



AGENDA

Statutory and Annual Appointments Meeting

I hereby give notice that a Special Meeting of Statutory and Annual Appointments will be held on:

Date: Wednesday, 13 November 2019

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

**Derek Madden
Chief Executive Officer**

1. Opening of Meeting

1.1 Appointment of Acting Chair

Pursuant to the provisions of section 72 of the Local Government Act 1989 and Part 15, Clause 15.3 of the Meeting Procedure Local Law, Local Law No.9, the Chief Executive Officer shall act as Chairperson until the election of Mayor is concluded.

2. Prayer & Acknowledgement of Country

2.1 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.

2.2 Acknowledgement of Country

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3. Recording of Meeting

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

- The Moorabool News; and
- The Star Weekly

4. Present

5. Apologies

6. Disclosure of Conflicts of Interest

Section 79 of the *Local Government Act 1989* (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

7. Business

7.1 Former Mayor's Report

The former Mayor, Cr. Paul Tatchell, will present his report on the November 2018 to November 2019 Mayoral term.

Recommendation:

That the former Mayor's Report for the Mayoral term of November 2018 to November 2019 be received.

7.2 Vote of Thanks to the Outgoing Mayor

Prior to calling for nominations for the position of Mayor, the Acting Chairperson will call upon any Councillors who wish to express appreciation to the outgoing Mayor for his term in Office.

7.3 Election of Mayor

- The term of office for the Mayor of Moorabool Shire Council is for 1 year with that term expiring at 6.00 a.m. on the day of the next general election of Council being Saturday, 24 October 2020.
- The Chief Executive Officer, acting as Chairperson, shall conduct the election for the office of Mayor of Moorabool Shire Council for the term of office and shall call for nominations.
- Following the election the Mayor will be assisted in being robed as a symbol of taking up the robes of office. The Mayor shall then assume the Chair to deal with the remaining business of the Meeting.
- Once elected, it is customary for the newly elected Mayor to make a short statement of thanks in response to the Councillors' confidence and an indication of aspirations for the term in office.

The Mayor will assume the role of Chairperson.

7.4 Determination to Elect a Deputy Mayor

The Council should now resolve whether it will, or it won't make an appointment to the office of Deputy Mayor and if it does so, the term of office will be for the same term of office as held by the Mayor.

Recommendation

That Council elects a Deputy Mayor for a term of 1 year with that term expiring at 6.00 a.m. on the day of the next general election of Council being Saturday, 24 October 2020.

7.5 Election of a Deputy Mayor

The Mayor shall conduct the election for the office of Deputy Mayor of Moorabool hire Council for the term of office and shall call for nominations.

8. Chief Executive Officer Reports

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9. Meeting Closure

8. Chief Executive Officer Reports

8.1 REVIEW OF SECTION 86 COMMITTEES OF COUNCIL

Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning

Authoriser: Derek Madden, Chief Executive Officer

Attachments:

1. Instrument of Delegation - Development Assessment Committee [↓](#) 
2. Instrument of Delegation - Moorabool Growth Management Committee [↓](#) 

PURPOSE

The purpose of this report is to allow Council to review and formally make appointments to its Section 86 Committees for the 2019/2020 year.

EXECUTIVE SUMMARY

- Council may establish one or more special committees of Councillors; Council staff; other persons; and any combination of such persons.
- Hall and Recreation Reserve Committees of Management are in place to support the operation of Council, assist with Council's decision-making processes, expand stakeholder and community engagement and provide a framework for Council to receive community feedback and external advice.
- With the impending by-election scheduled for 14 December 2019, it is deemed appropriate to retain current appointments for Hall and Recreation Reserve Committees of Management and receive a further report in February 2020 to formally appoint Councillor Representatives for the 2020 year.

