



Ordinary Council Meeting

Tuesday 1 February 2022

Minutes



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OVERVIEW OF REPORTS

5. Planning Permit PL21/084 – 18 Schomberg Road Peterborough – Buildings and works to construct a dwelling

Overview: This report considers a planning permit application that proposes the development of a three-bedroom, double-storey, contemporary dwelling at 18 Schomberg Road, Peterborough.

1. Moyne NextGen! Youth Engagement Model

Overview: Moyne NextGen! Youth Engagement Model has been co-designed with young people from across the shire. It presents their vision, strategy, model and roadmap to ensure Council more effectively meets the engagement needs and preferences of young people.

2. Monthly Financial Performance Report

Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date actuals.

3. Voluntary Winding-up of the Corangamite Regional Library Corporation

Overview: With the resolution for Moyne and Corangamite Shire Councils to transition to a shared library services model effective 1 July 2022, the impact is the dissolution of the Corangamite Regional Library Corporation. As the two main partners of the Corporation, a formal resolution to agree to the dissolution of the Corporation is required.

4. Library Shared Services Agreement

Overview: This report presents the Corangamite and Moyne Library Shared Services Agreement for Council's consideration and delegation of authority to the CEO for signing. The Shared Service arrangement will come into effect on 1 July 2022 replacing the Corangamite Regional Library Services model.

6. Council-Community Carbon Offset Program – 2021 Private Land Allocations

Overview: The report provides Council with a recommendation to fund four private land projects from the residual funds from the public land component of the 2021 Council-Community Carbon Offset Program (CCCOP). It also provides information on the fifteen private land projects funded by the CCCOP earlier in the financial year; and seeks to change the timing of the application and decision process for future versions of the CCCOP.

7. Arboriculture assessment of trees in High Street, Macarthur

Overview: The report was provided for Council to consider the health and ongoing management of the trees in High Street, Macarthur.

8. Petition – Removal of nine Norfolk Island Hibiscus Trees in Bank Street, Port Fairy, west of the Princes Highway

Overview: The report presents a petition signed by 19 signatories requesting Council consider the removal of 9 Norfolk Island Hibiscus trees in Bank Street, Port Fairy, west of the Princes Highway.

9. Audit & Risk Management Committee

Overview: The confirmed Minutes from the Audit & Risk Management Committee are presented to Council to note.

10. Mayor and Councillors' Reports

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 27 November 2021 and 21 January 2022.

11. Councillor Notice of Motion

Overview: A Councillor may lodge a notice of motion on any matter the Councillor wants to be considered.

12. General Matters

Overview: General Matters gives Councillors the opportunity to report on positive and good news items from around the Shire.

13. Urgent Business

Overview: A Councillor may raise an urgent matter for consideration at a Council Meeting if the Councillors considers that the matter is extremely urgent and it was not possible for the matter to have been included in the agenda notice for the meeting.

14. CEO Meeting Schedule and Activities Report

Overview: The report provides information to Council in regard to the CEO's meeting schedules, between 27 November 2021 and 21 January 2022.

Minutes of the Ordinary Meeting of Moyne Shire Council held from 2pm on 1 February 2022, at the Council Chamber, Jamieson Avenue, Mortlake

Present

Councillors I. Smith (Mayor), K. Foster, D. Gleeson, J. Lockett and
D. Meade (Deputy Mayor), J. Purcell in-person
J. Doukas via Zoom link

Officers Mr B Millard, Chief Executive Officer
Mr B Davis, Director Economic Development and Planning
Ms E Farrell, Director Infrastructure and Environment
Mr K Leddin, Director Community & Corporate Services
Ms L Cook, Executive Officer

Acknowledgement of Country

The Mayor read the following statement:

We begin by acknowledging the Traditional Custodians of the land on which we meet today and pay our respects to their Elders past and present. We extend that respect to Aboriginal and Torres Strait Islander peoples here today.

Recording of Council Meetings

The Mayor read the following statement:

Please note that today's meeting is being video recorded. This recording will be uploaded to Council's website and will be accessible by the general public. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded and uploaded to the website.

Prayer

The Mayor read the Prayer:

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire. Amen.

Apologies

None at this meeting.

