



AGENDA

Statutory Meeting of Council Wednesday, 30 November 2022

I hereby give notice that a Statutory Meeting of Council will be held on:

Date: Wednesday, 30 November 2022

Time: 6.00pm

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

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND 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 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 Meeting Procedure Local Law, the Council will be recording this meeting. The following organisations have also been granted permission to make an audio recording:

- The Moorabool News; and
- The Star Weekly

4 PRESENT

5 APOLOGIES

6 DISCLOSURE OF CONFLICTS OF INTEREST

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset

committee meeting or, if a Councillor, any other meeting conducted under the auspices of the Council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

7 BUSINESS

7.1 MAYOR'S REPORT

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

Council's Mayor, Cr. Tom Sullivan, will present his report on the November 2021 to November 2022 Mayoral term.

RECOMMENDATION

That the Mayor's Report for the Mayoral term of November 2021 to November 2022 be received.

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

The Chief Executive Officer will call upon any Councillors who wish to express appreciation to the outgoing Mayor and Deputy Mayor for their term in Office and present a gift to the outgoing Mayor.

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

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.

RECOMMENDATION

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 _____ year/s.

7.4 ELECTION OF MAYOR

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

In accordance with section 25 of the *Local Government Act 2020* (the Act), at a meeting that is open to the public, Councillors must elect a Councillor to be the Mayor of Moorabool Shire. The election of the Mayor must also be conducted in accordance with Part 4 of Council's Governance Rules.

EXECUTIVE SUMMARY

- Council, at its Statutory Meeting held 30 November 2022, determined that the term of office for the Mayor of Moorabool Shire Council would be for 1 year. In accordance with section 20(a) of the *Local Government Act 2020*, the office of Mayor becomes vacant at the time and on the day of the election of the next Mayor.
- The Chief Executive Officer, acting as Chairperson, shall conduct the election for the office of Mayor of Moorabool Shire Council for the term of office in accordance with Part 4, Clause 4.3 of the Governance Rules, and shall invite nominations.
- Following the election, the Mayor will be assisted in being robed as a symbol of taking up the robes of office. The Mayor shall then assume the Chair to deal with the remaining business of the Meeting.
- Once elected, it is customary for the newly elected Mayor to make a short statement of thanks in response to the Councillors' confidence and an indication of aspirations for the term in office.
- The Mayor will assume the role of Chairperson.

BACKGROUND

The Mayor plays an important role and acts under specific powers as provided for in section 18 and 19 of the Act. The role of the Mayor is to:

- Chair Council meetings;
- Be the principal spokesperson for the Council;
- Lead engagement with the municipal community on the development of the Council Plan and report to the community at least once each year on the implementation of the Council Plan;
- Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
- Assist Councillors to understand their role;
- Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;

- Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - Perform civic and ceremonial duties on behalf of the Council.
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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.

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.

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.

RECOMMENDATION

That Council establish an office of Deputy Mayor and determine that the Deputy Mayor be elected for a _____ year term.

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

If Council resolves to establish an office of Deputy Mayor and determines for the Deputy Mayor to be elected under Item 7.5, and in accordance with section 27 of the *Local Government Act 2020* (the Act), Councillors must elect a Councillor to be the Deputy Mayor of Moorabool Shire. The election of the Mayor must also be conducted in accordance with Part 4 Clause 4.3 of the Governance Rules.

EXECUTIVE SUMMARY

- The Mayor shall conduct the election for the office of Deputy Mayor of Moorabool Shire Council for the term of office and shall call for nominations.
- As provided for in section 21 of the Act, the role of the Deputy Mayor 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.

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.

RECOMMENDATION

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.**

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.

RECOMMENDATION

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.**
-

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