



# ORDINARY COUNCIL MEETING AGENDA

Tuesday, 23 April 2019

to be held at

**Port Fairy Community Services Centre**

**16 Atkinson Street, Port Fairy**

Commencing at 4.00 pm

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





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### **Confidential Agenda Items**

Under the Local Government Act 1989, the items as listed, have been classed as Confidential as they pertain to:

*Legal Advice - Section 89 (2) (f)*

- 24. Planning Permit PL17/160 -118 Cairnlea Lane, Mortlake, Permit Refusal – Outcomes from VCAT Compulsory Conference

## **Acknowledgement of Country**

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**

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**

### **Motion (if required)**

That an apology be received from .....

## Declarations 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.

### Members of Staff

Under Section 80C of the Local Government Act 1989, officers of people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

## Confirmation of Minutes

### Recommendation

**That the Minutes of the Ordinary Council Meeting held on Tuesday, 26 March 2019, be confirmed.**

## 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 Council meeting will be held at 4.00pm.

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 Executive 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**

None registered at time of printing



## 1. Assemblies of Councillors

**Presented to Council Meeting – 23 April 2019**

Presented by Chief Executive Officer

Report Author Executive Assistant

### Officer's Recommendation

**That Council receives and notes the records of the listed assemblies of Councillors covering the period 16 March 2019 to 12 April 2019.**

<b>27 March 2019 Mortlake South Wind Farm Community Engagement Committee (CEC) meeting</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>– Discussion regarding the Environmental Management Plan.</li> <li>– Background noise testing, and noise modelling/predictions.</li> <li>– Traffic management, quarry sources and approved haulage routes.</li> <li>– Bat and Avifauna Management Plan.</li> <li>– Complains management during construction.</li> <li>– Construction update.</li> <li>– Transmission line update.</li> </ul>
<b>Councillors present</b>	Cr Doukas (Chair), Cr Parker, Cr Smith
<b>Staff present</b>	Ms V Askew-Thornton
<b>Conflict of Interest</b>	None declared

<b>2 April 2019 Councillor Workshop, Mortlake office</b>	
<b>Matters considered</b>	<ul style="list-style-type: none"> <li>– Presentation – Fire Recovery (Sue Rondeau and Mat Deans)</li> <li>– Albert Road, Port Fairy</li> <li>– Korongah Road Status</li> <li>– Presentation – Corangamite Regional Library Corporation</li> <li>– Presentation – Wind Prospect, Hexham Windfarm</li> <li>– VEC Electoral Representation Review</li> <li>– Community Care Funding Update</li> <li>– 2019-20 Budget</li> </ul>
<b>Councillors present</b>	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
<b>Staff present</b>	Mr Millard, Mr T Greenberger, Mr Leddin, Mr Moles, Ms J Anderton, Mr D Dumesny, Ms M Grainger, Mr C Ralston, Ms V Askew-Thornton, Ms Riddington
<b>Conflict of Interest</b>	None declared.

**9 April 2019 Councillor Workshop, Woolsthorpe Hall**

<b>Matters considered</b>	<ul style="list-style-type: none"> <li>– Call-in site visit, Kennedy Street Woolsthorpe</li> <li>– Bev Macarthur, Member for Western Victoria</li> <li>– Koroit Structure Plan</li> <li>– Petition – Rezoning of Coastal Crown Land</li> <li>– Public Place Bins</li> <li>– Port of Port Fairy Board membership nomination</li> <li>– Procurement Policy Review 2019</li> <li>– 2019-2020 Budget</li> </ul>
<b>Councillors present</b>	Cr Jim Doukas, Cr Jordan Lockett, Cr Daniel Meade Cr Jill Parker, Cr Colin Ryan, Cr Ian Smith, Cr Mick Wolfe
<b>Staff present</b>	Mr B Millard, Mr T Greenberger, Mr K Leddin, Mr O Moles, Mr C Ralston, Ms R Olsen, Mr R Hodgens, Ms L Cook
<b>Conflict of Interest</b>	None declared.

**10 April 2019, Dundonnell Wind Farm CEC meeting**

<b>Matters considered</b>	<ul style="list-style-type: none"> <li>– Quantities of material required for foundations.</li> <li>– Construction traffic route signage.</li> <li>– Light vehicle traffic on local roads to the east of the project.</li> <li>– Wind farm, external road upgrade, onsite quarry and transmission line construction updates.</li> <li>– Impact on roads from the construction of wind farms in general.</li> <li>– Recommendation to Council regarding wind farm rate revenue and local road upgrades.</li> <li>– Noise compliance after commissioning of the wind farm.</li> </ul>
<b>Councillors present</b>	Cr Doukas, Cr Smith (Chair)
<b>Staff present</b>	Ms V Askew Thornton
<b>Conflict of Interest</b>	None declared

**Synopsis**

This report details assemblies of Councillors that have taken place since the matter was last reported to Council in March 2019.

**Background**

In accordance with section 80A(2) of the *Local Government Act 1989* Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

## Strategic Link

Moyne Shire Council Plan 2017-2021 Key Result Area 1 Governance:  
*'Improve our processes and operating systems'*

## Discussion

Amendments to the Local Government Act 1989 (the Act) require records of assemblies of Councillors to be reported to an Ordinary Meeting of Council and recorded in the Minutes of that meeting.

An assembly of Councillors is defined in section 76AA of the Act. It is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of delegated authority and which is either of the following:

- A planned or scheduled meeting that includes at least half the Councillors and at least one Council Officer. These assemblies do not include meeting of Councillors and Council staff that are not planned or scheduled.
- A meeting of an advisory committee where at least one Councillor is present. An advisory committee is any committee established by the Council, other than a special committee, that provides advice to the Council or to a special committee or to a member of Council staff who has been delegated a power or duty or function of the Council.

A record must be kept of an assembly of Councillors and include the names of all Councillors and Council staff attending, the matters considered, disclosures of conflict of interest and whether a Councillor left the meeting after making a disclosure. In accordance with section 80A(2) of the Act, Council is required to report as soon as practicable to an Ordinary Meeting of Council a record of any assemblies of Councillors held.

