

# Agenda

## For the Ordinary Council Meeting

**Location:** Council Chambers, Municipal Offices  
62-68 Ovens Street, Wangaratta

**Date:** Tuesday, 24 November 2020

**Time:** 6pm



RURAL CITY OF  
**WANGARATTA**

Brendan McGrath  
Chief Executive Officer



## **TABLE OF CONTENTS**

	<b>Page No.</b>
1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	5
2. OPENING PRAYER .....	5
3. PRESENT .....	5
4. ABSENT .....	5
5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE .....	5
<b>ORDER OF BUSINESS .....</b>	<b>5</b>
6. CITIZEN CEREMONY .....	5
7. CONFIRMATION OF MINUTES .....	5
8. CONFLICT OF INTEREST DISCLOSURE .....	6
9. RECEPTION OF PETITIONS.....	6
10. HEARING OF DEPUTATIONS .....	6
<b>PRESENTATION OF REPORTS .....</b>	<b>6</b>
11. COUNCILLOR REPORTS .....	6
<b>OFFICERS' REPORTS .....</b>	<b>6</b>
12. EXECUTIVE SERVICES .....	6
13. CORPORATE SERVICES .....	7
13.1 OATH OR AFFIRMATION OF OFFICE.....	7
13.2 DETERMINATION OF THE TERM OF MAYOR .....	10
13.3 ELECTION OF THE MAYOR .....	12
13.4 ESTABLISHMENT OF THE OFFICE OF DEPUTY MAYOR .....	15
13.5 ELECTION OF THE DEPUTY MAYOR.....	18
13.6 APPOINTMENT OF 2 COUNCILLORS TO THE AUDIT & RISK COMMITTEE .....	21
13.7 REVIEW AND DETERMINATION OF COUNCILLOR AND MAYORAL ALLOWANCES.....	24
14. COMMUNITY WELLBEING .....	29
15. INFRASTRUCTURE SERVICES .....	29
16. DEVELOPMENT SERVICES .....	29
17. SPECIAL COMMITTEE REPORTS .....	29
18. ADVISORY COMMITTEE REPORTS.....	29
19. RECORDS OF ASSEMBLIES OF COUNCILLORS & MINUTES OF ADVISORY COMMITTEE MEETINGS .....	30
19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS .....	30
20. NOTICES OF MOTION .....	32
21. URGENT BUSINESS .....	32
22. PUBLIC QUESTION TIME .....	32
23. CONFIDENTIAL BUSINESS .....	32
24. CLOSURE OF MEETING.....	32
<b>ATTACHMENTS .....</b>	<b>32</b>

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**19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS**

ATTACHMENT 1 ASSEMBLY OF COUNCILLORS - COUNCILLORS BRIEFING FORUM - 5 OCTOBER 2020 .....	33
ATTACHMENT 2 ASSEMBLY OF COUNCILLORS - COUNCILLORS BRIEFING FORUM - 12 OCTOBER 2020 .....	34
ATTACHMENT 3 ASSEMBLY OF COUNCILLORS - COUNCILLORS BRIEFING FORUM - 19 OCTOBER 2020 .....	35
ATTACHMENT 4 ASSEMBLY OF COUNCILLORS - PRE COUNCIL MEETING DISCUSSION - 20 OCTOBER 2020 .....	36
ATTACHMENT 5 ASSEMBLY OF COUNCILORS - WANGARATTA ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE - 6 OCTOBER 2020.....	37
ATTACHMENT 6 WANGARATTA ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE - MINUTES - 6 OCTOBER 2020 .....	38

## Rural City of Wangaratta Live Stream

Clause 91(4) of the Governance and Meeting Conduct Local Law provides the following:

*“This public meeting is being recorded to improve access to the meeting for our community. The recording will be published and will be retained by Council in accordance with Council’s legal obligations. As a visitor in the public gallery, your presence may be recorded.”*

### 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders past, present and emerging and to Elders from other communities who may be here today.*

### 2. OPENING PRAYER

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

### 3. PRESENT

### 4. ABSENT

### 5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

**RECOMMENDATION:**

***THAT <<ENTER TEXT>> BE GRANTED LEAVE OF ABSENCE FOR THE PERIOD <<ENTER TEXT>> TO <<ENTER TEXT>> .***

### ORDER OF BUSINESS

### 6. CITIZEN CEREMONY

### 7. CONFIRMATION OF MINUTES

**RECOMMENDATION:**

***That Council read and confirm the Minutes of the Ordinary Meeting of 20 October 2020 as a true and accurate record of the proceedings of the meeting.***

