



Ordinary Council Meeting

Minutes

Held on Tuesday 31 January 2023

Council Chambers, Mortlake Council Offices
1 Jamieson Avenue, Mortlake VIC

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**Unconfirmed Minutes of the Ordinary Meeting
of Moyn Shire Council held on Tuesday 31 January 2023, at Council
Chambers,
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake Vic
commencing at 2:00 pm.**

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
Michelle Grainger, Manager Energy Projects
Kathryn Ryan, Executive Assistant

1 Procedural

1.1 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.

1.2 Live streaming of Council Meetings

The Mayor read the following statement:

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.

1.3 Prayer

The Deputy 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.

1.4 Apologies

No apologies at this meeting.

1.5 Declarations of Conflict Interest

No declarations made at this meeting

1.6 Confirmation of Minutes from previous meetings

Cr James Purcell moved, Cr Daniel Meade seconded that the Minutes of the Council Meeting held on 6 December 2022 be accepted and confirmed as correct.

CARRIED UNANIMOUSLY 7 / 0

1.7 Public Participation

Cr Ian Smith moved, Cr James Purcell seconded

That Standing Orders be suspended in order that the following Public Participants be heard.

CARRIED UNANIMOUSLY 7 / 0

Referring to Item 2.7 – Mt Fyans Wind Farm, Council's submission to Planning Permit Application PA18004060

1. Nick Allen
2. Adrienne and Colin Cameron
3. Sean Maxwell
4. Anne Blacker
5. Raymond Paton
6. Nina Thomas
7. Giles Rinckes, Woolnorth Renewables

Cr Daniel Meade moved, Cr Ian Smith seconded that Standing Orders be resumed and the Order of Business be changed to hear item 2.7 next.

CARRIED UNANIMOUSLY 7 / 0

2 Officers Reports

2.7 Mt Fyans Wind Farm - Council Submission to Planning Permit Application PA1800406

Overview: The Minister for Planning has placed the Mt Fyans Wind Farm Planning Permit application on exhibition. Council, as a stakeholder must consider the application and make a submission including a request to be heard at Panel based broadly on its current position of pausing the approval of new wind farms in the Shire until such time as a strategic approach including a threshold on the number of turbines in the Shire is set by the state government.

Cr Jim Doukas moved, Cr Daniel Meade seconded that Council,

- 1. In accordance with its current position on windfarms, write to the Minister for Planning objecting to the Planning Permit Application (PA1800406) for the Mt Fyans Wind Farm, and request to be heard at the Panel to be convened by the Minister generally in accordance with the draft submission attached to this report and**
- 2. Make reference to the 608 signatories to an objecting letter in the draft submission to the minister for Planning.**

CARRIED UNANIMOUSLY 7 / 0

2.1 Committees of Council - Councillor Membership

Overview: The report considers Council representation on the various Council Committees and external bodies with which Council is associated.

Cr Daniel Meade moved, Cr Jordan Lockett seconded

That Council appoint members to Committees of Council and delegates to organisations as follows:



Port of Port Fairy Delegated Committee	Cr Lockett Cr Purcell
Koroit Theatre Community Asset Committee	Cr Gleeson
Mortlake Recreation Reserve Community Asset Committee	Cr Smith
Nirranda and District Community Facility Community Asset Committee	Cr Meade
Southcombe Park Community Asset Committee	Cr Purcell
Victoria Park Community Asset Committee	Cr Foster
Audit Committee and Risk Management Advisory Committee	Mayor Cr Purcell
CEO Employment & Remuneration Advisory Committee	Cr Doukas Cr Foster Cr Gleeson Cr Lockett Cr Meade Cr Purcell Cr Smith
Economic Development Committee	Cr Meade Cr Gleeson
Mt. Shadwell Quarry Consultative Committee	Cr Doukas Cr Smith
Port Fairy Lifeboat Committee	Cr Lockett
DELEGATES TO OTHER COMMITTEES	
Australian Coastal Councils Association	Cr Foster
Belfast Aquatics	Cr Gleeson
South West Victoria Alliance (prev Great South Coast Municipalities Group)	Mayor

