



Ordinary Council Meeting

Minutes

Held on Tuesday 28 March 2023

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





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Confirmed Minutes of the Ordinary Meeting
of Moyne Shire Council held on Tuesday 28 March 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), Ian Smith

Officers Brett Davis, Chief Executive Officer
Steve Van Orsouw, Acting Director Infrastructure and Environment
David Rae, Director Community & Corporate Services
Jodie McNamara, Director Economy and Place

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 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.

1.3 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.

1.4 Apologies

Apologies were accepted from Cr James Purcell

Resolution ID: OCM 2023-40

Cr Daniel Meade moved, Cr Ian Smith seconded to accept the apologies from Cr James Purcell

CARRIED UNANIMOUSLY 6 / 0

1.5 Declarations of Conflict Interest

Declarations made at this meeting

Cr Karen Foster declared an interest in Item 2.9 - Planning Scheme Amendment C69

Cr Damian Gleeson declared an interest in Item 2.9 - Planning Scheme Amendment C69

1.6 Confirmation of Minutes from previous meetings

Resolution ID: OCM 2023-27

Cr Damian Gleeson moved, Cr Jordan Lockett seconded
That the Minutes of the Council Meeting held on Tuesday 28 February 2023 be accepted and confirmed as correct.

CARRIED UNANIMOUSLY 6 / 0

1.7 Public Participation

1. Elaine Knowles

Speaking on behalf of Woolsthorpe Windfarm Too High Too Close Action Group Inc

2. Fiona Castley

Report 2.8 - Planning Scheme Amendment C69



- Report 2.9 - C77 Corrections Amendment
Speaking on behalf of submitters to C69 Amendment represented by Coast to
Country Building Approvals

- 3. Alastair Davies
Report 2.8 - Planning Scheme Amendment C69

- 4. Cameron Gray
Report 2.8 - Planning Scheme Amendment C69
Speaking on behalf of Pendragon Pty. Ltd.

Resolution ID: OCM 2023-28

Cr Daniel Meade moved, Cr Ian Smith seconded

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

CARRIED UNANIMOUSLY 6 / 0

Cr Damian Gleeson left the meeting at 2:11 pm.

Cr Karen Foster left the meeting at 2:11 pm.

**Cr Ian Smith moved, Cr Jordan Lockett seconded to resume standing orders and
that Order of Business be changed in order that item 2.8 and 2.9 be heard first.**

CARRIED UNANIMOUSLY 4 / 0



2 Officers Reports

2.8 Planning Scheme Amendment C69

Overview: To provide a summary of the recommendations of the Planning Panel Report for Planning Scheme Amendment C69moyn Port Fairy Coastal and Structure Plan.

Resolution ID: OCM 2023-29

**Cr Jim Doukas moved, Cr Jordan Lockett seconded
That Council:**

- 1. Considers the Panel Report for Amendment C69moyn to the Moyne Planning Scheme in accordance with Section 27(1) of the *Planning and Environment Act 1987*, and adopts the Panel's recommendations.**
- 2. Adopts Amendment C69moyn to the Moyne Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C69moyn recommended by the Panel.**
- 3. Submits Amendment C69moyn to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 4. That Council thank the submitters in relation to Amendment C69 noting that any future amendments that are not part of the C69 planning scheme will be considered in accordance with the provisions of the *Planning and Environment Act***

CARRIED UNANIMOUSLY 4 / 0

Cr Damian Gleeson returned to the meeting at 2:51 pm.

Cr Karen Foster returned to the meeting at 2:51 pm.

2.9 C77 Corrections Amendment

Overview: The proposed amendment will correct errors within the Moyne Planning Scheme, particularly, zoning anomalies, to ensure that the Scheme is accurate easy to interpret and up-to-date, and its administration is efficient.

Resolution ID: OCM 2023-30

**Cr Jim Doukas moved, Cr Damian Gleeson seconded
That Council:**

- 1. Seek authorisation from the Minister for Planning under Sections 8A and 8B of the *Planning and Environment Act 1987* to prepare and exhibit**



Amendment C70moyn to the Moyne Planning Scheme as shown in Attachment 1 to this report.

- 2. Following receipt of Ministerial authorisation, exhibit the planning scheme amendment in accordance with the provisions of the Planning and Environment Act 1987.**
- 3. Delegate, to the Manager Moyne Futures, the ability to make any changes to amendment documentation for Planning Scheme Amendment C77moyn prior to exhibition, if requested by the Department of Transport and Planning, or if required by a condition of Ministerial Authorisation.**
- 4. That the table included within Attachment 1 be amended to include the site described as Lot 79 LP1035, Lagoon Road, Port Fairy, as per the submission received from Coast to Country on 27th March 2023**

CARRIED UNANIMOUSLY 6 / 0

2.1 Monthly Financial Performance Report – February 2023

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.