Declarations of Conflict Interest

Reference: Local Government Act 2020 – Sections 130 (1)(a) and 130(2) Disclosure of Conflict of Interest in respect of a matter to be considered at a Council Meeting

A relevant person who has a conflict of interest in respect of a matter must:

- a) disclose the conflict of interest in the manner required by the Council's Governance Rules [Refer to [Governance Rules](#) – Division 2 Councillor conflict of interest disclosures]
and
- b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Members of Staff

If a member of Council staff has a conflict of interest in a matter which they are providing advice to Council:

- a) if the advice is included in a report, the report must disclose the conflict of interest
- b) if the officer is speaking in the council meeting, the officer must disclose the conflict of interest before speaking on the matter.

No declarations of conflict of interest were made at this meeting.

Confirmation of Minutes

Cr Purcell moved, Cr Foster seconded that the Minutes of the Ordinary Council Meeting held on Tuesday 7 December 2021 including the following correction, be confirmed.

During consideration and voting on Report 1 Monthly Financial Report, Cr Purcell left the Chamber at 2.12pm and returned at 2.23pm.

Motion carried 7:0

Public Participation

Refer to [Governance Rules](#) - Division 5 Public Participation

Members of the public attending the monthly Council Ordinary Meeting may address the meeting in respect of either:

- a) any item listed in the business paper; or
- b) any other matter relevant to the activities and projects of the Council.

The public participation segment for each Council meeting will be held after the confirmation of Minutes of previous meeting(s) and be considered in the order they were received.

Unless an extension is granted by a ruling of the Mayor, a member of the public asking a question or making a statement must not speak for more than 5 minutes.

If a question cannot be answered at the meeting, the Chief Executive Officer must provide a written response to the question as soon as is practicable to the person asking the question and Councillors.

Any person wishing to address the Council must submit details in writing of the nature of the issue / question they wish to raise by 12 noon on the Monday prior to the meeting day.

Public Participation attendees for this meeting:

Mr Ron Sherriff lodged questions relating to C75 Permit Application:

Technical issues were experienced prior to the meeting and as Mr Sherriff was not able to attend in person, CEO Mr Millard read the following questions from Mr Sherriff:

Did the permit application include the old flood overlay or the new flood overlay now used in the C69 amendment? If the old flood overlay was used where does that leave the [Amendment] C75 based on old data and flood levels? How does that effect the council officers and the councillors decision to support the "Rivers Run Estate, 169a and 183 Princes Highway, Port Fairy-Combined Planning Scheme Amendment and Permit Application"? Will it have to go through a new process with the correct flood level overlays?

Ms Toni Sincock Planning Permit PL21/084 – 18 Schomberg Road Peterborough – Buildings and works to construct a dwelling

Representing the permit applicant and owners of the property at 18 Schomberg Road Peterborough, addressing Council on the issues raised by the objector to the application.

Order of Business

Cr Meade moved, Cr Gleeson seconded that the order of business be changed and that item 5 be heard next.

Motion carried 7:0

5. Planning Permit PL21/084 – 18 Schomberg Road Peterborough – Buildings and works to construct a dwelling

Overview: This report considers a planning permit application that proposes the development of a three-bedroom, double-storey, contemporary dwelling at 18 Schomberg Road, Peterborough.

Cr Purcell moved, Cr Meade seconded that Council having caused notice of Planning Application No. PL21/084 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 18 Schomberg Road Peterborough Vic 3270 (Lot 3 on PS 604218F), for Building and works to construct a dwelling, in accordance with the endorsed plans, with the amended application dated 5 October 2021, subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Before the use or occupation of the development, a Works within Road Reserve Permit must be obtained from the Council's Infrastructure and Environment Department for alterations to the existing access or creation of a new access. The crossover must be constructed in accordance with the permit to the standards and satisfaction of the Responsible Authority.**
- 3. Within six (6) months of the completion of the dwelling or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority.**

4. The landscaping must be provided with an adequate water supply and mulching to ensure the health and continue growth of the vegetation to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority for a period of 5 years and within this time if any plants die, become diseased or damaged they are to be replaced with a similar species to the satisfaction of the Responsible Authority.
5. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, wastewater, waste products, grit or oil, or otherwise.
6. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months of the permit expiry date, where the development allowed by the permit has not yet started; or within twelve (12) months of the permit expiry date, where the development has lawfully started before the permit expires.

