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| **MINUTES**  **Statutory Meeting**  **Wednesday, 24 November 2021** | |
| **Date:** | **Wednesday, 24 November 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **Council Chamber, 15 Stead Street, Ballan & online** |

**Order Of Business**

[1 Opening of Meeting 3](#_Toc88468417)

[2 Prayer and Acknowledgement of Country 3](#_Toc88468418)

[3 Recording of Meeting 3](#_Toc88468419)

[4 Present 3](#_Toc88468420)

[5 Apologies 4](#_Toc88468421)

[6 Disclosure of Conflicts of Interest 4](#_Toc88468422)

[7 Business 4](#_Toc88468423)

[7.1 Mayor's Report 4](#_Toc88468424)

[7.2 Expression of Thanks to the Outgoing Mayor and Deputy Mayor 5](#_Toc88468425)

[7.3 Determining the Term of Office of Mayor 5](#_Toc88468426)

[7.5 Determination to Elect a Deputy Mayor and Term of Office of Deputy Mayor 5](#_Toc88468427)

[7.6 Election of Deputy Mayor 5](#_Toc88468428)

[8 Chief Executive Officer Reports 6](#_Toc88468429)

[8.1 Mayoral and Councillor Allowances 6](#_Toc88468430)

[8.2 Council Meeting Framework and Meeting Schedule 8](#_Toc88468431)

[9 Meeting Closure 12](#_Toc88468433)

1 Opening of Meeting and Prayer

1. Opening Of Meeting

The Chief Executive Officer opened the meeting and welcomed everyone to the Statutory Meeting of Council.

1. Prayer and 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

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

1. Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting is livestreamed.

1. Present

Cr Moira Berry East Moorabool Ward

Cr Tonia Dudzik East Moorabool Ward

Cr David Edwards East Moorabool Ward

Cr Ally Munari Woodlands Ward

Cr Tom Sullivan West Moorabool Ward

Cr Paul Tatchell Central Moorabool Ward

Cr Rod Ward East Moorabool Ward

**Officers:**

Mr Derek Madden Chief Executive Officer

Ms Caroline Buisson General Manager Customer Care & Advocacy

Mr Phil Jeffrey General Manager Community Assets & Infrastructure

Ms Sally Jones General Manager Community Strengthening

Mr Phillip Howard Executive Manager Governance & Corporate Compliance

Mr Troy Delia Coordinator Governance & Risk

5 Apologies

Nil.

6 Disclosure of Conflicts of Interest

Nil.

7 Business

7.1 Mayor's Report

The former Mayor, Cr Tom Sullivan provided an overview of his term as Mayor and highlighted achievements of the Council, thanking his fellow Councillors and Council officers for their support over the past 12 months.

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| Resolution  **Moved:** Cr Moira Berry  **Seconded:** Cr Tonia Dudzik  **That the Mayor’s Report for the Mayoral term of November 2020 to November 2021 be received.**  **Carried** |

7.2 Expression of Thanks to the Outgoing Mayor and Deputy Mayor

Prior to calling for nominations for the position of Mayor, the Chief Executive Officer called upon any Councillors who wished to express appreciation to the outgoing Mayor, Cr Tom Sullivan for his term in Office.

Councillors Moira Berry, Tonia Dudzik, Paul Tatchell, Rod Ward, David Edwards and Ally Munari expressed their appreciation to the outgoing Mayor for his term in Office.

The Chief Executive Officer also thanked Cr Sullivan for his term in office and presented him with a gift from Council.

7.3 Determining the Term of Office of Mayor

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| Resolution  **Moved:** Cr Rod Ward  **Seconded:** Cr Ally Munari  **That Council, in accordance with section 26(3) of the *Local Government Act 2020,* resolve that the term of office for the Mayor be elected for a period of 1 year.**  **Carried** |

7.4 Election of Mayor

In accordance with Part 4 of Council’s Governance Rules, the Chief Executive Officer called for nominations for the position of Mayor for the 2021/2022 Council year.

Cr Tatchell nominated Cr Sullivan. Cr Sullivan accepted the nomination.

Cr Edwards nominated Cr Munari. Cr Munari accepted the nomination.

The Chief Executive Officer called for a vote by Councillors.

With an absolute majority vote, the Chief Executive Officer declared Cr Sullivan, the duly elected Mayor for the 2021/2022 Council year.

Following the declaration, the newly elected Mayor assumed the Chair and made a brief acceptance speech in which he thanked Councillors’, his wife and family for their support.

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

Section 20A of the Local Government Act 2020 states that a Council may establish an office of Deputy Mayor. Before the election of a Deputy Mayor can be held, a Council must determine by resolution whether the Deputy Mayor is to be elected for a 1 year or a 2 year term.

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Moira Berry  **That Council establish an office of Deputy Mayor and determine that the Deputy Mayor be elected for a 1 year term.**  **Carried** |

7.6 Election of Deputy Mayor

In accordance with Part 4 of Council’s Governance Rules, the Mayor called for nominations for the position of Deputy Mayor for the 2021/2022 Council year.

Cr Edwards nominated Cr Dudzik. Cr Dudzik accepted the nomination.

Cr Munari nominated Cr Ward. Cr Ward declined the nomination.

There being no further nominations, the Mayor declared Cr Dudzik the duly elected Deputy Mayor for the 2021/2022 Council year.

