



MINUTES

Statutory and Annual Appointments Meeting

Monday, 18 November 2024

Date: Monday, 18 November 2024

Time: 6.00pm

Location: Council Chamber, 15 Stead Street, Ballan

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1 OPENING OF MEETING AND PRAYER

The Mayor opened the meeting with the Council Prayer at 6.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 RECORDING OF MEETING

In accordance with Moorabool Shire Council's Governance Rules, the meeting is livestreamed.

4 PRESENT

Cr Moira Berry

Cr Jarrod Bingham

Cr Sheila Freeman

Cr John Keogh

Cr Ally Munari

Cr Tom Sullivan

Cr Paul Tatchell

Cr Steven Venditti-Taylor

Cr Rod Ward

Officers:

Mr Derek Madden

Chief Executive Officer

Mr David Jackson

General Manager Customer & Corporate Services

Mr Phil Jeffrey

General Manager Community Assets & Infrastructure

Ms Leigh McCallum

General Manager Community Strengthening

Mr Henry Bezuidenhout

Executive Manager Community Planning & Economic Development

Ms Dianne Elshaug

Co-ordinator Office of the CEO

5 APOLOGIES

Nil

6 DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

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. Ally Munari, will present her report on the November 2023 to October 2024 Mayoral term.

The former Mayor Cr Ally Munari:

As my role of Mayor for Moorabool Shire has come to a close, I want to take this opportunity to reflect on what an incredible privilege it has been to serve our community.

I have sought to lead with honour, professionalism and integrity, and I truly feel that Moorabool is on the right path for continued success. Together, we have laid a strong foundation for the future, and I am confident in the direction our shire is heading.

One of the key principles I've embraced during my time in this role is the need to stay in our lane and park politics at the door.

By focusing on what truly matters, serving the people of Moorabool, we have been able to make real progress. It is my hope that this approach continues to guide our Council in the years to come.

As Moorabool residents, we truly do live in a beautiful part of the world. Positioned perfectly, with so much at our fingertips.

We are a fast-growing shire, and with growth comes opportunity, as well as challenges.

We must be ready, ready to meet the needs of our expanding community, to plan for the future, and to ensure that Moorabool remains the wonderful place we all love to call home.

As Councillors we all work for the people of Moorabool—the very people who put us in these chairs. I have enjoyed many residents reaching out, sharing their thoughts, and engaging in active discussions about the passion we all share for this incredible region.

I would like to take a moment to acknowledge my fellow Councillors. It has been a privilege to work alongside you all. Each of you brings unique strengths, perspectives and dedication to this Council, and together we have achieved so much for Moorabool. Whether it's improving infrastructure, enhancing community spaces or advocating for our region, the work we've done together has been a testament to the power of collaboration. Thank you for your hard work, your passion, and your unwavering commitment to our community.

I would also like to extend my gratitude to our CEO, Mr. Derek Madden, and to all the Executive Officers for their support and hard work this year. To the manager of the CEO's office, Di, thank you for everything, and of course to all the Moorabool Council staff, thank you for continuing to do an amazing job throughout this shire. Your dedication and effort do not go unnoticed, and it's been an honour to work with such a passionate team.

I have always believed that without the support of your loved ones, you are only half the person you could be. So, to my wife, Sami, and to our children, to my parents, family and great friends, I thank you from the bottom of my heart for the support, encouragement and

love you have shown. You have been my rock throughout this journey, and I couldn't have done it without you.

And lastly to the new Councillors that have been successful for the next term of Council. I look forward to getting to know you and working together to achieve great things.

As I step away from this role I look forward to continuing to contribute as a passionate Councillor, to continue to be available to our residents and to also support the new leadership as they build on the progress we've achieved together.

Thank you all for this remarkable opportunity. I am deeply grateful, and I will always cherish this chapter of my life.

COMMITTEE RESOLUTION

Moved: Cr Moira Berry

Seconded: Cr Jarrod Bingham

That the Mayor's Report for the Mayoral term of November 2023 to October 2024 be received.

CARRIED

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

Prior to calling for nominations for position of Mayor, the Chief Executive Officer called upon any Councillor who wish to express appreciation to the outgoing Mayor Cr Ally Munari for her term in office.

Councillors Moira Berry, Rod Ward and Tom Sullivan expressed their appreciation to the outgoing Mayor for her term of office.

