidates, the Panel's appointment recommendations are included as a confidential attachment to this report. The successful appointees' details will be made public once all candidates have been advised of the outcome of their application.

Resolution 2024/13

Moved: Cr Geoff Neil

Seconded: Cr Mark Ridgeway

That Council:

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1. Approves the appointment recommended in the confidential attachment to this report in line with table 1 of this report;
 2. Writes to the unsuccessful candidates, thanking them for being willing to offer themselves in service to the community; and
 3. Makes the appointment public once all candidates have been informed of the outcome of their application.

CARRIED

14 DIRECTOR COMMUNITY REPORTS

COM.1 GAMBLING HARM PREVENTION POLICY

Summary

The purpose of this report is to present a draft Gambling Harm Prevention Policy (**Attachment 1**) to Council, such that it can be released for public comment prior to formal endorsement at a later Council meeting.

Recommendation

That Council endorses the draft Gambling Harm Prevention Policy to be released for public comment.

Cr Jennifer Anderson moved an amended officer recommendation.

Resolution 2024/14

Moved: Cr Jennifer Anderson

Seconded: Cr Christine Walker

That Council endorses the draft Gambling Harm Prevention Policy to be released for public comment for a period of 4 weeks.

CARRIED

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1 CAPITAL WORKS MONITORING

Summary

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, cancellation, or the scope reduction of the projects to manage the projects within the allocated annual capital works program budget.

Resolution 2024/15

Moved: Cr Rob Guthrie

Seconded: Cr Mark Ridgeway

That Council:

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1. **Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
 - (a) **Project 100590 – Gisborne Skate Park Concept Design: Return \$5,449.00 to the consolidated capital works program budget;**
 - (b) **Kyneton Airfield Masterplan: Provide a budget of \$15,000.00;**
 - (c) **Project 100258 – Yellow Brick Toilet Demolition – Kyneton Botanic Gardens: Return \$4,563.00 to the consolidated capital works program budget;**
 - (d) **Project 100690 – Kinders Acoustic Design and Plan: Increase budget by \$7,943.92;**
 - (e) **Project 101029 – Footpath – Howey St, Gisborne: Return \$91,377.00 to the consolidated capital works program budget;**
 - (f) **Project 100236 – Cultural Venue Event Management System: Provide a budget of \$23,500.00;**
 - (g) **Project 100566 – GAC Modular Change Room Upgrade: Return \$250,000.00 to the consolidated capital works program budget;**
 - (h) **Project 100630 – Gisborne EV Charging for Council fleet: Return \$27,500.00 to the consolidated capital works program budget;**
 - (i) **Project 100324 – Gisborne Bowls Club Synthetic Rink: Increase budget by \$40,000.00;**
 - (j) **Project 100141 – Romsey Recreation Reserve Clubrooms: Increase budget by \$5,000.00;**
 - (k) **Project 100878 – Renewal – Drainage Unplanned: Increase budget by \$50,000.00;**
 - (l) **Project 101034 – Roads – Three Chain Road: Increase budget by \$317,781.11;**
 - (m) **Project 101221 – Bus Hard Stand, Main Street Romsey: Increase budget by \$47,616; and**
 2. **Notes that recommendation 1 (above) results in a deficit of \$171,563.00 to the financial year 2023/2024 consolidated capital works program budget.**

CARRIED

AO.2 BARKLY SQUARE MULTIPURPOSE FACILITY OPTIONS**Summary**

Council has endorsed the development of a multipurpose facility for the Kyneton and District Soccer Club and Kyneton Obedience Dog Club at Barkly Square, Kyneton. Following an investigation of site location options, officers propose constructing the new facility on the western side of Barkly Square. This report is presented to Council for consideration and endorsement.

Having previously declared a conflict of interest in relation to this item, Cr Neil left the meeting at 8:04 pm.

Resolution 2024/16

Moved: Cr Jennifer Anderson

Seconded: Cr Mark Ridgeway

That Council:

- 1. Notes the western option as the officer preferred location for the future development of a new multipurpose facility at Barkly Square, Kyneton; and**
- 2. Endorses a four-week consultation period seeking community feedback on the preferred site for the Barkly Square multipurpose facility.**

CARRIED

At 8:13 pm, Cr Geoff Neil returned to the meeting.

