



MINUTES

STATUTORY MEETING OF COUNCIL

Tuesday, 12 November 2019

To be held at the
Swan Hill Town Hall Council Chambers,
53-57 McCallum Street, Swan Hill
Commencing at 4:30 PM

COUNCIL:

Cr A Young
Cr LT McPhee
Cr J Benham
Cr C Jeffery
Cr L Johnson
Cr B Moar
Cr N McKay

Confirmed 19 November 2019

Chairperson.....

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SECTION A – PROCEDURAL MATTERS

- **Open**

The Chief Executive Officer, Mr John McLinden assumed the chair and declared the meeting open at 4pm.

- **Acknowledgement of Country**

The Chief Executive Officer, Mr John McLinden read the Acknowledgement of Country.

- **Prayer**

Cr Ann Young read the prayer.

- **Apologies**

Cr Jade Benham

159/19 Motion

MOVED Cr McPhee

That the apologies be accepted.

SECONDED Cr Jeffery

The Motion was put and CARRIED

- **2018/19 Mayoral report Cr Ann Young**

Thank you to my fellow councillors for choosing me to be the Mayor for the past 12 months.

I have enjoyed the role, which came at a time when I needed challenge and fulfilment in my life after losing my husband Ken in difficult circumstances. I will always be grateful for the support from then Mayor Les McPhee, CEO John McLinden, Council Directors, Staff and Councillors since and during that time.

I have had really positive feedback from the community about the growth and development happening within our region and the positive role that our current Council staff and Councillors have played.

This has been through a supportive and a 'can do' attitude, resulting in a significant decrease in negativity within our community. We should be proud and pleased about this feedback, and work to continue this trend while addressing any opportunities for improvement.

The developments are across a range of business, farming, creative, social and associated areas and have come from a positive teamwork approach from Councillors and staff, with cooperation, agreement, respect and very little conflict.

While some developments were started before the current term of Councillors, we have been able to bring many initiatives to fruition and we should be proud of that.

We have also been able to move ahead with long standing issues around Swan Hill such as the bridge, the riverfront precinct, road and rail service improvements, the location and scoping of the new Art Gallery site, and the establishment of more businesses in our industrial areas. There are many more and these will all develop further in the coming years with ongoing council support.

Development within Robinvale has provided challenges, but the feedback from there has also been positive, with a genuine desire to bring about change. The development and beautification of Bromley Road, the new library and pre-school, upgrade of the main street, moves to provide a new home for doctor /medical services and the Subway development are being met with support from different sectors of the community.

Robinvale is a community with a unique history linked to settlement, war and returning soldiers; a large Aboriginal community; a diverse range of nationalities; and huge family and corporate horticultural operations. There are areas of extreme wealth that often far exceed our Council's budget, and others of low income.

Our big challenge is to encourage locals to invest within their own community in areas of accommodation, housing and business. I was pleased to hear two locals at the recent Robinvale Business Mixer say that they would be interested in buying properties in the proposed development/subdivision on Ronald Street being undertaken by Council.

We have made moves with the housing and population strategies and they both give us evidence to provide to government to lobby for further change and funding. These documents, along with our water position paper, are being mentioned in many circles.

Further activity in Robinvale will continue with support from people who have a desire to make positive things happen.

We have multicultural communities throughout our local government area and Councillors and staff have worked hard on engaging with various groups. This is evidenced by involvement in Harmony Day, the Robinvale Lantern Festival, encouragement of art displays at different locations such as the Swan Hill Region Information Centre, the work of the Wandarrah Action Committee, and activities such as Welcome to Country, smoking ceremonies, didgeridoo playing and dance groups at events.

The initiatives of the Our Region, Our Rivers project, the activities of the different groups formed with surrounding local government areas to lobby on issues such as transport, rail, freight and water, and applying for joint funding have been a really successful exercise and need to continue.

We have recently played an active role in areas like the need for a new hospital, water, labour and roads linked to the farming industry, and there have been many activities around these issues. While these issues are not a primary function for council, they are serious issues that could impact hugely on the economics and wellbeing of our communities, and we need to continue to advocate on behalf of our region.