Municipal Association of Victoria (MAV)	Mayor
	Substitute - Deputy Mayor
MAV Rural & Regional Forum	Mayor
Alliance for Rail Freight Development	Cr Doukas
Rural Councils Victoria	Mayor
	Substitute – Deputy Mayor
Timber Towns Victoria	Cr Doukas
Warrnambool Airport Reference Group	Cr Doukas

CARRIED UNANIMOUSLY 7 / 0

2.2 Monthly Financial Performance Report – December 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 Damian Gleeson moved, Cr James Purcell seconded

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

CARRIED UNANIMOUSLY 7 / 0

2.3 Audit and Risk Committee Meeting Minutes

Overview: The report presents the unconfirmed minutes from the Audit and Risk Committee meeting held on the 7 December 2022

Cr Daniel Meade moved, Cr James Purcell seconded

That Council receives the unconfirmed minutes from the Audit and Risk Committee meeting held on 7 December 2022.

CARRIED UNANIMOUSLY 7 / 0

2.4 Audit and Risk Committee Annual Assessment

Overview: The purpose of the report is for the Chief Executive Officer to table the results of the Audit and Risk Committee's annual assessment as required by section 54(4) (b) of the Local Government Act 2020.

Cr Jim Doukas moved, Cr Ian Smith seconded

That Council receives the results of the Audit and Risk Committee annual assessment for 2022.

CARRIED UNANIMOUSLY 7 / 0

2.5 Community Asset Committee Annual Report 2022

Overview: Section 47(6) of the Local Government Act 2020 requires the Chief Executive Officer to submit an annual report to Council in relation to the activities and performance of its Community Asset Committees. The report presents the activities and performance of Council's five (5) Community Asset Committees for 2021-2022.

Cr Daniel Meade moved, Cr Ian Smith seconded

That Council receives the Chief Executive Officers report on its Community Asset Committees in accordance with Section 47(6) of the Local Government Act 2020 in relation to the activities and performance of these Committees for the 2021-2022 financial year.

CARRIED UNANIMOUSLY 7 / 0

2.6 Instrument of Appointment and Authorisation P & E Act 1987

Overview: The instrument can be used by a council to authorise officers to enforce the *Planning and Environment Act 1987* and institute proceedings on behalf of Council or represent Council.

Cr Jordan Lockett moved, Cr Damian Gleeson seconded

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Moynes Shire Council (Council) resolve that –

1. All previous appointment and authorisations for *Planning and Environment Act 1987* be revoked
2. “The Officers” be appointed and authorised as set out in the instrument.
3. The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY 7 / 0

Item 2.7 Mt Fyans Wind Farm - Council Submission to Planning Permit Application PA1800406 was considered earlier in the meeting.

2.8 Proposed lease to Powercor Australia Ltd – Part of Gardens Caravan Park Reserve located at 111 Griffiths Street, Port Fairy

Overview: Council has received a draft lease from Powercor Australia Ltd for 50 years with respect to installation of a new power substation for the purposes of receiving, distributing, transforming and supplying electricity to the Gardens Caravan Park located at 111 Griffiths Street, Port Fairy.

Cr Jim Doukas moved that

1. Authorise the CEO to proceed to advertise a Notice of Intention under section 115 of the *Local Government Act 2020* (the Act) of intention to enter into a lease agreement with Powercor Australia Ltd ACN 064 651 109 for a total of 50 years for part of 111 Griffiths Street, Port Fairy.

The proposed lease agreement provides for an electrical substation and for other purposes incidental to the receiving, distributing, transforming and supplying of electricity and is based on the following conditions:

- Lease Commencement Date – To be determined.
- Rental Commencement - \$0.10c per annum plus GST payable on demand.
- Lease Term – Thirty (30) years with one (1) option of a further term of twenty (20) years
- Leased area of fifty six square metres in accordance with Annexure B of the agreement.

2. **Seek and consider any public submissions under Section 115 of the Act by giving no less than 28 days' notice on Council's intention to enter the proposed lease with Powercor Australia Ltd; and**
3. **Direct Council officers to provide a further report to Council upon cessation of the Notice of Intention period and should no submissions be received; Council authorise the signing and sealing of the Lease agreement by all parties.**

Cr Doukas withdrew the motion.

