

SPECIAL MEETING OF COUNCIL

Notice is hereby given of a
Special Meeting of Council, Statutory and Annual Appointments Meeting
to be held in the Council Chamber, 15 Stead Street, Ballan
on Monday 7 November 2016
commencing at 5.00 p.m.

Members:	Cr. Paul Tatchell	Central Moorabool Ward
	Cr. Jarrod Bingham	East Moorabool Ward
	Cr. Tonia Dudzik	East Moorabool Ward
	Cr. David Edwards	East Moorabool Ward
	Cr. John Keogh	East Moorabool Ward
	Cr. Tom Sullivan	West Moorabool Ward
	Cr. Pat Toohey	Woodlands Ward
Officers:	Mr. Rob Croxford	Chief Executive Officer
	Mr. Phil Jeffrey	General Manager Infrastructure
	Mr. Satwinder Sandhu	General Manager Growth and Development
	Mr. Danny Colgan	General Manager Social and Organisational Development

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING**1.1 Acting Chairperson**

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.

1.2 Council 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 TO COUNTRY

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

3. PRESENT**4. APOLOGIES**

5. BUSINESS

5.1 Oath or Affirmation of Office (Section 63, *Local Government Act 1989*)

A person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken an oath of office in the prescribed form. Section 102 of the *Evidence (Miscellaneous Provisions) Act 1958* enables the making of a solemn affirmation instead of an oath.

The oath or affirmation must be made before the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the Minutes of the Council. Copies of the oath of office or affirmation of office taken by the following Councillors on Friday 4 November 2016 are enclosed as attachments to this report.

Cr. Paul Tatchell	Central Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Keogh	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Recommendation:

That the Oath of Office or Affirmation of Office taken, signed and dated by Moorabool Shire Councillors before the Chief Executive Officer on Friday 4 November 2016 be noted.

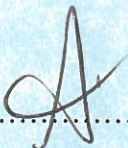
Attachment - Item 5.1

LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **Paul Tatchell**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed.....
Cr. Paul Tatchell

Before me.....

Robert Croxford, Chief Executive Officer

LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **Jarrold James Bingham**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed
Cr. Jarrod Bingham

Before me

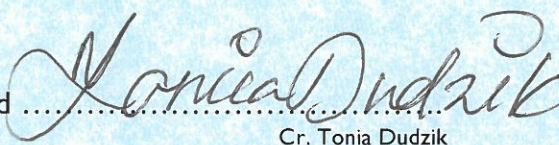
Robert Croxford, Chief Executive Officer


LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **Tonia Dudzik**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed 
Cr. Tonia Dudzik


Before me 
Robert Croxford, Chief Executive Officer

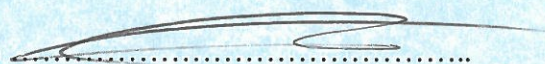
LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **David Charles Edwards**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed .....
Cr. David Edwards

Before me .....
Robert Croxford, Chief Executive Officer

LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **John Ronald Keogh**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed
Cr. John Keogh

Before me

Robert Croxford, Chief Executive Officer

LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **Thomas Gerard Sullivan**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed
Cr. Thomas Sullivan

Before me
Robert Croxford, Chief Executive Officer

LOCAL GOVERNMENT ACT 1989

OATH OF OFFICE

I, **Patrick Toohey**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the **Moorabool Shire** and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

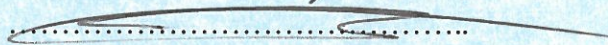
Sworn at Ballan in the State of Victoria
this 4th day of November, 2016

Signed



Cr. Patrick Toohey

Before me



Robert Croxford, Chief Executive Officer

5.2 Declaration by Councillors to abide by the Councillor Code of Conduct (Section 63, *Local Government Act 1989*)

All persons elected to be a Councillor must have read their Council's Councillor Code of Conduct. After reading the Councillor Code of Conduct, a person elected to be Councillor must make a declaration that they will abide by it.

On Friday 4 November 2016, Councillors declared to abide by the Councillor Code of Conduct in writing before the Council's Chief Executive Officer. A copy of the Code of Conduct with the Councillors' declarations is attached to this report.

Council is reminded that under section 76C(2) of the *Local Government Act 1989* that Councillors are required to review and adopt a Councillor Code of Conduct within 4 months after a general election by calling a special meeting solely for that purpose. Councillors will be required to make a declaration to abide by the reviewed Councillor Code of Conduct.

This effectively means a revised Councillor Code of Conduct is to be adopted by Council by 22 February 2017. A revised Code will be presented to a Special Meeting of Council on a date to be set in February 2017.