The recommendation contains details of assemblies of Councillors that have taken place since the matter was last reported to Council in March 2019.

## Consultation

None required, statutory compliance

## Financial Implications

This is a routine reporting item

**Risk**

If not compliant will be in breach of the Local Government Act 1989 section 80A. Reporting on Assemblies of Councillors provides a level of public transparency about meetings held by the Council and ensures that the records are retained.

**Conclusion**

It is recommended that Council receive and note the records of recent assemblies of Councillors as contained in this report.

## **2. Financial Performance Report**

**Presented to Council Meeting – 23 April 2019**

Presented by Director Community and Corporate Services

Report Author Manager Finance & ICT

Attachment March 2019 Financial Performance Report

### **Officer's Recommendation**

- 1. That Council receive the March 2019 Financial Performance Report.**
  - 2. That Council approves the variations as listed in Attachment 4 to this report.**
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### 3. Budget Report 2019 - 2020

**Presented to Council Meeting 23 April 2019**

Presented by Director Community and Corporate Services

Report Author Manager Finance and ICT

Attachment Moyne Shire Council 2019-2020 Budget

#### **Officer's Recommendation**

**That the Budget annexed to this resolution be the Budget for 2019-2020 prepared by Council for the purpose of Section 127 of the Local Government Act 1989 and that:**

- a) **the Chief Executive Officer be authorised to:**
  - (i) **give public notice of the preparation of the Budget for 2019-2020 in accordance with Section 129 of the Local Government Act 1989;**
  - and**
  - (ii) **make available for public inspection the information required to be made available by the Local Government (Planning and Reporting) Regulations 2014;**
  - and**
- b) **Council consider any submissions on a proposal (or proposals) contained in such Budget, made in accordance with Section 129 of the Local Government Act 1989 at the Special Meeting of the Council to be held Tuesday, 4 June 2019; and**
- c) **Council consider a motion to adopt such Budget at the Ordinary Meeting of the Council to be held on Tuesday, 25 June 2019.**

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#### **Synopsis**

This report submits the proposed Council Budget for the 2019-2020 year.

The Budget has been workshopped by Council and is presented in the Model Budget format that is mandated for local government and includes:

- Strategic Framework and linkage to the Council Plan
- Services, initiatives and performance indicators
- Financial statements and financial performance indicators
- Details of Capital Works proposed
- Rates and charges information
- Proposed fees and charges
- Borrowings disclosures.

Council has again sought a balance between services and infrastructure delivery and the need to be financially sustainable in preparing the 2019-2020 Budget.

As required by the Local Government Act the proposed Budget 2019-20 will be put out for community comment before Council adopts the final 2019-2020 Budget.

### **Background**

The Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014 prescribe the format that the Budget must be prepared in and the process a council is to follow in preparing and adopting the Annual Budget.

The budget process begins with officers preparing the annual budget and the draft budget is workshopped with Council to arrive at a proposed budget to be put out for public comment.

Community groups have input into the process and Council looks at balancing the needs and aspirations of its communities against financial sustainability in developing the proposed budget.

### **Strategic Link**

As required by Section 127 of the Local Government Act 1989, Council has prepared a budget for the 2019-2020 financial year.

### **Discussion**

The budget for the 2019-20 year has been prepared for Council's consideration.

The 2019-20 draft budget proposes a 2.5 per cent rate increase. This is in line with the Fair Go Rates System legislation (FGRS) which has capped rates increases by Victorian Councils to the forecast movement of 2.5 per cent in the Consumer Price Index (CPI). Despite the financial challenge this poses, Council is determined to maintain and enhance its services, while working within the cap.

The Budget aims for Council to continue to provide the wide range of services and infrastructure to its communities whilst recognising the tight economic environment and the need to remain financially sustainable into the future.

Council has identified economic development as an area of increased focus and the draft budget adds additional resources to bolster outcomes from this activity.

Similarly council has identified the need to provide additional resources for the management of matters associated with the growth in renewable energy.



Council works in a fluid environment and is challenged from time to time by emerging issues, with the recycling crisis being a current example, and is reminded of the benefit of preserving some financial reserves.

Council continues to review how it delivers its services and to drive innovation and efficiency gains to sustain its operations and is mindful of the vast areas and communities that it serves.

The budget includes a schedule of fees and charges for Council services that will apply from 1 July 2019.

### **Consultation**

The budget has been prepared based on the Model Budget developed by the sector.

The budget has been developed through a rigorous process of consultation and review including input from community township priorities.

The budget is proposed to be made available for public inspection for 28 days and public submissions called for and considered by Council.

### **Financial Implications**

The 2019-2020 budget maintains Council's strong financial position highlighted by an operating surplus of \$1.1 million, low debt levels and substantial capital works program of \$14.9 million that balances the need to reinvest in existing assets and invest in a number of new projects.

The draft budget includes the following key financial indicators:

- An average rate increase of 2.5% in line with the Fair Go Rates System
- Total income of \$48.3 million
- Operating surplus of \$1.1 million
- An adjusted underlying surplus of \$0.7 million
- A capital works program of \$14.9 million, including asset renewal of \$11.6 million
- Cash and investments of \$7.7 million inclusive of council reserves
- A working capital ratio of 1.18 current assets to 1.0 current liability
- A debt servicing ratio of 0.02% and debt commitment ratio of 1.37% being well within the State Government prudential guidelines of 5% and 10% respectively.

## Risk

The budget presented is framed within the long term financial plan to achieve sustainable service provision and infrastructure levels without unplanned increases in rates and charges.

## Conclusion

Following a thorough review process, a proposed Annual Budget for 2019-2020 has been prepared.

It is now appropriate for Council to give public notice of the preparation of the 2019-20 budget in accordance with Section 129 of the Local Government Act 1989; and that Council make available for public inspection the 2019-20 budget and considers any submissions made.