Many Council and Councillor activities in other local and wider government areas have been put under the spotlight recently. We have Council elections coming up next year with possibly no ward structures, and I believe that Councillors need to start working now on retaining and attracting people with integrity, honesty, positivity and that 'can do' attitude that will continue the current growth and development trends across both urban and rural areas.

In closing, I would encourage Councillors to consider when the new Councillors come on board, extending Mayoral terms to two years, as one year is inadequate to become totally familiar with all aspects of the role such as chairing meetings and assemblies, encouraging Councillor involvement, media and press activities, and the role the Mayor plays in community engagement.

I also think we should consider re-instating the Deputy Mayor position as this role provides the opportunity for others to become more familiar with what is required in the role should they wish to nominate or be nominated in the future. It would also provide clear lines of delegation to others when the Mayor has calendar clashes or is not available.

Finally, I want to say that the Swan Hill region really is a 'great place to live, work and play' and I think more and more people inside and outside the region are now starting to recognise and say that, so we need to build on the existing and arising opportunities.

In closing I would encourage Councillors to consider when new councillors come on board extending Mayoral duties to two years, as one year is inadequate to become totally familiar with all aspects of the role, such as chairing meetings and assemblies, encouraging councillor involvement, media and press activities and the role that the Mayor plays in community engagement.

I also think that we should consider reinstating the deputy mayor position as this role provides the opportunity for others to become more familiar with what is required in the role should they wish to nominate or be nominated in the future, but also to provide clear lines of delegations to others when the Mayor has a calendar clash or is not available.

In closing I would also like to say that the Swan Hill region is a great place to live, work and play and I think more and more people inside and outside the region are now starting to recognize this and say that, so we need to build on the arising opportunities from here.

I would also like to say that I am not going to nominate or accept a nomination for Mayor.

160/19 Motion

MOVED Cr Jeffery

That Council receive the Mayoral report.

SECONDED Cr McKay

The Motion was put and CARRIED

SECTION B – REPORTS

B.19.120 MAYORAL TERM OF OFFICE

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Due to the scheduling of Council Elections in 2020 the Mayoral Term of Office can only be until 6am on 24 October 2020.

Discussion

Normally Council has the ability to choose whether the Mayoral Term of Office is one or two years. A Council Election is scheduled for 24 October 2020 and therefore the Mayoral Term can only be up to the morning of 24 October 2020.

Financial Implications

Costs associated with Mayoral allowances and ancillary costs are included in the budget each year.

Currently the Mayoral allowance is \$66,238.14 p.a. plus equivalent superannuation (allowed range up to \$79,612 p.a.). The Councillor allowance is \$24,966.68 p.a. plus equivalent superannuation (allowed range \$10,700 to \$25,730 p.a.). These allowances are adjusted annually by the Minister for Local Government.

Council Plan Strategy Addressed

Effective and efficient utilisation of resources. - Community leadership through effective strategic planning.

Options

Council may elect the Mayor for either a one year or two year term.

Recommendation

That Council note the new Mayoral Term of Office will be until 6am on 24 October 2020.

161/19 Motion

MOVED Cr Jeffery

That Council note the new Mayoral Term of Office will be until 6am on 24 October 2020.

SECONDED Cr McPhee

The Motion was put and CARRIED

B.19.121 ELECTION OF MAYOR 2019/20

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report outlines the process and statutory requirements for the election of Mayor. The election of the Mayor will take place as part of this report.

Election of Mayor

The Chief Executive Officer must conduct the election of the Mayor in accordance with the Local Government Act and Council's Local Law Number 1.

Discussion

Under section 71 of the Local Government Act 1989, the Councillors must elect a Councillor to be the Mayor of the Council.

Section 73 of the Local Government Act 1989 states that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and that the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Mayor should lead the Council in relation to policy making and the setting of Council priorities.

