



Minutes

Ordinary Council Meeting

Tuesday, 25 September 2018

Moyne Shire - a safe, vibrant, liveable, and prosperous community



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**Minutes of the Ordinary Meeting of Moyne Shire Council
held 25 September 2018 at the Mortlake Council Chamber,
Jamieson Avenue, Mortlake commencing 4pm**

Present

Councillors M. Wolfe (Mayor), J. Doukas, J. Lockett (Deputy Mayor),
D Meade, I. Smith, J. Parker and C. Ryan

Officers in attendance Mr K. Leddin, Acting Chief Executive Officer
Mr T Greenberger, Director Physical Services
Mr O Moles, Director Sustainable Development
Ms J Consedine, Acting Director Community & Corporate Support
Ms L Cook, Executive Assistant

Acknowledgement of Country

The Mayor read the following statement:

We acknowledge the Traditional Owners of the land on which we are meeting and pay our respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Recording of Council Meetings

The Mayor read the following statement:

Please note that today's meeting is being audio recorded. This recording will be made available to any member of the public on written request to the Council. The record will be kept and be made available for a period of seven years. 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 that recording being made available to any person who applies to the Council and is granted access to the audio recording of the meeting.

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.

Declarations of Conflict of Interest

Local Government Act 1989 Section 79 (2): A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:

- (a) by either:
 - (i) Advising the Council or special committee at the meeting of the details required under paragraph (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) Advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) Classifying the type of interest that has given rise to the conflict as either:
 - (i) A direct interest: or
 - (ii) An indirect interest and specifying the particular kind of indirect interest under Section 78, 78A, 78B, 78C, 78D or 78E; and
- (c) Describing the nature of the interest; and
- (d) If the Councillor or member advised the Chief Executive Officer of the details under paragraph (a) (ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Declarations made at this meeting

Report #	Councillor's name	Interest Type
Item 10 Windfarms in Moyne Shire	Cr Jill Parker	Section 79

Confirmation of Minutes

Cr Ryan moved, Cr Meade seconded that the Minutes of the Ordinary Council Meeting held on Tuesday, 28 August 2018 be confirmed.

Motion carried 7:0

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.

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.

The public participation segment for each meeting will be held at the beginning of the Council meeting commencing at 4pm.

Any matters raised at a public participation session will be considered by the Council at the subsequent Council meeting.

The matters will be considered after the confirmation of minutes of previous meetings and be considered in the order they were raised at the public participation session.

Public participation attendees – 25 September 2018 meeting

John Mugavin Report 4 Amendment to Planning Permit PL16/222.01, 107 Gipps Street, Port Fairy, convert deck to garage and associated works.

Michael Price Report 5 Planning Permit PL17/026 – 8 Earle Street, Port Fairy, Building and works to extend a dwelling

4.20pm Cr Parker declared an Interest and left the Chamber during the Public Participation submissions relating to Report 10 Windfarms in Moyne Shire.

Lachie Cumming Report 10 Windfarms in Moyne Shire

Rachael Krepp Report 10 Windfarms in Moyne Shire

Tim Haworth Report 10 Windfarms in Moyne Shire on behalf of Mortlake and District Windfarm Action Group

4.43pm Cr Parker returned to the Chamber.

Hamish Cumming Mr Cummings questions regarding AGL asked at August 2018 meeting and other correspondence have not been answered.

Suspension of Standing Orders

Cr Ryan moved, Cr Smith seconded that Standing Orders be suspended in order that items 4, 5, 6 and 10 be heard next.

Motion carried 7:0

4. Amendment to Planning Permit PL16/222.01 – 107 Gipps Street, Port Fairy – convert deck to garage and associated works

Report Summary: This report referred to a planning permit amendment application at 107 Gipps Street, Port Fairy to convert the existing deck into a fully enclosed garage, extend the deck further east and provide for additional privacy fencing to the southern boundary and eastern extent of the deck. The use and development of the dwelling was approved by VCAT in 2014 and a subsequent separate permit was issued for buildings and works to construct a deck between the dwelling and the southern boundary. Four objections have been lodged to the amendment application.