RECOMMENDATION

That Council:

1. In exercise of the powers conferred by ss 86 and 87 of the *Local Government Act 1989*, resolves that:
 - a) from the date of this resolution, retains the special committee of Council known as the Development Assessment Committee;
 - b) it adopts the Instrument of Delegation to the Development Assessment Committee (provided as Attachment 1); and
 - c) it appoints all Councillors as members for the 2019/20.
2. In exercise of the powers conferred by ss 86 and 87 of the *Local Government Act 1989*, resolves that:
 - a) from the date of this resolution, retains the special committee of Council known as the Moorabool Growth Management Committee;

- b) **it adopts the Instrument of Delegation to the Moorabool Growth Management Committee (provided as Attachment 2); and**
 - c) **it appoints all Councillors as members for the 2019/20.**
- 3. Retain the following Special Committees of the Council - Hall and Recreation Reserve Committees of Management, in accordance with existing Instruments of Delegation as authorised by Council for the 2019/20 year:**
- a) **Bacchus Marsh Public Hall Committee of Management:**
 - b) **Bacchus Marsh Racecourse and Recreation Reserve Committee of Management:**
 - c) **Blacksmith's Cottage and Forge Committee of Management**
 - d) **Greendale Recreation Reserve Committee of Management:**
 - e) **Bungaree Public Hall Committee of Management**
 - f) **Dunnstow Recreation Reserve Committee of Management**
 - g) **Elaine Recreation Reserve Committee of Management**
 - h) **Gordon Public Hall Committee of Management Inc**
 - i) **Lal Lal Soldiers' Memorial Hall Committee of Management**
 - j) **Maddingley Park Committee of Management**
 - k) **Millbrook Community Centre**
 - l) **Navigators Community Centre**
 - m) **Wallace Recreation Reserve**
 - n) **Wallace Public Hall Committee of Management**
- 4. Retain current Councillor appointments to the Special Committees of the Council - Hall and Recreation Reserve Committees of Management, and receive a further report in February 2020 for the purpose of appointing Councillor representatives for the 2020 year.**
-

BACKGROUND

Council may establish one or more special committees of the Council, which may be comprised of Councillors and other persons as members. These Committees have been established by Council under section 86 of the Local Government Act 1989.

These committees are established to assist Council with executing specific functions or duties. By instrument of delegation, Council may delegate to the committees such functions and powers of the Council that it deems appropriate, utilising provisions of the Local Government Act 1989. The Council cannot delegate certain powers as specifically indicated in section 86(4) of the Act.

PROPOSAL**1. Section 86 Committees: Special Committees of Council****a) Development Assessment Committee**

The Development Assessment Committee is a Delegated Committee established under section 86 of the *Local Government Act 1989* to act as a delegate of Council in determining planning applications made under the *Planning and Environment Act 1987* in line with the Terms of Reference and Protocol for Calling in Planning Applications.

The Committee also provides advice to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Committee's assessment of applications under the Act.

The Council members in 2018/2019 for this Committee were Cr. Bingham, Cr. Dudzik, Cr. Keogh and Cr. Edwards and Cr. Tatchell.

It is recommended to appoint all Councillors as members under the new Instrument of Delegation.

b) Moorabool Growth Management Committee

The Moorabool Growth Management Committee guides urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

All Councillors were representatives in 2018/19 on this Committee.

2. Section 86 Committees: Hall and Recreation Reserve Committees of Management

Committees of Management act as an agent of Council (not as an independent entity) in managing the Council assets entrusted in the Committee's care by:

- Undertaking the management of the Facilities on Council's behalf;
- Undertaking improvements to the Facilities subject to the Council's approval;
- Ensuring the Facilities are available for public use;
- Collecting rentals and charges from the users of the Facilities for casual hire;
- Expending funds on maintaining and improving the Facilities for the better use and enjoyment by the community and public; and
- Consulting and collaborating with Council on all major works and capital works development to ensure compliance with legislative requirements.

The 2018/19 representatives for each committee are listed below. It is proposed to retain current Councillor appointments until Council receives a further report in February 2020.

Committees of Management	Council Representative 2018/19
Bacchus Marsh Public Hall Committee of Management	Cr. Bingham
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Cr. Bingham
Blacksmith's Cottage and Forge Committee of Management	Cr. Edwards
Bungaree Public Hall Committee of Management	Community Members
Dunnstown Recreation Reserve Committee of Management	Community Members
Elaine Recreation Reserve Committee of Management	Community Members
Gordon Public Hall Committee of Management Inc.	Community Members
Greendale Recreation Reserves Committee of Management	Vacant
Lal Lal Soldiers' Memorial Hall Committee of Management	Community Members
Maddingley Park Committee of Management	Community Members
Millbrook Community Centre	Community Members
Navigators Community Centre	Community Members
Wallace Recreation Reserve	Community Members
Wallace Public Hall	Community Members

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1B: Our People

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors and volunteers to the various Committees Council has in place assist in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

The model associated with hall and recreation reserve Committees of Management fosters community cohesion and encourages active participation in civic life.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the Councillor appointment to Special Committees of Council will ensure a coordinated focus on high level decision making and proposed initiatives.



