



MINUTES

Statutory Meeting of Council Wednesday, 30 November 2022

Date: Wednesday, 30 November 2022

Time: 6.00pm

**Location: Council Chambers, 15 Stead Street, Ballan and
online**

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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 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 Leigh McCallum	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Ms Celeste Gregory	Executive Manager Democratic Support & Corporate Governance
Ms Dianne Elshaug	Co-ordinator CEOs Office

5 APOLOGIES

Cr Paul Tatchell	Central Moorabool Ward
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6 DISCLOSURE OF CONFLICTS OF INTEREST

Nil

7 BUSINESS

7.1 MAYOR'S REPORT

The former Mayor, Cr. Tom Sullivan:

It has been an honour and privilege to serve as Mayor of Moorabool Shire Council for the last 12 months; I have enjoyed the opportunity to be Mayor for the last 12 months, as well as the 12 months prior. To carry out the role of Mayor I have enjoyed the support of my fellow Councillors and I thank each and every one of you for your support. I would like to acknowledge the support of my family and my wife Therese, who's not only supported me in my role as Mayor but also as a Councillor over the last 26 years. Without the support of your family one cannot be an effective Councillor. When I first became a Councillor in 1996 our youngest child was the same age as my two oldest grandchildren, so it gives you an idea of the time I've been associated with Council.

The Shire continues to grow, with the population being about 36,000. This growth was actually reinforced to me on a personal level when earlier this year there were 506 new births in Moorabool, with an expectation this would continue to be same into the next year.

People see Moorabool with the diverse housing options as a desirable place to live and raise their families. This growth has also been challenging, but Council has been up to the challenge. As a Shire we were aware this growth was coming. Previous Councils had laid the groundwork for managing this growth and this Council has continued with the strategic planning work to cater for this growth ably led by the very talented CEO Mr Derek Madden.

Derek and his staff have managed to bring a number of strategic projects to completion or gain funding for future projects during this last year. Over this year we have seen funding announcements for further work at the Bacchus Marsh Racecourse & Recreation Reserve, Bacchus Marsh Indoor Stadium, ongoing work on Aqualink, upgrade of Navigators Recreation Reserve, Ballan Library, gas installation at Parwan and many more. I've also participated in sod turnings at the Ballan Recreation Reserve and Darley Park Reserve.

I believe there is acknowledgement in government circles that Moorabool is a "can do" Council and can deliver on projects. Moorabool is backable. During the balance of the term of this Council there will be many more projects completed that will add to the wellbeing of our communities across the Shire. There are still some major ongoing challenges for Council including the AusNet overhead powerlines issue and the eastern bypass at Bacchus Marsh to name two. Council has been actively involved in both these issues and is positively promoting better outcomes on behalf of the community.

With close proximity to larger Councils we lose a number of talented people seeking to advance their careers in local government. We also attract some very intelligent young people. I see Moorabool as a place where talent is rewarded and where the community benefits from this.

I'd also like to take the opportunity to thank Dianne Elshaug for her support and assistance. Dianne has ensured my diary is always up to date and speeches to events were available, thank you very much Dianne; very much appreciated.

As I said there will be challenges going forward, but we are well placed and with very talented staff and capable Councillors to be able to meet these challenges.

Ladies and gentlemen, fellow Councillors, thank you very much.

COMMITTEE RESOLUTION

Moved: Cr Ally Munari

Seconded: Cr Rod Ward

That the Mayor's Report for the Mayoral term of November 2021 to November 2022 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 David Edwards, Rod Ward, Ally Munari, Moira Berry and Tonia Dudzik expressed their appreciation to the outgoing Mayor for his Term of 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

COMMITTEE RESOLUTION

Moved: Cr David Edwards

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 be elected for a period of one 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 2022/2023 Council year.

Cr Rod Ward nominated himself.

Cr Moira Berry nominated herself.

Cr Tonia Dudzik nominated herself.

Cr Ally Munari nominated herself.

The Chief Executive Officer called for a vote by Councillors.

With an absolute majority vote, the Chief Executive Officer declared Cr Rod Ward the duly elected Mayor for the 2022/2023 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.

The Mayor assumed the role of Chairperson.

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

Section 20A of the Act 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.

COMMITTEE RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Tom Sullivan

That Council establish an office of Deputy Mayor and determine that the Deputy Mayor be elected for a one 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 2022/2023 Council year.

Cr Ally Munari nominated herself for the position of Deputy Mayor.

There being no further nominations, the Mayor declared Cr Ally Munari the duly elected Deputy Mayor for the 2022/2023 Council year.

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 and Councillor Allowances are set at \$99,150 and \$30,890 effective 18 December 2022 inclusive of 10% superannuation, being the equivalent of superannuation guarantee contribution.

COMMITTEE RESOLUTION

Moved: Cr David Edwards

Seconded: Cr Tom Sullivan

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

1. **Effective 18 December 2022, allowances are set at \$99,150pa (Mayor) and \$30,890pa (Councillors) including 10% superannuation (equivalent of superannuation guarantee contribution) until 17 December 2023.**
2. **The payment of annual allowances is not to exceed more than one month in advance.**
3. **That a report be prepared for Council within 3 months detailing the Victorian Independent Remuneration Tribunal Review dated 18 December 2022, including benchmarking against similar Councils.**

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.

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 and Councillor Allowances are set at \$99,150 and \$30,890 effective 18 December 2022 inclusive of 10% 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 2023 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.

COMMITTEE RESOLUTION

Moved: Cr Tonia Dudzik

Seconded: Cr Moira Berry

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 2023 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:**

1 February, 1 March, 5 April, 3 May, 7 June, 5 July, 2 August, 6 September, 4 October, 1 November, 6 December 2023.
 - b) **Development Assessment Committee (Delegated Committee of Council) meetings to commence in February 2023 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:**

15 February, 15 March, 19 April, 17 May, 21 June, 19 July, 16 August, 20 September, 18 October, 15 November, 13 December 2023.
 - c) **Moorabool Growth Management Committee (Delegated Committee of Council) meetings to commence in March 2023 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:**

1 March, 7 June, 6 September, 6 December 2023.
 - d) **A Statutory Meeting of Council to be held on 22 November 2023 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 2023 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 CEO, 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 2023 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 – 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 2023 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 6.26pm.

The Minutes of this meeting were confirmed at the Ordinary Meeting of the Moorabool Shire Council held on Wednesday 7 December 2022.

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CHAIRPERSON