Cr Ryan moved, Cr Lockett seconded that Council having caused notice of Planning Application No. PL16/222.01 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 Refuse to Grant an Amendment to the Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 107 Gipps Street, Port Fairy, for buildings and works for dwelling extension (deck to the southern boundary) to convert the deck to a garage and associated extensions to the deck and privacy screening with the application dated 10 November, 2017 on the following grounds:

1. The garage to be built to the southern boundary is contrary to the objectives of the Design and Development Overlay – Schedule 9 as it will permanently remove any glimpses through the site to the Moyne River.
2. The cumulative impact of the addition of a garage built to the southern boundary of the land adjoining dwellings built boundary to boundary creates an unbroken wall of mass to the riverside that is contrary to the requirements of Schedule 9 to the Design and Development Overlay.
3. The amendment to permit is contrary to the orderly and proper planning of the area.

Motion carried 5:2

For: Cr Lockett, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe

Against: Cr Doukas, Cr Meade

5. Planning Permit PL17/026 – 8 Earle Street, Port Fairy – Building and works to extend a dwelling

Report Summary: The Applicant seeks a planning permit for building and works for the construction of dwelling alterations and extensions at 8 Earle Street, Port Fairy. The applicant is proposing to extend the garage and convert it into two bedrooms, a bathroom and a deck. Two objections to the proposal has been received. The application is consistent with the Planning Policy Framework, and the Design and Development Overlay Schedule 10 of the Moyne Planning Scheme.

Cr Lockett moved, Cr Smith seconded that Council having caused notice of Planning Application No. PL17/026 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 8 Earle Street, Port Fairy, (Lot 9 Block 4 PS001067), for the Building and works for the construction of dwelling alterations and additions in accordance with the endorsed plans, with the application dated 17/02/2017, subject to the following conditions:

1. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the plans submitted with the application, except that the plan must show:
 - a) a survey of existing vegetation to be retained and/or removed on the southern and eastern title boundaries;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. It is required that the species are native and indigenous to the Moyne Shire. The Plan must not include the use of any environmental or declared noxious weeds; and
 - c) planting along the southern and eastern title boundaries with a mature height that will assist with screening the developmentAll species selected must be to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the commencement of any site works, site boundaries must be clearly surveyed by a licensed surveyor and marked out to coincide with Title details, to the satisfaction of the Responsible Authority. All contractors must be made

aware of all site boundary locations to avoid the carrying out of any works onto adjoining properties.

4. Within 3 months of the completion of the dwelling extension 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. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
5. The landscaping must be provided with an adequate water supply and mulching to ensure the health and continued 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.
6. The dwelling extension hereby permitted shall not be used as a separate dwelling, to the satisfaction of the Responsible Authority.
7. The external colours to be used on the dwelling extension hereby permitted must match the colour, texture and finish of those of the existing dwelling to the satisfaction of the Responsible Authority.
8. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four 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 months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

Notes

- i) Condition 3 is required as it has been brought to Council's attention that the title boundaries may not reflect the extent of fence lines that are on-site.
- ii) The application for the dwelling has not been assessed under Clauses 54 (single dwelling) or 55 (two dwellings) 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.

Motion carried 7:0

6. Planning Permit PL18/103 – 1097 Baileys Road, Naringal East Two (2) lot subdivision (excision of dwelling)

Report Summary: The application sought to excise an existing dwelling from the balance of the land. The subject site is 47.37ha and contains two dwellings, outbuildings, and farm buildings. The application has been subject to public notification and has received no objections.

Cr Meade moved, Cr Smith seconded that Council having caused notice of Planning Application No. PL18/103 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 Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as Nullawarre Lot 1 PS 648575G, 1097 Baileys Road Naringal East Victoria 3277, for the Two (2) lot subdivision (excision of dwelling), with the application received 08/06/2018, subject to the following conditions:

Conditions:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which:
 - a) The owner of Lot 1 acknowledges that the area is within a Farming Zone, and that the land will experience a level of amenity commensurate with it being within a working farming area. The owner acknowledges and accepts the possibility of nuisance from adjoining agricultural and industrial operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.
 - b) The land will not be further subdivided so as to increase the number of lots unless the lots meet the minimum lot size under the Planning Scheme.
The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 Agreement.
2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan.
3. Before the issue of Statement of Compliance the existing dwelling on Lot 1 created by the subdivision approved by this permit must have a certificate from a suitably qualified plumber or business that confirms that the waste water system that contains all waste water onsite to Lot 1, the system must comply with the Environment Protection Act 1970, State Environment Protection Policy (Waters

of Victoria) and the EPA Code of Practice 891.4 (2016), to the satisfaction of the Responsible Authority. If the current system is not compliant, a replacement system will be required.