Instrument of Delegation

**Development Assessment Committee
(Special Committee)**

Moorabool Shire Council (**Council**) delegates to the special committee established by resolution of Council passed on 6 August 2014 and known as the "Development Assessment Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on 13 November 2019;
- 2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
- 3. all Councillors are members of the Committee and will have voting rights on the Committee.
- 4. the Mayor will preside as the Chairperson.

The Common Seal of the **Moorabool Shire Council** was hereunto affixed in the presence of:

.....Councillor

.....Chief Executive Officer

SCHEDULE

Powers and functions

1. To act as delegate of Council in determining certain below mentioned planning applications made under the *Planning and Environment Act 1987*:
 - a) Applications for single dwellings, multiple dwellings and/or buildings and works ancillary to a dwelling where there are unresolved* objections from five (5) or less separate properties;
 - b) Any other applications for use and/or development of a property and/or the subdivision of land where there are unresolved* objections from ten (10) or less properties;

* Unresolved objections is an objection that is considered by the Executive Manager Community Planning & Economic Development or delegate to have planning merit and which has not been addressed by the imposition of conditions of consent;
 - c) Where the applicant or owner is Moorabool Shire Council, a Councillor or senior officer of staff; and
 - d) Any other planning application which is delegated to staff, where:
 - i) it has been 'called in' by a Councillor to be heard by the subject committee, or
 - ii) it is determined by the Executive Manager Community Planning & Economic Development that a planning application is of a sensitive nature and/or has significant associated impact and needs to be referred to the committee.
 - e) To hear submissions and decide upon planning permits within its delegation. Applications outside this delegation and outside the Instrument of Delegations for Council staff will be referred directly to Council for resolution.
2. To provide advice to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Committee's assessment of applications under the Act; and
3. To perform other functions assigned to the Committee by the Council.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget.
2. exercise the powers which, by force section 86 of the Act, cannot be delegated.

A Councillor may request a specific agenda item to be determined by all Councillors at an Ordinary Meeting of Council, rather than by the Committee, as follows:

1. A request for an item to be called in must be:
 - a) in writing (including email) to the CEO;
 - b) supported by one other Councillor; and
 - c) include a valid reason/s to why the Councillor is requesting the item be called in.
2. If a Councillor is considering calling in an item which is located in a different Ward, the Councillor must inform the Councillor/s of that Ward prior to calling in the item.

Membership

Membership of the Committee will comprise all Councillors as appointed by Council. The membership of the Development Assessment Committee shall be reviewed annually at the Statutory and Annual Appointments Meeting of Council.

The Executive Manager Community Planning & Economic Development or his/her delegate, along with planning officers and support staff will attend each Committee Meeting in a non-voting capacity.

Meeting Dates / Frequency

Meetings will be held on the third Wednesday of each month commencing at 6.00pm and held at the Darley Civic and Community Hub, Darley.

Additional meetings can be called by the Chairperson or two members of the Committee.

Reporting Requirements

The Committee will record minutes of each meeting and present the minutes to the next Ordinary Meeting of Council.



Instrument of Delegation

**Moorabool Growth Management Committee
(Special Committee)**

Moorabool Shire Council (**Council**) delegates to the special committee established by resolution of Council passed on 6 June 2018 and known as the "Moorabool Growth Management Committee " (**the Committee**), the powers and functions set out in the Schedule, and declares that:

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on 13 November 2019;
- 2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
- 3. all Councillors are members of the Committee and will have voting rights on the Committee.
- 4. the Mayor will preside as the Chairperson.

