



Moyne Shire Council

Ordinary Council Meeting

Tuesday 6 December 2022

Minutes



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Minutes of the Ordinary Meeting of Moyne Shire Council held on 6 December 2022, at Mortlake Council Chamber, commencing 2.01pm

Present

Councillors Karen Foster (Mayor), Jim Doukas, Damian Gleeson, Jordan Lockett, Daniel Meade (Deputy Mayor), James Purcell, Ian Smith

Officers Brett Davis, Chief Executive Officer
Edith Farrell, Director Infrastructure and Environment
David Rae, Director Community & Corporate Services
Jodie McNamara, Director Economy and Place
Darby Lee, Manager Economic Development & Customer Experience
Kate Lindsey, Economic Development and Tourism Coordinator
Lesley Cook, Executive Assistant

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.

Live-streaming of Council Meetings

The Chair will read the following:

Please note that today's meeting is being live streamed and can be viewed by the general public via Council's Facebook page, and later uploaded to Council's website. 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.

The Mayor acknowledge the passing of former Cr Mick Wolfe.

Apologies

No Apologies for 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.

Declarations made at this meeting:

Cr Geeson, declared an interest in Confidential Agenda Item 10, Banking Services

Confirmation of Minutes

Cr Purcell moved, Cr Meade seconded that the Minutes of the Ordinary Council Meeting held on Tuesday 8 November 2022, with the below amendment be confirmed.

2. Election of Mayor

Overview: Local Government Act 2020, Division 4 25(1) requires that Councillors elect a Councillor to be the Mayor of the Council.

Voting

The Chief Executive Officer called for a show of hands for each candidate:

Cr Doukas received 2 votes - Cr Doukas, Cr Purcell

Cr Foster received 5 votes - Cr Foster, Cr Gleeson, Cr Lockett, Cr Meade, Cr Smith

The Chief Executive Officer declared Cr Foster elected as Mayor of Moynes Shire.

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:

None for this meeting.

1. Monthly Financial Performance Report – October 2022

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

- 1. That Council receive the Monthly Financial Performance Report for October 2022.**
- 2. That Council approves the variations as listed under Section 7 Budget Variations for the current month.**

Motion carried 7:0

2. Public Holiday in Lieu of Melbourne Cup

Overview: The report proposes that Moyne Shire Council adopt the May Races, being the first Thursday in May 2023, to be the public holiday in lieu of the Melbourne Cup public holiday.

Cr Doukas moved, Cr Purcell seconded that the first Thursday in May for 2023 be gazetted as a public holiday in the municipal district of Moyne Shire Council in lieu of Melbourne Cup public holiday 2023.

Motion carried 7:0

3. Economic Development Strategy - Year 3 Action Plan Report

Overview: The report provides a summary on progress against the Economic Development Strategy Year 3 Action Plan.

Cr Meade moved, Cr Lockett seconded that Council endorse the Economic Development Strategy - Year 3 Action Plan Report.

Motion carried 7:0

4. Mayor and Councillors' Reports

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 29 October 2022 and 25 November 2022.

2022	Location	Meeting / Event
Mayor		
8 November	Koroit	Election of Mayor 2022-2023 and Ordinary Council Meeting
8 November	Koroit	Councillor Listening Post
11 November	Macarthur, Orford and Yambuk	Remembrance Day service and wreath laying
14 November	Port Fairy	Bernard Salt (Business Breakfast)
15 November	Port Fairy	Councillor Workshop
22 November	Macarthur	Site visits – Budj Bim, Macarthur Pool & Macarthur Kindergarten
Councillors		
29 October	Koroit	Opening - Koroit Football Netball Club Redevelopment
2 November	Mailors Flat	Mailors Flat Hall Committee AGM
3 November	Warrnambool	Let's Talk Monthly Meeting
4 November	Melbourne	Rail Freight Alliance Meeting
6 November	Koroit	Koroit Fire Brigade open Day and Official Opening of the new recovery area
8 November	Koroit	Election of Mayor 2022-2023 and Ordinary Council Meeting
8 November	Koroit	Councillor Listening Post
11 November	Locations throughout the Shire	Remembrance Day services and wreath laying
12 November	Mortlake	Mortlake Rose Show
13 November	Mortlake	<i>Dance O'Mat</i> launch
14 November	Port Fairy	Bernard Salt (Business Breakfast)
15 November	Port Fairy	Councillor Workshop
15 November	Port Fairy	Port Fairy Historic Lifeboat Committee Meeting

2022	Location	Meeting / Event
22 November	Macarthur	Site visits – Budj Bim, Macarthur Pool & Macarthur Kindergarten
22 November	Woorndoo	Woorndoo Community Group AGM
22 November	Port Fairy	Port of Port Fairy Delegated Committee meeting
23 November	Mortlake	Mr Shadwell Quarry Advisory Committee Meeting
24 November	Port Fairy	<i>Place Check Forum</i> – Ben Shoo

Report noted.