The Chief Executive Officer also thanked Cr Munari for her term in office and presented her with a gift from Council.

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

In accordance with the Governance Rules, 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.

COMMITTEE RESOLUTION**Moved:** Cr Tom Sullivan**Seconded:** Cr Moira Berry

That Council, in accordance with section 26(3) of the *Local Government Act 2020*, resolve that the term of office for the Mayor elected be for a period of one (1) year.

CARRIED

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

In accordance with Part 4.4 of Council's Governance Rules, the Chief Executive Officer called for nominations for the position of Mayor for the 2024/25 Council year.

Cr Rod Ward nominated Cr Moira Berry.

Cr Jarrod Bingham nominated Cr Paul Tatchell.

The Chief Executive Officer called for a vote by Councillors.

With an absolute majority vote, the Chief Executive Officer declared Cr Paul Tatchell the duly elected Mayor for the 2024/25 Council year.

Following the declaration, the newly elected Mayor assumed the Chair and made a brief acceptance speech in which he thanked Cr Munari for her term as Mayor for the 2023/24 year, and thanked Councillors for their support.

The Mayor assumed the role of Chairperson.

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

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.

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.

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.

COMMITTEE RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Rod Ward

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

CARRIED

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

In accordance with Part 4.4 of Council's Governance Rules, the Mayor called for nominations for the position of Deputy Mayor for the 2024/25 Council year.

Cr Jarrod Bingham nominated Cr John Keogh.

Cr Sheila Freeman nominated Cr Steve Venditti-Taylor.

Cr Tom Sullivan nominated Cr Jarrod Bingham.

Cr Moira Berry nominated Cr Rod Ward.

The Mayor called for a vote by Councillors.

After three rounds of voting, and after an absolute majority vote, the Mayor declared Cr Rod Ward the duly elected Deputy Mayor for the 2024/25 Council year.

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 MAYORAL AND COUNCILLOR ALLOWANCES

Author: Dianne Elshaug, Co-ordinator CEOs Office

Authoriser: Derek Madden, Chief Executive Officer

Attachments: Nil

PURPOSE

The purpose of this report is for Council to formally note the prevailing Mayoral and Councillor allowances that apply to the elected representatives of Moorabool Shire Council.

EXECUTIVE SUMMARY

- The Victorian Independent Remuneration Tribunal released the Allowances payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No 01/2022, 7 March 2022.
- As a designated Category 2 Council, the current maximum Mayoral, Deputy Mayor (if elected) and Councillor Allowances are set at \$109,114, \$54,558 and \$34,028 effective 1 July 2024 inclusive of 11.5% superannuation, being the equivalent of superannuation guarantee contribution.

COMMITTEE RESOLUTION

Moved: Cr Jarrod Bingham

Seconded: Cr Rod Ward

That Council:

1. **Adopts the Allowances released by the Victorian Independent Remuneration Tribunal for a designated Category 2 Council.**
2. **Notes the payment of annual allowances is not to exceed more than one month in advance.**

CARRIED

BACKGROUND

Mayor and Councillors are entitled to receive an allowance while performing their duty as an elected official.

Section 39 of the *Local Government Act 2020* stipulates that Mayors, Deputy Mayors and Councillors are entitled to receive an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal. On 7 March 2022, in accordance with section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022. Increases of the allowances are reviewed annually by the Tribunal. The current determination is effective from 1 July 2024.

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, Deputy Mayor (if elected) and Councillor Allowances are set at \$109,114, \$54,558 and \$34,028 effective 1 July 2024 inclusive of 11.5% 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 2025 year.

EXECUTIVE SUMMARY

The adoption of a meeting schedule provides greater certainty and advance notice for the residents of Moorabool of its Council meeting cycle.

COMMITTEE RESOLUTION

Moved: Cr Tom Sullivan

Seconded: Cr Ally Munari

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 2025 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:

5 February, 5 March, 2 April, 7 May, 4 June, 2 July, 6 August, 3 September, 1 October, 5 November, 3 December, 17 December 2025.
 - b) Development Assessment Committee (Delegated Committee of Council) meetings to commence in February 2025 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:

19 February, 19 March, 16 April, 21 May, 18 June, 16 July, 20 August, 17 September, 15 October, 19 November, 10 December 2025.
 - c) Moorabool Growth Management Committee (Delegated Committee of Council) meetings to commence in March 2025 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:

5 March, 4 June, 3 September, 3 December 2025.
 - d) A Statutory Meeting of Council to be held on 12 November 2025 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 2025 Meeting Schedule as required and provide notice of the change to the public in accordance with Council's Governance Rules.**

CARRIED

BACKGROUND

The primary activity of the elected Council is to make decisions on policy matters and set strategic direction, whilst leaving the administrative arm of Council to implement policy and strategic direction, providing accountability and reporting back to the Council and its community.