4. All stormwater must be contained on site or directed to a legal point of discharge to the satisfaction of Moyne Shire Council.

Powercor Conditions

5. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
6. The applicant shall:
 - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
 - f) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.

- g) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Expiration of Permit

7. This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified within two years of the date of the permit.
 - b) A statement of compliance is not issued within five years of the date of certification of the Plan.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition. The Responsible Authority may extend the time if a request is made before the permit expires, or within six months of the permit expiry date.

Cr Doukas foreshadowed a motion.

Motion carried 7:0

10. Windfarms in Moyne Shire

5.19pm Cr Parker declared an interest in this item and left the Chamber during discussion and voting.

Report Summary: Community concern has escalated rapidly in recent months over existing and proposed windfarms in Moyne Shire. While the approval of windfarms go through a rigorous statutory planning permit process administered by the Minister for Planning, communities are questioning the strategic approach to windfarms in terms of social, economic and environmental impacts.

Cr Ryan moved, Cr Meade seconded that Council

- (a) request an urgent meeting with the Minister for Planning Hon. Richard Wynne and Members for Western Victoria Ms Jaala Pulford and Ms Gayle Tierney to convey the Mortlake and District community resolution of 17 September 2018, which is fully supported by Council,
- (b) request the Minister to immediately appoint an Advisory Committee under Section 151 of the Planning and Environment Act 1987 to review and make recommendations with respect to the cumulative impact that windfarms are having within Moyne Shire and the west of Victoria.
- (c) seek a meeting with State Government opposition to seek clarification of their policy and position on Windfarms

Motion carried 6:0

5.35pm Resumption of Standing Orders

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

Motion carried 6:0

5.35pm Cr Meade left the Chamber.

5.36pm Cr Meade and Cr Parker returned to the Chamber.

1. Assemblies of Councillors

Report summary: The report details assemblies of Councillors that have taken place since the matter was last reported to Council in August 2017.

Cr Parker moved, Cr Ryan seconded that Council receives and notes the records of the listed assemblies of Councillors covering the period 18 August 2018 to 14 September 2018.

24 August 2018 – Woolsthorpe Wind Farm Community Engagement Committee (CEC) meeting

Matters considered	Status of project plans and investment. Proposed transmission line
Councillors present	Cr Colin Ryan
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared.

29 August 2018 – Mortlake South Wind Farm CEC meeting

Matters considered	<ul style="list-style-type: none"> – Status of VRET Auction Scheme. – Status of Acciona’s consideration of transmission line options. – Outcome of request for Council to increase the CEC community representative numbers from 4 to 5. – Update on preparation of design and engineering plans. – Traffic management, local road upgrades and sources of materials. – Site layout including internal tracks.
Councillors present	Cr Jim Doukas (Chair), Cr Jill Parker, Cr Ian Smith
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared.

4 September 2018 – Councillor Workshop (Blackwood Centre, Koroit)

Matters considered	<ul style="list-style-type: none"> – Site Visit - Koroit Bowls Club – Site Visit - Vic Park – Site Visit - Skate Park – Site Visit - Koroit Depot – Presentation - Bega Cheese, Mark McDonald - Executive General Manager, Ingredients Business Unit – Koroit Irish Festival Rep to discuss events grant reduction – Australia Day Event Processes – EEO & Bullying and Harassment Policy – 3yr old Kindergarten – Economic Migration – Koroit Structure Plan – Application for Droving in Moyne Shire – Dog Attack - 60 Spring Street, Mortlake – Recycling Industry Strategic Plan
Councillors present	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr K Leddin, Mr O Moles, Ms L Johnson, Ms J Consedine, Ms J Anderton, Ms V Askew-Thornton, Ms L Cook
Conflict of Interest	None declared.