## 4. MAV State Council Motions

**Presented to Council Meeting – 23 April 2019**

Presented by Director Community and Corporate Services

Report Author Director Community and Corporate Services

Attachment 1. Wind Farms Location Map  
2. Transmission Lines Photo

### Officer's Recommendation

**That Council adopts the following motions for consideration at the MAV State Council meeting to be held on 17 May 2019:**

#### Motion 1:

##### **Strategic Siting of Renewable Energy Projects**

**That the MAV advocate to the Minister for Planning that a strategic approach be taken by the state government to the siting of renewable energy developments across Victoria having particular regard to the cumulative social, economic and environmental impacts these developments have on local communities.**

#### Motion 2:

##### **Underground Transmission Lines for Renewable Energy Projects**

**That the MAV advocates to the Minister for Planning, that all renewable energy project transmission lines that connect power to the state wide electricity grid must be underground;**

**And, furthermore that Council re-affirms its appointed MAV Representative is the Mayor Cr Mick Wolfe.**

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### Synopsis

The next MAV State Council meeting is to be held on 17 May 2019 and the MAV is calling for Motions from councils to be considered at this meeting.

Council has identified the following two issues to be submitted for consideration by the MAV State Council:

- The cumulative impact of siting wind farms in relatively close proximity to each other and the associated amenity impacts on nearby townships and residents, and;
- A desire to see all renewable energy project transmission lines to be undergrounded.

## Background

Each year the MAV invites Council's to submit motions to be considered at the annual State Council meeting.

As a consequence of regional consultations and meetings there was unanimous support for a changed approach to both the MAV strategic planning and State Council processes.

*"In May 2018 State Council resolved on a changed format for trial at the May 2019 State Council meeting that provides for short addresses by the MAV President and CEO, a 'thought-leadership' presenter, a hot topic for debate and development of a sector position, a presentation from the sector and Council motions. This resolution also requires a report to the next State Council on the trial of the amended format.*

*MAV is committed to ensuring it is able to implement actions that support the key priorities of the sector that are of state-wide significance. In order to do so MAV intends to translate what it has heard during sector consultation into clearer objectives with measurable actions that focus our efforts on member priorities, build our capability and improve our processes.*

*The MAV Rules require that motions be of state-wide significance to local government. Motions that are not of state-wide significance will be considered by the CEO and, subsequently, the MAV Board which will determine whether the motion is submitted to State Council for consideration. The MAV Board will also consider how motions that do not relate to the draft Strategic Plan priorities or which are not supported by a council resolution are included in the State Council Business Papers."*

As such it is generally required that motions submitted for State Council discussion are aligned to the MAV strategic plan, are of state wide significance and are supported by a resolution of council.

This year the MAV has also developed an online State Council Motion Submission Form for lodgement of motions.

## Strategic Link

Council Plan 2017-2021: We will support our communities by...

*"Advocating and promoting local priorities to other levels of Government"*

## Discussion

Council has advocated strongly to state government on the cumulative impact of siting multiple wind farms in close proximity to each other and to nearby towns and residents.

The attached wind farm locality map identifies the cluster of wind farms across Moyne Shire and in particular around the township of Mortlake.

Communities are expressing their concerns at the growing number and concentration of wind farms within the shire.

The motion put forward is calling on the Minister for Planning to take a strategic approach to the location of renewable energy projects so that local communities and residents are considered in the siting of such projects.

Council has also advocated strongly to have the construction of wind farm transmission lines regulated.

It is pleasing to see that the Minister for Planning has heeded this advocacy and implemented planning requirements for the transmission lines. Council's advocacy centred around the visual impact and road safety concerns created by the unregulated construction of transmission poles and wires.

The attached photo provides graphic evidence of the visual impact of these structures. A total of 267 of these 40 metre high transmission poles were constructed over a 50 kilometre route to connect the Salt Creek wind farm to the Terang sub-station.

Council has previously sought to have these structures undergrounded.

It was pleasing to recently learn that the developers of the Mortlake South wind farm, which recently commenced construction, have agreed to underground this projects transmission line.

Council is now advocating that the state government mandate that all transmission lines be constructed underground.

As part of this report and resolution it is also timely to re-affirm council's MAV representative, being the Mayor.

## Consultation

These issues have been the subject of community consultation as well as discussion with a range of stakeholders including project proponents, regulators and government.

### **Financial Implications**

No financial impacts of these motions.

### **Risk**

Advocacy on behalf of its communities is a core function of council and assists in mitigating identified risks.

### **Conclusion**

Council has identified renewable energy development related issues that it considers are appropriate to submit to the MAV State Council for consideration.

These issues are consistent with ongoing advocacy efforts of council regarding the cumulative impact of wind farm developments and the visual impact and road safety issues associated with transmission lines constructed to connect wind farms to the power grid.

## 5. Planning Permit PL18/124 – 42 Kennedy Street, Woolsthorpe – Earthworks (retrospective construction of a dam)

**Presented to** Council Meeting - 23 April 2019

Presented by Director Economic Development and Planning

Report Author Statutory Planning Officer

Attachments

1. Planning Application form
2. Plans
3. Planning report
4. Certificate of Title
5. Objections received

### Officer's Recommendation

That Council having caused notice of Planning Application No. PL18/124 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 Refuse to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 42 Kennedy Street WOOLSTHORPE VIC 3276 (CA 52, Township of Woolsthorpe), for Earthworks (retrospective construction of a dam), with the application dated 29/06/2018, for the following grounds:

1. The dam does not meet the objectives or strategies and is inconsistent with the State Planning Policy Framework Clauses 14.02-1S (Catchment Planning and Management), 14.02-2S (Water Quality) and 19.03-3S (Integrated Water Management).
2. The dam does not comply with and is inconsistent with Local Planning Policy Framework at Clause 22.03-7 (Dams), with the applicant failing to provide construction specifications or demonstrate the adequacy of construction.
3. The earthworks have not been adequately designed or constructed in an appropriate location or to the required standard to meet Clause 22.03-7 (Dams), resulting in seepage, safety issues and inadequate overflow capabilities.
4. The dam does not meet the decision guidelines of Clause 35.07-6 of the Farming Zone as the site is not suitable for the development and is not compatible with adjoining and nearby land uses.

