



Pyrenees
Shire Council

Minutes

Special Meeting of Council

6:00 pm Tuesday 12 November 2024
Lexton Community Hub,
Lexton Recreation Reserve, Prince Street, Lexton

TABLE OF CONTENTS

1. WELCOME	3
2. STREAMING PREAMBLE	3
3. ACKNOWLEDGEMENT OF COUNTRY	3
4. APOLOGIES.....	3
5. AFFIRMATION OR OATH OF OFFICE BY COUNCILLORS	3
6. 2023/2024 MAYOR'S REPORT.....	3
7. ELECTION OF MAYOR.....	5
8. OFFICE OF DEPUTY MAYOR	5
9. COUNCILLOR CODE OF CONDUCT	6
10. RECOGNITION & PRESENTATION OF GIFTS	8
11. CLOSE OF MEETING	8

1. WELCOME

CEO Jim Nolan welcomed all to the meeting.

PRESENT

Councillors: Tanya Kehoe, Rebecca Wardlaw, Megan Phelan, Damian Ferrari, Simon Tol

Chief Executive Officer: Jim Nolan

Director Asset and Development Services: Douglas Gowans

Director of Corporate and Community Services: Kathy Bramwell

EA to CEO and Councillors: Chantelle Sandlant (minutes)

Senior Communications Officer: Leah Heinrich

Communications Officer: Rebecca Stewart

2. STREAMING PREAMBLE

CEO Jim Nolan read the livestream preamble.

3. ACKNOWLEDGEMENT OF COUNTRY

CEO Jim Nolan acknowledged the people past and present of the Wadawurrung, Dja Dja Wurrung, Eastern Maar and Wotjobaluk tribes, whose land forms the Pyrenees Shire. We pay our respect to the customs, traditions and stewardship of the land by the elders and people of these tribes on whose land we meet today.

4. APOLOGIES

There were no apologies.

5. AFFIRMATION OR OATH OF OFFICE BY COUNCILLORS

CEO Jim Nolan called for Councillors to stand and read either the Affirmation or Oath of Office.

Councillors individually stood and affirmed their commitment as Councillors by reciting either the Affirmation or Oath of Office and by signing the Affirmation or Oath Statement.

Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.

Oath

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.

6. 2023/2024 MAYOR'S REPORT

Robert Vance presented his report for the past 12 months as Mayor.

2023/2024 Mayors Report

I'd like to thank my fellow Councillors and staff and to highlight several achievements that this Council has delivered in its term.

The development and adoption of the **Council Plan 2021-2025** and the Council vision was informed by a deliberative engagement process involving a diverse range of our residents, and this plan has provided the key strategic direction for Council during this term of Council.

Roads and bridges are our biggest expenditure, we've spent almost \$40 million in upgrades and improvements over five years to ensure that our agriculture sector and our residents have a fit for purpose transport network that meets their essential access to farms and to residences.

I also want to highlight another essential service which affects every individual resident in the Shire. In this term, Council introduced a universal multi-bin **roadside waste collection service** rolled out to every resident in the Shire. This is an incredible uplift in the service standard and one in which Pyrenees has shown to be early adopter of the state's Circular Economy Policy objectives.

Maintenance and renewal of its **building assets** is another area where council has made significant investments in this term. The completion of the \$3.8million **Lexton Community Hub**, a state-of-the-art recreation and community facility. I was so proud to participate in the official opening with Federal Minister Catherine King and Member for Ripon Martha Haylett this year which saw the culmination of many years of planning to deliver this project for the community which has recently become known as the Hub-Pub.

During this term council had to make a very difficult decision in ceasing to be providers in **Home Age Care Service** because of administrative changes at a federal level. Council continues to support active ageing in our community through our Community Development Team and we will continue to advocate and monitor the delivery of aged care services by other providers to ensure that our elderly community needs are met.

Councils' **library** services have been the subject of review this year and whilst council has not made any decision to adjust service levels, Council appreciates just how valued the services are by community.

The completion of the Correa Park **residential development** in Beaufort during the term of this council is the culmination of a 10-year initiative and investment to stimulate housing and to grow our population. Council has further committed to play its part in stimulating **housing** by purchasing additional land in Beaufort and Avoca for future residential development.

We have faced many **natural disasters** in recent history, and we continue to plan for, respond to, and recover from floods, fire, drought and storm. The **2022 flood** event was widespread across the Shire and the recovery from this event will be an ongoing focus until the damage to our roadwork is restored.

The devastating **bushfire** in February this year saw the loss of many homes, the destruction of both public and private property and some of our magnificent natural forests. Council remains committed to our communities in our recovery efforts from this devastating event. Whilst trauma and loss were plentiful, council was firm in its decision to remove a number of **hazardous trees** from the many roads affected by this fire. This difficult decision was made to ensure council met its responsibilities in keeping our road users and our community safe. While this was not a popular decision by some, it was nevertheless the most responsible decision in the interest of public safety, and to restore safe access for residents and businesses.