5 September 2018, Salt Creek Wind Farm CEC Meeting

Matters considered	<ul style="list-style-type: none"> – Discussion regarding Tilt Renewables responses to Questions on Notice about noise monitoring and the implementation of the Bat and Avifauna Management Plan. – Noise logger location map. – Notes from Tilt Renewables / Emergency Services meeting 9th July. – Lend a Hand Community Fund update. – Wind Farm Open Day.
Councillors present	Cr Jill Parker (Chair), Cr Ian Smith
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared.

11 September 2018 – Councillor Workshop, Port Fairy

Matters considered	<ul style="list-style-type: none"> - Site visit - 107 Gipps Street, Port Fairy - Presentation - Beyond the Bell, Adele Kenneally Executive Officer and Helen Bayne (Moyne Local Action Group Representative) - Presentation – Caravan Park Strategic Planning Framework - 2017-18 Cash Result to Budget and Carry Forwards - Moyne Shire Animal Pound Arrangements - Planning & Environment Act 1987 - Appointment and Authorisations - Proposed Memorial Plaque - Sparrow Family - PS-10 Use of Council Plant for Community Activities or Events Policy - Proposed easement for Council freehold land Railway Place, Port Fairy - Contract MS818 – Variation to Waste and Recycling Services – Transfer Stations - Application for Droving in Moyne Shire - Site visit Gardens Oval, ref PFFNC Masterplan
Councillors present	Cr Jim Doukas, Cr Jordan Lockett, Cr Daniel Meade Cr Jill Parker, Cr Colin Ryan, Cr Ian Smith, Cr Mick Wolfe
Staff present	Mr K Leddin, Mr O Moles, Ms J Consedine, Mr A Boyle, Ms Jenny Madden, Ms L Cook
Conflict of Interest	None declared.

Motion carried 7:0

2. Financial Performance Report

Report Summary: The purpose of this 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 (YTD) actuals.

Cr Meade moved, Cr Parker seconded

1. That Council receive the August 2018 Financial Performance Report.
2. That Council approves the variations as listed in Attachment 4 to the report.

Motion carried 7:0

5.48pm Suspension of Standing Orders

Cr Meade moved, Cr Lockett seconded that Standing Orders be suspended in order that item 9 be heard next.

Motion carried 7:0

9. Applications for Droving in Moyne Shire

Report Summary: The report was provided in response to two applications for a permit to drove cattle on roadsides within Moyne Shire north of Macarthur, Hawkesdale and surrounding Mortlake. While droving may assist farmers lacking in pasture and fodder, this report identified several legal, safety and liability difficulties that warrant consideration.

Cr Meade moved, Cr Lockett seconded that Council permit Mr Damian Clifford and Mr Edward Conheady to each drove livestock, being cattle, on roads managed by Moyne Shire Council between 1 October 2018 and 31 March 2019 subject to the following conditions:

Conditions

Each permit holder must:

General Conditions

1. Provide Council with the name and contact details of the person(s) responsible for the livestock while they are being droved.
2. Ensure the livestock are supervised and under effective control at all times by a person who is competent in the handling of such livestock.
3. Drove no more than 800 head of cattle at any one time.
4. Drove all livestock as a single herd and not divide the herd.
5. Not include bulls within the herd.
6. Move livestock a minimum of 4km each day. Council or Authorised Officers may approve rest days upon application.
7. Comply with any direction or request from a Council Authorised Officer.
8. Provide Council with a clear plan detailing the intended droving route, including start and finish points, prior to commencement.
9. Ensure adequate water supply is provided at all times.

Native Vegetation

10. Only drove cattle on roads identified on Attachment 3a-Roadside Conservation Map (provided with Council Report 25 September 2018) that are not identified as containing medium or high conservation value native vegetation marked in green on the map.
11. Not camp livestock overnight on areas with medium or high value native vegetation.
12. Not allow cattle to trample, camp or graze on roadsides identified as containing native vegetation that may not be identified on the Roadside Conservation Map.

Disease Control

13. Supply a veterinary report attesting, to the satisfaction of Council, the livestock are fit, healthy and free from disease prior to commencement of droving.
14. Immediately remove all cattle from the road should there be any evidence of disease.
15. If, introducing cattle into Victoria, obtain permission in writing from an Inspector of Livestock under the Livestock Disease Control Act 1994, and ensure the livestock are ear-tagged with approved ear-tags prior to entry or otherwise comply with the Livestock Disease Control Act.
16. Comply with the provisions of the Livestock Disease Control Act 1994 and the Prevention of Cruelty to Animals Act 1986.
17. Promptly remove and legally dispose of the carcass of any livestock which die on the road reserve.

