



Minutes

Ordinary Council Meeting

Tuesday, 18 December 2018

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



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**Minutes of the Ordinary Meeting of Moyne Shire Council
held Tuesday 18 December 2018
at Port Fairy Community Services Centre commencing 4pm**

Present

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

Officers in attendance Mr B Millard, Chief Executive Officer
Mr T Greenberger, Director Physical Services
Mr K Leddin, Director Community & Corporate Support
Mr R Gibson, Acting Director Sustainable Development
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 uploaded to Council's website and will be accessible by the general public. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded and uploaded to the website.

Prayer

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 / Officer's name | Interest Type |
|---|-----------------------------|---|
| Item 8 - Great South Coast Regional AFL, Netball and Cricket Strategy 2019-2033 | Cr Daniel Meade | Declared an interest in this item. Not a conflict of interest. |

Confirmation of Minutes

Cr Ryan moved, Cr Meade seconded that the Minutes of the Special Council Meeting (Election of Mayor) and Ordinary Council Meeting both held on Tuesday, 27 November 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.

Meeting Procedure Local Law – 61(11) and 61(12).

Summary: If the Chief Officer is unable to provide an answer to a question from a member of the public (during the public participation section of the meeting), the Chief Officer must provide and circulate to all Councillors a written answer to the member of the public at his or her nominated address as soon as is practicable. The response must be tabled at the next Ordinary Meeting and a summary of the text of the question and the response be included in the Minutes of the meeting.

Public participation attendees

Report 6 Planning Permit PL18/055 – 17 Regent Street, Port Fairy – Buildings and works for extension of garage and attic and variation of Restrictive Covenant

Ms Jan Knight – Privacy issue – objection to attic window on southern elevation overlooking my property (birds-eye view of living room, bathroom and backyard)

Mr Andrew Lacey – Speaking in support of Planning Officers' recommendation to issues a Notice of Decision to grant a Planning Permit for building and works (etc)

4.39pm Suspension of Standing Orders

Cr Ryan moved, Cr Lockett seconded that Standing Orders be suspended in order that item 6 be heard next.

Motion carried 7:0

6. Planning Permit PL18/055 – 17 Regent Street, Port Fairy – Buildings and works for extension of garage and attic and variation of Restrictive Covenant

Report Summary: The proposal is for buildings and works for an extension to the dwelling and variation of Restrictive Covenant on PS316054Q to delete Restriction No.1 (i.e. All development on Lots 1 and 2 to be single storey) and to vary Restriction No.2 to allow an increased building footprint for development of Lot 1. Notice of the application was given and 1 objection received.

Cr Ryan moved, Cr Meade seconded that Council having caused notice of Planning Application No. PL18/055 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 Lot 1 PS 316054Q, 17 Regent Street, Port Fairy, VIC 2380 for buildings and works for an extension to the dwelling (garage and attic) and variation of Restrictive Covenant on PS316054Q to delete Restriction No.1 (i.e. All development on Lots 1 and 2 to be single storey) and to vary Restriction No.2 to allow an increased building footprint for development of Lot 1 (to facilitate a garage and attic space above) in accordance with the endorsed plans, with the application dated 4/04/2018 as amended, subject to the following conditions:

1. Before the commencement of the development, amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
 - a) A detailed Stormwater Management Plan showing the following details:
 - i. Identification of any existing drainage on the site;
 - ii. How the works on the land are to be drained and/or retarded;
 - iii. Computations of the existing and proposed drainage;
 - iv. A minimum on site detention capacity to cater for a 20% AEP (1 in 5 year ARI) rainfall event catering for all roof and hard stand area.
 - v. Overflows may be directed to the legal point of discharge, being Council's infrastructure in Sackville Street.
 - b) A southern elevation showing the first floor window having a minimum sill height of 1.7 metres above floor level.

2. Before commencement of development, an amended copy of the land title must be submitted to the Responsible Authority. The title submitted must show that the Restrictive Covenant has been varied to:
 - a) Delete Restriction (a) that all development on Lots 1 & 2 be single storey
 - b) Vary Restriction (b) for development set backs on Lot 1 to allow an increased building footprint for development of Lot 1.
3. Before occupation of the development, the storm water system must be constructed and maintained in accordance with the approved storm water management plan to the satisfaction of the Responsible Authority.
4. Before occupation of the development, the applicant must construct a new vehicle crossing to access the property from Sackville Street to the satisfaction of the Responsible Authority.
5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
6. 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.
7. All gas bottles, hot water service, water storage tanks, bin storage; and any other storage unit or service box associated with the development must be obscured from view to the satisfaction of the responsible authority.
8. Care must be taken to ensure that the construction of the development and any ancillary works does not cause erosion or degradation of the subject site or surrounding land to the satisfaction of the responsible authority.
9. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) 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.