5. The dam does not meet the State Environment Protection Policy (Waters of Victoria) or achieve the minimum setbacks to septic systems within and does not satisfy the Code of Practice – Onsite Wastewater Management (EPA Publication 891.4).
6. The dam is contrary to the orderly planning of the area.
7. The dam is detrimental to the amenity of the neighbouring property.

### Synopsis

The Applicant seeks planning permission for 'Earthworks (retrospective construction of a dam)' at 42 Kennedy Street, Woolsthorpe.

The earthworks are for the approval of a dam construction of a total size of 150,000L within the Farming Zone alongside an existing property boundary.

Two (2) objections to the proposal have been received.

The rural earthworks are not suitable to the small site and a recommendation to refuse the application is offered subject to a range of grounds.

### Background

#### Application Details

Application is for:	Earthworks (retrospective construction of a dam)
Applicant's Name:	Myers Planning Group
Date Received:	29/06/2018
Application Number:	PL18/124
Planner:	Wallie Cron
Land/Address:	42 Kennedy Street WOOLSTHORPE VIC 3276 (CA 52, Township of Woolsthorpe)
Zoning:	Farming Zone
Overlays:	N/A
Under what clause(s) is a permit required?:	Clause 35.07-4 Farming Zone – Buildings and works
Current use and development:	Residential dwelling, 2 x storage sheds, small orchard
Cultural Heritage Management Plan	Require: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Exempt



## Overview

The proposal is retrospective and seeks approval for earthworks for the construction of a dam on the subject site at 42 Kennedy Street, Woolsthorpe.

- Located along the southern boundary of the site and extending from the western property boundary for a length of 42.33m, eastward. The dam covers over half of the length of the property. The southern dam wall bank is located 3.2m to 3.4m from the southern property boundary.
- The construction consists of excavation of between 850mm and 1100mm below natural ground level with this material being used to form the southern bank of the dam battered at 1:2 grade.
- The maximum water level is 220mm below natural ground level resulting in a maximum depth of 1.2m when full. The northern side of the dam has been shaped to fit into the available space in the south west corner at the boundary so the width of the dam fluctuates between 8m and 2.4m dependent on water levels. The dam has a total capable holding capacity of approximately 150,000L.
- The dam is filled from a water bore located 1m from the high water mark to the north of the dam and does not rely on surface run-off or overland flows.
- The dam was originally lined with red clay (thickness unknown), failing in recent times resulting in leakage causing inundation and waterlogging of the adjoining land. The proposal includes relining the walls of the dam with a 0.5mm thick PVC liner.
- A 100mm PVC emergency spillway pipe has been installed to divert overflow into the stormwater drain in Porter Street by means of an electric pump (invert of the pipe is set at 87.60 AHD).
- The water from the dam is used for watering of the residential garden, small orchard and for firefighting purposes.

The proposed layout is shown at Figure 1.

## Applicant's justification

The owners engaged experienced earthmoving contractors to construct the dam in 2015. The size of the dam is consistent with those commonly found in rural living areas and is utilised for the storage of water for on-site use for the watering of the residential gardens, small orchard and firefighting purposes.

The dam does not rely on surface run off and is filled directly from a rural water bore located 1m immediately north of the high water line of the dam on the subject land.

**Subject site locality**

The subject site is rectangular in shape and has an area of approximately 4046m<sup>2</sup>. The site is located to the southwest corner of Kennedy and Porter Streets, and is approximately 400m east of Warrnambool-Caramut Road. A single dwelling and detached garage are located toward the eastern property boundary, and set back 17m from the eastern boundary, and 7.3m from the southern boundary. The dwelling and garage are accessed via a 'U' shaped driveway with two crossovers, one crossover at the Kennedy Street corner and one on Porter Street. Another vehicle access exists from Kennedy Street to a larger shed of approximately 88m<sup>2</sup> set back 2.8m from the western property boundary and 18m from the northern property boundary.

The subject site is largely covered in lawn with the exception of two small orchards located adjacent to the dwelling along the northern boundary (front, Kennedy Street) and eastern boundary (side, Porter Street). The variety and number of trees has not been depicted but Council's aerial photography shows some 14 trees to the east, and 15 trees to the north. Post and wire fencing exists along all property boundaries with the exception of part of the southern boundary where a paling fence has been erected.

Two large water tanks, the septic tank, pump and pit system servicing the dwelling on the site are to the rear and south west of the dwelling. A rural water bore is located directly north of the dam and is approximately 10m from the south-western corner of the dwelling.

The dam is behind and to the southwest of the dwelling narrowing slightly at the eastern end to allow space for the septic effluent tank and associated pump pit setback 1m from the dam. The dam is constructed near to the south-western boundary corner and covers over half the boundary distance being 42.3m along the 80m boundary. The base of the southern side of the dam wall is approximately 1m from the property boundary and approximately 1m above natural ground level and the bank of the wall.

Single dwellings on similar sized allotments surround the site and are within the Farming Zone, creating a rural residential lifestyle area. The centre of the Woolsthorpe Township is 400m to the north-west, and the Township Zone boundary is 190m to the west of the subject site.

An aerial photo of the site and surrounding area is provided at Figure 2 – Location Plan/Zoning Map.

## Public Notice

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

Council received two (2) objections. The objections raise concerns about:

- Safety issues due to no appropriate fencing and steep slope of dam.
- Dam is leaking causing saturation of neighbouring land and inaccessibility.
- Impact on structural foundations of surrounding buildings and increased risk of falling trees.
- Vegetation has died due to wet conditions of soil.
- Noise from fauna using dam.
- Mosquito population increase due to stagnant water.

The applicant provided a response to the objections, which is included in the assessment section of the report below.