Council Asset Damage

18. Not allow droving to occur on roads where declared weeds under the Catchment and Land Protection Act 1994 are identified.
19. Not provide supplementary feed on the road reserve.
20. Not cause damage to road related infrastructure, including guideposts, signage, drains or road surfaces.
21. Remove livestock from the road reserve should soil moisture levels result or are likely to result in damage to the road surface, roadside drains or the roadside.
22. Any damage to the road surface or any other Council assets arising from droving, must be repaired or replaced at the permits holder's expense and with approval from Council.

Private Asset Damage

23. Not allow livestock to damage fences.

24. Not allow livestock to enter private property without the express written consent of the property owner or their agent.
25. Immediately move livestock from the relevant roadside when requested by the owner or manager of land adjacent to that road.
26. Not damage or affect any area of roadside or fencing subject to an existing grazing permit.
27. Work cooperatively with anyone else droving livestock along roads at the same time.

Road Safety

28. Prior to commencing droving activities on the roads, provide a traffic management plan that to the satisfaction of Council, adequately addresses the safety considerations for road users under the Road Safety Act 1986 and workers supervising livestock while on the road under the Occupational Health and Safety Act 2004.
29. Not drove cattle before sunrise or after sunset.
30. Display signs in accordance with the guidelines prepared by the Roads Corporation.
31. Ensure livestock camped overnight are enclosed by a substantial and secure barrier, or otherwise isolated so as to prevent escape or danger to other road users.
32. Ensure livestock are clear of the roadway anytime weather conditions impair visibility.
33. Display reflective signs or flashing lights in front of, and at the rear of, any livestock camped overnight on a roadside.
34. Ensure all livestock are removed from the roadway to allow school busses to pass safely and without disruption.
35. Remove all manure from the roadway.
36. Not drove livestock on a road if Council or an Authorised Officer notifies the permit holder or their agent that droving is not to occur on that road.
37. Cross or traverse arterial roads in accordance with any regulations or permits administered by the Roads Corporation.

Administration

38. Pay Council a cash bond of \$1,000 prior to the commencement of droving for Council to use to cover the costs of damage arising from the droving.
39. Provide evidence of Public Liability Insurance to the value of \$10 million with droving being specifically noted on the policy.

40. Failure to comply with the conditions of this permit may result the permit being revoked and/or fines being issued under Council's General Local Law No1 2015.
41. Prior to commencement of driving, the permit holder must provide information to the satisfaction of the Council that the matter of driving along the proposed routes has been referred to the Commonwealth Department responsible for the Environment Protection and Biodiversity Conservation Act 1999, and either confirmation has been received from the Department that the action is not a controlled action or that the requisite approval has been obtained.
42. All other relevant information requested by officers be provided prior to commencement to driving.

6.12pm Cr Doukas left the Chamber.

6.13pm Cr Doukas returned to the Chamber.

Motion carried 5:2

For: Cr Doukas, Cr Lockett, Cr Meade, Cr Smith, Cr Wolfe

Against: Cr Parker, Cr Ryan

6.15pm Resumption of Standing Orders

Cr Meade moved, Cr Lockett seconded that Standing Orders be resumed.

Motion carried 7:0

3. Equal Opportunity, Bullying and Harassment Policy

Report Summary: The Equal Opportunity, Bullying and Harassment Policy has been reviewed in line with the policy review schedule and is submitted for endorsement. The Policy guides behaviour and sets out Moyne Shire Council's clear commitment to work towards eliminating direct and indirect discrimination, harassment, bullying and victimisation, to promote equality of opportunity and to develop good relations between people from different groups.

Cr Lockett moved, Cr Smith seconded that Council adopt the updated Equal Opportunity, Bullying and Harassment Policy (Gov-24).

Motion carried 7:0

Items 4, 5 and 6 were considered earlier in the meeting.

