

Ordinary Council Meeting

Minutes

Held on Tuesday 27 August 2024

Council Chambers, Mortlake Council Offices

1 Jamieson Avenue, Mortlake



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Confirmed Minutes of the Ordinary Meeting of Moyne Shire Council held on Tuesday 27 August 2024, at Council Chambers,

Mortlake Council Offices, 1 Jamieson Avenue, Mortlake commencing at 2:00 pm.

Present

Cr Ian Smith (Mayor)

Cr Karen Foster (Deputy Mayor)

Councillors

Cr Jim Doukas Cr Damian Gleeson

Cr Jordan Lockett Cr Daniel Meade

Officers

Mark Eversteyn, Chief Executive Officer

Edith Farrell, Director Assets & Community

Ed Small, Director Corporate & Governance Services Jodie McNamara, Director Environment, Economy & 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 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

Cr Karen Foster moved, Cr Daniel Meade seconded

The formal notification from Councillors unable to attend the meeting.

A Motion is required to accept Apologies.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas

Cr Karen Foster

Cr Damian Gleeson

Cr Jordan Lockett

Cr Daniel Meade

Cr Ian Smith

1.5 Declarations of Conflict Interest

Nil

Declarations made at this meeting

Edith Farrell declared an interest in confidential item: Item 6.3 - Port Fairy Swimming Pool Group (trading as Belfast Aquatics)

1.6 Confirmation of Minutes from previous meetings

Resolution ID: OCM 202494

Cr Daniel Meade moved, Cr Karen Foster seconded
That the Minutes of the Council Meeting held on 30 JULY 2024 be accepted and
confirmed as correct.

CARRIED UNANIMOUSLY 6 / 0



For Against

Cr Jim Doukas Cr Karen Foster Cr Damian Gleeson Cr Jordan Lockett

Nil

Cr Daniel Meade Cr Ian Smith

1.7 Public Participation

Cr Daniel Meade moved, Cr Karen Foster seconded that standing Orders be suspended in order to hear public participants.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas Cr Karen Foster

Cr Damian Gleeson

Cr Jordan Lockett

Nil

Cr Daniel Meade

Cr Ian Smith

Cr Daniel Meade moved, Cr Jordan Lockett seconded that Standing Orders be resumed

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas

Cr Karen Foster

Cr Damian Gleeson Nil

Cr Jordan Lockett

Cr Daniel Meade

Cr Ian Smith



2 Officers Reports

2.1 Fees and Charges Policy

Overview: The purpose of this report is to present to Council the updated Fees and Charges Policy for adoption.

Cr Daniel Meade left the meeting at 2:14 pm.

Cr Daniel Meade returned to the meeting at 2:17 pm.

Resolution ID: OCM 202495

Cr Damian Gleeson moved, Cr Jordan Lockett seconded That Council adopt the updated Fees and Charges Policy as attached to this report.

CARRIED UNANIMOUSLY 7 / 0

For Against

Cr Jim Doukas

Cr Karen Foster

Cr Damian Gleeson

Cr Jordan Lockett Nil

Cr Daniel Meade

Cr James Purcell

Cr Ian Smith

2.2 Update to Public Interest Disclosure Policy

Overview: This report provides Council with updates to the Public Interest Disclosure

Policy and supporting Procedure.

Resolution ID: OCM 202496

Cr Daniel Meade moved, Cr Jordan Lockett seconded

- (A) That Council review the updates to the Public Interest Disclosure Policy.
- (B) That Council note the updates to the Public Interest Disclosure Procedure.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas

Cr Karen Foster

Cr Damian Gleeson

Nil



Cr Jordan Lockett Cr Daniel Meade Cr Ian Smith

2.3 Update on The Wharf

Overview: The Council has engaged Wilsons Real Estate to call for Expression of Interest for the lease of The Wharf restaurant. The consideration of Expressions of Interest is likely to occur during the Council election Caretaker period and the Council is requested to authorise Council Officers to progress all matters required in relation to this matter.