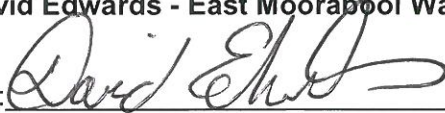
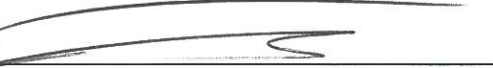

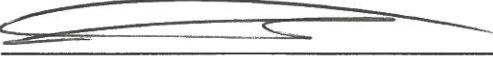
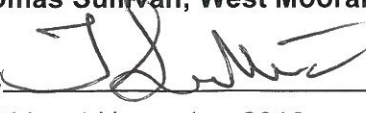
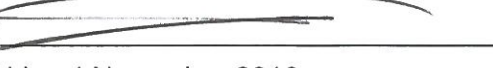
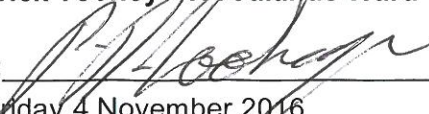
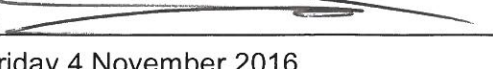
Recommendation:

That the Councillor Code of Conduct declaration by Councillors and witnessed by the Chief Executive Officer on Friday 4 November 2016 be noted.

Attachment - Item 5.2

COUNCILLOR CODE OF CONDUCT DECLARATION

I hereby declare that I have read the Councillor Code of Conduct for Moorabool Shire Council adopted on Wednesday 29 June 2016 and declare that I will abide by this Code.

Councillor	Witnessed
Cr. Paul Tatchell - Central Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. Jarrod Bingham - East Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. Tonia Dudzik - East Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. David Edwards - East Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. John Keogh - East Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. Thomas Sullivan, West Moorabool Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016
Cr. Patrick Toohy - Woodlands Ward Signed:  Date: Friday 4 November 2016	Mr. Robert Croxford, Chief Executive Officer Signed:  Date: Friday 4 November 2016

5.3 Moorabool Shire Council Statutory and Annual Appointments

5.3.1 Chief Executive Officer's Report - Statutory and Annual Appointments Process

The Council has established as practice the holding of a Special Meeting each year following the anniversary of the conduct of a General Election. This Special Meeting, called the Statutory and Annual Appointments meeting, considers a number of statutory matters including:

- Election of Mayor for the forthcoming year.
- Election of Deputy Mayor for the forthcoming year (if determined).
- Councillor and Mayoral allowances.
- Council and Committee Meeting structure.
- Appointments to Section 86 (S86) Committees and Advisory Committees.
- Determination of Councillor/officer representation on various working groups and external committees to assist Council advocacy.

The provisions of the *Local Government Act 1989*, section 71(2) provides Council with an option to resolve to elect a Mayor for a term of 1 or 2 years. A reference to the term of Office of the Mayor is presented in Item 5.3.4 of this agenda. The term of the Office of the Mayor expires at 6.00am on the day of election of the Mayor or, as was the case this year, at 6.00am on the date of the local government election, Saturday 22 October 2016.

The election of a Deputy Mayor is optional; it is not specifically provided for within the *Local Government Act 1989*. Under Part 15, Clause 15.2(e) of the Moorabool Shire Council Meeting Procedure Local Law No.9, Council may determine to elect a Deputy Mayor and this provision is presented for Council's consideration under Item 5.3.5 of this Agenda.

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 following matters are determined:

- a) the receipt of nominations for the election of Mayor;
- b) the election of the Mayor.

Following the election, the Mayor shall assume the Chair to deal with the remaining matters before the Meeting.

It is generally accepted that the Council annually reviews the Council and Committee meeting structure in order to ensure that the interests of good governance, facilitated by sound decision making promoted within an appropriate framework of Council meetings, can best be served. Such considerations form part of the business to be considered at this Special Meeting.

A number of Special Committees constituted within the legislative provisions of Section 86 of the *Local Government Act 1989* as well as Advisory Committees complete the framework of governance within Moorabool Shire Council.

Consideration by Council of the appointment of these Committees will also occur in the business of the Meeting.

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. Consideration of such Council representative appointments will be determined at the Meeting.

5.3.2 Former Mayor's Report

The former Mayor, Allan Comrie, will present his report on the October 2015 to October 2016 Mayoralty term.

Recommendation:

That the former Mayor's Report for the Mayoralty term of October 2015 to October 2016 be received.

5.3.3 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.

5.3.4 Determining the Term of the office of Mayor (Section 71 (2) - *Local Government Act 1989*; Part 15.2(b) - Meeting Procedure Local Law No.9)

As set out in Council's Meeting Procedure Local Law No. 9 in Part 15.2 (b), Before nominations for the office of Mayor are invited by the Chief Executive Officer, the Council must resolve if the term of the office of Mayor is to be for one (1) or two (2) years.