The Common Seal of the **Moorabool Shire Council** was hereunto affixed in the presence of:

.....Councillor

.....Chief Executive Officer

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

The Moorabool Growth Management Committee responsibilities include implementing the Bacchus Marsh Urban Growth Framework, the Small Towns and Settlements Strategy and associated projects as set out in the Council Plan and have the responsibility:

- 1) to develop a vision and planning principles to guide and manage future urban growth and development in Bacchus Marsh, Ballan and other settlements across the Shire.
- 2) to ensure that planning for urban and rural growth is consistent with the Council's Moorabool 2041 Strategy and to develop a vision, supported by appropriate land use and other Council and agency strategies for the future of all settlements within the Central Highlands landscape of farms and rural resource investment.
- 3) to manage and direct growth in a way which preserves and enhances the amenity and lifestyle attraction of its settlements.
- 4) to develop, implement and monitor Council's Urban Growth M2041 Strategies generally as follows:
 - a) Bacchus Marsh Urban Growth Framework;
 - b) Parwan Employment Precinct;
 - c) Structure Plans;
 - d) Small Towns and Settlements Strategy;
 - e) Township Improvement Plans as well as other place making initiatives; and
 - f) Any other strategic initiatives relevant to the above or further development of M2041.
- 5) to ensure that strategic planning for urban and rural growth is consistent with any Council adopted policies adopted as well as any over-arching State and regional planning policies in effect.
- 6) to hear submissions and decide upon matters relating to the future urban and rural growth and development in the Shire within its delegation.
- 7) to perform other functions assigned to the Committee by the Council.
- 8) to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget.
2. exercise the powers which, by force section 86 of the Act, cannot be delegated.

A Councillor may request a specific agenda item to be determined by all Councillors at an Ordinary Meeting of Council, rather than by the Committee, as follows:

1. A request for an item to be called in must be:
 - a) in writing (including email) to the CEO;
 - b) supported by one other Councillor; and
 - c) include a valid reason/s to why the Councillor is requesting the item be called in.
2. If a Councillor is considering calling in an item which is located in a different Ward, the Councillor must inform the Councillor/s of that Ward prior to calling in the item.

Membership

Membership of the Committee will comprise all Councillors. The membership of the Moorabool Growth Management Committee shall be reviewed annually at the Statutory and Annual Appointments Meeting of Council.

The Executive Manager Community Planning & Economic Development or his/her delegate, along with planning officers and support staff will attend each Committee Meeting in a non-voting capacity.

Meeting Dates / Frequency

Meetings will be held on the first Wednesday of every third month commencing 4.00pm in the Council Chambers, Ballan.

Additional meetings can be called by the Chairperson or two members of the Committee.

Reporting Requirements

The Committee will record minutes of each meeting and present the minutes to the next Ordinary Meeting of Council.

8.2 APPOINTMENT OF COUNCILLORS TO ADVISORY COMMITTEES OF COUNCIL**Author:** Yvonne Hansen, Manager Governance, Risk & Corporate Planning**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil**PURPOSE**

The purpose of this report is to allow Council to formally note its Advisory Committees for the 2019/2020 year.

EXECUTIVE SUMMARY

- The appointment of Councillors as representatives on advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.
- With the impending by-election scheduled for 14 December 2019, it is deemed appropriate to receive a further report in February 2020 to appoint Councillor Representatives accordingly.

RECOMMENDATION**That Council:**

1. **Retains the following Advisory Committees of the Council to assist the Council in performing its functions and duties in the manner as currently prescribed and as provided for in the terms of reference authorised by Council:**
 - a) **Audit and Risk Advisory Committee**
 - b) **Bacchus Marsh District Trails Advisory Committee**
 - c) **Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee**
 - d) **Economic Development Taskforce Advisory Committee**
 - e) **Heritage Advisory Committee**
 - f) **Lal Lal Falls Reserve Advisory Committee of Management**
 - g) **Moorabool Environment & Sustainability Advisory Committee**
 - h) **Moorabool Health and Wellbeing Advisory Committee**
 - i) **Positive Ageing Advisory Committee**
 2. **Retain current Councillor appointments to its Advisory Committees and receive a further report in February 2020 for the purpose of appointing Councillor representatives for the 2020 year.**
-

BACKGROUND

Council has the ability to create a committee by resolution as an Advisory Committee.