Resolution ID: OCM 202497

Cr Damian Gleeson moved, Cr Jordan Lockett seconded That Council receive and note the report and that in order to progress the awarding of a lease for The Wharf restaurant situate at 29 Gipps Street, Port Fairy resolves:

- 1. To authorise the CEO to progress seeking and assessing Expressions of Interest for the Wharf Restaurant;
- 2. To appoint three officers to comprise the Committee of Management to undertake the assessment of any Expressions of Interest received, namely the Director Corporate and Governance Services, the Finance Manager and the Property Officer to recommend to the Council or the CEO a preferred lessee for their consideration and determination;
- 3. To authorise the CEO to undertake a Community Engagement process through EngageMoyne and to authorise the CEO to consider any submissions received:
- 4. To authorise the CEO to seek Ministerial Consent for approval of a lease arrangement and to enter into such a lease agreement.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas Cr Karen Foster

Cr Damian Gleeson

Cr Jordan Lockett

Cr Daniel Meade

Cr Ian Smith

Nil



2.4 Monthly Finance Report- July 2024

Overview: The report informs council of the financial performance and position of the organisation. It provides a snapshot of key financial indicators of our financial performance at the end of the reporting period. It focuses on monitoring operating performance, capital expenditure progress and the availability of/access to cash resources.

Officers Recommendation:

That Council receive and note the Financial Report as at 31 July 2024 and the Council adopt a fee of \$50.00 per tonne (plus GST) for the premium red scoria dust which will be extracted from the Mt Shadwell Quarry.

Summary

This report provides the financial position for July 2024. The financial position for 2023/24 is not yet finalised and subject to final external audit and consequently the full opening balance sheet is not provided in the report. A full comprehensive report will be provided for the period ending August 2024.

Council has received \$9.2 million or 85% of the annual Financial Assistance Grant in July 2024. As a result, Council's cash position has increased to \$21.4 million as of 31 July 2024. As these funds were received in the relevant financial (2024/25), the anomaly that been reported in the previous financial years which resulted in a significant Operating Deficit won't reoccur in the current financial year.

An unfavourable budget variation of \$65,000 to undertake rehabilitation works at the Mount Shadwell Quarry is included in *Appendix A Budget Variations*. These works are intended to be funded from the Quarry Reserve.

Discussion

The operating result for July 2024 is underlying Surplus of \$5.9 million. This includes \$9.5 million of the Financial Assistance Grant received in July 2024. The rates and charges revenue of \$24.6 million will be accounted for in September 2024 when the rates notices are sent out.

A summary of the results are reflected in Table 1 below.

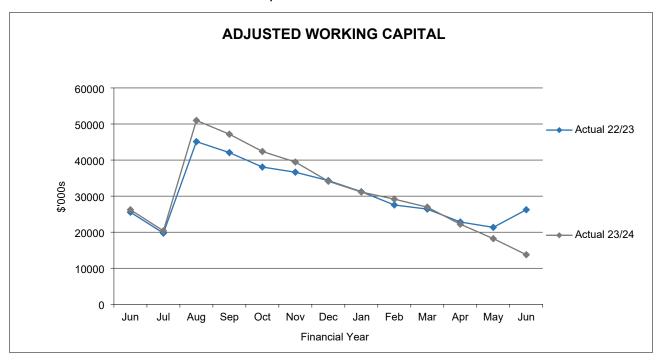




2.1 Working Capital

It is essential council ensure it always has sufficient liquid funds to meet its day-to-day obligations. The measure for meeting this requirement is our 'Working Capital'. This is the net difference between current assets and current liabilities. The measure is also able to be further adjusted to consider funds which are subject to restricted use (adjusted working capital).

The Graph below reflects the comparison for the full 2023/24 financial year compared to 2022/23. The comparative decrease in net working capital in June of the two years is due to the 2023/24 Commonwealth Grants Commission funds of \$10.4 million being received in advance in June 2023. The corresponding Grants Commission funds for 2024/25 were received in the correct month of July 2024, which resulted in less working capital being available at 30 June 2024 when compared with 30 June 2023.



Awaiting finalisation of 2023/24 audit. Updated working capital graph will be provided next month, after finalisation of 2023/24 accounts.



2.2 Investments

Details of current investments are shown in the following table:

MOYNE SHIRE COUNCIL INVESTMENTS JULY 2024						
Investment	Amount	Rating (short term/ long term)	Rate	Term Mths	Investment Date	Maturity Date
CBA Business Online Saver	5,000,000	A1+/AA-	4.55%	at Call		at Call
ING	1,000,000	A1/A	5.37%	12	22/8/23	21/8/24
NAB	1,000,000	A1+/AA-	5.16%	12	29/8/23	28/8/24
Bank of Queensland	1,000,000	A2/BBB+	5.17%	6	13/3/24	13/9/24
NAB	2,000,000	A1+/AA-	5.28%	12	27/9/23	26/9/24
Bank of Queensland	1,000,000	A2/BBB+	5.10%	6	11/4/24	11/10/24
CBA Fixed Term Deposit	1,000,000	A1+/AA-	5.48%	12	1/11/23	31/10/24
NAB	1,000,000	A1+/AA-	5.08%	9	27/2/24	25/11/24
Suncorp	1,000,000	A1/A+	5.12%	11	1/3/24	24/1/25
Bendigo Bank	2,000,000	A2/BBB+	5.20%	6	25/7/24	28/1/25
ING	1,000,000	A1/A	5.11%	12	25/3/24	25/3/25
NAB	1,000,000	A1+/AA-	5.28%	9	24/7/24	22/4/25
Suncorp	1,000,000	A1/A+	5.44%	10	10/7/24	6/5/25
Suncorp	2,000,000	A1/A+	5.44%	11	10/7/24	7/6/25
Sub Total	21,000,000					
Cash	421,411					
Total Cash & Investments	21,421,411					
Previous Month's Balance	14,221,411					
Movement	7,200,000					

The increase in Cash and Investments of \$7.2 million for the month is primarily due to the receipt of the first tranche of the Commonwealth Grants Commission funds of \$9.5 million in July 2024.



Details of council's investment policy guidelines Vs actual holdings are provided in the following table:

		Policy Guidelines			Actual Holdings		
Short Term Rating Standard & Poor's	Long Term Rating Standard & Poor's	Maximum Percentage of Total Funds with One Financial Institution	Maximum Term to Maturity	Maximum Percentage of Total Investments	Percentage of Total Funds with One Financial Institution*	Maximum Term to Maturity*	Percent of Total Investments
A1+	AAA to AA-	50%	3 years	100%	29%	12 months	52%
A1	A+ to A-	30%	1 year	60%	19%	12 months	29%
A2	BBB+ to BBB-	10%	180 days	20%	10%	6 months	19%

^{*} Policy for maximum percentage of funds with one financial institution & maximum term to maturity applies at the date an investment is made.



2.3 Overdue Debtors

The table below shows rate arrears i.e. the overdue rates balances with comparatives as at the same period in the previous financial year. An increase in outstanding rates is reflective of the current economic climate. It is noted that the total outstanding rate debtors have reduced by \$35,623 since the previous report as at 30 June 2024.

The 2024/25 rate notices are expected to be received by ratepayers by early September 2024. These rate notices will also include the amount of any arrear rates. The Council will be in contact with ratepayers mid-October who have arrears after the first rate instalment due date and who do not have an arrangement with the Council in relation to the debt. The Council will also be issuing a press release on this matter to align with the August 2024 Ordinary Council meeting.

Outstanding rates	Balance of arrears as at July 2023 \$	Balance of arrears as at July 2024 \$
Rates arrears		
Debt Collection	336,807	458,003
Exhausted Collection Process	80,464	94,450
Balance Remaining Under \$500	14,010	14,240
Payment by Arrangement	410,114	596,115
COVID Hold	891	0
Total rates arrears	842,286	1,162,808



The table below shows the total value of overdue general debtors past 90 days due at the end of the current reporting period and the previous reporting period. The arrear animal fees are in respect of the annual dog and cat registrations have now reached over the 90 days. Letters will be sent to the animal owners in relation to the arrear registrations.

GENERAL DEBTORS - OVER 90 DAYS	June 2024 \$	July 2024 \$
Child Care and Kindergarten	8,014	10,035
Home Care	18,824	21,264
Port	10,060	10,060
Quarry	5,180	6,352
Sundry Debtors	3,757	2,965
Planning	8,041	7,969
Building	4,579	4,813
Fire Hazard	6,039	6,039
Animals	0	12,395
Infringements	7,646	9,316
Waste	579	579
Total	72,720	91,787

2.4 Detailed Financial Statements for 31 July 2024

The detailed Financial Statements for the period ended 31 July 2024 are included as Appendix A.

These include:

- Income Statement
- Summary of Budget Variations
- Expenditure Summary by Operating Program
- Capital Works Expenditure Summary by Directorate



2.5 Progress on Key Indicators

Progress on key indicators is shown in the following table:

	2024-25			
	Adopted	Update	YTD	
	Budget	Budget	Actual	
Indicator	\$'000s	\$'000s	\$'000s	Notes
Operating Surplus / (Deficit)	\$6,269	\$6,269	\$6,507	1
Underlying Surplus / (Deficit)	\$748	\$748	\$5,891	
Cash and investments	\$14,829	\$14,829	\$21,421	2
Reserve funds	\$10,377	\$10,377	\$12,105	
Rates outstanding	\$1,184	\$1,184	\$1,162	
Debtors Other outstanding	\$2,500	\$2,500	\$2,428	3
Borrowings outstanding	-	-	-	
Depreciation	\$17,022	\$17,022	\$1,419	
Capital expenditure	\$27,890	\$27,890	\$1,034	
Net worth	\$676,958	\$676,958	\$678,655	