Note:

The application for the dwelling has not been assessed under Clause 54 (single dwelling) 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.

Cr Lockett foreshadowed a motion.

Motion carried 5:2

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

Against: Cr Doukas, Cr Lockett,

4.54pm Resumption of Standing Orders

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

Motion carried 7:0

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 November 2018.

Cr Lockett moved, Cr Smith seconded that Council receives and notes the records of the listed assemblies of Councillors covering the period 17 November 2018 to 7 December 2018

| 19 November 2018 - Dundonnell Wind Farm Community Engagement Committee (CEC) meeting | |
|--|---|
| Matters considered | <ul style="list-style-type: none"> - Project status and construction timeline. - Status of development plans. - Traffic related to pre-construction survey work. - Project shopfront in Mortlake. - 'Meet the Contractors' session on 28 November. - Fire management during construction. - Liaison with local CFA brigades regarding suggested pre-construction fuel reduction. |
| Councillors present | Cr Parker, Cr Smith (Chair) |
| Staff present | Ms V Askew-Thornton |
| Conflict of Interest | None declared. |

| 20 November 2018 – Planning Permit Site visits | |
|--|--|
| Matters considered | PL18/133 Callaway Court Peterborough PL17/160 Cairnlea Lane, Mortlake |
| Councillors present | Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith |
| Staff present | Mr O Moles, Ms M Grainger, Ms A Power |
| Conflict of Interest | None declared. |

| 29 November 2018 – Willatook CEC Committee meeting | |
|--|---|
| Matters considered | <ul style="list-style-type: none"> - Neighbour agreements and community benefits. - Update on EES referral. - Explanation of the EES process and EPBC referral process. - Upcoming local flora and fauna consultation sessions. - Update on potential onsite quarry investigation. - November 27 Council meeting - resolution regarding cumulative impact of wind farms in Moyne Shire. |
| Councillors present | Cr Doukas, Cr Ryan (Chair), Cr Wolfe |
| Staff present | Ms V Askew-Thornton |
| Conflict of Interest | None declared. |

4 December 2018 – Councillor Workshop, Lighthouse Theatre Warrnambool

| | |
|----------------------|---|
| Matters considered | <ul style="list-style-type: none"> - CEO Performance Proposal - Ruth McGowan - CEO Performance Proposal - John Stevens - Economic Development Strategy (Consultants SED Advisory – Robert Lane and Tony Irish) - Designated Area Migration Agreement – GSC Region - Ms E Martin - speaking to Council in regards to bus parking in Austin St, Hawkesdale |
| Councillors present | Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe |
| Staff present | Mr B Millard, Mr T Greenberger, Mr K Leddin, Mr R Gibson, Ms S Kewley, Ms E Riddington |
| Conflict of Interest | None declared. |

7 December 2018 – Woolsthorpe Wind Farm CEC Committee meeting

| | |
|----------------------|--|
| Matters considered | <ul style="list-style-type: none"> - Project update and timeline - Transmission line corridor <ul style="list-style-type: none"> • Basalt to Bay Landcare Network 'Green Line' project • Powercor's communication and consultation regarding the transmission line - Methods and timing of communication with the public regarding the project timeline - Request for Council authorisation to revise the CEC Charter wording to reflect the new project ownership - Request for Council authorisation to advertise the Community Representative vacancy |
| Councillors present | Cr Doukas, Cr Ryan (Chair) |
| Staff present | Ms V Askew-Thornton |
| Conflict of Interest | None declared. |

Motion carried 7:0

2. Financial Performance Report

Report Summary: The purpose of the report was 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 Lockett moved, Cr Smith seconded

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

Motion carried 7:0

3. Monthly Financial Performance Report Policy

Report Summary: Gov-I-2 Monthly Financial Performance Report Policy has been updated to better reflect the content of the Monthly Financial Performance Report.

Cr Parker moved, Cr Lockett seconded that Council adopt policy Gov-I-2 Monthly Financial Performance Report Policy.

Motion carried 7:0

4. Municipal Public Health & Wellbeing Plan 2017-2021 Action Plan

Report Summary: The Municipal Public Health and Wellbeing Plan (MHWBP) was adopted by Council in October 2017. The follow-on from the Plan was to prepare an Action Plan to set out the specific deliverables to achieve the over-arching MPHWP.

Cr Lockett moved, Cr Ryan seconded that Council approve the Municipal Public Health & Wellbeing Plan 2017-2021 Action Plan.