The role of the Mayor is to:

- Chair Council meetings.
- Exercise the casting vote at Council meetings when required.
- Represent the municipality at ceremonial occasions and in political forums.
- Lead, coordinate and provide guidance for the Council and Councillors.
- Lead the Council in relation to policy making and the setting of Council priorities.
- Speak publicly about the Local Government's role and developments in the community.
- Oversee the performance of the Chief Executive Officer

- Liaise closely with the Chief Executive Officer to ensure effective relationships between Council and its administration in pursuing Council goals.

Prior to the election of the Mayor it is customary to allow the outgoing Mayor the opportunity to speak of their time in the role.

The process to Elect a Mayor will be:

1. The CEO will call for nominations for the position of Mayor.
2. If only one nomination is received and the nominee is willing to serve as Mayor, the nominee will be declared elected.
3. If more than one nomination is received, each nominee will be allowed up to 5 minutes to speak on their own behalf. An election will then be held.
4. The election will be by show of hands. If there are two nominees the person with the most votes will be declared as Mayor. If there are more than two nominees the person with the least votes will be removed as a nominee and similar rounds of voting will occur until a Mayor is elected. Any tied votes will be determined by ballot.

Relevant Legislation

Local Law No 1 – Meeting Procedure
Local Government Act 1989

Council Plan Strategy Addressed

Effective partnerships and relationships with key stakeholders and staff. -
Effective partnerships and relationships with key stakeholders.

Recommendation

That Council elect a Mayor for 2019/20.

The Chief Executive Officer called for nominations for the position of Mayor for the Swan Hill Rural City Council.

Cr Young nominated Cr Bill Moar to which he accepted.

There were no further nominations. Cr Bill Moar was elected Mayor.

162/19 Motion

MOVED Cr McPhee

That standing orders be suspended at 4.42pm to robe the Mayor.

SECONDED Cr Jeffery

The Motion was put and CARRIED

163/19 Motion

MOVED Cr McPhee

That Standing Orders be resumed at 4.46pm.

SECONDED Cr Jeffery

The Motion was put and CARRIED

The Chief Executive Officer Mr John McLinden then called upon the Mayor to say a few words.

• Mayor, Cr Bill Moar

Firstly, I would like to thank our out-going Mayor Cr Ann Young. She has put in a diligent effort in trying circumstances over the last twelve months but has done an admirable job and we thank you very much. I didn't realize how much we had done until you read them all out, what we've been doing and progressing over the past twelve months and in the last three years in fact. And in this next twelve months we hope to continue all of those things working as a team. It shows that if we work as a team we can achieve much more than if we are at loggerheads. We can have our disagreements but if we can put that aside and go on to continue the job that we were elected to do our community will be all the better off.

Things that we will continue to advocate for:

Swan Hill bridge

Advocacy for a new hospital

Roads throughout the municipality – that need funding

Housing strategy - Robinvale

Strategies in the labour force area

Advocacy around water issues; and

Advocacy for solar farms to be ratable

In conclusion, I would just like to thank my fellow Councillors for your support today. We are all part of a team and I hope we can keep moving forward for this municipality.

The municipality has a great feel and people are coming up to us (all of us, I think) at some stage or another and expressing their delight in the things that are actually

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happening in Swan Hill. It is moving forward and starting to look like a great place to live, work, play and now dream which is now our latest campaign. If we can continue to do that in the most rate payer friendly way that we can, keeping the rate payers money down, using that money in the wisest way we can and providing the best services that we can.

B.19.122 ELECTION OF DEPUTY MAYOR 2019/2020

Responsible Officer: Chief Executive Officer
File Number: S16-04-04
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 does not require Council to have a Deputy Mayor, however until 2018/19 Council had a Deputy to support the Mayor and Council.

Council needs to determine whether or not to elect a Deputy Mayor for the 2019/20 year.

Discussion

Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to support the position of Mayor and the operations of the Council in September 1999. This policy was last reviewed in May 2015.

The position of Deputy Mayor can assist to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.