**8. CONFLICT OF INTEREST DISCLOSURE**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a '*conflict of interest*' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

**9. RECEPTION OF PETITIONS****10. HEARING OF DEPUTATIONS****PRESENTATION OF REPORTS****11. COUNCILLOR REPORTS**

Nil

**OFFICERS' REPORTS****12. EXECUTIVE SERVICES**

Nil

### 13. CORPORATE SERVICES

#### 13.1 OATH OR AFFIRMATION OF OFFICE

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Governance and Reporting Advisor  
**File No:** IC20/1679

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

A person elected to be a councillor cannot act as a councillor until the person has taken the oath or affirmation of office which must be taken in the manner required by the *Local Government Act 2020* (Act).

Councillors-elect must take the oath or affirmation of office in order to participate in this meeting as a councillor.

The oath or affirmation of office must be:

- taken in the form and manner required by the Act
- administered by the Chief Executive Officer
- taken in person or, with the approval of the Chief Executive Officer, by means of an audio-visual link, by saying the words of the oath or affirmation aloud in the presence of the Chief Executive Officer
- dated and signed before the Chief Executive Officer
- recorded in the minutes of the Council

This report provides for councillors-elect to take the oath or affirmation of office.

#### **RECOMMENDATION:**

***No motion is required for this report.***

***The oath or affirmation of office should be taken by each councillor-elect in the form and in the manner required by the Local Government Act 2020 and in the following order:***

1. ***BENTON, Harvey***
2. ***BUSSELL, Harry***
3. ***FITZPATRICK, Ashlee***
4. ***FULLER, David***
5. ***GRANT, Irene***
6. ***HERRY, Jack***
7. ***REES, Dean***

## **Background**

A person elected to be a councillor is not eligible to act as a councillor until the person has taken the oath or affirmation of office which must be taken in the manner required by the Act.

Consequently, councillors-elect must take the oath or affirmation of office in order to participate in the meeting as a councillor.

## **Implications**

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

### **Legal/Statutory**

The requirements for the oath or affirmation process are set out in clause 30 of the Act which requires that the oath or affirmation of office must be:

1. taken in the manner prescribed by the *Local Government (Governance and Integrity) Regulations 2020* (Regulations)
2. administered by the Chief Executive Officer
3. dated and signed before the Chief Executive Officer
4. recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting

The Regulations require that the manner prescribed for taking the oath or affirmation of office is:

1. in accordance with the requirements of Part 2 of the *Oaths and Affirmations Act 2018*
2. in person or, with the approval of the Chief Executive Officer, by means of an audio-visual link
3. in the following form -  
*"I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."*

The *Oaths and Affirmations Act 2018* requires that:

1. a person who is required to take an oath or make an affirmation may choose whether to take an oath or make an affirmation



2. the administering officer must inform the person that the person has this choice, unless the officer is satisfied that the person knows that the person has the choice
3. a person who takes an oath or makes an affirmation must say the words of the oath or affirmation aloud in the presence of the administering officer
4. the form of the oath is -  
*“I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that [words of the oath prescribed or allowed by law]”*
5. the form of the affirmation is -  
*“I solemnly and sincerely declare and affirm that [words of the affirmation prescribed or allowed by law]”*

## **Social**

There are no social impacts identified for the subject of this report.

## **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

## **Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

## **Risk Management**

A councillor-elect is not capable of acting as a councillor until the person has taken the oath or affirmation of office.

## **Options for Consideration**

There are no options for consideration as the Act requires a councillor-elect to take the oath or affirmation of office in order to be able to act as a councillor.

## **Conclusion**

Councillors-elect should take the oath or affirmation of office as required by the Act.

## **Attachments**

Nil.

## 13.2 DETERMINATION OF THE TERM OF MAYOR

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Governance and Reporting Advisor  
**File No:** IC20/1680

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### **Executive Summary**

Before the election of the Mayor, the *Local Government Act 2020* (Act) requires that the Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term.

Consequently, this report is presented to Council for determination of the term of the Mayor.

#### **RECOMMENDATION:**

***That the councillor who is next elected Mayor of the Wangaratta Rural City Council is elected for a \_\_\_\_ year term.***

### **Background**

The Act requires that Council must determine whether the Mayor is to be elected for a 1-year or a 2-year term before the Mayor is elected.

It is appropriate that councillors consider the role of the Mayor set out in the Act in deciding the term of the Mayor.

### **Implications**

#### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

#### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

#### **Legal/Statutory**

Section 26(3) of the Act requires that before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term.