These types of Committees have no specific delegated powers to act on behalf of Council or commit Council to any expenditure unless resolved explicitly by Council following recommendation from the Committee. Their function provides substantial expertise to the Council's planning by way of advisory recommendations.

The performance of specified statutory obligations of the Council are not placed upon these Committees. However, Council has the legislative ability to delegate authority and amend the operations and/or charter of individual Committees should circumstances warrant.

PROPOSAL

The following Advisory Committees have been established by Council.

1. Audit and Risk Advisory Committee

The Audit and Risk Advisory Committee is an independent Advisory Committee to Council. The primary role of the Audit and Risk Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit and Risk Advisory Committee is established to assist the coordination of relevant activities of management, the internal audit function and the external auditor, in order to facilitate achieving overall organisational objectives in an efficient and effective manner.

The 2018/19 appointed representatives for this committee are Cr. Dudzik and Cr. Keogh.

2. Bacchus Marsh District Trails Advisory Committee

The District Trails Advisory Committee comprises interested community members to advise Council on the development and integration of the community trails in the Bacchus Marsh district.

The 2018/19 appointed representative for this committee is Cr. Bingham.

3. Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

Established in 2003, this Committee was convened for the purpose of regulating the ongoing shared school and community use of the facility and to ensure the effective management and operation of the facility.

The 2018/19 appointed representative for this committee is Cr. Edwards.

4. Economic Development Taskforce Advisory Committee

The Economic Development Taskforce Advisory Committee was established in April 2018. The role of the Committee is to provide an oversight of economic development objectives and to provide advice on the development, promotion and implementation of strategies and initiatives. This includes the identification and development of investment opportunities.

All Councillors are representatives on this Committee.

5. Heritage Advisory Committee

The Heritage Advisory Committee was established to advise Council on the conservation, promotion and education of heritage matters within the Shire.

The 2018/19 appointed representative for this committee is Cr. Tatchell.

6. Lal Lal Falls Reserve Advisory Committee of Management

The Lal Lal Falls Reserve Advisory Committee was created to provide advice on the development and management of this significant natural reserve.

The 2018/19 appointed representative for this committee is Cr. Sullivan.

7. Moorabool Environment & Sustainability Advisory Committee

The Moorabool Environment & Sustainability Advisory Committee comprises members of the community with land care experience or interest to advise Council on matters of land care policy, planning and development.

As a result of the adoption of the Moorabool Sustainable Environment Strategy by Council in April 2017, which has established a broader policy and operational scope for Council, the former Moorabool Landcare Advisory Committee was resolved to be renamed to Moorabool Environment and Sustainability Advisory Committee (MESAC). This name better reflects the range of matters being considered by the Committee.

The 2018/19 appointed representative for this committee is Cr. Keogh.

8. Moorabool Health and Wellbeing Advisory Committee

The Moorabool Health and Wellbeing Advisory Committee comprises community members to assist in the development of Council's Health and Wellbeing Strategy and Plan.

The following organisations and groups are nominated for the 2019/2020 term:

- Djerriwarrh Health Services
- Department of Justice – Grampians Region
- Victoria Police – Bacchus Marsh
- Central Highlands Primary Care Partnership
- Women's Health Grampians
- Darley Neighbourhood House and Early Learning Centre
- Ballan and District Community House and Adult Education Centre
- Highlands Local Learning and Employment Network
- Sports Central
- Department of Health and Human Services
- North West Melbourne Primary Health Network

The 2018/19 appointed representative for this committee is Cr. Dudzik.

9. Positive Ageing Advisory Committee

The Positive Ageing Advisory Committee was established by Council on Wednesday 7 November 2018.

This Committee provides an opportunity for informed discussion on issues impacting upon older members of the Shire and increases community awareness of the particular needs and aspirations of older members of the community through collaboration and consultation.

The 2018/19 appointed representative for this committee is Cr. Tatchell.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes

Context 1B: Our People

Our people are our Councillors, staff, contractors and volunteers and are key to the planning and delivery of valued services to our communities and to the organisation.