## Consultation

An initial further information request was sent to the applicant on 10/07/2018 giving 90 days to provide the requested information (10/10/2018).

The land owner responded on 17/08/2018 with correspondence stating that a permit was not required. This was responded to on 31/08/2018 clarifying that a permit was required under the Moyne Planning Scheme.

A request for an extension of time to provide the further information requested was granted 04/10/2018 giving an additional 30 days until 09/11/2018, with the required further information being provided to Council on 09/11/2018.

The applicant submitted an amended report on 27/11/2018 to amend the lining materials. The applicant was contacted on 03/01/2019 to provide a response to the objections received 07/12/2018 and 15/12/2018.

A response to the objections was received 10/01/2019 and submitted to the objectors for consideration. Email and phone correspondence with the applicant occurred during the application process.

A consultation meeting was held on the subject site between Councillors, Council officers, the applicant, and representative for the landowner on 9 April 2019.

At this meeting discussions centred on the impacts that could be seen from the construction of the dam.

Referrals

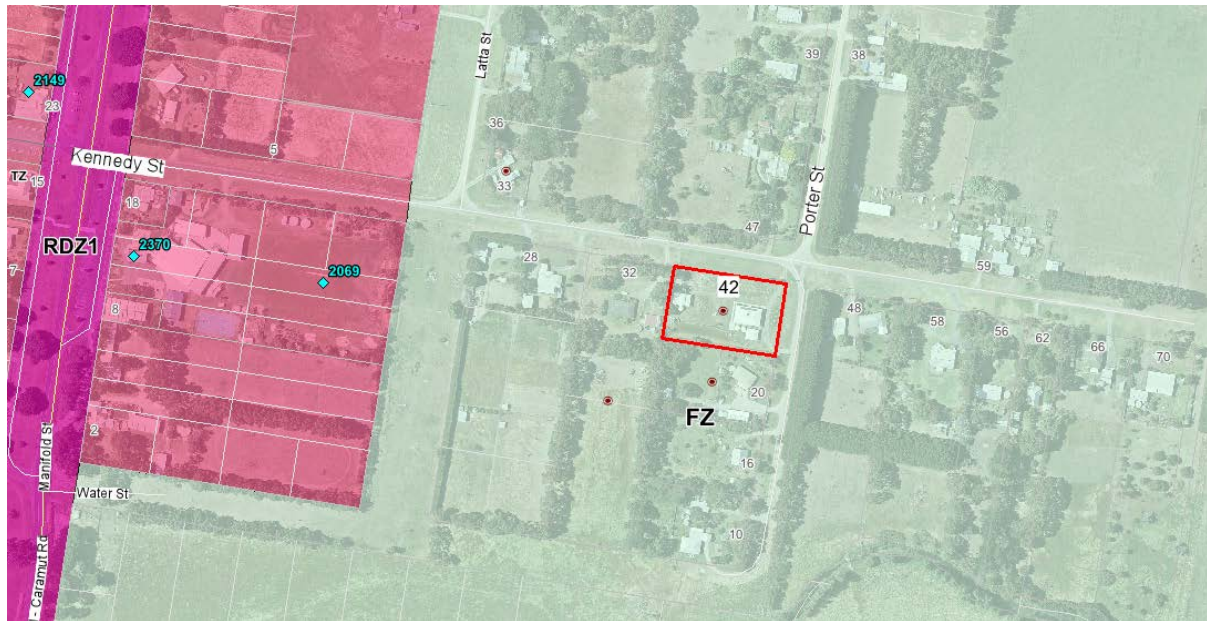
Internal Referrals	Advice/Response/Conditions
Assets	<p>Concerns raised about the dam in its current form as unacceptable including; steep batter slopes being dangerous, revegetation of the batter slopes, erosion of southern dam wall and pitting, inadequacy of overflow pipe, no engineer design supplied, and the environmental health of dam questioned due to proximity of septic and dwellings.</p> <p>Advised the dam should be filled in as in the current form it is <i>'far from desirable'</i>.</p>
Environmental Health	<p>Not supported due to setback between the constructed dam and effluent system.</p>

Figure 1 Proposed Lot Layout





Figure 2 Location Map/Zoning Map



## Planning Policy Framework

### The zoning of the land and any relevant overlay provisions

The subject site is located within the Farming Zone under the provisions of the Moyne Planning Scheme. There are no applicable planning scheme overlays.

A planning permit is required for Earthworks under the Farming Zone being Clause 35.07-4 and the Schedule to the Farming Zone, *“Earthworks which change the rate of flow or the discharge point of water across a property boundary - All land”*.

The following Clauses from the PPF are considered relevant to the application:

### Clause 10 Planning Policy Framework (PPF)

**Clause 11.01-1R** ‘Settlement – Great South Coast’ encourages growth to occur within towns.

**Clause 11.03-4S** ‘Coastal Settlement’ encourages sustainable coastal land development and urban renewal.

**Clause 12.02-1S** ‘Protection of Coastal Areas’ assists Council in recognising the value of coastal areas to the community and encourages sustainable use of natural coastal resources.

**Clause 14.02-1S** ‘Catchment Planning and Management’ assists Council to protect and restore catchments, water bodies, groundwater, and the marine environment.

**Clause 14.02-2S** 'Water quality' encourages the protection of water quality through preventative measures.

**Clause 19.03-3S** 'Integrated Water Management' sustains the management of the existing water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

**Clause 20 Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies**

The following Clauses from the MSS are considered relevant to this application.

**Clause 21.03** 'Factors Influencing Future Planning and Development' notes that there are key factors which are of importance to the Shire's future land use and development, with the most relevant being:

**Clause 21.05** 'Settlement and housing' assists Council in determining the appropriate use and land development outcomes for commercial, industrial and community development.

**Clause 21.06** 'Environment' assists in the protection of the natural environment and reduction of pest biodiversity's.