Section 18 of the Act sets out the role of the Mayor as follows:

- chair Council meetings
- be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan
- report to the municipal 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
- perform civic and ceremonial duties on behalf of the Council

### **Social**

There are no social impacts identified for the subject of this report.

### **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

### **Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

### **Risk Management**

It is a legal requirement that the Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term before the Mayor is elected.

### **Options for Consideration**

There are no options for consideration as the Act requires that a determination of the term of the Mayor is made before a Mayor can be legally elected.

### **Conclusion**

The Council must determine the term of the Mayor in order to be able to subsequently legally elect a Mayor.

### **Attachments**

Nil.

### 13.3 ELECTION OF THE MAYOR

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>24 November 2020</b>
<b>Author:</b>	<b>Governance and Reporting Advisor</b>
<b>File No:</b>	<b>IC20/1685</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

At a Council meeting that is open to the public, the councillors must elect a councillor to be the Mayor of the Council. This report is presented to Council to provide for the election of the Mayor.

The election must be conducted in accordance with the *Local Government Act 2020* (Act) which includes the following requirements:

- the Chief Executive Officer presides over the process of electing the Mayor and invites nominations, which are made verbally and do not require seconding. Each nominee must be asked to confirm their nomination
- to be elected Mayor, a councillor must receive votes from an absolute majority of councillors of the Council unless there is only 1 candidate, in which case the meeting must declare that councillor to be duly elected as Mayor
- voting is by a show of hands or, if required, by an electronic method that enables those observing, including those in attendance and those watching a livestream broadcast, to see who a councillor has voted for at the time the vote is taken
- if no councillor receives an absolute majority of votes, the councillor with the fewest votes will be defeated and another vote taken
- if an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- at the end of the voting process, the Chief Executive Officer will declare the result and the Mayor will become chair of the meeting
- the Mayor may make a commencement speech to outline the priorities for the year ahead based on the adopted council plan.

#### **RECOMMENDATION:**

***No motion is required for this report. Council should proceed to elect a Mayor in accordance with the requirements of the Local Government Act 2020 and the Wangaratta Rural City Council Governance Rules.***

**Background**

At a Council meeting that is open to the public and held no later than one month after the date of a general election, the councillors must elect a councillor to be the Mayor of the Council.

The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Act and the Governance Rules.

**Implications****Policy Considerations**

Governance rule 25 applies to the election of the Mayor.

**Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

**Legal/Statutory**

Sections 25 and 26 of the Act set out requirements for the election of the Mayor.

**Social**

There are no social impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

**Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

**Risk Management**

It is a legal requirement that the councillors elect a councillor to be the Mayor of the Council.

**Options for Consideration**

There are no options for consideration as the Act requires that the councillors must elect a councillor to be Mayor.

**Conclusion**

Councillors must elect a councillor to be Mayor in order to comply with the Act.

### **Attachments**

Nil.

### 13.4 ESTABLISHMENT OF THE OFFICE OF DEPUTY MAYOR

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Governance and Reporting Advisor  
**File No:** IC20/1686

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

A Council may establish an office of Deputy Mayor in accordance with the *Local Government Act 2020* (Act) and the Wangaratta Rural City Council Governance Rules (Governance Rules).

A Deputy Mayor performs the role of the Mayor and exercises the powers of the Mayor if the Mayor is absent.

This report is presented to Council to enable the establishment of the office of Deputy Mayor.

#### **RECOMMENDATION:**

***That Council establish the office of Deputy Mayor for a term that coincides with the term of the Mayor.***

#### **Background**

Under the Act, Council has the discretion of establishing the office of Deputy Mayor.

A Deputy Mayor performs the role of the Mayor and exercises the powers of the Mayor if -

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

This applies throughout the term of the Deputy Mayor which, in accordance with the Governance Rules, is a term identical to the term of the Mayor.

The office of Deputy Mayor was established by the previous Council.

If a Deputy Mayor is not appointed, then the Council may, by resolution, appoint an Acting Mayor each time the Mayor is incapable of performing the role of Mayor or each time the office of Mayor is vacant.

Where an office of Deputy Mayor is not established, at each council meeting that the Mayor is not present, the Council must, by resolution, appoint a councillor who is present at the meeting to chair the meeting.

It is appropriate that councillors consider the role of the Mayor set out in the Act in deciding to establish the office of Deputy Mayor.

### **Implications**

#### **Policy Considerations**

Governance rule 25.2 provides for the term of the Deputy Mayor.

#### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

#### **Legal/Statutory**

Sections 20A and 21 of the Act set out the provisions for establishing the office of Deputy Mayor and the role of the Deputy Mayor.

