



Moorabool
Shire Council

MINUTES

Statutory Meeting of Council Wednesday, 8 November 2023

Date: Wednesday, 8 November 2023

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

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1 OPENING OF MEETING AND PRAYER

The Chief Executive Officer opened the meeting with the Council Prayer at 6.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 RECORDING OF MEETING

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

4 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 & Corporate Services
Mr Phil Jeffrey	General Manager Community Assets & Infrastructure
Ms Leigh McCallum	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Economic Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Ms Dianne Elshaug	Coordinator CEOs Office
Ms Genevieve Clark	Senior Communications, Media & Advocacy Officer

5 APOLOGIES

Nil

6 DISCLOSURE OF CONFLICTS OF INTEREST

Nil

7 BUSINESS

7.1 MAYOR'S REPORT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

The former Mayor Cr Rod Ward:

As outgoing Mayor, I wanted to take this opportunity to thank my fellow Councillors, officers and the community for their support during my 12 months in the role. It has been a very busy 12 months, and whilst it was a difficult decision not to recontest the Mayoral election, I will continue to enjoy flexible work arrangements when returning to fulltime employment that will allow me to continue to serve the community as a Councillor in 2024.

Whilst Councillors determine policy direction for the community, to optimise community outcomes, a Council needs a good working relationship between Councillors and management. Councillors rely on advice from officers, and I am pleased that a very healthy and respectful relationship exists between Councillors and the Moorabool Shire Council CEO, senior management and staff. These strong relationships are imperative for navigating the challenging decisions that face us within the modern Local Government context and our growing municipality. Positive relationships are critical for Councillors and staff in achieving our common goal of delivering the best outcomes for the Moorabool Shire community, and I thank CEO Derek Madden, the Executive Management Team and all staff for their support over the past 12 months. I think we are very fortunate to have such talented and committed staff within Moorabool Shire Council who are passionate about serving the community.

As mentioned in the 2022/23 Annual Report, it has been a year of construction in our Shire, delivering on many projects that had been funded in previous year's as well as this year's budget. Some of the highlights of the year include:

- Moorabool's new \$17 million Bacchus Marsh Indoor Stadium (Stage 1 of MARC).
- Bald Hill 1,000+ Steps and adjoining Telford Park All-Abilities Trail complete (Stage 3 – Lookout and summit All-Abilities Trail will commence in 2024).
- Completion of 3 stages of Aqualink Trail connecting the Lerderderg River in Darley to Bacchus Marsh Train Station. Final stages and seating and exercise stations to be undertaken in 2024.
- Completion of the new \$4.2 million Ballan Sports & Community Pavilion.
- Completion of the new \$5.5 million Darley Sports & Community Pavilion.
- Completion of Council's new Outdoor Depot in Ballan.
- Completion of the \$9.4 million West Maddingley Early Years Hub.
- Progression of Bacchus Marsh Racecourse Recreation Reserve development:
 - Oval 1 complete
 - Pavilion for oval 1 complete
 - Ovals 2 & 3 nearing completion

It is also exciting to note that:

- Plans for the new \$6.5 million pavilion at Racecourse Reserve (to service ovals 2 & 3) have been signed off and construction will commence in 2024.

- Detailed design for the new \$12 million Bacchus Marsh Bowls Facility finalised and construction to commence in 2024
- Detailed design for new \$8 million Ballan Library & Community Hub (including new town plaza) finalised. Construction to commence in 2024.
- Further construction works to commence in 2024 include the Dunnstown Pavilion refurbishment and the Navigators Hall upgrade.

Moorabool Shire Council also undertook a road maintenance and improvement blitz after the storm and rain damage in 2022, with an additional \$600,000 allocated to an approximate \$10m investment by Council in our roads in 2022/23. This commitment to further improve our roads will continue in 2023/24.

From a financial perspective, it is pleasing to note that in achieving the above, Council remains in a healthy financial position, with Council's debt significantly lower than in 2018, and cash reserves higher.

A shortlist of priorities for Council in 2023/23 includes:

- Continuing to support the community against the Western Transmission Lines.
- Advocating for the critically needed Eastern Link Road in Bacchus Marsh.
- Federal funding for the Moorabool Aquatic Facility in Bacchus Marsh.
- Increased funding for road improvements.
- Implementation of Council's new Visitor Economy Strategy and Economic Development Strategy to attract tourism and major events and investment into the Shire.
- Continued development of Parwan Employment Precinct.

I look forward to supporting our incoming Mayor, and continuing to work closely with the Mayor, Councillors and all staff to achieve the best outcome for our Moorabool community in the year ahead.

Thank you.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

That the Mayor's Report for the Mayoral term of November 2022 to November 2023 be received.

CARRIED

7.2 EXPRESSION OF THANKS TO THE OUTGOING MAYOR AND DEPUTY MAYOR**Author:** Dianne Elshaug, Co-ordinator CEOs Office**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil

Prior to calling for nominations for position of Mayor, the Chief Executive Officer called upon any Councillor who wish to express appreciation to the outgoing Mayor Cr Rod Ward for his term in office.

Councillors Ally Munari, Paul Tatchell, Moira Berry, Tom Sullivan, Tonia Dudzik and David Edwards expressed their appreciation to the outgoing Mayor for his term of office.

Councillors Moira Berry, Tonia Dudzik and David Edwards also expressed their appreciation to the outgoing Deputy Mayor for her term of office.