7. Economic Migration Project

Report Summary: Council supports the principles of Economic Migration as a means to augment rural population and foster positive socio-economic activity in its rural communities. In order for Council to successfully implement an Economic Migration project in Moyne Shire, it should be informed by the learnings from the Pilot Program being undertaken in Southern Grampians and Glenelg Shire Councils, the evaluation project to be undertaken by Melbourne University, and underpinned by a thorough pre-project consultation process with townships that may be suited to the model.

Cr Meade moved, Cr Parker seconded

1. That Council's implementation plan for an Economic Migration project be informed by the:
 - a) Recently announced evaluation of the Great South Coast Economic Migration Pilot Project to be undertaken during 2018-19.
 - b) Moyne Economic Development Strategy.
 - c) Identification of and consultation with rural communities that could potentially support and take ownership of an Economic Migration project in Moyne.
2. That Council inform the Leadership Great South Coast Economic Migration Project team of this approach, and propose that Moyne Shire be the next Great South Coast Council to implement an Economic Migration Project.

Motion carried 7:0

8. Planning and Environment Act 1987 – Appointment and Authorisations

Report Summary: The report was provided to update the Appointment and Authorisation of Council officers pursuant to section 147(4) of the *Planning and Environment Act 1987*.

Cr Parker moved, Cr Smith seconded that Council in the exercise of the powers conferred by Section 224 of the *Local Government Act* and the *Planning & Environment Act 1987*, resolve that:

1. The members of Council staff referred to in the attached Instrument be appointed and authorised as set out in the Instrument.
2. The Instrument come into force immediately the common seal of Council is affixed to the Instrument, and remain in force until Council determines to vary or revoke it, and
3. The Instrument be sealed.

Motion carried 7:0

Items 9 and 10 were considered earlier in the meeting.

11. Council Policy PS-10 – Use of Council Plant for Community Activities or Events

Report Summary: The report detailed a proposed new policy to facilitate the use of Council Plant when a staff member is donating their expertise and time to assist with a community event or activity.

Cr Ryan moved, Cr Smith seconded that Council approves Council Policy PS-10 Use of Council Plant for Community Activities or Events.

Motion carried 7:0

12. Proposed Memorial Plaque – Sparrow Family

Report Summary: The report outlined a request from the Macarthur and District Historical Society to erect a plaque in memory of the Sparrow Family who tragically died as a result of floods in 1946. The request has been assessed against Council's policy regarding Acknowledgement of Community Contributions.

Cr Doukas moved, Cr Lockett seconded that Council approve the request from Macarthur and District Historical Society to install a memorial plaque on Lake Gorrie Road in memory of the Sparrow Family.

6.26pm Cr Ryan left the Chamber.

Motion carried 6:0

6.29pm Cr Ryan returned to the Chamber.

13. East Beach Bourne Avenue Beach Access Ramp Naming – Jim Pevitt

Report Summary: The report put forward a suggestion to name the new universal beach access ramp located at Bourne Avenue Port Fairy as the "Jim Pevitt Ramp"

Cr Lockett moved, Cr Ryan seconded that Council approve the naming of the Universal Beach Access Ramp to be located at Bourne Avenue, Port Fairy as the "Jim Pevitt Ramp".

Motion carried 7:0

14. Hawkesdale and Ryan Corner Wind Farms – Community Engagement Committee

Cr Ryan moved, Cr Parker seconded that

- (a) Council replace the current Hawkesdale and Ryan Corner Wind Farms Community Engagement Committee with two separate Committees – one for the Ryan Corner Wind Farm and one for the Hawkesdale Wind Farm.
- (b) Council write to the Committee members after the next Hawkesdale and Ryan Corner Wind Farms Community Engagement Committee meeting, informing them that the Committee will be dissolved, and that separate Committees be established for the Ryan Corner Wind Farm and Hawkesdale Wind Farm and each Committee comprising of:
 - Three Moyne Shire Councillors
 - Up to four community representatives, via an expression of interest process.
 - Two Global Power Generation representatives.

Motion carried 7:0

15(a) Audit & Risk Management Committee – Annual Financial Report and Performance Statement 2017-2018

Cr Parker moved, Cr Doukas seconded that Council approve in principle the Annual Financial Report for the year ended 30 June 2018 and the Performance Statement for the year ended 30 June 2018 and authorise Councillors Wolfe and Doukas to certify the 2017-2018 Annual Financial Report; and Performance Statement in their final form.