Integral to good decision making is the provision of community consultation which acts as a guide to the decision-making processes of the elected Council. Thus it is important that the conduct of the business of Council is open to the public and conducted in a transparent manner and providing a platform for community input.

PROPOSAL

The following framework has been developed to provide for the efficient and effective conduct of the business of Council, in a manner which enables a transparent and interactive decision-making process involving Moorabool Shire Council and the community, leading to effective decision-making protocols.

1. Council Meetings

One Council Meeting to be held each calendar month, on the first Wednesday, commencing at 6.00pm with meetings to be held in the Council Chambers, Ballan.

The Council Meeting generally considers matters listed under the service areas of CEO, Community Assets & Infrastructure, Community Strengthening and Customer & Corporate Services 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 2025 and meet 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 2025 Council Meeting Framework and Meeting Schedule will meet Council's business requirements and therefore is recommended for adoption by Council.

8.3 RECEIPT OF OATHS AND AFFIRMATIONS OF OFFICE

Author: Dianne Elshaug, Co-ordinator CEOs Office
Authoriser: Derek Madden, Chief Executive Officer
Attachments: 1. Signed Oaths of Office, November 2024

PURPOSE

The purpose of this report is for Council to receive the Oaths and Affirmations of Office undertaken by the newly elected Councillors and to record the taking of the Oaths and Affirmations of Office in the Minutes of the meeting.

EXECUTIVE SUMMARY

The Local Government Act 2020 provides that a person elected to be a Councillor is not capable of acting as a Councillor unless they have taken the Oath or Affirmation of Office before the Chief Executive Officer as prescribed in the Act.

COMMITTEE RESOLUTION

Moved: Cr Moira Berry
Seconded: Cr Ally Munari

That Council receives the Oaths of Office taken by Moorabool Shire Councillors duly dated and signed before the Chief Executive Officer on Friday 8 November 2024 and provided as Attachment 1 to this report.

CARRIED

BACKGROUND

On Friday 8 November 2024 the newly elected Councillors of Moorabool Shire took the Oath of Office as administered by the Chief Executive Officer to undertake the duties of the office of Councillor in the best interests of the people in Moorabool Shire.

Section 30 of the *Local Government Act 2020* stipulates that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath or Affirmation of Office in the manner prescribed by the regulations.

The Oath or Affirmation of Office must be:

- (a) Administered by the Chief Executive Officer; and
- (b) Dated and signed before the Chief Executive Officer; and
- (c) Recorded in the Minutes of the Council, whether or not the Oath or Affirmation was taken at a Council meeting.

Where a Councillor fails to take the Oath or Affirmation of Office within 3 months of the day after he or she was declared elected, the office of that Councillor becomes vacant.

PROPOSAL

It is proposed that Council receives the signed Oaths of Office as provided in Attachment 1 from the following Councillors:

- Cr Moira Berry
- Cr Jarrod Bingham
- Cr Sheila Freeman
- Cr John Keogh
- Cr Ally Munari
- Cr Tom Sullivan
- Cr Paul Tatchell
- Cr Steve Venditti Taylor
- Cr Rodney Ward

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 3.2: Align services to meet the needs of the community

The proposal to receive the Oaths and Affirmations of Office is consistent with the Council Plan 2021-2025.

FINANCIAL IMPLICATIONS

The financial implications of the increase in Councillors from seven to nine as a result of the Victorian Electoral Commission review will be accommodated through existing budgets.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no identified Risks or OH&S implications as a result of presenting this report.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Advise	Community	Update website Social media	Shire wide	November 2024	Community is made aware of the Councillors elected to Moorabool Shire

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 recommended that Council receives the Oaths of Office taken by Moorabool Shire Councillors, duly dated and signed before the Chief Executive on Friday 8 November 2024.

9 MEETING CLOSURE

The Meeting closed at 6.45pm.

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CHAIRPERSON