Motion carried 7:0

5. Staff Involvement in Emergency Services Policy Review

Report Summary: The report proposed the revocation of the Staff Involvement in Emergency Services Policy as it was deemed superfluous due to the provision being included in the Moyné Shire Enterprise Agreement and Internal Staff Policy / Procedures.

Cr Lockett moved, Cr Smith seconded that Council revoke the policy Staff Involvement in Emergency Services (Gov-M-2).

Motion carried 7:0

Report 6 was considered earlier in the meeting.

7. Designated Area Migration Agreement – Great South Coast Region

Report Summary: The report informed Council about Warrnambool City Council's success in applying for a Designated Area Migration Agreement (DAMA) for the Great South Coast region. The DAMA application process was led by Warrnambool City Council on behalf of employers and communities throughout Glenelg, Moyné, Warrnambool, Corangamite, Colac-Otway and Southern Grampians areas. It provides flexibility for the region to respond to labour shortages in several key industries, by offering a potential pathway to permanent residency to attract and retain overseas workers.

Cr Meade moved, Cr Lockett seconded that Council support the Designated Area Migration Agreement awarded to Warrnambool City Council by the Department of Home Affairs.

Motion carried 7:0

8. Great South Coast Regional AFL, Netball and Cricket Strategy 2019-2033

Cr Meade declared an interest in this item. Not a conflict of interest.

Report Summary: The report informed Council on the development of a regional strategy for the Great South Coast undertaken by regional and state level stakeholders representing government, AFL, cricket, netball, leagues, community clubs, associations and regional sports assemblies. The Draft Great South Coast Regional AFL, Cricket and Netball Strategy provides the strategic framework to guide the future development of the sports.

Cr Lockett moved, Cr Parker seconded that Council receive the Draft Great South Coast Regional AFL, Cricket and Netball Strategy 2019-2033.

5.33pm Cr Ryan left the Chamber.

5.35pm Cr Ryan returned to the Chamber.

Motion carried 7:0

9. Sale of 6 Bank Street, Port Fairy

Report Summary: The report outlined the outcome of the sale of 6 Bank Street, Port Fairy and was presented for the information of Council.

Cr Lockett moved, Cr Ryan seconded that Council acknowledge that action has been taken under delegated authority by the Chief Executive Officer in relation to the sale of 6 Bank Street, Port Fairy.

Motion carried 7:0

10(a) Mayor's Report

The report provided information to Council in regard to the Mayor's meeting schedule, 17 November 2018 to 7 December 2018:

| 2018 | Location | Function |
|----------------|---------------|--|
| 18 November | Koroit | Rail Trail Committee and Volunteers Christmas Breakup |
| 18 November | Laang | Australian Clay Shooting Nationals |
| 20-22 November | Alice Springs | National Local Roads Congress |
| 23 November | Port Fairy | Book launch - "Port Fairy The town that kept its character" |
| 26 November | Port Fairy | Port Fairy & District Community Bank AGM |
| 27 November | Mortlake | Council Meeting |
| 29 November | Warrnambool | MAV Rural South West Representatives, Mayors and CEOs meeting |
| 29 November | Port Fairy | Willatook Wind Farm CEC Meeting |
| 30 November | Port Fairy | Official opening of Urgent Care Centre, Moyne Health Services |
| 1 December | Port Fairy | Official Opening Port Fairy Surf Life Saving Club Education Centre |
| 4 December | Warrnambool | Councillor Workshop |
| 4 December | Warrnambool | Official commemoration of the new War Memorial |
| 5 December | Port Fairy | Extra Ordinary meeting, Port Board |
| 7 December | Cavendish | Great South Coast Board meeting |

Report noted.

10(b) Councillors' Report

The report provided information to Council in regard to the Councillors' meeting schedules, 17 November 2018 to 7 December 2018:

| 2018 | Location | Function |
|-------------|---------------------------|---|
| 18 November | Laang | Australian Clay Shooting Nationals |
| 19 November | Warrnambool | Official opening of 'The Stage' at Emmanuel College |
| 19 November | Woorndoo | Dundonnell Wind Farm Community Engagement Committee (CEC) meeting |
| 19 November | Peterborough and Mortlake | Planning Permit site visits |
| 19 November | Port Fairy | Southcombe Park Section 86 Committee Meeting |
| 19 November | Cudjee | Cudjee Progress Association AGM |
| 22 November | Port Fairy | Leadership Great South Coast (LGSC) – Community Project Presentations |
| 22 November | Port Fairy | Moyne Health Services AGM |
| 23 November | Melbourne | Timber Towns Victoria meeting |
| 23 November | Macarthur | Macarthur Wind farm Community Fund Panel meeting |
| 26 November | Mortlake | Mortlake Recreation Reserve Committee of Management meeting |
| 27 November | Mortlake | Council Meeting |
| 29 November | Port Fairy | Willatook Wind Farm CEC Meeting |
| 29 November | Warrnambool | Corangamite Regional Library Corporation Board meeting |
| 29 November | Warrnambool | LGSC 2018 Graduation ceremony |
| 1 December | Garvoc | Fire Recovery, Moyne Kayak Regatta |
| 3 December | Purnim | Purnim Community Meeting |
| 4 December | Warrnambool | Councillor Workshop |
| 4 December | Warrnambool | Official commemoration of the new War Memorial |
| 5 December | Panmure | Panmure Community Meeting |
| 5 December | Hawkesdale | Hawkesdale and District Development Committee |
| 5 December | Port Fairy | Extra Ordinary Meeting, Port Board |
| 6 December | Melbourne | Timber Towns Victoria, AGM |
| 7 December | Woolsthorpe | Woolsthorpe Wind Farm CEC meeting |

Report noted.

10(c) Chief Executive Officer's Report

The report provided information to Council in regard to the CEO's' meeting schedules, 17 November 2018 to 7 December 2018:

| 2018 | Location | Function |
|-------------|----------------|---|
| 17 November | Nirranda South | CO2CRC Otway National Research Facility Open Day |
| 21 November | Hamilton | Meeting with Glenelg Hopkins CMA CEO Adam Bester |
| 23 November | Camperdown | Dept. Environment, Land, Water and Planning, Local Government Regional Strategic Issues |
| 29 November | Warrnambool | Great South Coast CEO meeting |
| 29 November | Port Fairy | Meeting with Jackie Kelly, Moyne Health Services CEO |
| 29 November | Warrnambool | LGSC 2018 Graduation ceremony |
| 29 November | Warrnambool | MAV Rural South West Representatives, Mayors and CEOs meeting |
| 30 November | Port Fairy | Official opening of Urgent Care Centre, Moyne Health Services |
| 6 December | Geelong | Shipwreck Coast Water and Sewerage Strategy - Project Steering Group Meeting N ^o . 1 |
| 7 December | Cavendish | Great South Coast Board meeting |

Report noted.

5.39pm Cr Meade left the Chamber.

5.41pm Cr Meade returned to the Chamber.

11. Councillor Meade Notice of Motion – Support Motion for United Dairyfarmers Wannon Branch

Cr Meade moved, Cr Smith seconded that Moyne Shire support the United Dairyfarmers of Victoria Wannon Branch, in calling on the Victorian State Government to ensure those responsible for power transmission, maintain and upgrade infrastructure to safe, secure and stable levels that protect rural and regional communities.

Motion carried 7:0

12. General Matters

- Cr Lockett A reminder of the bin pick up over summer break – there will be an extra recycling bin service between Christmas and New Year.
- Cr Parker The Christmas pageant last week in Mortlake was very successful and the rain stayed away for most of pageant! It was good to see Moyne Shire Council acknowledged on several occasions for their support.
- Cr Doukas Requested an update relating to the motion regarding windfarms resolved at November 2018 meeting.
The CEO responded – officers are working through the issues raised during the Public Participation section of the meeting, letters to Ministers have been sent, and senior officers are liaising with Government bureaucrats including the Windfarm Commissioner. Senior Management has actioned changes in staffing to cope more effectively with matters surrounding windfarms.
- Cr Doukas Are we still negotiating with those Wind Farms who don't yet have a permit?
The CEO took this question on notice.
- Cr Ryan Received a called today from Ms J Collins, congratulating Council on November 2018's Councillor motion relating to Wind Farms.
- Cr Lockett Reminder that East Beach (Port Fairy) Masterplan is out for comment. Council would really like people's feedback and love to

hear from locals and visitors alike. Pop up information sessions open to the general public will be held on 14th and 15th January at the Port Fairy Surf Life Saving Club. There is also an on-line survey.

Cr Doukas Mortlake South Windfarm Community Engagement Committee doesn't have adjoining landowner representative on the committee. What is Council doing about this?
The CEO took this question on notice.

13. Urgent Business

None.

14. CEO Activities Report

Report noted and the following note of thanks was added – it relates to the support from Moyne Shire officers following the St Patrick Day Fires:

Received from Mr & Mrs Kenna and family

We wish to congratulate and thank Sue and Matt for the amazing kindness care and support they have shown ourselves and our community. They certainly have brought us all together and help ease the pain and stress. Many thanks to the Moyne Shire for allowing this wonderful project to happen.

Meeting closed at 6.04pm

Confirmed this 22nd January 2019.

.....
Mayor