Motion carried 7:0

15(b) Audit & Risk Management Committee Minutes

Cr Lockett moved, Cr Ryan seconded that Council note the Minutes of the Audit and Risk Management Committee Meeting held on 13 June 2018.

Motion carried 7:0

16(a) Mayor's Report

This report provides information to Council in regard to the Mayor's meeting schedule, 18 August 2018 to 14 September 2018:

2018	Location	Function
28 August	Warrnambool	Vietnam Veterans Day commemoration
20 August	Port Fairy	Meeting with Victorian Grants Commission
20 August	Warrnambool	Major Projects Forum
21 August	Warrnambool	Chief Executive Officer interviews
24 August	Warrnambool	Great South Coast Board meeting
28 August	Port Fairy	Council Meeting
31 August	Port Fairy	Audit and Risk Committee Meeting
31 August	Warrnambool	Meeting of Moyne Shire and Warrnambool City Council Mayors and CEOs
2 September	Warrnambool	Legacy Week Church Service and wreath laying
4 September	Koroit	Councillor Workshop
11 September	Port Fairy	Councillor Workshop

Report noted.

16(b) Councillors' Report

This report provides information to Council in regard to the Councillors' meeting schedules, 18 August 2018 to 14 September 2018

2018	Location	Function
20 August	Port Fairy	Meeting with Victorian Grants Commission
21 August	Warrnambool	Chief Executive Officer interviews
24 August	Woolsthorpe	Woolsthorpe Wind Farm Community Engagement Committee (CEC) meeting
24 August	Melbourne	Rail Freight Alliance Meeting
27 August	Mortlake	Mortlake Rec Reserve Committee of Management meeting
28 August	Port Fairy	Mayor's Appreciation Award presentations to Harry Bracegirdle and Reg Harry
28 August	Port Fairy	Council Meeting
29 August	Mortlake	Mortlake South Wind Farm CEC meeting
31 August	Port Fairy	Audit and Risk Committee Meeting
4 September	Koroit	Councillor Workshop
5 September	Woorndoo	Salt Creek Wind Farm CEC meeting
7 September	Melbourne	Australian Coastal Councils Association AGM
10 September	Mortlake	Meeting – Droving issues
11 September	Port Fairy	Councillor Workshop

Report noted.

16(c) Acting CEO's Report

This report provides information to Council in regard to the Acting CEO's meeting schedules, 18 August 2018 to 14 September 2018:

2018	Location	Function
20 August	Port Fairy	Meeting with Victorian Grants Commission
20 August	Warrnambool	Major Projects Forum
24 August	Warrnambool	Barwon SW Rural Councils Transformation Program
30 August	Port Fairy	Leadership Great South Coast Board Meeting
31 August	Warrnambool	Meeting of Moyne Shire and Warrnambool City Council Mayors and CEOs
7 September	Portland	Great South Coast Integrated Water Management Forum
7 September	Warrnambool	Tall Poppies Awards presentation evening
14 September	Hamilton	Future Workforce and Skills Regional Roundtable
14 September	Hamilton	Great South Coast Advocacy Proposal

Forthcoming meetings

20 September	Warrnambool	Great South Coast Regional Partnership Meeting
20 September	Warrnambool	Great South Coast Futures Project - meeting with Deakin University
27 September	Colac	MAV Rural South West regional meeting

Report noted.

17. Councillor Notice of Motion – Cr Daniel Meade, Budget Variation – Roadside Vegetation Reduction

Cr Meade moved, Cr Lockett seconded that Council approve a budget variation of up to \$380,000 for roadside vegetation reductions in order to reduce fire fuel risk ahead of the upcoming season.

Motion carried 7:0

18. General Matters

- Cr Lockett Would like to congratulate Koroit Football Club on winning their fifth premiership - it was an absolutely phenomenal effort. Also, big Congratulations to all Moyne Shires' football netball teams.
- Cr Meade Congratulations also go to Nirranda on their second premiership – it was a great achievement for the small community.
- Also, congratulations to the DC Farran Oval, and the Terang Football Netball Club Committees holding the Final a few weeks ago – a lot of work was involved in the planning and improvement of facilities. Great work!
- Cr Lockett Congratulations should also go to Port Fairy Historical Society for their *Icons of Port Fairy* exhibition. It is a really great initiative showcasing the many famous people who had their origins in Port Fairy.
- Cr Wolfe Official opened the Exhibition last Friday night, great displays! The Society also heard the good news that they had received full funding of \$10,000 from Pacific Hydro for some structural shed-work.
- Also, as of Saturday 22nd September, the Society will be open to the public for 2hrs each morning and 2hrs each afternoon.