- 1. Rates and charges to be raised in August 2024
- 2. 85% of the Financial Assistance Grant or \$9.2 million received in July 2024.
- 3. Includes Fire Services Levy of \$0.7 million

3.0 Sale price for New Quarry Product

An additional fee which was not set during the 2024/25 budget adoption process is recommended for a new product from Mt Shadwell Quarry. During recent quarry operations a vein of brightly coloured red scoria has been uncovered, and a market opportunity identified for this less common material.

A limited quantity of premium red scoria dust will be extracted at Mt Shadwell Quarry. A motion was passed at the 17th July Quarry Advisory Committee Meeting to set the market price for this product at \$50/tonne + GST. This pricing recommendation was based upon this being a premium product, with limited availability and anticipated high demand.

The Officers involved in reviewing this report, having made enquiries with the relevant members of staff, report there are no conflicts of interest to be disclosed.

A Gender Impact Assessment was not undertaken. The policy, program or service was deemed to not have a direct and significant impact on the public.

Attachments

1. APPENDIX A Financial Statements as at July 2024 [2.4.1 - 3 pages]

Resolution ID: OCM 202498



Cr Daniel Meade moved, Cr Karen Foster seconded Officers Recommendation:

That Council receive and note the Financial Report as at 31 July 2024 and the Council adopt a fee of \$50.00 per tonne (plus GST) for the premium red scoria dust which will be extracted from the Mt Shadwell Quarry.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas Cr Karen Foster Cr Damian Gleeson Cr Jordan Lockett

Nil

Cr Daniel Meade Cr Ian Smith

2.5 Application for Jack Smits Memorial Plaque

Overview: A group of Port Fairy citizens, referring to themselves as The Early Morning Crew have approached Council seeking permission to install a memorial plaque on the existing bench seat outside the Port Fairy Newsagency, honouring the late Mr Jack Smits, a prominent member of the local community.

Resolution ID: OCM 202499

Cr Jordan Lockett moved, Cr Damian Gleeson seconded That Council endorse the request of the Early Morning Crew and permits the group to supply and install a plaque on the seat outside the Port Fairy Newsagency inscribed as per the request and detailed as follows:

"Jack's Seat

In memory of Jack Smits. From this seat in the early mornings Jack chatted, counselled, amused and entertained us with his wit and warmth. Jack made our days and our community better. Always remembered.

From the Early Morning Crew"

CARRIED UNANIMOUSLY 6 / 0

For Against Cr Jim Doukas Nil

Cr Karen Foster



Cr Damian Gleeson Cr Jordan Lockett Cr Daniel Meade Cr Ian Smith

2.6 Draft Victorian Transmission Plan guidelines and Study Area Map - submission

Overview: The VicGrid Draft Victorian Transmission Plan Guidelines (the Guidelines) and study area map (the Map) has recently been placed on public consultation. Council's submission has been lodged and is attached.

Resolution ID: OCM 2024100

Cr Daniel Meade moved, Cr Karen Foster seconded That Council note the submission made on its behalf to VicGrid on the Draft Victorian Transmission Plan Guidelines, submitted on 25 August 2024.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas Cr Karen Foster Cr Damian Gleeson Cr Jordan Lockett

Nil

Plan for Victoria Submission

Cr Daniel Meade Cr Ian Smith

2.7

Overview: The Victorian Government is preparing a new strategic land use plan, Plan for Victoria, which seeks to provide long-term, integrated strategic planning for the State until 2050. Public consultation is being undertaken until 30 August 2024 on the new Plan for Victoria and draft housing targets. A draft submission has been prepared for Council.

Resolution ID: OCM 2024101

Cr Daniel Meade moved, Cr Karen Foster seconded That Council:-



- a) consider and endorse the attached draft submission in response to the Plan for Victoria, including the draft housing targets, subject to minor alterations and publishing; and
- b) send a copy of the endorsed submission to State Government via the Plan for Victoria engagement platform.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas Cr Karen Foster Cr Damian Gleeson

Nil

Cr Jordan Lockett Cr Daniel Meade Cr Ian Smith

2.8 S6 Council Delegations to members of Council Staff

Overview: The report reviews and updates the Council's delegation of authority to members of council staff. Delegations are regularly updated to reflect changes to various legislation that impact operations of Local Government.