Notes

The application has not been assessed under clause 54 of the Moyne Planning Scheme (ResCode provisions). This may be of assistance to building surveyors in determining the extent of the subsequent assessment required under the Building Regulations. Building approval must be obtained prior to the commencement of any works.

You are required to apply for an approved Legal Point of Discharge from Council's Engineering Department if there are any design changes proposed to the stormwater catchment design within the title boundary. This includes any modifications of the roofline, gutters, downpipes, hardstand areas (such as driveways), pits, pipes, detention tanks, rain gardens to the Legal Point of Discharge. Your private building surveyor is required to consider the Legal Point of

Discharge report before issuing a building permit. Importantly, under Section 16 of the Water Act 1989, if there is a flow of water from your land onto any other land, that flow is not reasonable, and the water causes any injury, property damage (real or personal) or economic loss, you may be liable to pay damages to the impacted person. The risk of damage from any additional stormwater runoff, and subsequent financial liability, is increased in older township areas and you should discuss your responsibilities with your private building surveyor.

Motion carried 7:0

1. Moyne NextGen! Youth Engagement Model

Overview: Moyne NextGen! Youth Engagement Model has been co-designed with young people from across the shire. It presents their vision, strategy, model and roadmap to ensure Council more effectively meets the engagement needs and preferences of young people.

Cr Foster moved, Cr Doukas seconded that Council adopts Moyne NextGen! Youth Engagement Model.

Motion carried 7:0

2. Monthly Financial Performance Report

Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date actuals.

Cr Gleeson moved, Cr Meade seconded that Council receive the Monthly Financial Performance Report for December 2021.

Motion carried 7:0

3. Voluntary Winding-up of the Corangamite Regional Library Corporation

Overview: With the resolution for Moyne and Corangamite Shire Councils to transition to a shared library services model effective 1 July 2022, the impact is the dissolution of the Corangamite Regional Library Corporation. As the two main partners of the Corporation, a formal resolution to agree to the dissolution of the Corporation is required.

Cr Foster moved, Cr Gleeson seconded that Council support the dissolution of the Corangamite Regional Library Corporation, in accordance with Sec. 197G of the Local Government Act 1989, viz:

- a) **On or before, if circumstances require, 2 June 2022, the Directors make a Declaration of Solvency**
- b) **On or before, if circumstances require, 30 June 2022 the Board meet to:**
 - (i) **Pass a special resolution to wind-up the Corporation; and**
 - (ii) **At the same time, make the appointment of a Liquidator for the purpose of winding up the affairs and distributing the property of the Corporation.**

Motion carried 7:0

4. Library Shared Services Agreement

Overview: This report presents the Corangamite and Moyne Library Shared Services Agreement for Council's consideration and delegation of authority to the CEO for signing. The Shared Service arrangement will come into effect on 1 July 2022 replacing the Corangamite Regional Library Services model.

Cr Foster moved, Cr Gleeson seconded that Council delegate the Chief Executive Officer the authority to sign the Moyne and Corangamite Shires' Shared Library Service Agreement.

Motion carried 7:0

Item 5 Planning Permit PL21/084 – 18 Schomberg Road Peterborough – Buildings and works to construct a dwelling was considered earlier in the meeting.

6. Council-Community Carbon Offset Program – 2021 Private Land Allocations

Overview: The report provides Council with a recommendation to fund four private land projects from the residual funds from the public land component of the 2021 Council-Community Carbon Offset Program (CCCOP). It also provides information on the fifteen private land projects funded by the CCCOP earlier in the financial year; and seeks to change the timing of the application and decision process for future versions of the CCCOP.

Cr Meade moved, Cr Gleeson seconded that Council:

- 1. Support the recommendation from Basalt to Bay Landcare Network to use re-allocated budget from the public land component of the 2021 Council-Community Carbon Offset Program to fund the following private land projects:
 - a) Crossley \$1,800**
 - b) Broadwater \$1,545**
 - c) Purnim West \$1,590**
 - d) The Sisters \$1,491, and****
- 2. Reschedule the timing of a decision on submitted applications for future editions of the Council-Community Carbon Offset Program from November to August.**

Motion carried 7:0

7. Arboriculture assessment of trees in High Street, Macarthur

Overview: The report was provided for Council to consider the health and ongoing management of the trees in High Street, Macarthur.