Section 18 of the Act sets out the role of the Mayor as follows:

- chair Council meetings
- be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan
- report to the municipal 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
- perform civic and ceremonial duties on behalf of the Council

#### **Social**

There are no social impacts identified for the subject of this report.

#### **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.



**Council Plan**

This report supports achievement of the Council Plan strategic objective of ensuring risks are managed strategically and effectively.

**Risk Management**

Establishing an office of Deputy Mayor mitigates risks associated with a sudden absence of the Mayor and provides for an efficient and consistent response to business continuity considerations.

**Options for Consideration**

The Council may choose not to establish an office of Deputy Mayor.

If this were the case, the Council may, by resolution, appoint an Acting Mayor each time the Mayor is absent or each time the Mayor is incapable of performing the role of Mayor or each time the office of Mayor is vacant.

Also, at each council meeting that the Mayor is not present, the Council must, by resolution, appoint a councillor who is present at the meeting to chair the meeting.

This option is not recommended as it is a less efficient way of managing the risk of an absence of the Mayor.

**Conclusion**

The Council should establish the office of Deputy Mayor to mitigate the risks associated with the absence of the Mayor.

**Attachments**

Nil.

### 13.5 ELECTION OF THE DEPUTY MAYOR

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>24 November 2020</b>
<b>Author:</b>	<b>Governance and Reporting Advisor</b>
<b>File No:</b>	<b>IC20/1687</b>

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

If the office of Deputy Mayor is established by Council, the councillors must elect a councillor to be the Deputy Mayor of the Council.

This report is presented to Council to provide for the election of the Deputy Mayor.

The election of the Deputy Mayor must be conducted in accordance with the *Local Government Act 2020* (Act) which includes the following requirements:

- the Mayor presides over the process of electing the Deputy Mayor and invites nominations, which are made verbally and do not require seconding. Each nominee must be asked to confirm their nomination
- to be elected Deputy Mayor, a councillor must receive votes from an absolute majority of councillors of the Council unless there is only 1 candidate, in which case the meeting must declare that councillor to be duly elected as Deputy Mayor
- voting is by a show of hands or, if required, by an electronic method that enables those observing, including those in attendance and those watching a livestream broadcast, to see who a councillor has voted for at the time the vote is taken
- if no councillor receives an absolute majority of votes, the councillor with the fewest votes will be defeated and another vote taken
- if an absolute majority of the councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date
- at the end of the voting process, the Mayor will declare the result

#### **RECOMMENDATION:**

***No motion is required for this report. If the Council has established the office of Deputy Mayor, Council should elect a Deputy Mayor in accordance with the requirements of the Local Government Act 2020 and the Wangaratta Rural City Council Governance Rules for a term that coincides with the term of the Mayor.***

**Background**

If the office of Deputy Mayor is established by Council, the councillors must elect a councillor to be the Deputy Mayor of the Council.

The election of the Deputy Mayor must be conducted in accordance with the Act and the Governance Rules.

**Implications****Policy Considerations**

Governance rule 25 applies to the election of the Deputy Mayor.

**Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

**Legal/Statutory**

Section 27 of the Act sets out requirements for the election of the Deputy Mayor

**Social**

There are no social impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

**Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

**Risk Management**

If the office of Deputy Mayor is established by Council, then the legal requirements of the Act and Governance Rules must be followed.

**Options for Consideration**

If the office of Deputy Mayor is established by Council, there are no options for consideration as the requirements of the Act and Governance Rules must be followed.

**Conclusion**

If the office of Deputy Mayor is established by Council, councillors must elect a councillor to be Deputy Mayor according to the processes set out in the Act.

**Attachments**

Nil.

### 13.6 APPOINTMENT OF 2 COUNCILLORS TO THE AUDIT & RISK COMMITTEE

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Governance and Reporting Advisor  
**File No:** IC20/1688

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

Council has established an Audit & Risk Committee (committee) and prepared and approved an Audit & Risk Committee Charter (charter) to govern the operation of the committee.

The charter requires that the committee includes 2 councillor members, appointed by the Council to serve a 1-year term. There are currently no councillor members of the committee because of the effect of the recent general election for the Council.

This report is presented to enable Council to appoint 2 councillor members to the committee for a 1-year term.

#### **RECOMMENDATION:**

***That Council, in accordance with the Audit & Risk Committee Charter, appoints the following councillors to be members of the Audit & Risk Committee for a 1-year term:***

1. Cr \_\_\_\_\_
2. Cr \_\_\_\_\_

#### **Background**

Section 53 of the *Local Government Act 2020* (Act) requires that an Audit and Risk Committee established by Council must include members who are councillors of the Council and a majority of members who are not councillors of the Council.