At 8:12 pm, Cr Christine Walker left the meeting. At 8:13 pm, Cr Christine Walker returned to the meeting.

AO.3 RIDDELLS CREEK MOVEMENT NETWORK STUDY**Summary**

This report highlights the key findings from the penultimate study report for Riddells Creek Movement and Network Study (RCMNS). Included is a list of recommendations identified and refined following initial engagement with a small group of residents. The final list is ranked using a multi-criteria analysis.

Officers are planning for broader community consultation in March.

Resolution 2024/17

Moved: Cr Geoff Neil

Seconded: Cr Bill West

That Council endorses the release of the draft Riddells Creek Movement Network Study for four weeks of consultation in March 2024.

CARRIED

16 NOTICES OF MOTION AND RESCISSION**NO. 1/2023-24: NOTICE OF MOTION - 2024-25 RATE CAP**

I, Councillor Geoff Neil, give notice that at the next Meeting of Council to be held on 28 February 2024, I intend to move the following motion:

Motion

Moved: Cr Geoff Neil
Seconded: Cr Bill West

That Council:

- 1. writes to the Minister for Local Government, Melissa Horne MP, expressing profound disappointment and concern regarding the Rate Cap set by the State Government for the 2024-2025 financial year (being less than CPI), and outlining the potential negative impacts on Council's provision of community amenities and services.**
- 2. sends a copy to the State Member for Macedon, Mary-Anne Thomas MP, Municipal Association of Victoria, Victorian Local Governance Association and Rural Councils Victoria.**
- 3. advises the Mayors of all other Rural and Regional Councils of our action.**

Procedural note: Cr Neil sought leave for a one minute extension of his speaking time.

Motion

Moved: Cr Geoff Neil
Seconded: Cr Jennifer Anderson

That Council extend Cr Neil an additional one minute of speaking time to the motion.

CARRIED

Procedural note: Cr Anderson raised a Point of Order under Governance Rule 38.a. during Cr Neil's right of reply. The Point of Order was ruled on by the Mayor during the meeting.

Moved: Cr Geoff Neil
Seconded: Cr Bill West

That Council:

- 1. writes to the Minister for Local Government, Melissa Horne MP, expressing profound disappointment and concern regarding the Rate Cap set by the State Government for the 2024-2025 financial year (being less than CPI), and outlining the potential negative impacts on Council's provision of community amenities and services.**
 - 2. sends a copy to the State Member for Macedon, Mary-Anne Thomas MP, Municipal Association of Victoria, Victorian Local Governance Association and Rural Councils Victoria.**
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3. advises the Mayors of all other Rural and Regional Councils of our action.

In Favour: Crs Dominic Bonanno, Geoff Neil and Bill West

Against: Crs Annette Death, Janet Pearce, Jennifer Anderson, Rob Guthrie, Mark Ridgeway and Christine Walker

LOST 3/6

NO. 2/2023-24: NOTICE OF MOTION - MINISTERIAL GOOD PRACTICE GUIDELINES FOR SERVICE RATES AND CHARGES

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 28 February 2024, I intend to move the following motion:

Resolution 2024/18

Moved: Cr Jennifer Anderson

Seconded: Cr Janet Pearce

That Council:

- Writes to the Premier of Victoria, The Victorian Treasurer, Minister for Energy and Resources, Minister for Environment, Minister for Local Government, and the Member for Macedon regarding the impact on the delivery of local government community services resulting from the directions contained in the Ministerial Good Practice Guidelines for Service Rates and Charges**
- Provides the following motion to be considered at the Municipal Association of Victoria State Council Meeting – Friday 17 May 2024:**

That the MAV advocates to the Victorian Government on behalf of the Local Government Sector to:

- defer the implementation of the Ministerial Good Practice Guidelines for Service Rates and Charges until at least the 2025/26 Financial Year;**
- undertake proper consultation with the local government sector, ensuring that the impact of the guidelines does not undermine Local Government's ability to continue to deliver services to the community;**
- ensure any consultation period with Local Government enables proper consultation with residents so that local ratepayer sentiments can be included in any Local Government feedback.**

CARRIED

17 URGENT BUSINESS

Nil

18 CONFIDENTIAL REPORTS

Nil

The meeting closed at 8:59pm.