This option is available to the Council under the *Local Government Act 1989*, section 71 that says (inter alia) the following:

- (1) 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.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
- (3) The Mayor is to be elected:
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.

If the Council resolves to elect the Mayor for a one year term, the office of the Mayor shall expire at 6.00 a.m. on the day of the next election of the Mayor with this being after the fourth Saturday in October 2017 but not later than 30 November 2017.

If the Council resolves to elect the Mayor for a two year term, the office of the Mayor shall expire at 6.00 a.m. on the day of the next election of the Mayor with this being after the fourth Saturday in October 2018 but not later than 30 November 2018.

The Chief Executive Officer, acting as Chairperson, shall call for a determination of the term of office for the Mayor.

Recommendation:

That pursuant to the provisions of section 71 of the *Local Government Act 1989*, the Council resolves that the term of office for the Mayor of Moorabool Shire Council will be _____ year(s) with that term expiring at 6.00 a.m. on the day of the next election of the Mayor with this being after the fourth Saturday in October _____ but not later than 30 November _____.

5.3.5 Election of Mayor (Section 71, *Local Government Act 1989*; Part 15 - Meeting Procedure Local Law No.9)

An election for the position of Mayor shall be conducted at the meeting.

The *Local Government Act 1989*, section 71 says (inter alia) the following:

- (1) 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.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
- (3) The Mayor is to be elected:
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.

It is noted that the Council's Policy No. G008 – Councillors and Members of Council Committees Expense Entitlements & Resources Policy includes the provision of a fully maintained motor vehicle at the current standard and upon the current conditions, together with communication equipment to facilitate effective performance of a Councillor in the office of Mayor.

The Chief Executive Officer, acting as Chairperson, shall call for nominations for the office of Mayor of Moorabool Shire Council for the term of office as resolved by the Council in the Agenda item 5.3.4.

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.

Statement by newly elected Mayor:

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.

Recommendation:

That pursuant to the provisions of section 71 of the *Local Government Act 1989*, the Council elects Cr. _____ to be the Mayor of Moorabool Shire Council.

5.3.6 Determination to Elect a Deputy Mayor and Term of Office of Deputy Mayor

The election of a Deputy Mayor, whilst not specifically provided for within the *Local Government Act 1989*, is provided for under Part 15 – Clause 15.2(e) of the Moorabool Shire Council Meeting Procedure Local Law No.9 if the Council so determines.

The role of Deputy Mayor is to assist the Mayor in carrying out the duties associated with the position of Mayor. This includes, in the absence of the Mayor, performing the functions of Mayor in an acting capacity in accordance with the *Local Government Act 1989* and Council's Meeting Procedure Local Law No.9.

Remuneration for the Deputy Mayor remains at the level of which is available to a Councillor.

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, what the term of office will be for the Deputy Mayor.

5.3.7 Election of a Deputy Mayor

This Agenda item is included if the Council resolves in item 5.3.6 above to make an appointment to the office of Deputy Mayor.

The election of the Deputy Mayor will be chaired by the newly elected Mayor in accordance with Part 15 – Clause 15.2(e) of the Moorabool Shire Council Meeting Procedure Local Law No.9.

The Mayor shall call for nominations for the position of Deputy Mayor of Moorabool Shire Council for the term of office as resolved in item 5.3.6 above.

Recommendation:

- 1. That pursuant to the provisions of Part 15.2 (e) of Meeting Procedure Local Law No. 9, the Council elects Cr. _____ to be the Deputy Mayor of Moorabool Shire Council.**
- 2. That in the absence of the Mayor, the Deputy Mayor shall perform the functions of Mayor in an acting capacity in accordance with the *Local Government Act 1989* and Council's Meeting Procedure Local Law No.9.**

5.3.8 Mayor and Councillor Allowances

Section 74 of the *Local Government Act* 1989 provides for the setting of Mayor and Councillor Allowances.

In order to comply with sections 73B(5) and 74 of the *Local Government Act* 1989, Council resolved at its Ordinary Meeting of Council on Wednesday 19 June 2013 to adopt the annual Councillor and Mayoral Allowances under Category 2 in the Schedule to the Order in Council applicable until the next general election of Council.

Section 74 of the *Local Government Act* 1989 requires the Council to review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.

For Category 2 Councils, under section 73B of the *Local Government Act* 1989, the Minister for Local Government determines the allowances to be paid. The next review of Mayor and Councillor Allowances is expected from Local Government Victoria within the next month.

The current allowances are:

- Councillor annual allowance - \$24,127.48;
- Mayoral annual allowance - \$74,654.85; and
- the equivalent of the superannuation guarantee contribution (SGC) (currently 9.5% of the allowances above).