Resolution ID: OCM 2023-31

Cr Damian Gleeson moved, Cr Daniel Meade seconded

- 1. That Council receive the Monthly Financial Performance Report February 2023.**
- 2. That Council approves the variations as listed under Section 7 Budget Variations for the current month.**

CARRIED UNANIMOUSLY 6 / 0

2.2 Councillor Conduct Hearing Outcome

Overview: Determination and Statement of Reasons for Decision of the Councillor Conduct Panel in the matter of Councillor Doukas and Councillor Gleeson.

Resolution ID: OCM 2023-32

Cr Jordan Lockett moved, Cr Daniel Meade seconded

That in accordance with section 168(2) of the Local Government Act Council notes the tabling of the Councillor Conduct Panel Determination in the matter of Councillor Doukas and Councillor Gleeson as attached to this report and that the Statement of Reasons for Decision be recorded in the minutes of the meeting.



CARRIED UNANIMOUSLY 6 / 0

2.3 Instrument of Appointment and Authorisation Planning & Environment Act 1987

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

Resolution ID: OCM 2023-33

Cr Daniel Meade moved, Cr Ian Smith seconded
In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Moyne 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 6 / 0

2.4 Audit & Risk Committee – Councillor Appointment

Overview: Councillors to confirm a Councillor delegate to fill a recently vacated position on Council's Audit & Risk Committee.

Resolution ID: OCM 2023-34

Cr Daniel Meade moved, Cr Ian Smith seconded that Council appoint Cr Damian Gleeson to the Audit and Risk Committee to fill the position vacated by Cr Purcell's resignation 10 March 2023.

CARRIED UNANIMOUSLY 6 / 0

2.5 GSC Digital Strategy Report

Overview: This report presents the Great South Coast Regional Digital Strategy. This strategy aims to coordinate digital technologies to better serve, respond and interact with residents, businesses, and visitors.



Resolution ID: OCM 2023-35

Cr Damian Gleeson moved, Cr Ian Smith seconded

That Council endorse the Great South Coast Regional Digital Strategy.

CARRIED UNANIMOUSLY 6 / 0

2.6 Wind Farm CEC Charter and Code of Conduct

Overview: A review of the Charter for Wind Farm Community Engagement Committees has been conducted and revisions to the Charter are recommended. Changes outlined include changes to Councillor membership, greater detail on meeting procedure and the introduction of a Code of Conduct for community and proponent representatives.

Resolution ID: OCM 2023-36

Cr Jim Doukas moved, Cr Daniel Meade seconded

- 1. That Council adopts the revised standard Wind Farm Community Engagement Committee Charter including the Code of Conduct for the following Committees:
Dundonnell Wind Farm, Hawkesdale Wind Farm, Hexham Wind Farm, Mortlake South Wind Farm, Mt Fyans Wind Farm, Ryan Corner Wind Farm, Salt Creek Farm Wind Willatook Wind Farm and Woolsthorpe Wind Farm**
- 2. That Council advises all CEC members in writing of the revised charters and Code of Conduct and seeks that members sign the Code of Conduct within 21 days of the request from Council.**
- 3. That the words 'within 14 days of receipt of the complaint' be added to the end of Part 9 - Breaches of Code of conduct.**

CARRIED UNANIMOUSLY 6 / 0

2.7 Mt Fyans Wind Farm CEC Community Representative Nominations

Overview: This report presents three nominations that have been received for two community representative vacancies on the Mt Fyans Wind Farm Community Engagement Committee.

Resolution ID: OCM 2023-37

Cr Daniel Meade moved, Cr Ian Smith seconded



1. That Council consider three (3) nominations that have been received for two (2) available community representative positions on the Mt Fyans Wind Farm Community Engagement Committee.

2. That applicants Peter Williamson & Yvonne Thomas be appointed to the Mt Fyans Community Engagement Committee

CARRIED UNANIMOUSLY 6 / 0

Items 2.8 and 2.9 were considered earlier in the meeting

2.10 Proposed Cattle Grid - Wrights Road PANMURE

Overview: Council has been approached by a landowner about the possibility of installing a cattle grid within the carriageway of Wrights Road, an unsealed no-through road at Panmure.

Resolution ID: OCM 2023-38

Cr Daniel Meade moved, Cr Jim Doukas seconded

That Council;

- 1. Approve the request for the installation of the proposed cattle grids in Wrights Road via an application for a Works Within Road Reserves Permit.**
- 2. That officers prepare a Deed of Agreement that outlines the responsibilities for associated costs for the design, installation, inspection, ongoing maintenance, and removal/replacement of the grid.**
- 3. That the Deed of Agreement is approved under the delegation of the CEO.**
- 4. That officers prepare a draft policy to guide potential future applications for the installation of cattle grids.**

CARRIED UNANIMOUSLY 6 / 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 18 February 2023 and 17 March 2023.