Cr Foster moved, Cr Doukas seconded that Council manage the trees in High Street, Macarthur between Eversley Street and Ardonachie Street as recommended by the consulting arborist.

Motion carried 7:0

8. Petition – Removal of nine Norfolk Island Hibiscus Trees in Bank Street, Port Fairy, west of the Princes Highway

Overview: The report presents a petition signed by 19 signatories requesting Council consider the removal of 9 Norfolk Island Hibiscus trees in Bank Street, Port Fairy, west of the Princes Highway.

Cr Purcell moved, Cr Lockett seconded that Council receive the petition regarding the removal of the Norfolk Island Hibiscus trees in Bank Street, west of the Princes Highway, Port Fairy.

Motion carried 7:0

9. Audit & Risk Management Committee

Overview: The confirmed Minutes from the Audit & Risk Management Committee are presented to Council to note.

Cr Purcell moved, Cr Meade seconded that Council note the confirmed Minutes of the Audit & Risk Management Committee meeting held 8 September 2021.

Motion carried 7:0

10. Mayor and Councillors' Reports

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 27 November 2021 and 21 January 2022.

Date	Location	Meeting / Event
Mayor		
30 November	Via computer link	Special Council Meeting
30 November	Peterborough	Planning Permit Site visit, Schomberg Street
30 November	Port Fairy	Tout of Port of Port Fairy
30 November	Warrnambool	Joint meeting with Warrnambool City Council
5 December	Port Fairy	'Accessible Beaches' Trial Day
6 December	Woorndoo	Woorndoo Community Group AGM
7 December	Mortlake	Ordinary Council Meeting
8 December	Via computer link	Audit and Risk Management Committee meeting
10 December	Warrnambool	Great South Coast (GSC) Board Meeting and AGM
13 December	Warrnambool	Brauer College, Senior Years Final Assemblies
14 December	Mortlake	Councillor Workshop
17 December	Warrnambool	End of year break-up lunch and staff long service award presentations for 2020 and 2021
31 December	Port Fairy	Moyneyana Festival - New Year's Eve Parade
1 January	Port Fairy	Moyneyana Festival - New Year's Day events
11 January	Mortlake	Mortlake Community Development Committee (MCDC) Meeting
12 January	Hawkesdale	Hawkesdale and District Development Committee
12 January	Peterborough	Peterborough Residents Group meeting
14 January	Via computer link	Meeting with David Clarke MAV
14 January	Purnim	Purnim Cricket Club, Turf Wicket Project
18 January	Via computer link	Councillor Workshop
19 January	Darlington	Darlington Hall / Recreation Reserve Meeting
Councillors		
30 November	Via computer link	Special Council Meeting
30 November	Peterborough	Planning Permit Site visit, Schomberg Street
30 November	Port Fairy	Tout of Port of Port Fairy
30 November	Warrnambool	Joint meeting with Warrnambool City Council

Date	Location	Meeting / Event
2 December	Via computer link	Port of Port Fairy Delegated Committee meeting
3 December	Hawkesdale	Hawkesdale Advancement and District Development Association (HADDAC) End of Year Meeting
3 December	Via computer link	Woolsthorpe Wind Farm Community Engagement Committee (CEC) Meeting
5 December	Port Fairy	'Accessible Beaches' Trial Day
7 December	Mortlake	Ordinary Council Meeting
8 December	Via computer link	Audit and Risk Management Committee meeting
8 December	Port Fairy	Meeting with Stuart Grimley, Member for South West Victoria
13 December	Via computer link	Dundonnell Wind Farm CEC Meeting
14 December	Port Fairy	Port Fairy Consolidated School Year 6 Graduation Ceremony
14 December	Mortlake	Councillor Workshop
15 December	Via computer link	Ryan Corner Wind Farm CEC Meeting
16 December	Woolsthorpe	Economic Development Committee meeting
16 December	Via computer link	Timber Towns Victoria General Meeting
17 December	Warrnambool	End of year break-up lunch and staff long service award presentations for 2020 and 2021
18 January	Via computer link	Councillor Workshop
20 January	Warrnambool	Port Fairy Race Day event
21 January	Via computer link	Hexham Wind Farm Community Engagement Committee Meeting

Report noted.