Swan Hill Rural City Council Local Law No 1 "Meeting Procedures Local Law", Part B stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Section 73 of the Act provides that:

- If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- An acting Mayor may perform any function or exercise any power conferred on the Mayor.

If elected it would be appropriate for the Deputy Mayor to act as Acting Mayor for the purposes of Section 73, however Council may appoint any Councillor to be Acting Mayor.

The election of the Deputy Mayor would follow the same process as the election of the Mayor with the CEO conducting the election. The Mayor is ineligible from nominating as Deputy Mayor.

Council needs to determine whether or not to have a Deputy Mayor and, if so, elect a Deputy Mayor.

Financial Implications

There is no provision in the Act for a separate allowance for Deputy Mayor.

Council Plan Strategy Addressed

Effective advocacy and strategic planning. - Community leadership through effective strategic planning.

Options

Council may or may not elect a Deputy Mayor.

Recommendations

That Council:

- 1. Determine to have a Deputy Mayor.**
- 2. Elect a Deputy Mayor.**

164/19 Motion

MOVED Cr Jeffery

That Council Determine to have a Deputy Mayor.

SECONDED Cr Young

The Motion was put and CARRIED

Cr McKay nominated Cr Jeffery and he accepted.

Cr Jeffery nominated Cr Benham and she had indicated to the CEO that if nominated that she would accept.

Nominations were put to a vote and Cr Chris Jeffery was declared Deputy Mayor for 2019/20.

B.19.123 COUNCIL ORDINARY MEETING LOCATIONS

Responsible Officer: Chief Executive Officer
File Number: S16-05-01
Attachments: Nil.

Declarations of Interest:

John McLinden - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Each year Council determines, in advance, the locations and times for its Ordinary meetings.

Council meetings currently commence at either 4pm or 6pm usually on the third Tuesday of each month.

This report provides Council with the opportunity to set meeting dates, times and locations.

Discussion

Last year Council held its ordinary meetings on the third Tuesday of the month (unless otherwise indicated on the table below), commencing at either 4pm or 6pm. One meeting was held in Robinvale.

The following table includes meeting locations for 2018 and 2019, and proposed meeting locations and times for 2020:

Council welcomes community participation in local democracy and shall encourage the community to attend Council meetings. Trying alternative meeting times is one way of encouraging community participation.

Month	2018	2019 3 rd Tuesday unless indicated.	2020 3 rd Tuesday unless indicated.
January	No Meeting	No Meeting	No Meeting
February	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
March	Swan Hill 6pm	Swan Hill 6pm	Swan Hill 6pm

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April	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
May	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
June	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 6pm (4 th Tuesday) Due to NGA	Swan Hill 6pm (4 th Tuesday) Due to NGA
July	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
August	Swan Hill 4pm	Robinvale 4pm	Robinvale 4pm
September	Robinvale 4pm Robinvale Swapped due to Fairfax in Swan Hill	Swan Hill 4pm	Swan Hill 4pm
October	Swan Hill 4pm	Swan Hill 6pm	Swan Hill 6pm
November	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm
December	Swan Hill 4pm	Swan Hill 4pm	Swan Hill 4pm

Consultation

Not applicable.

Financial Implications

Costs associated with conducting Council meetings included in the budget each year.

Social Implications

Not applicable.

Economic Implications

Not applicable.

Environmental Implications

Not applicable.

Risk Management Implications

Not applicable.

Council Plan Strategy Addressed

Governance and leadership - Effective and efficient utilisation of resources.

Options

1. Continue meeting on the third Tuesday of the month or another day.
2. Continue commencing meetings at 4.00pm or 6.00pm or at another time.
3. Meet in any location Council sees fit.

Recommendation

That Council determines that the Ordinary Meetings for 2020 will be held at the locations, dates and times specified in the table in this report.

165/19 Motion

MOVED Cr McPhee

That Council determines that the Ordinary Meetings for 2020 will be held at 2pm at the locations and dates in this report.

SECONDED Cr Jeffery

The Motion was put and CARRIED

There being no further business the Mayor, Councillor Bill Moar closed the meeting at 5.06pm.