The allowances as set by Council will be paid during the ensuing year from Monday 7 November 2016 to the Statutory and Annual Appointments Meeting in 2017. The manner of payment of allowances will not exceed more than one month in advance.

Councillor Support

The following provisions are determined to assist Councillors in their municipal duties:

Resources/facilities

- Administrative support for the Mayor
- Office for Mayor
- Vehicle for Mayor
- Computer – desktop or laptop
- Mobile phone and landline
- Stationery
- Access to fax/copier
- Website development as part of Council website

Reimbursement

- Travel – including reimbursement of public transport costs
- Phone – reimbursement of relevant call costs
- Internet
- Child care/family care

5.3.9 Special Committees of the Council (Section 86 *Local Government Act 1989*) - S86 Delegated Committees of the Council

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.

With this being the first year of the new Council's term, it is recommended that the Council retain the existing committee structure for the next twelve months.

Special Committees of Council

(i) 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 representatives in 2015/16 on this committee were Cr. Comrie, Cr. Dudzik, Cr. Edwards and Cr. Tatchell.

(ii) Urban Growth Strategy Committee

The Urban Growth Strategy Committee is a Delegated Committee established under section 86 of the *Local Government Act 1989*. Its role is to develop a vision and planning principles to guide and manage future urban growth and development in the Shire. This Committee will monitor the implementation of phase 1 and 2 of the Moorabool Growth Planning Initiative, against the agreed milestones and timelines.

The Council representatives in 2015/16 on this committee were Cr. Dudzik, Cr. Comrie, Cr. Spain, Cr. Edwards, and the Mayor ex Officio. Staff members attending this committee were the Chief Executive Officer, General Manager Growth & Development, Manager Strategic & Sustainable Development and Manager Statutory Planning & Community Safety.

(iii) Rural Growth Strategy Committee

The Rural Growth Strategy Committee is a Delegated Committee established under section 86 of the *Local Government Act* 1989. Its role is to develop a vision and planning principles to guide and manage future rural growth and development in the Shire. This Committee will monitor the implementation of phase 1 and 2 of the Moorabool Growth Planning Initiative, against the agreed milestones and timelines.

The Council representatives in 2015/16 on this committee were Cr. Sullivan, Cr. Toohey, and the Mayor (ex Officio). Staff members attending this committee were the Chief Executive Officer, General Manager Growth and Development, Manager Strategic and Sustainable Development, Manager Statutory Planning and Community Safety.

(iv) 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 2015/16 representatives for each committee are listed below:

Hall and Recreation Reserve Committees of Management and	Council Representative 2015/2016
Bacchus Marsh Hall Committee of Management	Cr. Spain and Mrs Carol Young (appointed 6 April 2016)
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	Cr. Comrie
Bungaree Public Hall	Community Members
Dunnstown Recreation Reserve Committee of Management	Community Members
Elaine Recreation Reserve Committee of Management	Cr. Sullivan
Gordon Public Hall Committee of Management Inc.	Cr. Toohey
Greendale Recreation Reserves Committee of Management	Cr. Toohey
Lal Lal Soldiers' Memorial Hall Committee of Management	Community Members
Maddingley Park Committee of Management	Cr. Edwards

Millbrook Community Centre	Community Members
Navigators Community Centre	Community Members
Wallace Recreation Reserve	Community Members
Wallace Public Hall	Community Members

(v) Blacksmith's Cottage and Forge Committee of Management

Blacksmith's Cottage and Forge Committee of Management manages the operations of the Blacksmith's Cottage and Forge in Bacchus Marsh with responsibility to:

- manage and promote the facilities within the approvals given by Council;
- recommend to Council policies aimed at promoting the use of the facilities for the benefit of the community;
- promote the facilities as a tourist attraction in Bacchus Marsh in liaison with other groups;
- explore and recommend options for future development of the facilities;
- prepare submission to Council for any capital or major works that the advisory committee considers desirable.

The 2015/16 representative for this committee was Cr. Comrie.

Recommendation:

1. That pursuant to section 86 of the *Local Government Act 1989*, the Council retains the following Special Committees of the Council – S86 Delegated 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 Instruments of Delegation authorised by Council;
 - (i) Development Assessment Committee
 - (ii) Urban Growth Strategy Committee
 - (iii) Rural Growth Strategy Committee
 - (iv) Bacchus Marsh Hall Committee of Management
 - (v) Bacchus Marsh Racecourse and Recreation Reserve Committee of Management
 - (vi) Bungaree Public Hall
 - (vii) Dunnstown Recreation Reserve Committee of Management
 - (viii) Elaine Recreation Reserve Committee of Management
 - (ix) Gordon Public Hall Committee of Management Inc.
 - (x) Greendale Recreation Reserves Committee of Management
 - (xi) Lal Lal Soldiers' Memorial Hall Committee of Management
 - (xii) Maddingley Park Committee of Management
 - (xiii) Millbrook Community Centre
 - (xiv) Navigators Community Centre
 - (xv) Wallace Recreation Reserve
 - (xvi) Wallace Public Hall
 - (xvii) Blacksmith's Cottage and Forge Committee of Management
2. That Council maintains the current membership structure of these committees.