Cr Daniel Meade moved, Cr Jordan Lockett seconded

That Council resolves to:

1. **Authorise the CEO to proceed to advertise a Notice of Intention under section 115 of the *Local Government Act 2020* (the Act) of intention to enter into a lease agreement with Powercor Australia Ltd ACN 064 651 109 for a total of 50 years for part of 111 Griffiths Street, Port Fairy.**

The proposed lease agreement provides for an electrical substation and for other purposes incidental to the receiving, distributing, transforming and supplying of electricity and is based on the following conditions:

- **Lease Commencement Date – To be determined.**
- **Rental Commencement - \$0.10c per annum plus GST payable on demand.**
- **Lease Term – Thirty (30) years with one (1) further term of twenty (20) years.**

2. **Seek and consider any public submissions under Section 115 of the Act by giving no less than 28 days' notice on Council's intention to enter the proposed lease with Powercor Australia Ltd; and**
3. **Direct Council officers to provide a further report to Council upon cessation of the Notice of Intention period and should no submissions be received; Council authorise the signing and sealing of the Lease agreement by all parties.**

CARRIED 6 / 1

For	Against
Cr Karen Foster	
Cr Damian Gleeson	
Cr Jordan Lockett	Cr Jim Doukas
Cr Daniel Meade	
Cr James Purcell	
Cr Ian Smith	

2.9 Food Registration Fee Exemption Policy

Overview: Policy Review for SD-1 Food Registration Fee Exemption Policy

Cr Damian Gleeson moved, Cr Jordan Lockett seconded

- a) **That Council endorse the updated SD-1 Food Registration Fee Exemption Policy Version 002**
- b) **That Council review SD-1 Food Registration Fee Exemption Policy Version 002 prior to November 2026**

CARRIED UNANIMOUSLY 7 / 0

2.10 Princes Highway Port Fairy Storm Water Petition

Overview: The report provides for the tabling of a submission by residents titled as a 'petition' which contains 8 signatures regarding properties on the service road between 165 to 183 Princes Highway, Port Fairy and the potential impacts of stormwater.

Cr James Purcell moved, Cr Damian Gleeson seconded

1. **That Council accept the submission by residents titled as a petition.**
2. **That Council request a subsequent report on the matter and consideration in the 2023 - 2024 budget.**

CARRIED UNANIMOUSLY 7 / 0

3 Councillors' Items

3.1 Mayor and Councillor Activities

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 26 November 2022 and 20 January 2023.

Mayor Activities

Date	Location	Meeting / Event
2022		
26 November	Koroit	Great Victorian Bike Ride - Mayor's welcome to riders
30 November	Mortlake	<i>Women Leading Locally</i> event
1 December	Allansford	Visit to Saputo factory
2 December	Koroit	Citizenship ceremonies
5 December	By electronic means	Everybody's Business Elder Abuse Prevention Network meeting
6 December	Mortlake	Council Meeting
6 December	Mortlake	Community Capital Works presentations
9 December	Melbourne	MAV Mayoral Welcome and Induction
12 December	By electronic means	Australian Coastal Councils Association
13 December	Peterborough	Councillor Workshop and Listening Post
14 December	Koroit Library	Book Reading with the Mayor
22 December	Woolsthorpe	Staff long service award presentation and end of year breakup lunch
27 December	Port Fairy	Official opening of Port Fairy Belfast Lions Art Show
2023		
17 January	Port Fairy	Councillor Workshop
18 January	Koroit	Victoria Park Asset Committee meeting

Council noted the report item Mayor Activities.