The appointment of Councillors to the various Advisory Committees of Council assists in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the appointment of Councillors to Advisory Committees will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

8.3 COUNCIL APPOINTMENTS TO WORKING GROUPS, INDUSTRY BODIES AND FORUMS

Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of this report is to allow Council to formally note its memberships to Working Group , Industry Bodies and Forums for the 2019/2020 year.

EXECUTIVE SUMMARY

- The appointment of Councillors as representatives on Working Groups, Industry Bodies and Forums plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moorabool community.
- With the impending by-election scheduled for 14 December 2019, it is deemed appropriate to receive a further report in February 2020 to appoint Councillor Representatives accordingly.

RECOMMENDATION

That Council:

- 1. Endorses its participation on the following Working Groups, Industry Bodies and Forums:**
 - (a) Bacchus Marsh Aerodrome Management Committee**
 - (b) Ballarat Rail Action Committee**
 - (c) Central Highlands Community Road Safety Council**
 - (d) Central Highlands Councils Victoria**
 - (e) Central Highlands Local Learning and Employment Network (CHLEN)**
 - (f) Concerned Councils for the Moorabool River Flows and Environment**
 - (g) Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee (CCMA SMO)**
 - (h) Grow West Implementation Committee**
 - (i) Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region**
 - (j) Municipal Association of Victoria**
 - (k) MAV Emergency Management Committee**
 - (l) MAV Strategic Environment Advisory Group (SEAG)**
 - (m) Municipal Emergency Management Planning Committee (MEMPC)**
 - (n) Municipal Fire Management Planning Committee (MFMPC)**

- (o) National Timber Councils Taskforce
 - (p) Peri Urban Group of Rural Councils
 - (q) Rural Councils Victoria
 - (r) Timber Towns
 - (s) Victorian Local Governance Association (VLGA)
 - (t) Western Highway Action Committee
2. Retain current Councillor appointments to the various Working Groups, Industry Bodies and Forums and receive a further report in February 2020 for the purpose of appointing Councillor representatives for the 2020 year.
 3. That Council notify these Working Groups, Industry Bodies and Forums of Council's current appointments, and advise of impending appointments in February 2020.

BACKGROUND

In order for Moorabool Shire Council to pursue its role of advocacy and represent the interests of the community, Council seeks to be represented on a variety of committees and organisations which are established not only within Moorabool Shire, but more broadly within the region and also within industry representative associations. Involvement in these areas provides the Council with a broader perspective in undertaking its policy deliberation role.

PROPOSAL

The 2018/19 representatives for each working group, industry bodies and forums are listed below:

Working Groups, Industry Bodies and Forums	Council Representative 2018/19
Bacchus Marsh Aerodrome Management Committee	Cr. Edwards
Ballarat Rail Action Committee (BRAC)	Cr. Edwards; CEO
Central Highlands Community Road Safety Council	GM Infrastructure
Central Highlands Councils Victoria	Mayor; CEO
Central Highlands Local Learning and Employment Network (CHLLEN)	Cr. Bingham
Concerned Councils for the Moorabool River Flows and Environment	Vacant
Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee	GM Growth & Development

Grow West Implementation Committee	Cr. Keogh; Cr. Bingham (proxy); Coordinator Environmental Planning
Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region	Cr. Sullivan Cr. Keogh (Proxy GM Infrastructure
MAV Strategic Environment Advisory Group (SEAG)	Cr. Sullivan
MAV Emergency Management Committee	Chief Emergency Management Officer
(MAV) Municipal Association of Victoria	Cr. Sullivan
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Keogh
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Keogh Cr. Bingham (Proxy)
Municipal Fire Management Planning Committee (MFMPC)	Cr. Keogh
National Timber Councils Task Force	Cr. Sullivan
Peri Urban Councils	Cr. Edwards CEO GM Growth and Development
Rural Councils Victoria	Vacant
Timber Towns	Cr. Sullivan
Victorian Local Governance Association (VLGA)	Cr. Bingham
Western Highway Action Committee	Cr. Keogh GM Infrastructure

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improve Social Outcomes

Context 4B: Community Connectedness and Capacity

A primary role of Council is to advocate on behalf of the interests of the local community to other communities and governments to ensure Council is promoting proposals which are in the best interests of the community.