3. That Council appoints representatives for its Special Section 86 Committees as set out below:

S86 Delegated Committees of the Council	Council Representative 2016/2017
Development Assessment Committee	
Urban Growth Strategy Committee	
Rural Growth Strategy Committee	
Bacchus Marsh Hall Committee of Management	
Bacchus Marsh Racecourse and Recreation Reserve Committee of Management	
Bungaree Public Hall	
Dunnstown Recreation Reserve Committee of Management	
Elaine Recreation Reserve Committee of Management	
Gordon Public Hall Committee of Management Inc.	
Greendale Recreation Reserves Committee of Management	
Lal Lal Soldiers' Memorial Hall Committee of Management	
Maddingley Park Committee of Management	
Millbrook Community Centre	
Navigators Community Centre	
Wallace Recreation Reserve	
Wallace Public Hall	
Blacksmith's Cottage and Forge Committee of Management	

4. That Council notify the committees of the reappointment arrangements.

5.3.10 Advisory Committees of the Council

In addition to the Special Committees of Council with delegated authority that are established under the *Local Government Act 1989* (section 86), Council has the ability to create a committee by resolution as an Advisory Committee.

The following Committees currently 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.

The following Advisory Committees have been established by Council.

Advisory Committees of the Council

(i) Social Development Committee

The Social Development Committee is an Advisory Committee with its role to consider and make recommendations to the Council on the following matters:

- social and recreation planning;
- social and recreation policy development;
- community grants;
- reserve and hall committees of management;
- leisure services contractual arrangements; and
- to provide feedback to officers during the development of strategic plans and policies.

The Council representatives in 2015/16 on this committee were Cr. Comrie, Cr. Dudzik and Cr. Edwards.

(ii) Place Making Committee

The Place Making Committee is an Advisory Committee and has been established to support development of a vision, framework, policies and strategic documents that guides future sustainable development in appropriate locations in the Shire, addressing land use, amenity and lifestyle opportunities whilst matching growth with the provision of physical and social infrastructure.

The Committee will ensure that Council plans and strategies are coordinated and help deliver sustainable communities in a coherent and cost effective manner in addition to considering and making recommendations to the Council on the following matters:

- Implementing the Moorabool 2041 framework.
- Integrated built and natural environment strategies.

- Integrated infrastructure planning and delivery.

The Council representatives in 2015/16 on this committee were Cr. Spain, Cr. Sullivan and Cr. Toohey.

(iii) Audit and Risk Committee

The Audit and Risk Committee is an independent Advisory Committee to Council. The primary role of the Audit and Risk 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 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 2015/16 representatives for this committee were Cr. Dudzik and Cr. Edwards.

(iv) 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 2015/16 representative for this committee was Cr. Spain.

(v) 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 2015/16 representative for this committee was Cr. Tatchell.

(vi) 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 2015/16 representative for this committee was Cr. Sullivan.

(vii) 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 2015/16 representative for this committee was Cr. Dudzik.

The following nominated organisations and groups were appointed by Council for a two year term on 6 April 2016:

- Moorabool Agencies and Schools Together (MAST)
- Federation University
- School Focused Youth Service –Ballarat Community Health
- Djerriwarrh Health Services
- Department of Justice – Grampians Region
- Victoria Police – Bacchus Marsh
- Central Highlands Primary Care Partnership
- Ballan and District Health and Care
- Child and Family Services (CAFS)
- Women’s Health Grampians
- Darley Neighbourhood House and Early Learning Centre
- Bacchus Marsh Community College
- Ballan and District Community House and Adult Education Centre
- Pinarc Disability Support
- Merrimu Services
- Highlands Local Learning and Employment Network

(viii) Moorabool Landcare Advisory Committee

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

The 2015/16 representative for this committee was Cr. Edwards.

(ix) Moorabool Recreation and Leisure Strategic Advisory Committee

The Moorabool Recreation and Leisure Strategic Advisory Committee provides opportunities for community input into the planning and provision of recreation and leisure services and facilities across the municipality.

The 2015/16 representatives for this committee were Cr. Dudzik, Cr. Edwards and Cr. Spain.

(x) Rural Advisory Committee

The Rural Advisory Committee provides advice to the Moorabool Shire Council on:

- advocacy to other levels of government on the impacts of government policy on farming,
- the development of alternative land valuation and rating models that will assist farming enterprises in Victoria,
- to provide an opportunity for increased networking and collaboration within the rural sector,
- promotion of agriculture to the broader community as a key driver of economic growth and rural amenity in the Shire including broad acre cropping, horticulture, viticulture, dairy, livestock and lifestyle/part time farming, and
- the development of key strategic documents of Council

The 2015/16 representative for this committee was Cr. Tatchell.