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

7.3 DETERMINING THE TERM OF OFFICE OF MAYOR**Author:** Dianne Elshaug, Co-ordinator CEOs Office**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil**PURPOSE**

To determine the term of office of Mayor in accordance with section 26(3) of the *Local Government Act 2020* and clause 4.1.2 of Council's Governance Rules.

EXECUTIVE SUMMARY

In accordance with the Governance Rules, prior to the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term. As 2024 is an Election year, the term is for one year only.

RESOLUTION**Moved:** Cr Ally Munari**Seconded:** Cr Tonia Dudzik

That Council, in accordance with section 26(3) of the *Local Government Act 2020*, resolve that the term of office for the Mayor elected be for a period of one year.

CARRIED

7.4 ELECTION OF MAYOR**Author:** Dianne Elshaug, Co-ordinator CEOs Office**Authoriser:** Derek Madden, Chief Executive Officer**Attachments:** Nil

In accordance with Part 4.4 of Council's Governance Rules, the Chief Executive officer called for nominations for the position of Mayor for the 2023/2024 Council year.

Cr Rod Ward nominated Cr Ally Munari.

Cr David Edwards nominated Cr Paul Tatchell.

Cr Paul Tatchell nominated Cr Moira Berry.

Cr Tonia Dudzik nominated herself.

The Chief Executive Officer called for a vote by Councillors.

With an absolute majority vote, the Chief Executive Officer declared Cr Ally Munari the duly elected Mayor for the 2023/2024 Council year.

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

The Mayor assumed the role of Chairperson.

7.5 DETERMINATION TO ELECT A DEPUTY MAYOR AND TERM OF OFFICE OF DEPUTY MAYOR

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

To consider the establishment of an office of Deputy Mayor and, if so resolved, to determine the role of Deputy Mayor to be elected for a 1 year or a 2 year term.

BACKGROUND

As provided for in section 21 of the *Local Government Act 2020* (the Act), the role of the Deputy Mayor, if resolved to be established, is to perform the role of the Mayor and may exercise any of the powers of the Mayor should the following occur:

- The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- The office of Mayor is vacant.

EXECUTIVE SUMMARY

- Section 20A of the Act states that a Council may establish an office of Deputy Mayor.
- If it is resolved to establish an office of Deputy Mayor, in accordance with sections 27(2) and 26(3) of the Act, 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. As 2024 is an Election year, the term of office is for one year only.

RESOLUTION

Moved: Cr Paul Tatchell

Seconded: Cr Tom Sullivan

That Council resolve not to elect a Deputy Mayor for the 2023/2024 Council year.

CARRIED

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 MAYORAL AND COUNCILLOR ALLOWANCES

Author: Dianne Elshaug, Co-ordinator CEOs Office

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

- The Victorian Independent Remuneration Tribunal released the Allowances payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No 01/2022, 7 March 2022.
- As a designated Category 2 Council, the current maximum Mayoral, Deputy Mayor (if elected) and Councillor Allowances are set at \$102,650, \$51,325 and \$31,980 effective 1 July 2023 inclusive of 11% superannuation, being the equivalent of superannuation guarantee contribution.

RESOLUTION

Moved: Cr Rod Ward

Seconded: Cr Paul Tatchell

That Council:

- 1. Adopts the Allowances released by the Victorian Independent Remuneration Tribunal for a designated Category 2 Council.**
- 2. Notes 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. On 7 March 2022, in accordance with section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022. Increases of the allowances are reviewed annually by the Tribunal. The current determination is effective from 1 July 2023.

PROPOSAL

The Determination is the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 and is made under Part 3 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) by the Victorian Independent Remuneration Tribunal.

Mayoral, Deputy Mayor (if elected) and Councillor Allowances are set at \$102,650, \$51,325 and \$31,980 effective 1 July 2023 inclusive of 11% superannuation, being the 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 – Dianne Elshaug

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: Dianne Elshaug, Co-ordinator CEOs Office

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 2024 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. As Council Elections are expected to occur during late October, a modified schedule is recommended to account for the proposed caretaker and induction period.

RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Paul Tatchell

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 2024 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:**

7 February, 6 March, 3 April, 1 May, 5 June, 3 July, 7 August, 4 September, 18 September, 4 December, 18 December 2024 and 22 January 2025 (tbc).
 - b) **Development Assessment Committee (Delegated Committee of Council) meetings to commence in February 2024 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:**

21 February, 20 March, 17 April, 15 May, 19 June, 17 July, 21 August, 11 September, 11 December 2024.
 - c) **Moorabool Growth Management Committee (Delegated Committee of Council) meetings to commence in March 2024 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:**

6 March, 5 June, 4 September, 4 December 2024.
 - d) **A Statutory Meeting of Council to be held on 18 November 2024 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 2024 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.

As Council Elections are scheduled to occur during late October, a modified schedule is recommended for 2024 to account for the proposed caretaker and induction period.

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 CEO, Community Assets & Infrastructure, Community Strengthening and Customer & Corporate Services relating to policy and statutory obligations in addition to statutory planning and strategic land use planning.

Due to the caretaker period and Council election, it is proposed to reschedule the Ordinary Meeting of Council held on the first Wednesday in October to the third Wednesday in September 2024, resulting in two meetings in September. There will be no Ordinary Meetings of Council in October and November.

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*.

Due to the caretaker period and Council election, the Development Assessment Committee will not meet in October or November.

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 2024 and meet 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 – Dianne Elshaug

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

CONCLUSION

It is proposed that the 2024 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 6.49pm.

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CHAIRPERSON