11. Councillor Notice of Motion

Overview: A Councillor may lodge a notice of motion on any matter the Councillor wants to be considered.

No Councillor Notices of Motion were submitted for consideration at this Council Meeting.

12. General Matters

Overview: General Matters gives Councillors the opportunity to report on positive and good news items from around the Shire.

- Mr Millard seeking the Mayor's tolerance, Mr Millard acknowledged Director Community and Corporates Services, Mr Kevin Leddin's final Council Meeting before retirement. He is highly regarded both amongst staff and regionally, and he's been a good colleague of mine for many years. He's a great team player and a sensational colleague and we'll will miss him a lot. I wish Kevin and his wife Lyn all the best in their retirement. He's a fantastic colleague and great person.
- Cr Lockett adding to the CEO's comments, Mr Leddin has been a guiding light and supportive to myself and the rest of us since we became Councillors. He's been a rock. His ability to be across all things Local Government Act and all financial matters whilst at the same time having a great sense of humour is phenomenal. He will be sorely missed – thank you for all you've done for your community.
- Mr Millard read out the following from prev Mayor, ex Councillor Mick Wolfe:
Kevin, I wish you well in your retirement and new adventures. Moyne poaching you from Warrnambool council was as big as Carlton getting Chris Judd from West Coast Eagles. In all seriousness you were a great director to work with. Your attitude, ethics and leadership kept morale and productivity high in your entire team. The detailed reports your team provided to Council were excellent. If I tried to challenge you on figures you always hit me out of the park and make me shut up by saying "that's an accountancy paper entry". I sincerely thank you for your friendship and your tremendous service to the entire organisation and the people of Moyne.
- Cr Smith I endorse those words - it's been great working with you over years Mr Leddin Look forward to your well-deserved retirement.
- Cr Lockett There have been a few event cancellations across the shire but a few have still been able to go ahead: great events like the Moyneyana Festival's 74th program rolled out over the summer, a phenomenal event. The Orford Vintage Tractor Rally, the Sheepdog Trials starting soon, the Port Fairy Marathon in February and of course the Folk Festival going ahead this year.

13. Urgent Business

Overview: A Councillor may raise an urgent matter for consideration at a Council Meeting if the Councillors considers that the matter is extremely urgent and it was not possible for the matter to have been included in the agenda notice for the meeting.

No urgent business was raised at this meeting.

14. CEO Meeting Schedule and Activities Report

Overview: The report provides information to Council in regard to the CEO's meeting schedules, between 27 November 2021 and 21 January 2022.

Meeting Schedule

date	Location	Meeting / Event
1 December	Via computer link	Dept Jobs, Precincts and Regions (DJPR), CEOs and Municipal Association of Victoria (MAV) Forum
1 December	Via computer link	Great South Coast (GSC) Integrated Water Management Forum
1 December	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
2 December	Via computer link	RCTP Shared Services- Governance and Quality Assurance- Corangamite, Moyne and Warrnambool
2 December	Via computer link	MAV CEO Forum
3 December	Via computer link	Vic Health - Barwon South West Area of Operations Control Team (AOCT) meeting
8 December	Port Fairy	Meeting with Stuart Grimley, Member for South West Victoria
8 December	Warrnambool	Regional Leaders Meeting
10 December	Warrnambool	Great South Coast (GSC) Board Meeting and AGM
11 December	Via computer link	Vic Health - Barwon SW AOCT Meeting
12 December	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
16 December	Torquay	Great Ocean Road Tourism Board AGM
16 December	Via computer link	COVID-19 Forum for Council CEOs

date	Location	Meeting / Event
20 December	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
20 December	Warrnambool	South West Emerging Leaders graduation ceremony
22 December	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
24 December	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
14 January	Via computer link	Rapid Response Engagement, Vic Health (Vic COVID19 situation)
20 January	Warrnambool	Port Fairy Race Day event

Report noted.

Meeting closed at 3.19pm

Confirmed this 1st day of March 2022

.....
 Mayor, Cr Ian Smith