This committee has not met frequently in recent times and a report to the Council regarding the future of the committee will be presented early in the term of this Council.

(xi) Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee

The 2015/16 representative for this committee was Cr. Edwards.

(xii) Moorabool Access and Inclusion Advisory Committee

The establishment of the Moorabool Access and Inclusions Advisory Committee will provide opportunities for expertise and community input in to the planning and provision of services and facilities across the municipality by:

- representing the interests of all persons with a disability and others who may be affected by disability;
- promoting integration of disability access and inclusion as part of the core business of Council;
- responding and advising on a range of matters impacting on disability concerns, as requested by Council; and
- promoting, in accordance with the relevant legislation and the Access and Inclusion Plan, universal access and inclusion to persons with disability and to the wider community.

The 2015/16 preventatives for this committee were Cr. Dudzik (Chairperson) and Cr. Spain (Deputy Chairperson).

Recommendation:

1. That Council retains the following Advisory Committees of the Council with the existing membership and terms and conditions governing the role and responsibilities as provided for in their purpose and terms of reference authorised by Council:
 - (i) Social Development Committee
 - (ii) Place Making Committee
 - (iii) Audit and Risk Committee
 - (iv) Bacchus Marsh District Trails Advisory Committee
 - (v) Heritage Advisory Committee
 - (vi) Lal Lal Falls Reserve Advisory Committee of Management
 - (vii) Moorabool Health and Wellbeing Advisory Committee
 - (viii) Moorabool Landcare Advisory Committee
 - (ix) Moorabool Recreation and Leisure Strategic Advisory Committee
 - (x) Rural Advisory Committee
 - (xi) Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee
 - (xii) Moorabool Access and Inclusion Committee
2. That a report in relation to the review of the Rural Advisory Committee be presented early in the term of this Council.

3. That Council appoints representatives for its Advisory Committees as set out below:

Advisory Committees of the Council	Council Representative 2016/2017
Social Development Committee	
Place Making Committee	
Audit and Risk Committee	
Bacchus Marsh District Trails Advisory Committee	
Heritage Advisory Committee	
Lal Lal Falls Reserve Advisory Committee of Management	
Moorabool Health and Wellbeing Advisory Committee	
Moorabool Landcare Advisory Committee	
Moorabool Recreation and Leisure Strategic Advisory Committee	
Bacchus Marsh Leisure Centre Joint Use Management Agreement Advisory Committee	
Rural Advisory Committee	
Moorabool Access and Inclusion Committee	

4. That Council notify the committees of the reappointment arrangements.

5.3.11 Council Appointments to Working Groups, Industry Bodies and Forums

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.

The 2015/16 representatives for each working group, industry bodies and forums are listed below:

Working Groups, Industry Bodies and Forums	Council Representative 2015/2016
Central Highlands Local Learning and Employment Network (CHLLEN)	Cr. Edwards
Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region	Cr. Sullivan
MAV Strategic Environment Advisory Group (SEAG)	Cr. Sullivan
MAV Emergency Management Committee	Cr. Tatchell
MAV Defined Benefit Superannuation Taskforce	Cr. Sullivan
MAV Financial Assistance Grants and Rate Capping Taskforce	Cr. Spain Cr. Sullivan (Proxy)
(MAV) Municipal Association of Victoria	Cr. Sullivan
Bacchus Marsh Aerodrome Management Committee	Cr. Edwards Cr. Comrie
Ballarat Rail Action Committee	Mayor, Cr Edwards(Proxy), CEO & General Manager Infrastructure
<i>* Bungaree Water Supply Protection Area Consultative Committee</i>	Cr. Sullivan
Central Highlands Community Road Safety Council	General Manager Infrastructure
Central Highlands Mayors' & CEOs' Forum	Mayor and Chief Executive Officer
CCMA SMO – Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee	Manager Strategic and Sustainable Development
Concerned Councils for the Moorabool River Flows and Environment	Cr. Toohey
Grow West Implementation Committee	Cr. Spain General Manager Growth and Development
Municipal Emergency Management Planning Committee (MEMPC)	Cr. Spain Cr. Tatchell (Proxy)
Municipal Fire Management Planning Committee (MFMP)	Cr. Spain Cr. Tatchell (Proxy)
National Timber Councils Task Force	Cr. Sullivan
Peri Urban Councils	Cr. Spain Cr. Edwards Proxy