5. Councillor Notice of Motion

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

No Councillor Notice of Motion was submitted to this meeting Agenda.

6. General Matters

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

Cr Meade	I'd like to congratulate Port Fairy Visitor Information Centre top four in state for best info centre – gain brownze Tourism team Asheligh & volunteers doing great job. Weel done
Cr Gleeson	I'd like to congratulate Ms Britnell on winning the local seat also the Andrews Government for winning in local state government election, and look forward to working with them for the betterment of the shire.

7. 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.

8. CEO Meeting Schedule and Activities Report

Overview: The report provides information to Council in regard to the CEO's meeting schedules, between 29 October 2022 and 25 November 2022.

Meeting Schedule

2022	Location	Meeting / Event
16 November	By electronic means	Dept Health COVID-19 Engagement Partner Forum
16 November	Port Fairy	Electric Cars briefing
16 November	Port Fairy	Moyne Health Services Community Forum - Master Plan Process
18 November	Melbourne	LGPro CEO & Director Forum
23 November	By electronic means	Floods and Victorian Govt Waste Support
23 November	By electronic means	DELWP and Moyne Shire meeting
24 November	Warrnambool	Corangamite and Moyne - Aboriginal engagement & partnership plan - Forum/Workshop

Report noted.

Closure of Open Meeting

Cr Purcell moved, Cr Lockett seconded that the Open Meeting be closed in order that the Confidential Agenda be considered.

Motion carried 7:0

9. MS935 Winning and Stockpiling of Materials Mt Shadwell Quarry

Confidential report and attachments

Reason for confidentiality - Local Government Act 2020, Section 3 - Council Business Information - Information that would prejudice the Council's position in commercial negotiations if prematurely released

Overview: The report provides a summary of the evaluation and recommendation for Council consideration and resolution of tenders received for the winning and stockpiling of materials, Mt Shadwell Quarry.

Cr Doukas moved, Cr Purcell seconded that Council endorse the non conforming tender from Earth and Water Technologies for contract MS935 for the period of 4 years and 9 months commencing 1 January 2023 at the nominated schedule of rates for;

- a) **Winning and Stockpiling loose scoria product suitable to feed the Council owned and operated screening and crushing plant.**
- b) **Win material, screen and stockpile 40mm minus scoria, handle and stockpile rough scoria bi-product;**
- c) **Win material, screen and stockpile 30mm minus scoria overburden blend, handle and stockpile rough scoria bi-product.**

Motion carried 7:0

10. Banking Services

CONFIDENTIAL

This report is considered to be confidential under Local Government Act 2020 and in accordance with Clause 66 of Council's Governance Rules, being Commercial-in-Confidence information.

2.44pm Cr Gleeson declared an interest in this item and left the meeting

Overview: Council has a contract with Commonwealth Bank for banking and bill payment services that commenced May 2021. Council has the ability to append to the new State Government Purchase Contract for banking and bill payment services with the Commonwealth Bank which provides significant savings to Council.

Cr Purcell moved, Cr Doukas seconded that Council

- 1. Terminate the existing contract MS905 provision of Banking and Bill Payment Services with the Commonwealth Bank of Australia;**
- 2. Append to the State Purchase Contract Banking and Financial Services for the provision of banking, payment and collection services with the Commonwealth Bank of Australia with a contract expiry date of 30 September 2026.**

Cr Meade foreshadowed a motion.

Motion lost 1:5

For: Cr Doukas

Against: Cr Foster, Cr Lockett, Cr Meade, Cr Purcell, Cr Smith

Cr Meade moved, Cr Smith seconded that Council:

- a) Engage directly with the Bendigo Bank to provide all or part of its banking and bill payment services.**
- b) The CEO can grant an exemption to not engage the market provided a business case has been submitted, that can identify and demonstrate value for money, and the exemption is in the best interest of the community.**
- c) Council would still be required to award any contract in relation to banking services as stated in S5 Instrument of Delegation to Chief Executive officer.**

Cr Purcell foreshadowed a motion

Motion carried 4:3 – motion was carried on casting vote of the Mayor

For: Cr Foster, Cr Meade Cr Smith

Against: Cr Doukas, Cr Lockett, Cr Purcell

Resumption of Open Meeting

Cr Purcell moved, Cr Smith seconded that Standing Orders be resumed .

Motion carried 6:0

Meeting closed at 3.15pm

Confirmed this 31st January 2023

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Mayor, Cr Karen Foster