The charter developed and approved for the committee by Council requires that:

- the committee must include 2 members who are councillors
- members who are councillors are appointed for a 1-year term

There are currently no councillors appointed as members of the committee given the terms of office as councillors of each previous councillor member ended at 6 a.m. on the day of the general election for the Council.

Councillors-elect have taken the oath or affirmation of office and are now capable of acting as councillors. Consequently, new councillor members of the committee are able to be appointed by the Council.

### **Implications**

#### **Policy Considerations**

Clauses 3.1 and 5.1 of the charter apply to the appointment of councillor members of the committee.

#### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

#### **Legal/Statutory**

Section 53 of the Act applies to the appointment of councillor members of the committee.

#### **Social**

There are no social impacts identified for the subject of this report.

#### **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

### **Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

### **Risk Management**

It is a legal requirement that the Council must appoint councillor members to the committee.

### **Options for Consideration**

1. Appoint 2 councillors to the committee
2. Defer the decision to appoint 2 councillors to the committee to a future council meeting. This option will require the scheduled December 2020 committee meeting to be postponed as a quorum for committee meetings will not be met until the councillor appointments are made.

### **Conclusion**

Council must appoint 2 councillor members to the committee for a 1-year term.

### **Attachments**

Nil.

### 13.7 REVIEW AND DETERMINATION OF COUNCILLOR AND MAYORAL ALLOWANCES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Governance and Reporting Advisor  
**File No:** IC20/1689

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Executive Summary**

The Mayor, Deputy Mayor and Councillors are entitled to receive from the Council an allowance determined by the Victorian Independent Remuneration Tribunal (Tribunal).

Until the first determination of allowances comes into effect, sections 73B and 74 to 74B of the *Local Government Act 1989* continue to apply despite being revoked.

The tribunal advises that the first determination will come into effect 6 months after the tribunal receives a request from the Minister for Local Government to make the determination. The tribunal has not yet received a request to make the determination.

Consequently, the requirements of the *Local Government Act 1989* continue to apply including the obligation on the Council to review and determine the level of Councillor and Mayoral allowances within 6 months of a general election or by the next 30 June, whichever is later.

This report is presented to enable Council to commence to review and determine the allowance levels for councillors and the Mayor.

#### **RECOMMENDATION:**

##### ***That Council:***

- 1. In accordance with Section 74 of the Local Government Act 1989, provides public notice of Council's intention to maintain the allowance level for councillors at \$26,245 adjusted for any future annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government plus an amount equivalent to the superannuation guarantee levy; and***
- 2. In accordance with Section 74 of the Local Government Act 1989, provides public notice of Council's intention to maintain the allowance level for the Mayor at \$81,204 adjusted for any future annual automatic adjustments that are announced in the Victoria***



**Government Gazette by the Minister for Local Government plus an amount equivalent to the superannuation guarantee levy; and**

- 3. Stipulates in a public notice that persons may make a submission on the proposed allowance levels for Councillors and the Mayor in accordance with the provisions of Section 223 of the Local Government Act 1989; and**
- 4. If submissions are received under paragraph 3 above:**
  - (a) Convenes a committee of Council to hear from any person or persons who request to be heard in support of their written submission; and**
  - (b) Considers any submissions made under paragraph 3 above and any hearings held under paragraph 4(a) above in reviewing and determining the allowance levels for councillors and the Mayor at a future Council meeting; and**
- 5. If no submissions are received under paragraph 3 above, sets the allowance level for councillors, without further resolution of Council, at \$26,245 adjusted for any future annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government plus an amount equivalent to the superannuation guarantee levy, payable from 24 November 2020; and**
- 6. If no submissions are received under paragraph 3 above, sets the allowance level for the Mayor, without further resolution of Council, at \$81,204 adjusted for any future annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government plus an amount equivalent to the superannuation guarantee levy, payable from 24 November 2020.**

### **Background**

Allowances for Mayors, Deputy Mayors and Councillors are provided by section 39 of the *Local Government Act 2020*.

Despite the repeal of sections 73B and 74 to 74B of the *Local Government Act 1989* those sections continue to apply in respect of allowances payable to Mayors, Deputy Mayors and Councillors until the first determination made by the Victorian Independent Remuneration Tribunal (Tribunal) under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* comes into effect.

The first determination will come into effect 6 months after the tribunal receives a request from the Minister for Local Government to make the determination. The tribunal has not yet received a request to make the determination.