	CEO or Nominee
* <i>Strategic Health Forum</i>	Cr. Dudzik, Cr. Comrie, Cr. Tatchell
Timber Towns	Cr. Sullivan
Victorian Local Governance Association (VLGA)	Cr. Edwards
Western Highway Action Committee	Cr. Toohey Cr. Tatchell (proxy) GMI

** The Bungaree Water Supply Protection Area Consultative Committee and the Strategic Health Forum are no longer operational.*

Recommendation:

1. That Council endorses its participation on the following Working Groups, Industry Bodies and Forums and appoints its representatives as detailed below:

Working Groups, Industry Bodies and Forums	Council Representative 2016/2017
Central Highlands Local Learning and Employment Network (CHLLEN)	
Local Government Waste Forum – Grampians Central West Waste and Resource Recovery Region	
MAV Strategic Environment Advisory Group (SEAG)	
MAV Emergency Management Committee	
MAV Defined Benefit Superannuation Taskforce	
MAV Financial Assistance Grants and Rate Capping Taskforce	
(MAV) Municipal Association of Victoria	
Bacchus Marsh Aerodrome Management Committee	
Ballarat Rail Action Committee	
Central Highlands Community Road Safety Council	
Central Highlands Mayors' & CEOs' Forum	
CCMA SMO – Corangamite Catchment Management Authority Salinity Management Overlay Development Steering Committee	
Concerned Councils for the Moorabool River Flows and Environment	
Grow West Implementation Committee	
Municipal Emergency Management Planning Committee (MEMPC)	
Municipal Fire Management Planning Committee (MFMPC)	
National Timber Councils Task Force	

Peri Urban Councils	
Timber Towns	
Victorian Local Governance Association (VLGA)	
Western Highway Action Committee	

3. **That Council notify these Working Groups, Industry Bodies and Forums of the reappointment arrangements.**

5.3.12 Moorabool Shire Council Meeting Framework

Introduction

The 2013-2017 Council Plan provides for the following objectives and strategies relating to Council:

KRA No. 1. - Representation and Leadership of our Community

Good governance through open and transparent processes and strong accountability to the community.

In order to achieve this outcome Council has set the following strategy in relation to Council Governance.

Ensure policies and good governance are in accordance with legislative requirements and best practice.

It is the generally accepted view of good governance that the decision-making processes of the Council should be open to public scrutiny and conducted in a transparent manner which enables input by the community.

In order that the functions of the Council in fulfilling its policy determination, leadership and strategic planning roles can be successfully undertaken, the conduct of the business of the Council requires a flexible approach with respect to its meeting framework.

The conduct of meetings of Council should enable Councillors to best inform themselves in regard to matters for decision, engaging a process that appears comprehensive, democratic and professional to the community the Council serves.

In addition, the Council's Meeting Framework should endeavour to make efficient use of both Councillors' and Council officer's time. In this regard, the primary activity of the elected Council is to make decisions on policy matters and set strategic direction. The primary function of the organisation and its resources is then to implement such policy and strategic direction, providing accountability reporting back to the Council and the community. Sufficient scope needs to exist for community consultation which acts as a guide to the decision-making processes of the elected Council.

Moorabool Shire Council Meeting Framework

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.

Ordinary Meetings of Council

One Ordinary Meeting of Council be held each calendar month, on the first Wednesday, commencing at 5.00pm with three meetings to be held in Ballan, four meetings in Bacchus Marsh and four meetings held in the rural townships of the Shire namely, Lal Lal, Bungaree, Gordon and Blackwood as indicated in the attached schedule.

The Ordinary Meeting of Council generally considers matters listed under the services areas of Governance, Infrastructure, Community Services and Growth and Development relating to service delivery policy and statutory obligations in addition to statutory planning and strategic land use planning. Notwithstanding, if matters of a more general nature require some urgency, the arrangements will facilitate incorporation within the agenda of the meeting for decision in order to meet pressing timelines.

Council Section 86 Delegated Committees and Advisory Committees

A schedule for the following Council committee meetings is attached:

- Social Development Committee (Advisory)
- Place Making Committee (Advisory)
- Development Assessment Committee (S86 Delegated)
- Urban Growth Strategy Committee (S86 Delegated)
- Rural Growth Strategy Committee (S86 Delegated)

Assembly of Councillors

In instances where discussion or interaction between Councillors and Council officers is required on policy or strategic matters an Assembly of Councillors shall be convened pursuant to the provisions of the *Local Government Act 1989*.

Such Assemblies of Councillors may, insofar as practicably possible, be convened on the afternoon of scheduled Ordinary Meetings of Council, the first Wednesday of each calendar month. Additional Assemblies can be scheduled, if required, for the second and third Wednesdays each month commencing from 2.00pm.

