Moorabool
Shire Council

MINUTES

Unscheduled Council Meeting

Wednesday, 28 October 2026

Date: **Wednesday, 28 October 2026**

Time: **6.00pm**

Location: **Council Chambers, 15 Stead Street, Ballan & Online**

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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 PRESENT

Cr Steven Venditti-Taylor, Mayor

Cr Moira Berry

Cr Sheila Freeman

Cr John Keogh

Cr Ally Munari

Cr Paul Tatchell

Cr Rod Ward

Officers:

Mr Derek Madden	Chief Executive Officer
Mr David Jackson	General Manager Customer & Corporate Services
Ms Leigh McCallum	General Manager Community Strengthening
Mr Henry Bezuidenhout	Executive Manager Community Planning & Development
Mr Phil Jeffrey	General Manager Community Assets & Infrastructure
Mr Joseph Spiteri	Manager Governance & Civic Support
Ms Leanne Manton	Manager Customer & Communications
Ms Genevieve Clark	Coordinator Communications

4 APOLOGIES

Cr Jarrod Bingham, Deputy Mayor

Cr Tom Sullivan

5 DISCLOSURE OF CONFLICTS OF INTEREST

Nil

6 PRESENTATIONS/DEPUTATIONS

Nil

7 CHIEF EXECUTIVE OFFICER REPORTS

7.1 EASEMENT OVER COUNCIL LAND DEVELOPMENT PURPOSES POLICY

Author: **Dianne Elshaug, Co-ordinator CEOs Office**

Authoriser: **Derek Madden, Chief Executive Officer**

Attachments: **1. Policy - Easement Over Council Land Development Purposes (under separate cover)**

PURPOSE

The purpose of the Policy is to establish Council's position regarding requests for easements, access rights, rights of carriageway, licences, leases or any other interest over Council-owned land where such requests are associated with a proposed use, development, subdivision or planning outcome.

EXECUTIVE SUMMARY

- To ensure Council-owned land is managed in the public interest.
- To ensure that decisions relating to community assets are undertaken transparently, consistently and only after sufficient information is available to determine whether the proposed encumbrance of public land is in the interests of the community.
- As Council is the custodian of community-owned land, it must ensure that any private benefit derived from Council land does not occur at the expense of broader community interests.

RESOLUTION

Moved: Cr Ally Munari
Seconded: Cr Rod Ward

That Council adopts the Easement Over Council Land Development Purposes Policy provided as Attachment 1 to this report.

CARRIED

BACKGROUND

Council-owned land is a community asset held for the benefit of current and future generations. Requests may arise from development, subdivision or land-use proposals seeking easements, rights of carriageway, access arrangements, licences, leases or other interests over Council land. The proposed policy establishes a consistent framework for considering these requests and seeks to ensure that decisions concerning public land are transparent, properly informed and made in the broader community interest.

A key principle of the policy is that Council should not commit to the use or encumbrance of Council land before sufficient information about the associated development is available. Accordingly, requests connected with private development will not be considered until a complete planning permit application has been formally lodged. This enables consideration of the development itself, traffic and access impacts, environmental and infrastructure requirements,

community impacts, alternative access opportunities and the long-term implications for Council-owned land.

The policy also provides that Council will not give pre-approval or in-principle support before the planning application has been assessed. This approach is intended to maintain transparency, avoid prejudicing future decision-making and preserve Council's ability to make decisions in the interests of the community.

In considering any request, Council must be satisfied that there is a demonstrable public benefit, appropriate community participation has occurred, the proposal aligns with Council's strategic objectives, no reasonable alternative exists and the long-term interests of the community and Council-owned land are protected. This principle continues to apply where the associated development is being considered through an alternative State Government approval pathway.

PROPOSAL

It is proposed that Council adopt the policy to provide a clear and consistent approach to requests for private development interests over Council-owned land.