**Clause 21.07** 'Economic Development' provides an overview of the economic characteristics of the Shire.

**Clause 22.01-7** 'Smaller Townships and Settlements (includes Woolsthorpe)' encourages small scale growth within the established township boundaries.

**Clause 22.02** 'Environment' recognises the resources that the landscape provides for economic and environmental benefits.

**Clause 22.02-10** 'Management of Coastal Landscapes' encourages protection of the valuable Victorian coastal landscapes.

**Clause 22.03** 'Economic Development' encourages appropriate development of rural zoned land.

**Clause 22.03-7** 'Dams' directs Councils awareness of construction of dams and the potential significant impacts, in terms of safety issues, watercourses and the overall landscape.

**Clause 22.03-8** 'Fire Protection Local Policy' directs Councils awareness of the significant fire risks and mitigation measures.

**Clause 30 Zone****Clause 35.07 Farming Zone****Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture. To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

**Clause 35.07-4 Buildings and works**

- Pursuant to this clause a permit is required for Earthworks specified in a schedule to this zone, if on land specified in a schedule.

**Schedule to the Farming Zone**

- Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- All land
- Pursuant to the Schedule a permit is required for earthworks as detailed on all land.

**Clause 50 Particular Provisions**

**Nil**

**Clause 65 Decision Guidelines**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

### **Clause 65.01 Approval of an Application or Plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate [but not limited to]:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

### **Summary of Key Issues**

The key issues for consideration in the assessment of the application are:

- Whether the proposal complies with relevant Planning Policy Framework, Local Planning Policy Framework including the Municipal Strategic Statement (MSS), and Local Planning Policies.
- Whether the proposal complies with the decision guidelines and objectives of the Farming Zone.
- Whether the issues raised in objections are warranted.
- Whether the proposal protects the amenity of the area and whether the proposal results in the orderly planning of the area to satisfy the decision guidelines in Clause 65.

### **Discussion**

The secondary impacts detailed from the dam wall and bed liner failure was brought to the attention of Council on 8 September 2017, and again on 21 March 2018, by letters received detailing the concerns and impact. Enforcement action was undertaken by way of letter advising the works carried out were in contravention of the Planning Scheme and that the site is to be restored back to a compliant state or an application for a planning permit must be sought (with no guarantee of a planning permit being issued). The land owner submitted an application for a planning permit (PL18/124). Two objections to the dam were received as a result of public notice.



The dam was constructed to store water pumped from a water bore adjacent to the dam, the stored water is proposed to be used for the watering of the garden, orchard and for firefighting purposes. However, the proposal report has not provided any details regarding the required amount of water or frequency of such watering to support the orchard on the site or to validate the sizing or location of the dam.

The application was referred to Council's Environmental Health Department for consideration due to its setback from the existing septic system and impact on waterways. The location of the dam fails to meet the minimum setback distances required by the Environmental Protection Authority Code of Practice – Onsite waste water management (publication 891.4) and therefore the Environmental Health Officer does not support the planning application.

A referral to Council's Assets Department raises significant concerns such as safety with regard to the degree of slope of the dam walls (particularly the southern side), seepage, inadequacy of the overflow pipe and potential dam wall failure. The dam wall slopes were constructed at a dangerous degree given that it has created an unsafe environment and will require extensive modification.

Additionally, the dam was constructed without suitably engineered structural plans and appears to be causing water seepage into, and saturation of, neighbouring properties. The dam was originally lined with red clay which has now failed indicating poor construction techniques and/or inadequate materials were used.

### **Planning Policy Framework, Local Planning Policy Framework, and the Municipal Strategic Statement**

The objectives detailed in the Dams Policy Clause 22.03-7 are to ensure that dams are designed and constructed in a manner so that the potential for failure is minimised and that the holding capacity of dams is to relate directly to intended use of the site and the suitability of the land. Appropriate revegetation must be ensured to allow for the re-stabilisation of land, replacement of vegetation lost by the earthworks and to protect the sensitivity of the ecological system.

Part of the Dams policy is to appropriately locate the proposed dam to the terrain characteristics of the land. Dams should be located toward the lowest point of the site to allow for maximum catchment potential. The capacity of the proposed dam is to be appropriate to the catchment area of the site, directing that any proposed dam is to be of a size that is capable of capturing the run off from the site and to not pose a risk of wall failure from a capacity breach.

The proposed dam is filled by the existing water bore on the site rather in addition to land catchment from overland flows or rain within the site boundaries.

The size of the dam is not appropriate to the size of the site as it is in excess of what would be potential catchment of the site. The siting and design of the dam does not allow for sufficient collection of overland flow due to the site containing only a slight gradual slope. The applicant has not provided details regarding the required water volumes needed for the watering of gardens, orchard and firefighting purposes to justify the size of the dam.

Alternatively, the existing water bore of which is utilised to fill the dam can be directly used for the same purpose of watering of gardens, orchard and firefighting purposes.

As detailed within Clause 14.02-1S, 14.02-2S and 19.03-3S water quality and management techniques are significantly important and any risk to the contamination of water exiting the site, particularly in relation to ground water, should be minimised. This proposal poses the risk of contamination from the septic system and overflow to the street drain due to the proximity to both the bore and effluent disposal system. The proximity of the dam to the septic system is not in accordance with the Environmental Protection Authority Code of Practice – Onsite waste water management (publication 891.4) being a minimum of 60m buffer and does not enable the protection of the quality of surface water, groundwater resources and storm water reaching the potable water catchments.

All these factors show that the existing dam, and proposed changes due, will not meet the objectives and policy grounds in relation to catchment management and environment. The proposal does not comply with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework.

### **Farming Zone**

The locality has been developed as rural residential with the standard allotment being approximately 4000-5000m<sup>2</sup> in size. Whilst the land is classified as Farming Zoned land within the Moyne Planning Scheme it is not determined to be suitable for agricultural purposes due to the small land size and rural residential nature of the area.

The existing dam is located close to existing dwellings, infrastructure and property boundaries and its purpose is only to hold water pumped from an existing bore which in itself can be used for watering the residential garden, orchard, and for fire-fighting purposes as detailed in the purpose of the proposal.