Councillor Activities

Date	Location	Meeting / Event
2022		
1 December	Allansford	Visit to Saputo factory
1 December	Melbourne	2022 Victorian Tourism Awards Gala Ceremony
2 December	Koroit	Citizenship ceremonies
2 December	Woolsthorpe	Woolsthorpe Wind Farm Community Engagement Committee (CEC) meeting
6 December	Mortlake	Council Meeting
6 December	Mortlake	Community Capital Works Presentations
6 December	Port Fairy	Moyneyana House AGM
7 December	Port Fairy	Audit and Risk Management Committee meeting
7 December	Hawkesdale	Hawkesdale and District Advancement Committee (HADDAC)
7 December	Port Fairy	Port Fairy Place Vision
7 December	Mortlake	Mortlake Wind Farm CEC Meeting
12 December	Woorndoo	Salt Creek Wind Farm CEC Meeting
12 December	Woorndoo	Dundonnell Wind Farm CEC Meeting
13 December	Peterborough	Councillor Workshop and Listening Post
15 December	Port Fairy	Port Fairy Consolidated School Presentation Night
20 December	By electronic means	Hawkesdale Wind Farm CEC meeting
22 December	Woolsthorpe	Staff Long Service Awards Presentation and Endo of Year Breakup lunch
2023		
10 January	Mortlake	Mortlake and Community Development Committee (MCDC) Meeting
17 January	Port Fairy	Councillor Workshop

Council noted the report item Councillor Activities.

3.2 Councillor Notice of Motion

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

3.2.1 Cr Doukas Notice of Motion - \$50,000 request, independent noise assessment and statutory audit of Macarthur Wind Farm

Cr Jim Doukas moved, Cr James Purcell seconded

That Moyne Shire Councillors Moyne Shire councillors direct the CEO to write to the Minister for Planning and DELWP (or its equivalent) and request the grant for \$50,000 (excl GST) that Moyne Shire Council previously rejected in 2019 in order to undertake a council independent noise assessment and statutory audit of Macarthur Wind Farm wind energy facility.

CARRIED 6 / 1

For	Against
Cr Jim Doukas	
Cr Karen Foster	
Cr Jordan Lockett	
Cr Daniel Meade	Cr Damian Gleeson
Cr James Purcell	
Cr Ian Smith	

3.3 General Matters

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

- Cr Meade On behalf of Moyne Shire, I'd like to pass on condolences to the family of Reg Dumnesy who passed away last week. He was 2016 Moyne Citizen of the Year, a very hard working volunteer in Panmure and district.
- Cr Doukas I'd like to endorse what Cr Meade said. Not only was Reg Dumnesy a great character, he had a great ability to support the community and did so.
- Cr Lockett I would like to congratulate council staff, Sarah Fenton and Myra Murrhly for their fantastic work behind the scenes for the Australia Day events. The Smoking Ceremony early in the day *Ngootyoong Laka, Ngootyoong Yana - Walking and Talking with respect* held at the massacre monument in Port Fairy and also later in the day, Citizenship Ceremonies held in Koroit. A big thank you to Brett Clark and Uncle Rob Lowe (senior) for a very powerful and moving ceremony. The Shire should be congratulated for acknowledging and respecting what occurred in the past. It is a difficult space and the shire should be really proud of how the day unfolded.
- Also lot of wonderful events across the shire at the moment: Moyneyana Festival held a massive program over several weeks in Port Fairy; the Koroit Truck show; Orford Vintage Rally and also Goomfest in Wangoom which was a roaring success. Coming up is *Music in the Vines* (this weekend) and the *Down South Fest* being held in Port Fairy on 25 February; the Jazz Festival is 10-12 Feb and the Folk Festival in March. This really is the festival shire!
- Cr Gleeson Congratulations to council staff and officers for their support given to local business especially accommodation – it was really well received.
- Cr Lockett The *parklets* in Port Fairy are an absolute roaring success!

3.4 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 recorded for this meeting.

4 CEO Meeting Schedule

Council noted the report item CEO Meeting Schedule 26 November 2022 and 20 January 2023.

5 CEO Activities Report

Overview: Statistics and updates from directorates on key works and initiatives for the previous month.

Council noted the report item CEO Activities Report.

6 Close Meeting

The Council Meeting 31 January 2023 was declared closed at 4:28 pm.

Confirmed this 28th February 2023

A handwritten signature in black ink, appearing to be "KF", written over a horizontal dotted line. The signature is stylized and cursive.

Mayor, Cr Karen Foster

