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| **AGENDA** **Statutory Meeting of Council****In accordance with s.395 of the *Local Government Act 2020*, this meeting will not****be available for public attendance, however will be streamed live via accessing the****Council Internet site.** |
| **I hereby give notice that a Statutory Meeting of Council will be held on:** |
| **Date:** | **Wednesday, 24 November 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **Council Chamber, 15 Stead Street, Ballan** |
| **Derek Madden****Chief Executive Officer** |

**Order Of Business**

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1 Opening of Meeting

The Chief Executive Officer willwelcome everyone to the Statutory Meeting of Council.

 Prayer and Acknowledgement of Country

**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.

**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 will be livestreamed.

4 Present

5 Apologies

6 Disclosure of Conflicts of Interest

Section 130 of the *Local Government Act 2020* requires a Councillor to disclose a conflict of interest, and in accordance with Clause 6.3 of the Governance Rules, state the Agenda item for which they have a conflict, whether the conflict of interest is general or material, and the circumstances that gives rise to the conflict of interest. At this time of the Meeting and/or before consideration or discussion of the Item, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

7 Business

7.1 Former Mayor's Report

Council’s former Mayor, Cr. Tom Sullivan, will present his report on the November 2020 to November 2021 Mayoral term.

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| Recommendation**That the former Mayor’s Report for the Mayoral term of November 2020 to November 2021 be received.** |

7.2 Expression of Thanks to the Outgoing Mayor

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

7.3 Determining the Term of Office of Mayor

In accordance with section 26 of the *Local Government Act 2020* (the Act),the following applies when a Mayor is to be elected:

1. A Mayor is to be elected no later than one month after the date of a general election at a Council meeting open to the public.
2. Before the election of the Mayor, a Council must determine by resolution whether the role is to be elected for a 1 year or a 2 year term respectively.
3. If the Mayor is elected for a 1 year term, the next 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 1 year term as is reasonably practicable.
4. If the Mayor is to be elected for a 2 year term, the next 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 2 year term as is reasonably practicable.
5. A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
6. The election of a Mayor after the period specified in this section does not invalidate the election.
7. A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.

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| 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

1. The Chief Executive Officer, shall conduct the election for the office of Mayor of Moorabool Shire Council for the term of office in accordance with Part 4 of the Governance Rules, and shall invite nominations.
2. 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.
3. 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.

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

* + 1. Section 20A of the *Local Government Act 2020* proclaims that a Council may establish an office of Deputy Mayor.
		2. As provided for in section 21 of the (the Act), the role of the Deputy Mayor, if resolved by Council 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:
		3. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
		4. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
		5. the office of Mayor is vacant.

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| 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

The Mayor shall conduct the election for the office of Deputy Mayor of Moorabool Shire Council in accordance with Part 4, Clause 4.3 of the Governance Rules, and shall invite nominations

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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| Recommendation**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.** |

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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| **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 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.** |

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