The capacity of the site to sustain the use and the potential for ongoing adverse environmental impacts is considered significant given the small area of the site. The comparative size of the dam, the proximity to the existing dwelling and septic system, the proximity to neighbours, and the inadequate design and construction are all contributing factors to the dam not meeting the objectives and relevant Decision Guidelines of the Farming Zone.

## **Rural Housing Settlement Strategy**

Woolsthorpe is a town where there is a need to provide a diversity of housing opportunities beyond the Township zone and to ensure that a buffer to farming activities. Both the Rural Housing and Settlement Strategy 2010 and Addendum Report 2015 show this subject land and surrounding land to the south west and north as proposed for rezoning to Rural Living Zoned land. This will establish a township boundary that encompasses all land zoned Township and Rural Living.

Given the strategic direction for the land and that surrounding through the Rural Housing Settlement Strategy the proposal is not consistent with the intent of the PPF and LPP.

## **Clause 65 Decision Guidelines**

The location of the dam is seen to have negative impacts to the amenity of the locality particularly due to the water seepage from the wall failure. The steep batters of the dam near the southern property boundary increase the degree of risk of failure and flood hazard to the neighbouring properties posing significant safety impacts.

The location of the dam is within the prescribed separation distance to the septic system (tank, pump and pit), the inappropriate siting of the dam is likely to have water quality impacts, both through seepage or potential overland flow from wall failure, and reduced water quality entering into the Porter Street stormwater drain.

The degree of potential flood risk has been heightened from the construction of the dam and evident wall failure and poses significant risk to neighbouring properties. Due to the construction techniques, liner failure and steep batters without revegetation, the degree of flooding and erosion potential has been heightened.

The application does not provide for orderly planning of the area and does not satisfy the Decision Guidelines of Clause 65, and should not be approved in its current or proposed form.

## **Response to Objections**

*Safety issues due to no appropriate fencing and steep slope of dam*

### ***Objection supported***

The dam slope batters are between 1:18 and 1:3.25. Council's Assets Department has confirmed the steep batter slopes are considered dangerous to human life should someone fall in. A slope batter should be no steeper than 1:5 for a dam.

*Dam is leaking causing saturation of neighbouring land and inaccessibility*

**Objection supported**

Council's Assets Department advised the overflow pipe is inadequate in size to accommodate the estimated overflow, and the design is inappropriate as it does not allow gravity feed to the stormwater drain.

It is acknowledged that the adjoining properties have been affected by water inundation from dam seepage and the mitigation measures proposed are not considered sufficient to reduce the wall failure and flood risk to an acceptable level.

*Impact on structural foundations of surrounding buildings and increased risk of falling trees.*

**Objection not supported**

As no technical evidence was provided the extent to which the seepage from the dam affects structural foundations and the risk of falling trees is unclear.

*Vegetation has died due to wet conditions of soil*

**Objection supported**

The likelihood of vegetation dying is increased if the soil is continuously wet as a result of seepage.

*Noise from fauna using dam*

**Objection not supported**

The increase of noise from fauna (such as birdlife) as a result of the dam is unlikely to be excessive and is considered an expected noise source for land in a rural environment.

*Mosquito population increase due to stagnant water*

**Objection not supported**

The existence of the dam may increase the likelihood of mosquitos breeding in the area, however there are a number of opportunities for mosquito breeding within this rural landscape and this is not considered exceptional.

## Conclusion

Overall, the earthworks do not comply with Clause 14.02-1S, 14.02-2S and 19.03-3S due to not meeting the objectives and policy grounds in relation to the catchment management and environment, nor do they comply with Clause 22.03-7 as the dam has not been designed or constructed in an appropriate location or standard to meet the objectives, resulting in erosion, safety issues and inadequate overflow capabilities.

The dam does not satisfy the Decision Guidelines of the Farming Zone or the Clause 65 Decision Guidelines and does not meet the requirement of the State Environment Protection Policy (Waters of Victoria) or the Code of Practice – Onsite Wastewater Management (EPA Publication 891.4).

The modifications to the dam are insufficient to reduce the risk of failure and related safety and environmental considerations and does not comply with the relevant Planning Policies.

The earthworks do not meet the relevant provisions of Planning Policy Framework, the Local Planning Policy Framework (including the Municipal Strategic Statement and local planning policies), the Farming Zone purpose, decision guidelines and applicable objectives at Clause 35.07 and Decision Guidelines at Clause 65. The proposal does not result in the proper and orderly planning of the area and will impact the amenity and safety of the locality.

It is recommended that the proposal be refused by Council and that a Notice of Decision to Refuse to Grant a Planning Permit be issued.



## 6. Petition – Rezoning of Coastal Crown Land

**Presented to** Council Meeting – 23 April 2019

Presented by Director Economic Development and Planning

Report Author Strategic Planner

Attachment Petition – Rezoning of Coastal Crown Land

### Officer’s Recommendation

#### That Council:

- 1 Supports the rezoning of the Belfast Coastal Reserve to the Public Conservation and Resource Zone, and the preparation of the planning scheme amendment by the Department of Environment, Land, Water and Planning, in accordance with the recommendation of the *Belfast Coastal Reserve Management Plan*.**
  - 2 Notifies the organiser of the Petition and the Victorian National Parks Association of its position in relation to the matter.**
  - 3 Rectifies zoning anomalies in relation to Coastal Crown Land beyond the Belfast Coastal Reserve via a future corrections amendment.**
- 

### Synopsis

This report relates to a petition received by Council on 25 January, 2019 (the Petition), which is signed by seventeen (17) Moyne Shire ratepayers.

The Petition requests “*Moyne Shire, as a planning authority, to undertake all necessary steps to rezone all coastal crown land currently identified in the Moyne Planning Scheme as Farming Zone to Public Conservation and Resource Zone to ensure the long term protection of the municipal coast from inappropriate use and development*”.