Resolution ID: OCM 2024102

Cr Jim Doukas moved, Cr Karen Foster seconded

That Item 2.8 is to return to council at next council meeting on Monday 16 September 2024

CARRIED 5 / 1

For Against

Cr Jim Doukas Cr Karen Foster

Cr Damian Gleeson Cr Jordan Lockett

Cr Daniel Meade Cr Ian Smith

2.9 S5 Instrument of Delegation, Council to Chief Executive Officer



Overview: Instrument of Delegation from Council to CEO. This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some conditions and limitations, to the CEO. The report provides that delegations should be regularly updated to reflect any legislative changes plus review and update conditions and limitations to the CEO.

Resolution ID: OCM 2024103

Cr Daniel Meade moved, Cr Damian Gleeson seconded

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (**the Act**), Moyne Shire Council (**Council**) **RESOLVES THAT** –

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY 6 / 0

For Against

Nil

Cr Jim Doukas Cr Karen Foster Cr Damian Gleeson

Cr Jordan Lockett

Cr Daniel Meade

Cr Ian Smith

2.10 Koroit Township Renewal Growing Regions Funding Application Round

Overview: The Koroit Township Renewal Project is Council's leading priority project and is proposed to be submitted for funding support through a full application to the Federal Government's Growing Regions Program Round 2 due by 10 October 2024. In order to complete Stage three footpath works in Commercial Road, and road / footpath and drainage works in High Street, a funding application for a total of \$4 million with a \$2 million Council contribution from FY24-25 budget is proposed.



Cr Jim Doukas left the meeting at 3:19 pm. Cr Jim Doukas returned to the meeting at 3:22 pm.

Resolution ID: OCM 2024104

Cr Jim Doukas moved, Cr Karen Foster seconded

 Council authorises officers to make a submission under the required application process to the Growing Regions Program Round 2 which closes 10 October 2024., based on Councils contribution of \$2 million allocated through its 2024/2025 budget.

CARRIED UNANIMOUSLY 6 / 0

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

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 20 July 2024 and 16 August 2024.

Mayor Activities

Date	Location	Meeting / Event
23 July	Melbourne	Geographic Names Victoria Information Session
30 July	Mortlake	Ordinary Council Meeting
4 August	Hamilton	Meeting with Minister Gayle Tierney
13 August	Port Fairy	Councillor Workshop
13 August	Mortlake	Mortlake Community Development Committee (MCDC) meeting
15 August	Port Fairy	CEO Performance Management Plan Meeting



Council noted the report item Mayor Activities

Councillor Activities

Date	Location	Meeting / Event
24 July	Peterborough	Peterborough Residents Group Meeting
24 July	Koroit	Koroit & District Progress Association meeting
28 July	Warrnambool	Western Victoria Female Football League Presentations
30 July	Mortlake	Ordinary Council Meeting
31 July	Koroit	Stand for Moyne – Pathway to Council
2 August	Melbourne	Rail Freight Alliance Meeting
6 August	Mortlake / on-line	VicGrid Briefing
6 August	Port Fairy	Port of Port Fairy Delegated Committee Meeting
9 August	Woolsthorpe	Woolsthorpe Wind Farm Community Engagement Committee (CEC) Meeting
10 August	Panmure	Official opening Panmure Change Facilities
13 August	Port Fairy	Councillor Workshop
15 August	Port Fairy	Economic Development Advisory Committee (EDAC) meeting

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.

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.

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

The Port of Port Fairy Delegated Committee noted the report item CEO Meeting Schedule 23 July 2024- 20 August 2024.

5 CEO Activities Report

Overview: CEO Activities Report – 27 August 2024

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.

The following is a list of confidential Items.

- MS977- Supply and Delivery of Bituminous Products
- MS979 Road, Footpath and Concrete Services
- Port Fairy Swimming Pool Group (trading as Belfast Aquatics) Operations
- Port Fairy Folk Festival Contribution- Cell on Wheels

Cr Jim Doukas moved, Cr Karen Foster seconded that the meeting be closed in order to consider confidential items.

CARRIED UNANIMOUSLY 6 / 0

For Against

Cr Jim Doukas

Cr Namian Glass

Cr Damian Gleeson Cr Jordan Lockett

Nil

Cr Daniel Meade

Cr Ian Smith



7 Close Meeting

The Council Meeting - 27 August 2024 was declared closed at 4:14 pm.