I would like to recognise the committed and talented **staff** that support council and deliver the council vision. This workforce is one of, if not the smallest workforces of any local government in Victoria and yet this team continues to deliver excellent services and I would like to thank each and every one of them for their contribution in making a difference to the Pyrenees communities.

Council recently made a decision to reappoint our current Chief Executive Officer for a further term. After an extensive review process, Council decided that Jim is the best person to guide our Council and lead our organisation to continue the delivery of Council's long term vision for the community.

While there are many challenges ahead for the newly elected Council, there are also many reasons to be hopeful that the future of Pyrenees is bright with magnificent landscapes, productive land and wonderful communities, our Council and the organisation stand together to continue to lead and serve you into the future. Remember, there is no 'I' in team, work together, enjoy the ride and protect Council's sound reputation, good luck.

Finally, I wish to thank my wife Jan and my family, for all the dedicated support over my 37 years involvement in and around local government.

Cr Robert Vance

7. ELECTION OF MAYOR

CEO Jim Nolan called for a motion to determine if the term of Mayor is to be for one or two years.

Cr Phelan moved the motion that the Mayoral term be for one year. Cr Ferrari seconded the motion. The motion was put to the vote and all were in favour. The motion was carried.

CEO Jim Nolan called for nominations for Mayor for the 2023/2024 term.

Cr Ferrari nominated Cr Kehoe. Cr Kehoe accepted the nomination.

No further nominations were put forward therefore there was no requirement for the nomination to be voted upon.

CEO Jim Nolan declared Cr Tanya Kehoe as the duly elected Mayor for Pyrenees Shire Council for the 2024/2025 term.

CEO Jim Nolan congratulated Cr Kehoe and presented the gavel to Cr Kehoe as a symbol of the role of the Mayor.

CEO Jim Nolan invited the newly elected Mayor Cr Kehoe, to take the Chair.

Cr Kehoe thanked Councillors for electing her as Mayor.

8. OFFICE OF DEPUTY MAYOR

The Mayor, Cr Kehoe called for a motion to declare electing a Deputy Mayor. Cr Ferrari moved and Cr Wardlaw seconded that a Deputy Mayor not be elected for the 2024/2025 term. The motion was put to the vote and all were in favour. The motion was carried.

9. COUNCILLOR CODE OF CONDUCT

Presenter: Jim Nolan - Chief Executive Officer

Declaration of Interest: As presenter of this report, I have no disclosable interest in this item.

Report Author: Jim Nolan - Chief Executive Officer

Declaration of Interest: As author of this report, I have no disclosable interest in this item.

File No: 16/24/12

PURPOSE

The purpose of this report is to provide an opportunity for Councillors to adopt and sign the Model Councillor Code of Conduct 2024.

BACKGROUND

The Model Councillor Code of Conduct is attached for Council consideration and adoption. The Code must be signed by all Councillors in the presence of the Chief Executive Officer and dated for it to become effective.

ISSUE / DISCUSSION

An opportunity is provided for Councillors to sign the document in the presence of the Chief Executive Officer to demonstrate publicly their commitment to uphold the adopted Model Councillor Code of Conduct.

For any Councillor unable to attend the meeting in person, arrangements can be made for the signing at another suitable time.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The *Local Government Act 2020* provides that: -

Section 139:

Model Councillor Code of Conduct

- (1) Councillors must observe the Model Councillor Code of Conduct.
- (2) The purpose of the Model Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.
- (3) The Model Councillor Code of Conduct must—
 - (a) be prescribed; and
 - (b) include—
 - (i) standards of conduct to be observed by Councillors; and
 - (ii) matters directed at ensuring consistent standards of behaviour are observed across Councils.

(4) A Council must publish the prescribed Model Councillor Code of Conduct on its Internet site.

ATTACHMENTS

9.1.1 – Model Councillor Code of Conduct

FINANCIAL / RISK IMPLICATIONS

Nil.

CONCLUSION

An opportunity is provided for Councillors to sign the document in the presence of the Chief Executive Officer to demonstrate publicly their commitment to uphold the adopted Model Councillor Code of Conduct.

Cr Simon Tol / Cr Megan Phelan

1. That Council adopt the Model Councillor Code of Conduct 2024
2. That Councillors sign the Model Councillor Code of Conduct 2024
3. That the Model Councillor Code of Conduct 2024 be published on Councils website.

CARRIED

Councillors signed the Model Councillor Code of Conduct in the presence of the Chief Executive Officer to demonstrate publicly their commitment to uphold the adopted Model Councillor Code of Conduct.

10. RECOGNITION & PRESENTATION OF GIFTS

Outgoing Mayor Robert Vance was presented with a gift in recognition of his service as Mayor and for his service as Councillor.

Jan Vance was presented with flowers in recognition of her contribution in supporting the Mayor over the past year.

Ron Eason was presented with an engraved plaque recognising his service to the Pyrenees Shire as Councillor and Mayor.