Mayor Activities

Date	Location	Meeting / Event
19 February	Panmure	Ash Wednesday 40 th Anniversary Memorial Service
20 February	Koroit	Rhyme Time, Koroit Library
21 February	By electronic means	Councillor Workshop
22-23 February	Melbourne	Advocacy meetings with State Government
23 February	Warrnambool	South West Healthcare Annual General Meeting
24 February	Warrnambool	South West Victoria Alliance Board Meeting
28 February	Mortlake	Council Meeting
2 March	Warrnambool	Dan Tehan International Women's Day round table
3 March	Port Fairy	Meeting with Department of Energy Environment and Climate Action; tour of the Ryan Corner Wind Farm; Each Beast landfill site visit
4 March	Port Fairy	Port Fairy Surf Life Saving Club Pink Patrol
7 March	Warrong	Growth Farms site visit to view Carbon Offset program
7 March	Warrnambool	Launch of the Ideas Places
7 March	Port Fairy	Port Fairy Folk Festival site tour
7 March	By electronic means	Councillor Workshop
8 March	Koroit	Koroit Probus AGM
8 March	Port Fairy	International Women's Day – Inspiring Women of Moyne presentations
8 March	Port Fairy	Audit and Risk Committee Induction
9 March	Bannockburn	Meeting with Golden Plains Shire Council – Wind Farm processes
14 March	Port Fairy	Councillor Workshop
14 March	Koroit	Victoria Park Koroit Committee meeting
15 March	Port Fairy	Audit and Risk Committee meeting
16 March	Framlingham	Close the Gap Day event

Council noted the report item Mayor Activities.



Councillor Activities

Date	Location	Meeting / Event
20 February	Mortlake	Mt Shadwell Quarry Advisory Committee Meeting
21 February	By electronic means	Councillor Workshop
22 February	Koroit	Koroit and District Progress Association
22 February	Framlingham	Framlingham Hall AGM
22-23 February	Melbourne	Advocacy Meetings with State Government
27 February	Hawkesdale	Hawkesdale Wind Farm Community Engagement Committee (CEC) meeting
28 February	Mortlake	Council Meeting
1 March	Hawkesdale	Hawkesdale Community Meeting
6 March	Dundonnell	Dundonnell Wind Farm CEC Meeting
7 March	Port Fairy	Port Fairy Folk Festival site tour
7 March	By electronic means	Councillor Workshop
7 March	Warrnambool	Launch Night – "This Ideas Place 2023"
8 March	Port Fairy	Audit and Risk Committee Induction
8 March	Mortlake	Mortlake South Wind Farm CEC Meeting
9 March	Bannockburn	Meeting with Golden Plains Shire – Wind Farm processes
14 March	Port Fairy	Councillor Workshop
15 March	Port Fairy	Audit and Risk Committee meeting
16 March	Mortlake	Mt Shadwell Quarry Advisory Committee meeting
17 March	Port Fairy	Port Fairy Little Athletics presentation night

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.

No Councillor Notice of Motion has been received for this meeting Agenda.



3.3 General Matters

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

Cr Lockett extended congratulations to Justin Rudge, Program Director and John Young, President of the Port Fairy Folk Festival Committee for the 46th Folk Festival. Also noted the Street Fair run by Council had nothing but glowing feedback, a real success, the street was bustling and the markets were great. Congratulations extended again to all the volunteers, the Committee, to the Council and to everyone that went.

Made mention of another event coming up, the Koroit Irish Festival 28-30 April. Noted it is another huge music festival in the Shire, very exciting that there are many events on.

Noted the Eastern Maar Native Title Consent Determination held at Logans beach. Stated it was a really powerful event to attend, with a few Councillors and Council officers there today. Congratulated the many people over many years involved in the Native Title claim.

Extended thanks to the Shire and the Folk Festival Committee for quick turnaround and repair of Southcombe Park, with the ground already repaired after rain on the Friday night. Congratulations extended.

Cr Doukas attended cricket finals at Purnim on the weekend and noted the huge crowd there. Ovals and facilities were fantastic, huge verandah enjoyed because of the weather, something to behold.

Cr Gleeson gave a shout out to Jacob Murray from Port Fairy who has been selected to attend the Asian Pacific Childrens Convention in Japan. This is an International camp 200 Year 11 children, with four representing from Australia. Noted the awesome effort involved and congratulated Jacob. Extended thanks to the Mayor for her follow up with Jacob and the promise of some gifts from the Shire.

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 from 21 February to 20 March 2023



5 CEO Activities Report

Council noted the report item CEO Activities Report.

6 Confidential Items

Overview: Under section 3 of the Act, the council may consider report items in closed business if they contain certain information which is defined to be confidential information because premature or improper release may cause harm to the Council or to a person or persons.

Confidential Information remains confidential unless it can lawfully be released and the Council has determined that it should be publicly available.

6.1 MS938 – Procurement of mobile cone crusher and screening plant

Resolution ID: OCM 2023-39

Cr Jordan Lockett moved, Cr Damian Gleeson seconded that the meeting be closed in order to consider confidential items.

CARRIED UNANIMOUSLY 6 / 0

7 Close Meeting

The Council Meeting Tuesday 28 March 2023 was declared closed at 3:59 pm.

Confirmed this 26th April 2023

A handwritten signature in black ink, appearing to be "KF", written over a horizontal dotted line.

.....
Mayor, Cr Karen Foster