Consequently, the requirements of the *Local Government Act 1989* continue to apply including the obligation on the Council to review and determine the level of the councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.

The Victorian Government has set the upper and lower levels for allowances paid to councillors and Mayors. Councils are divided into three categories based on the income and population of each Council. The Wangaratta Rural City Council is a category 2 council with the following current allowance level ranges:

- Mayor - up to \$81,204 per year plus an amount equivalent to the superannuation guarantee levy
- Councillors - \$10,914-\$26,245 per year plus an amount equivalent to the superannuation guarantee levy

Current allowance levels paid to the Wangaratta Rural City Council Mayor and councillors reflect the maximum allowable for the range set for a category 2 council. Allowance levels are subject to annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government.

In representing and serving the community, the Mayor and councillors make a significant time commitment, often after normal business hours, in attending meetings, functions and responding to community members. They are also responsible for considering diverse and complex policies and strategies, and social and advocacy issues, and determining a significant annual budget and capital works program. The current allowance levels reflect the significant commitment of time made by councillors and the Mayor.

The review and determination of allowance levels under section 74 of the *Local Government Act 1989* will be undertaken in the coming months. In accordance with the Act, submissions to the review will be invited from the community under section 223 of the *Local Government Act 1989*.

The allowance levels determined by the review are payable from the date of the resolution of the Council determining them.

### **Implications**

#### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

#### **Financial/Economic Implications**

Current Mayor and councillor allowance levels together with a provision for the annual automatic adjustment made by the Minister for Local Government are included in the adopted 2020-21 Council budget.

## **Legal/Statutory**

Section 39 of the *Local Government Act 2020* applies to the subject of this report. Until a first determination is made under this section the provisions of sections 73B and 74 to 74B of the *Local Government Act 1989* continue to apply.

## **Social**

There are no social impacts identified for the subject of this report.

## **Environmental/Sustainability Impacts**

There are no environmental or sustainability impacts identified for this subject of this report.

## **Council Plan**

This report supports achievement of the council plan non-negotiable strategic objective of meeting all legislative, governance and compliance requirements.

## **Risk Management**

Until the first determination of allowances comes into effect under section 39 of the *Local Government Act 2020*, sections 73B and 74 to 74B of the *Local Government Act 1989* continue to apply despite being revoked, including the legal obligation under section 74 to review and determine allowance levels.

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Advise the public about the allowance level review.	Public notices in the local paper and on the Council website.
Consult	Invite submissions on the allowance level review from the public.	Public notices in the local paper and on the Council website.
Consult	Hear submissions from those submitters who request to be heard.	Establish and schedule a meeting of a committee of Council to hear submissions if required.
Consult	Consider submissions when determining allowance levels	Prepare and consider a report and recommendation regarding allowance levels at a future Council meeting if required.

**Options for Consideration**

1. That Council maintains the current allowance levels for councillors and the Mayor.
2. That Council sets a lower allowance level for councillors and the Mayor. This option is not recommended as the current allowance levels reflect the significant commitment of time made by councillors and the Mayor to the performance of their Council duties.

**Conclusion**

Allowance levels for councillors and the Mayor should be maintained at the maximum level allowable for a category 2 council reflecting the significant commitment of time made by councillors and the Mayor.

**Attachments**

Nil.

**14. COMMUNITY WELLBEING**

Nil

**15. INFRASTRUCTURE SERVICES**

Nil

**16. DEVELOPMENT SERVICES**

Nil

**17. SPECIAL COMMITTEE REPORTS**

Nil

**18. ADVISORY COMMITTEE REPORTS**

Nil

## 19. RECORDS OF ASSEMBLIES OF COUNCILLORS & MINUTES OF ADVISORY COMMITTEE MEETINGS

### 19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 24 November 2020  
**Author:** Executive Service Coordinator  
**File Name:** Assemblies of Councillors  
**File No:** IC20/54

#### Executive Summary

#### Assembly of Councillors:

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an Ordinary Meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
5/10/2020	Councillor Briefing Forum	Attachment
6/10/2020	Economic Development & Tourism Advisory Committee Meeting	Attachment
12/10/2020	Councillor Briefing Forum	Attachment
19/10/2020	Councillor Briefing Forum	Attachment
20/10/2020	Pre-Council Meeting Discussion – October Council Meeting	Attachment

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**Advisory Committee Meetings:**

Minutes of the following Advisory Committee Meetings are reported to Councillors for information (refer attachments).