The appointment of Councillors to the various external bodies and working groups assists in achieving stated objectives and future visions as set out in the Council Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is considered that in the interest of the whole community, the appointment of Councillors to external bodies and workings groups will ensure a coordinated focus on high level strategic projects, decision making and proposed initiatives.

8.4 COUNCIL MEETING FRAMEWORK & MEETING SCHEDULE**Author:** Yvonne Hansen, Manager Governance, Risk & Corporate Planning**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil**PURPOSE**

The purpose of this report is to allow Council to formally consider and determine its meeting schedule for the 2020 year.

EXECUTIVE SUMMARY

- Council has generally determined its meeting schedule for the ensuing calendar year, at its annual Statutory and Annual Appointments Meeting.
- The adoption of a meeting schedule provides greater certainty and advance notice for the residents of Moorabool of its Council meeting cycle.

RECOMMENDATION**That Council:**

1. **Adopt the following meeting framework to be convened and undertaken in accordance with the provisions of the *Local Government Act 1989* and the Moorabool Shire Council Meeting Procedure Local Law No. 9:**
 - a) **Ordinary Council Meetings to commence in February 2020 and held thereafter on the first Wednesday of each calendar month (with the exception of November, which will be held on the second Wednesday), commencing at 6.00pm, with meetings to be held in the Council Chambers, Ballan as follows:**

5 February, 4 March, 1 April, 6 May, 3 June, 1 July, 5 August, 2 September, 7 October, 11 November and 2 December 2020.
 - b) **Development Assessment Committee (Special Committee of Council) meetings to commence in February 2020 and held thereafter on the third Wednesday of each calendar month, commencing at 6.00pm with the meetings to be held at the Darley Civic and Community Hub as follows:**

19 February, 18 March, 15 April, 20 May, 17 June, 15 July, 19 August, 16 September, 21 October, 18 November and 16 December 2020.
 - c) **Moorabool Growth Management Committee (Special Committee of Council) meetings to commence in March 2020 and held thereafter on the first Wednesday of every third calendar month, commencing at 4.00pm with the meetings to be held in the Council Chambers, Ballan as follows:**

4 March, 3 June, 2 September and 2 December 2020.

- d) **A Statutory Meeting of Council to be held 4 November 2020.**
2. **That the Council provides public notice, as required by the Local Government Act 1989, indicating the time, date and venue for convening Ordinary Meetings of Council and Council Committee Meetings, which shall be open to the public.**
 3. **Authorise the Chief Executive Officer to amend the 2020 Meeting Schedule as required and advertise any meeting date changes in the local newspapers and on Council's website in accordance with the Local Government Act 1989.**
-

BACKGROUND

The primary activity of the elected Council is to make decisions on policy matters and set strategic direction, whilst leaving the administrative arm of Council to implement policy and strategic direction, providing accountability and reporting back to the Council and its community.

Integral to good decision making is the provision of community consultation which acts as a guide to the decision-making processes of the elected Council. Thus it is important that the conduct of the business of Council is open to the public and conducted in a transparent manner and providing a platform for community input.

PROPOSAL

The following framework has been developed to provide for the efficient and effective conduct of the business of Council, in a manner which enables a transparent and interactive decision-making process involving Moorabool Shire Council and the community, leading to effective decision-making protocols.

1. Ordinary Meetings of Council

One Ordinary Meeting of Council to be held each calendar month, on the first Wednesday, commencing at 6.00pm with meetings to be held in the Council Chambers Ballan, with the exception of the November 2020 meeting.

In terms of the November meeting, it is proposed to hold this meeting on the second Wednesday of the month to allow time for

The Ordinary Meeting of Council generally considers matters listed under the services areas of Governance, Assets & Infrastructure, Community Strengthening and Customer Care & Advocacy relating to policy and statutory obligations in addition to statutory planning and strategic land use planning.

2. Council Section 86 Delegated Committees and Advisory Committees

a) Development Assessment Committee

One Development Assessment Committee to be held each calendar month, on the third Wednesday, commencing at 6.00pm with meetings to be held at the Darley Civic and Community Hub.

The Development Assessment Committee generally considers matters, within certain delegation, associated with planning applications made under the *Planning and Environment Act 1987*.

b) Moorabool Growth Management Committee

The Moorabool Growth Management Committee will convene four times a year, on the first Wednesday of every third month commencing March 2020 and meeting at 4.00pm. These meetings will be held in the Council Chambers Ballan, as indicated in the attached schedule.