Under the policy:

- Requests for easements or other interests associated with development will not be considered until a complete planning permit application has been lodged;
- Council will not provide pre-approval, in-principle support or other indications that an interest over Council land will be granted before the planning application has been assessed;
- Proposals must demonstrate public benefit, protect the long-term community interest and establish that no reasonable alternative exists;
- Council will retain responsibility for determining whether an interest over Council-owned land should be granted, including where the associated development is being assessed through a State Government approval pathway; and
- Council officers must not provide landowner consent, agreements or other commitments concerning Council land where the requirements of the policy have not been met.

The proposed policy supports transparent and accountable decision-making, consistency and fairness, community participation and responsible stewardship of Council-owned land.

COUNCIL PLAN

The Council Plan 2025-2029 provides as follows:

Strategic Objective 4: A Council that engages and adapts

Priority 4.2: Align services and resources to sustainably meet the needs of our community

The proposal for Council to consider adopting the Easement Over Council Land Development Purposes Policy is consistent with the Council Plan 2025-2029.

FINANCIAL IMPLICATIONS

There are no financial implications to be considered in adopting this policy.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues identified in this report.

COMMUNICATIONS & CONSULTATION STRATEGY

There are no communications or consultation required for 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

Adoption of the policy will provide a clear, consistent and transparent framework for considering development-related interests over Council-owned land. It will support informed decision-making, protect Council and community interests, and ensure that any proposal demonstrates a genuine public benefit before an interest in Council land is granted.

8 CUSTOMER AND CORPORATE SERVICES REPORTS

8.1 MOORABOOL SHIRE COUNCIL ANNUAL REPORT 2025-2026

Author: **Leanne Manton, Manager Customer and Communications**

Authoriser: **David Jackson, General Manager Customer and Corporate Services**

Attachments: **1. Moorabool Shire Council Annual Report 2025-2026 (under separate cover)**

PURPOSE

The purpose of this report is to present the Moorabool Shire Council Annual Report 2025-2026 to Council.

EXECUTIVE SUMMARY

- Under the *Local Government Act 2020*, Council is required to prepare an Annual Report.
- Council is required to hold a meeting to consider the Report.

RESOLUTION

Moved: Cr Sheila Freeman
Seconded: Cr Ally Munari

That Council receives the Moorabool Shire Council Annual Report 2025-2026 in accordance with Section 98 of the *Local Government Act 2020.*

CARRIED

BACKGROUND

Under Section 98 of the *Local Government Act 2020,* Council is required to prepare an Annual Report which must be received at a meeting of Council that is open to the public.

PROPOSAL

In accordance with requirements of the *Local Government Act 2020*, the Moorabool Shire Council Annual Report 2025-2026 is being presented to Council to consider and receive the Report.

Hard copies of the Annual Report will be available at Council offices for inspection and can be supplied upon request. The public will be able to download a copy of the Annual Report from the Council website.

The Annual Report distributed with this Agenda has been produced to meet the requirements of the *Local Government Act 2020.*

COUNCIL PLAN

The Council Plan 2025-2029 provides as follows:

Strategic Objective 4: A Council that engages and adapts

Priority 4.2: Align services and resources to sustainably meet the needs of our community

The proposal to consider the Moorabool Shire Council Annual Report 2025-2026 is consistent with the Council Plan 2025-2029.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues to consider in relation to this report.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Newspaper advertising/website	Various	November	Community is aware that the Annual Report has been presented to Council.

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.

General Manager – David Jackson

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Leanne Manton

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

Subject to Council receiving the Moorabool Shire Council Annual Report 2025-2026 and subject to any recommended inclusions or changes, it will be made a public document on our website and can either be distributed to stakeholders or made available for inspection on request. In line with *Local Government Act 2020* requirements, we ask Council to receive the Moorabool Shire Council Annual Report 2025-2026.

9 MEETING CLOSURE

The Meeting closed at 6.12pm.

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CHAIRPERSON