6.59 Cr Ryan left the Chamber

19. Urgent Business

None.

20. CEO Activities Report

Report noted.

7.02pm Cr Ryan returned to the Chamber

7.05pm Closure of Open Meeting

Cr Ryan moved, Cr Parker seconded that the meeting be closed to members of the public to discuss the items listed in the confidential agenda. The reason for the items being considered at meeting closed to the public – Local Government Act Section 89 2 (d) contractual matters.

Motion carried 7:0

7.21pm Resumption of Open Meeting

Cr Lockett moved, Cr Meade seconded that the open meeting be resumed.

Motion carried 7:0

Lifting confidentiality of resolutions

Cr Lockett moved, Cr Smith seconded to lift confidentiality of resolutions.

Motion carried 7:0

21. Contract MS818 – Variation to Waste and Recycling Services – Transfer Stations

Confidentiality of the resolution is lifted.

The report and attachments are classed as Confidential as they pertain to contractual matters - Local Government Act 1989, Section 89 2 (d).

Report Summary: The report followed on from reports presented to Council at its 27 February 2018 Ordinary Meeting regarding the Recycling Market Failure; and 26 June 2018 Ordinary Meeting regarding the Variation of Contract MS818 - Waste and Recycling Services – Transfer Stations. It seeks Council approval to vary Contract MS818 - Waste and Recycling Services – Transfer Stations (Bartons Waste), for the period 1 July 2018 to 30 June 2020.

Cr Parker moved, Cr Meade seconded that Council authorise a variation to Contract MS818 - Waste and Recycling Services – Transfer Stations (Bartons Waste) for an additional payment of \$16 per tonne of recyclables (GST exclusive), above the rate applicable as at June 2018, for the period commencing 1 July 2018 and ending 30 June 2020.

Motion carried 7:0

22. Contract MS849 – Construction of Concrete Footpaths

Confidentiality of the resolution is lifted. The report and attachments are classed as Confidential as they pertain to contractual matters - Local Government Act 1989, Section 89 2 (d).

Report Summary: The report discussed the award of two tenderers for the construction of concrete footpaths in Port Fairy, Koroit, Peterborough and Nullawarre.

Cr Meade moved, Cr Parker seconded the panel recommends that the tender from Actif Concrete Pty Ltd for footpath sections in the townships of Port Fairy, Koroit and Nullawarre for a total price of \$349,465.00 ex GST and Moyne Concrete Services for the footpath in Peterborough for a total price of \$221,070.00 ex GST be awarded.

Motion carried 7:0

23. Railway Place, Port Fairy – Easement to create access to 6 Bank Street, Port Fairy

Confidentiality of the resolution is lifted. The report and attachments are classed as Confidential as they pertain to contractual matters - Local Government Act 1989, Section 89 2 (d).

Report Summary: The report informed Council of the second updated public ‘*Notice of Intention*’ on the proposed creation of an easement over Council freehold land sited at Railway Place, Port Fairy. It is in relation to the intended sale of land by public tender of 6 Bank Street, Port Fairy.

Cr Ryan moved, Cr Smith seconded that Council:

- a) Proceed to create an easement over Council freehold land in Railway Place to provide vehicle access to 6 Bank Street, Port Fairy, known as Lot 1 TP138679, Lot 4 TP950026, Lot 1 TP512604 and Lot 7, Block 1 LP 1067; and
- b) Proceed with the intended sale of land at 6 Bank Street, Port Fairy by a Public Tender process; and
- c) Direct officers to provide an information report to Council after the intended land sale of 6 Bank Street has been completed.

Motion carried 4:3

For: Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe

Against: Cr Doukas, Cr Lockett, Cr Meade,

Meeting closed at 7.22pm

Confirmed this 23rd October 2018.

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Mayor