David Clark was presented with an engraved plaque recognising his service to the Pyrenees Shire as Councillor and Mayor.

11. CLOSE OF MEETING

The Statutory Meeting of Council closed at 6.32pm.

Minutes of the Meeting confirmed _____
2024 Mayor Cr Tanya Kehoe

OATH OF OFFICE

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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.

Signed before the Chief Executive Officer

Signature:



Name:

Damon Fenwick

Date:

12/11/24

Witnessed by the Chief Executive Officer

Signature:



Name:

James Noyce

Date:

12/11/2024



AFFIRMATION OF OFFICE

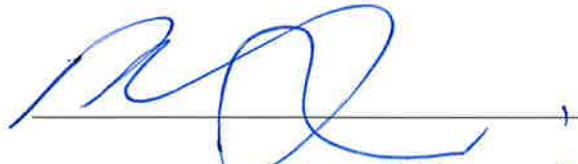
I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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.

Signed before the Chief Executive Officer

Signature:



Name:

MEGAN PHEASANT

Date:

12/11/2024

Witnessed by the Chief Executive Officer

Signature:



Name:

JAMES NOLAN

Date:

12/11/2024



OATH OF OFFICE

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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.

Signed before the Chief Executive Officer

Signature: 

Name: REBECCA WAROLAW

Date: 12-11-2024

Witnessed by the Chief Executive Officer

Signature: 

Name: JAMES NORTH

Date: 12-11-2024



AFFIRMATION OF OFFICE

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

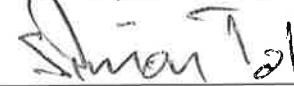
I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act (2020) and any other Act to the best of my skill and judgement.

Signed before the Chief Executive Officer

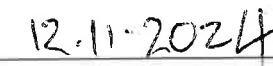
Signature:



Name:



Date:



Witnessed by the Chief Executive Officer

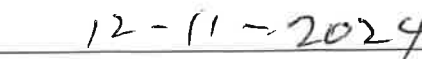
Signature:



Name:



Date:



OATH OF OFFICE

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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.

Signed before the Chief Executive Officer

Signature: Tanya Kehoe

Name: Tanya Kehoe

Date: 12/11/24

Witnessed by the Chief Executive Officer

Signature: James Novak

Name: JAMES NOVAK

Date: 12-11-2024





Pyrenees
Shire Council

Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment Regulations 2024

MODEL COUNCILLOR CODE OF CONDUCT

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024.

Definitions

The Act	means the Local Government Act 2020 .			
Discrimination	means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the Equal Opportunity Act 2010 .			
	<ul style="list-style-type: none"> • Age • Disability • Marital status • Physical features • Race • Religious belief or activity • Personal association with a person identified to any of these attributes 	<ul style="list-style-type: none"> • Breastfeeding • Industrial activity • Political belief or activity • Sex • Sex characteristics 	<ul style="list-style-type: none"> • Employment activity • Parental status • Status as a carer • Sexual orientation • An expunged homosexual conviction 	<ul style="list-style-type: none"> • Gender identity • Lawful sexual activity • Pregnancy • Profession trade or occupation • A spent conviction

STANDARDS OF CONDUCT

1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by:

- a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community, and
- b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity, and
- c) diligently using Council processes to become informed about matters which are subject to Council decisions, and

- d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer, and
- e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by:
 - i. respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules), and
 - ii. refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

2. Behaviours

- 1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public; with dignity, fairness, objectivity, courtesy and respect including by:
 - a. not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature, and
 - b. not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons, and
 - c. not engaging in discrimination or vilification, and
 - d. supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community, and
 - e. supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality, and
 - f. ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- 2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by:
 - a. adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace, and

- b. complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- 3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community:

- a) the Council's expenses policy adopted and maintained under section 41 of the Act,
- b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to:
 - i. conduct in Council meetings or meetings of delegated committees, and
 - ii. requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication, and
 - iii. the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election,
- c) the Council's Councillor gift policy adopted under section 138 of the Act, and
- d) any direction of the Minister given under section 175 of the Act.

4. Integrity

- 1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by:
 - a. ensuring that their behaviour does not bring discredit upon the Council, and
 - b. not deliberately misleading the Council or the public about any matter related to the performance of their public duties, and
 - c. not making Council information publicly available where public availability of the information would be contrary to the public interest.

Note: See the public transparency principles set out in section 58 of the Act.

- 2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

5. The Model Councillor Code of Conduct does not limit robust public debate

Nothing in the Model Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

6. Councillor Commitment

This Model Code of Conduct was signed by the following Councillors in the presence of the Pyrenees Shire Council Chief Executive Officer:

Signed by:

Councillor	Signature	Date
Cr Damian Ferrari		12/11/2024
Cr Tanya Kehoe		
Cr Simon Tol		12-11-2024
Cr Rebecca Wardlaw		12-11-2024
Cr Megan Phelan		12-11-2024

Signed by:



12-11-2024

Jim Nolan, CEO		
----------------	--	--