8 Chief Executive Officer Reports

8.1 Mayoral and Councillor Allowances

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**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

 As a designated Category 2 Council, the current maximum Mayoral and Councillor Allowances are set at $81,204 and $26,245 plus 10% (equivalent of superannuation guarantee contribution) respectively.

 Following the conduct of a review process and calling of submissions in accordance with section 223 of the *Local Government Act 1989*, Council at its meeting of 7 July 2021 resolved that that the Councillors and Mayoral Allowances remain set at the maximum amount in the range for a Category 2 Council, until a determination on the allowances has been made by the Victorian Independent Remuneration Tribunal.

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| Resolution  **Moved:** Cr David Edwards  **Seconded:** Cr Tonia Dudzik  **That Council receive the report on Mayoral and Councillor Allowances noting:**  **1. Current allowances are currently set at $81,204 pa (Mayoral) and $26,245 pa (Councillors) plus 10% (equivalent of superannuation guarantee contribution).**  **2. The payment of annual allowances is not to exceed more than one month in advance.**  **Carried** |

Background

Mayor and Councillors are entitled to receive an allowance while performing their duty as an elected official.

Section 39 of the *Local Government Act 2020* stipulates that Mayors, Deputy Mayors and Councillors are entitled to receive an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal. However, a determination made by the Tribunal at the request of the Minister for Local Government, under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019,* has not yet been made*.*

Proposal

On 17 June 2021, the Minister for Local Government requested that the Tribunal make the first Determination. The Determination will come into effect on 18 December 2021 — 6 months from the day the Tribunal received the Minister’s request.

Until such time that a determination is made by the Tribunal at the request of the Minister for Local Government, under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019,* the Mayoral and Councillor Allowances remain set at the maximum amount in the range for a Category 2 Council at $81,204 pa (Mayoral) and $26,245 pa (Councillors) plus 10% (equivalent of superannuation guarantee contribution).

Council Plan

The Council Plan 2021 - 25 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.5: Be recognised for demonstrating a culture of excellence, creativity and inclusiveness**

Financial Implications

Provision for the application of Mayoral and Councillor allowances has been made in Council’s 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

Under section 80C of the *Local Government Act 2020* 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 – Phillip Howard*

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.

8.2 Council Meeting Framework and Meeting Schedule

**Author: Phillip Howard, Executive Manager Governance & Corporate Compliance**

**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 2022 year.

**Executive Summary**

 The adoption of a meeting schedule provides greater certainty and advance notice for the residents of Moorabool of its Council meeting cycle.

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| **Committee Resolution**  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Ally Munari  **That Council:**  **1. Adopt the following meeting framework and meeting schedule to be convened and undertaken in accordance with the provisions of the *Local Government Act 2020* and Council’s Governances Rules:**  **a) Ordinary Council Meetings to commence in February 2022 and held thereafter on the first Wednesday of each calendar month, commencing at 6.00pm, with meetings to be held in the Council Chambers, Ballan as follows:**  **2 February, 2 March, 6 April, 4 May, 1 June, 6 July, 3 August, 7 September, 5 October, 2 November, 7 December 2022.**  **b) Development Assessment Committee (Delegated Committee of Council) meetings to commence in February 2022 and held thereafter on the third Wednesday of each calendar month, commencing at 6.00pm, with meetings to be held in the Council Chambers, Ballan as follows:**  **16 February, 16 March, 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October, 16 November, 14 December 2022.**  **c) Moorabool Growth Management Committee (Delegated Committee of Council) meetings to commence in March 2022 and held thereafter on the first Wednesday of every third calendar month, commencing at 3.30pm with the meetings to be held in the Council Chambers, Ballan as follows:**  **2 March, 1 June, 7 September, 7 December 2022.**  **d) A Statutory Meeting of Council to be held on 23 November 2022 in Council Chambers, Ballan.**  **2. Provides public notice, as required by Council’s Governance Rules, indicating the time, date and venue for convening Council Meetings and Council Delegated Committee Meetings.**  **3. Authorises the Chief Executive Officer to amend the 2022 Meeting Schedule as required and provide notice of the change to the public in accordance with Council’s Governance Rules.**  **Carried** |

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. Council Meetings**

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

The Council Meeting generally considers matters listed under the service areas of Governance, Community 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 Delegated Committee Meetings**

**(a) Development Assessment Committee**

One Development Assessment Committee meeting to be held each calendar month, on the third Wednesday, commencing at 6.00pm with meetings to be held in the Council Chambers, Ballan.

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 2022 and meeting at 3.30pm. These meetings will be held in the Council Chambers, Ballan.

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 election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term as determined by Council as is reasonably practicable.

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

Council Plan

The Council Plan 2021-2025 provides as follows:

**Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities**

**Priority 3.1: Listen, analyse and understand community needs**

The proposal is not provided for in the Council Plan 2021-2025 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 130 of the *Local Government Act 2020*, 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 – Phil Howard*

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

**Conclusion**

It is proposed that the 2022 Council Meeting Framework and Meeting Schedule will meet Council’s business requirements and therefore is recommended for adoption by Council.

9 Meeting Closure

**The Meeting closed at 6.21pm.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Moorabool Shire Council held on .**

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**CHAIRPERSON**