1. Economic Development & Tourism Advisory Committee Meeting – Minutes – 6 October 2020

**RECOMMENDATION:*****That Council:***

- 1. receives the reports of Assemblies of Councillors***
- 2. notes the minutes of these Advisory Committees***

**Attachments**

- 1 Assembly of Councillors - Councillors Briefing Forum - 5 October 2020 [↓](#)
- 2 Assembly of Councillors - Councillors Briefing Forum - 12 October 2020 [↓](#)
- 3 Assembly of Councillors - Councillors Briefing Forum - 19 October 2020 [↓](#)
- 4 Assembly of Councillors - Pre Council Meeting discussion - 20 October 2020 [↓](#)
- 5 Assembly of Councilors - Wangaratta Economic Development & Tourism Advisory Committee - 6 October 2020 [↓](#)
- 6 Wangaratta Economic Development & Tourism Advisory Committee - Minutes - 6 October 2020 [↓](#)

**20. NOTICES OF MOTION**

Nil

**21. URGENT BUSINESS**

**22. PUBLIC QUESTION TIME**

**23. CONFIDENTIAL BUSINESS**

Nil

**24. CLOSURE OF MEETING**

**ATTACHMENTS**





## Assembly of Councillors

**Date:** 5 October 2020

**Meeting:** Councillor Briefing Forum

**Commenced:** 3.30pm

### Councillors:

	Present	Absent
Cr Dean Rees - Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Dave Fuller – Deputy Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harry Bussell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ken Clarke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Mark Currie	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Harvey Benton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ashlee Fitzpatrick	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Executive Team:

Brendan McGrath – CEO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alan Clark – DIS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jaime Chubb – DCW	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah Brindley – DCS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Swart– DDS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marcus Goonan – Acting DIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clare Cowdery – Acting DDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Independent Presenters:** Chloe Davies – Sports, Aquatic and Events Precinct Manager;  
 Marcus Goonan – Acting Director, Infrastructure Services

**Conflict of interest:** N/A

### Matters Considered:

1. Wangaratta Sports & Aquatic Centre Monthly Update
2. Naming Proposal – Wangaratta Sports & Events Precinct
3. General Business
4. Briefing Forum Actions
5. CEO KPI



## Assembly of Councillors

Date: 12/10/2020

Meeting: Councillor Briefing Forum

Commenced: 3pm

Councillors:	Present	Absent
Cr Dean Rees - Mayor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Dave Fuller – Deputy Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harry Bussell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ken Clarke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Mark Currie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harvey Benton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ashlee Fitzpatrick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Executive Team:</b>		
Brendan McGrath – CEO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alan Clark – DIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jaime Chubb – DCW	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah Brindley – DCS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Swart– DDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Independent Presenters:** Kate Clark – Economic Development and Tourism Project Officer; Tony Raven – Governance & Reporting Advisory; Brodie Paul – Senior Planner

**Conflict of interest:** N/A

### Matters Considered:

1. Business & Community Recovery Grants Program Update
2. Revocation of the Governance and Meeting Conduct Local Law
3. PLNAPP20/901 - Three lot Subdivision and Creation of Easement
4. Review of Briefing Forum Actions
5. General Business



## Assembly of Councillors

**Date:** Monday, 19 October 2020

**Meeting: Councillor Briefing Forum**

**Commenced:** 3.00pm

### Councillors:

	Present	Absent
Cr Dean Rees - Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Dave Fuller – Deputy Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harry Bussell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ken Clarke	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Mark Currie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harvey Benton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ashlee Fitzpatrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Executive Team:

Brendan McGrath – CEO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alan Clark – DIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jaime Chubb – DCW	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah Brindley – DCS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Swart– DDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Independent Presenters:** Anthea Sloan – Strategic Finance Projects Manager; Andrew Lovett – Project Management Officer; Tatum McMonigle – Project Officer

**Conflict of interest:** N/A

### Matters Considered:

1. September 2020 Quarterly Financial Report
2. Financial Sustainability Update
3. Annual Report 2019/20
4. Strategies & Masterplans Review
5. Parklands Masterplan Submissions Update
6. Review Briefing Forum Actions
7. Council Meeting Agenda Discussion
8. General Business



## Assembly of Councillors

Date: 20 October 2020

Meeting: Pre-Council Meeting Discussion

Commenced: 5:30pm

### Councillors:

Cr Dean Rees - Mayor  
 Cr Dave Fuller – Deputy Mayor  
 Cr Harry Bussell  
 Cr Ken Clarke  
 Cr Mark Currie  
 Cr Harvey Benton  
 Cr Ashlee Fitzpatrick

### Present

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### Absent

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### Executive Team:

Brendan McGrath – CEO  
 Alan Clark – DIS  
 Jaime Chubb – DCW  
 Sarah Brindley – DCS  
 Stephen Swart– DDS