The purpose of the Moorabool Growth Management Committee is to guide urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

3. Statutory Meeting of Council

At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council. The Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year.

Together with electing a Mayor, it is also general practice to present to an annual meeting matters associated with the term of a Mayor, electing a Deputy Mayor (should Council wish to do so) and appointing Councillors to various committees and forums.

In 2020, Council's will hold their general elections on Saturday 24 October 2020.

It is therefore considered appropriate to hold an annual meeting (known as the Statutory Meeting of Council) on Wednesday, 4 November 2020. This will allow time for the Returning Officer of the general election to publicly declare the result of the election and time for the newly elected Council to commence induction into their new roles.

COUNCIL PLAN

The proposal is not provided for in the Council Plan 2017-2021 and can be actioned by utilising existing resources.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of presenting this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

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

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is proposed that the 2020 meeting schedule will meet Council's business requirements and therefore is recommended for Council endorsement.

8.5 MAYORAL AND COUNCILLOR ALLOWANCES**Author:** Yvonne Hansen, Manager Governance, Risk & Corporate Planning**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil**PURPOSE**

The purpose of this report is for Council to formally note the prevailing Mayoral and Councillor allowances that apply to the elected representatives of Moorabool Shire Council.

EXECUTIVE SUMMARY

- Sections 74 and 74A of the Local Government Act 1989 make provisions for the setting of, and application of increases to Councillor and Mayoral Allowances.
- As at 1 December 2018, Mayoral and Councillor Allowances were set at \$78,051 and \$25,225 plus 9.5% (equivalent of superannuation guarantee contribution) respectively.
- Pursuant to section 73B(2) of the Local Government Act 1989, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances.
- The Minister has not yet published a notice in Government Gazette regarding the review of Councillor Allowances for the 2019-2020 year.

RECOMMENDATION

That Council receive the report on Mayoral and Councillor Allowances noting:

- 1. Current allowances are currently set at \$78,051pa (Mayoral) and \$25,225pa (Councillors) plus 9.5% (equivalent of superannuation guarantee contribution).**
- 2. The payment of annual allowances is not to exceed more than one month in advance.**

BACKGROUND

Mayor and Councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to councillors.

At its Ordinary Meeting of Council held 4 April 2018, Council resolved to set the Mayoral Allowance at \$76,521 and Councillor Allowance at \$24,730 plus 9.5% (equivalent of superannuation guarantee contribution).

The allowance for Mayor and Councillors may be adjusted accordingly with any increase, as determined by Council as a result of the annual automatic adjustment announced by the Minister for Local Government.

As such, on 29 October 2018, the Minister published a notice in the Government Gazette applying an adjustment factor of 2.0% being applied to Mayoral and Councillor allowances, thus adjusting the Moorabool Mayoral and Councillors allowances to \$78,051 and \$25,225 respectively (taking effect on 1 December 2018).

PROPOSAL

Pursuant to section 73B(2) of the Local Government Act 1989, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances.

If a review conducted by the Minister under this section results in a finding that Councillor and Mayoral allowances should be adjusted, the Minister must specify by notice published in the Government Gazette:

- a) an adjustment factor; and
- b) the new limits and ranges of allowances for each category of Councils, adjusted in accordance with the adjustment factor.

Further, section 73B(5) of the Act specifies that a Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice.

At the time of preparing this report, the Minister has not yet published a notice in Government Gazette regarding the review of Councillor Allowances for the 2019-2020 year. Therefore, a further report will be presented at a later date.

COUNCIL PLAN

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership**Context 1B: Our People****FINANCIAL IMPLICATIONS**

Provision for the application of Mayoral and Councillor allowances has been made in Council's 2019-2020 Annual Budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

COMMUNICATIONS & CONSULTATION STRATEGY

As the nature of this report is procedural, there is no requirement to undertake any specific consultation.

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

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Chief Executive Officer – Derek Madden

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

Author – Yvonne Hansen

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

CONCLUSION

It is recommended that Council note the prevailing Mayoral and Councillor allowances.