Recommendation:

1. **That in order to undertake considerations and decisions for the good governance of the Moorabool Shire, the Council determines 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 be held on the first Wednesday of each calendar month, commencing at 5.00pm, with three meetings to be held in Ballan, four meetings in Bacchus Marsh and four meetings held in the rural townships of the Shire namely, Lal Lal, Bungaree, Gordon and Blackwood as indicated in the attached schedule.**
 - b. **Council Committee meetings, comprising both Advisory Committees and Section 86 Delegated Committees, be held as indicated in the attached Schedule and in line with the Terms of References adopted by Council for each committee.**
 - c. **An Assembly of Councillors shall be convened pursuant to the provisions of the *Local Government Act 1989* in instances where discussion or interaction between Councillors and Council officers is required on Policy or Strategic Matters. Such Assemblies of Councillors may, insofar as practicably possible, be convened on the afternoon of scheduled Ordinary Meetings of Council, the first Wednesday of each calendar month. Additional Assemblies can be scheduled, if required, for the second and third Wednesdays each month commencing from 2.00pm.**
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.**

Attachment - Item 5.3.12

Moorabool Shire Council Meetings of Council 2017

Draft OMC, S86 and Advisory Committee Dates (v3)

Date	Venue	Time
1 February, 2017	Ordinary Meeting of Council – Ballan	5.00pm
8 February, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
8 February, 2017	Urban Growth Strategy Committee (S86 Delegated) – Bacchus Marsh	5.00pm
15 February, 2017	Place Making Committee (Advisory) – Ballan	4.00pm
15 February, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	5.00pm
1 March, 2017	Ordinary Meeting of Council – Lal Lal	5.00pm
8 March, 2017	Development Assessment Committee (S86 Delegated) – Ballan	4.00pm
15 March, 2017	Social Development Committee (Advisory) – Bacchus Marsh	4.00pm
22 March, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	4.00pm
5 April, 2017	Ordinary Meeting of Council – Bacchus Marsh	5.00pm
12 April, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
19 April, 2017	Place Making Committee (Advisory) – Bacchus Marsh	4.00pm
26 April, 2017	Urban Growth Strategy Committee (S86 Delegated) – Bacchus Marsh	4.00pm
3 May, 2017	Ordinary Meeting of Council – Ballan	5.00pm
10 May, 2017	Development Assessment Committee (S86 Delegated) – Ballan	4.00pm
17 May, 2016	Social Development Committee (Advisory) – Ballan	4.00pm
24 May, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	4.00pm
7 June, 2017	Ordinary Meeting of Council – Bungaree	5.00pm
14 June, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
21 June, 2017	Place Making Committee (Advisory) – Ballan	3.30pm
28 June, 2017	Urban Growth Strategy Committee (S86 Delegated) – Bacchus Marsh	3.30pm

5 July, 2017	Ordinary Meeting of Council – Ballan	5.00pm
12 July, 2017	Development Assessment Committee (S86 Delegated) – Ballan	4.00pm
19 July, 2017	Social Development Committee (Advisory) – Bacchus Marsh	4.00pm
26 July, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	4.00pm
2 August, 2017	Ordinary Meeting of Council – Bacchus Marsh	5.00pm
9 August, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
16 August, 2017	Place Making Committee (Advisory) – Bacchus Marsh	4.00pm
23 August, 2017	Urban Growth Strategy Committee (S86 Delegated) – Bacchus Marsh	4.00pm
6 September, 2017	Ordinary Meeting of Council – Gordon	5.00pm
13 September, 2017	Development Assessment Committee (S86 Delegated) – Ballan	4.00pm
20 September, 2017	Social Development Committee (Advisory) – Ballan	4.00pm
27 September, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	4.00pm
4 October, 2017	Ordinary Meeting of Council – Bacchus Marsh	5.00pm
11 October, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
18 October, 2017	Place Making Committee (Advisory) – Ballan	4.00pm
25 October, 2017	Urban Growth Strategy Committee (S86 Delegated) – Ballan	3.30pm
	Statutory Meeting of Council – Ballan	5.00pm
1 November, 2017	Ordinary Meeting of Council – Blackwood	5.00pm
8 November, 2017	Development Assessment Committee (S86 Delegated) – Ballan	4.00pm
15 November, 2017	Social Development Committee (Advisory) – Bacchus Marsh	4.00pm
22 November, 2017	Rural Growth Strategy Committee (S86 Delegated) – Ballan	4.00pm
6 December, 2017	Ordinary Meeting of Council – Bacchus Marsh	5.00pm
13 December, 2017	Development Assessment Committee (S86 Delegated) – Bacchus Marsh	4.00pm
20 December, 2017	Place Making Committee (Advisory) – Bacchus Marsh	4.00pm

Note: Bacchus Marsh Rotary Art Show – Monday 5th June to Wednesday 14th June (tentative)

6. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

7. MEETING CLOSURE