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Rural City of  
**Wangaratta**

File: F16/2117

### Assembly of Councillors

Date: October 6, 2020

Meeting: Wangaratta Economic Development & Tourism Advisory Committee

Commenced: 5:30pm

#### Councillors:

	Present	Absent
Cr Dean Rees - Mayor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Mark Currie – Deputy Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Harry Bussell	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr David Fuller	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Harvey Benton	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Officers:

Brendan McGrath – CEO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stephen Swart – DDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Celeste Brockwell – MSG&E	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Janine Rolles – CED	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Travis Vincent – BIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Kate Clark – EDO (minutes)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**APPOLOGIES:** Ilena Young, Simon Frazer & as above

**COMMITTEE:** John Joyce, Elizabeth Ellis, Robert Floyd, Stephen Oxley, Christine Haddrick, Dennis O'Neill, Trent Crothers.

**Independent Presenters:** N/A

**Conflict Of Interest Disclosure: (Left the room – Returned):** N/A

#### Matters Considered:

- Minutes of previous meeting confirmed
- Water Security Update
- Branding and Marketing Update
- RCOW COVID19 Recovery
- RCOW Growth Discussion continued.
- Business Arising

**Meeting Closed at:** 6:47pm



Rural City of  
Wangaratta

# Minutes

## Wangaratta Economic Development & Tourism Advisory Committee

5:30pm October 6, via Microsoft Teams

### Attendees:

**COMMITTEE:** Cr. Currie, John Joyce, Elizabeth Ellis, Robert Floyd, Stephen Oxley, Christine Haddrick, Dennis O'Neill, Trent Crothers.

**GUESTS:** Cr. Harvey Benton

**NON VOTING:** Stephen Swart, Celeste Brockwell, Janine Rolles, Travis Vincent, Kate Clark (minutes)

**Apologies:** Cr. Harry Bussell, Simon Frazer, Ilena Young, Cr. Dean Rees, Cr. Dave Fuller, Brendan McGrath.

### Agenda Item

#### 1. Welcome – John Joyce

- **Meeting Apologies** – as above.
- **Review of previous meeting minutes:**  
Moved by: Stephen Oxley  
Seconded by: Christine Haddrick  
**Conflict of interest declarations:** N/A  
Welcome of new members - Dennis O'Neill & Trent Crothers
- Round table introduction of existing committee members and council staff

#### 2. Fixed Item – John Joyce - Water Security Brief Update from Working Group

Over the last couple of months research has been undertaken to look at what are the key issues with water supply and distribution in our growing municipality.

Rachael has been able to get in contact with Dr Anna Roberts who did a very extensive paper of Wangaratta's water some time ago. Key report findings included RCoW actually having lots of water supply from underground sources. Not using our full allocation/water rights can make it look like there is a surplus here, which may mean one day water does get taken away from us (John commented). We are in a good position to put together a framework to put to council so that we are never left water-short in the future.

Rachael is going out to members of the subcommittee with A) the paper B) terms of reference C) the project plan to go to council.

Dennis put his hand up to be included on the subcommittee. John accepted.

**ACTION – Kate to let Rachael know of this inclusion.**

2

**3. Fixed Item – RCoW – Branding & Marketing Brief Update**

With COVID19 and restrictions still present Visit, Stay & Invest promotions are still occurring through social media, website, newsletter channels etc but that all mass marketing campaigns are on hold including the outdoor campaign presented to the group in May.

**4. RCoW COVID19 Recovery**

The following RCoW initiatives were presented to the group:

- Business and Community Recovery Grants
- Outdoor Dining Package and Grants

**5. RCoW Growth Discussion Continued**

Discussion around what our growth goal actually is and if the town has adequate resourcing to support such/if any goals.

After council elections the new councillors go into a period of planning (including developing longer term planning and goals). A gap analysis could be helpful for them and their planning.

**ACTION - If people have any concerns about a particular resource that inhibits or does not cater to growth please send a note through to Kate for discussion at the next meeting.**

**6. Business Arising**

- November meeting shift due to Melbourne Cup Public Holiday. Committee decided Tuesday, November 10 will be the new date to meet. Kate to circulate new calendar invitation.
- Mark Currie thanked the committee and noted that this would be his last meeting.
- The committee wanted to acknowledge and send a thank you to Jaime Ramage for his participation in the committee.

With no further business the meeting concluded at 6:47pm

*Our next meeting will be on Tuesday 10<sup>th</sup> of November at 5:30pm via Microsoft Teams.*