The Petition was received by Council at its Ordinary Meeting on 26 February 2018. Council’s Local Law (Meeting Procedures) requires a petition to lay on the table for at least one month prior to consideration of any action in response to the Petition.

In addition, Council has received a letter from the Victorian National Parks Association (VNPA), which is aware of the petition, requesting that Council rezones the Belfast Coastal Reserve (the Reserve) to the Public Conservation and Resource Zone (PCRZ).

Council has been awaiting advice from the Minister for Planning in relation to the process to rezone the land, however, as time has passed, it is appropriate to consider the Petition at this time.

Under the recommendations of the *Belfast Coastal Reserve Management Plan*, the Department of Environment, Land, Water and Planning (DELWP) has the responsibility to resolve land use zoning issues in the Reserve. As such, Council should not proceed with its own amendment as requested in the Petition and by the VNPA.

As identified in the Petition, there are anomalies in relation to the zoning of Coastal Crown Land in other locations, such as, Mepunga, Peterborough, Port Fairy West, and the Yambuk Estuary. These should be addressed through a separate corrections amendment.

## Background

The Petition requests that Council rezone “*all coastal crown land currently identified in the Moyne Planning Scheme as Farming Zone to Public Conservation and Resource Zone*”.

It suggests that the current application of the Farming Zone to Coastal Crown Land is an anomaly in the Planning Scheme and inconsistent with other municipal planning schemes along the Victorian coast.

In particular, the Petition refers to the Belfast Coastal Reserve and the need to protect the significance of the Reserve.

The VNPA originally wrote to the Moyne Shire Council in relation to this matter in 2016, identifying inconsistencies between the zoning of the sections of the Belfast Coastal Reserve in Moyne Shire and Warrnambool City. It identified that the section of the Reserve in Warrnambool City is zoned PCRZ, whereas the section in Moyne Shire is within the Farming Zone.

In summary, the VPNA’s position is that the application of the Farming Zone to the Reserve is an anomaly, and the PCRZ would reflect the current use of the land and be more appropriate for the proper planning, protection and management of the Reserve.

Following receipt of the correspondence from the VNPA in 2016, discussions were held with DELWP in relation to rezoning the Reserve. It was determined that the appropriate approach would be to await the recommendations of the *Belfast Coastal Reserve Management Plan*, prior to undertaking action to rezone the Reserve.



### Strategic Link

The Petition relates to the Council Plan 2017-2021, which states:

*“We will protect and conserve our environment by: Protecting our coastline.”*

### Discussion

The *Belfast Coastal Reserve Management Plan* (the Plan), was approved by the Minister for Energy, Environment and Climate Change in July 2018.

The Plan was developed to strike a balance between protecting the environmental values of the Reserve, while maintaining opportunities for recreation. In addition, the Plan sets out an approach for horse training, which seeks to balance support for the racing industry, equity of access for all trainers and protection for cultural and natural values.

In relation to the land use zoning of the Reserve, the Plan recognises that the majority of the Reserve is currently zoned as Farming Zone, a historical anomaly which is required to be updated to reflect the current use of the land. The Plan suggests that coastal public land is generally zoned Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ) under the planning scheme, with each zone providing for a range of uses.

The adopted Plan included a strategy to *“Formalise and update the management arrangements and Planning Zones (under the local government planning scheme) as appropriate.”* It is identified as an immediate priority and DELWP has been allocated the responsibility to undertake this task, in partnership with Council.

Goal			
Coordinated management of the Reserve enables efficiencies in program delivery and is supported by consistent land status and regulations.			
Strategies	Priority Level	Responsibility	Delivery partners
Reserve all lands within the planning area under the <i>Crown Land Reserves Act 1978</i> for the protection of the coastline or public purposes.	Immediate	DELWP	Moyne Shire Council, Warrnambool City Council
Formalise and update the management arrangements and Planning Zones (under the local government planning scheme) as appropriate.			

Source: *Belfast Coastal Reserve Management Plan* page 74

Preliminary discussions have been held with DELWP in relation to a draft planning scheme amendment to rezone the land as recommended in the Plan. However, formal advice in relation to the proposed amendment, has yet to be received from DELWP or the Minister for Planning.

Preparation of an amendment to rezone the land by Council would be duplicating a process that is being undertaken by DELWP, and would not be the optimum use of Council resources.

Further consideration should be given to anomalies in relation to the zoning of Coastal Crown Land in other locations e.g., land within the Farming Zone, such as, Mepunga, Peterborough, Port Fairy West, and the Yambuk Estuary and these can be rectified via a future corrections amendment.

### Consultation

Extensive community consultation in relation to the use of Coastal Crown Land was undertaken by Parks Victoria as part of the preparation of the Belfast Coastal Reserve Management Plan. There has not been any subsequent community consultation other than the presentation of this Petition.

If DELWP prepares the amendment, the Minister for Planning will determine whether further consultation with Council and/or the community is required. The Minister could elect to grant an exemption from public notice requirements to expedite the amendment.

### Financial Implications

If DELWP undertakes the requested planning scheme amendment, there should not be any direct financial implications for Council.

### Risk

From a risk perspective, in considering any action in response to the Petition, Council must have regard to environmental, social and economic effects.

### Conclusion

Moyne Shire has recently received a petition from 17 ratepayers requesting Council *“undertake all necessary steps to rezone all coastal crown land currently identified in the Moyne Planning Scheme as Farming Zone to Public Conservation and Resource Zone to ensure the long term protection of the municipal coast from inappropriate use and development”*.

In addition, a letter has been received from the VPNA, which is aware of the petition, requesting that Council rezones the Reserve to PCRZ to resolve the inconsistency in the zoning of the Reserve between the Moyne and Warrnambool Planning Schemes.

Council is in consultation with DELWP regarding a planning scheme amendment to rezone land in accordance with the recommendations of the *Belfast Coastal Reserve Management Plan*.

If Council were to commence preparation of an amendment as requested by the petitioners, it may duplicate work being undertaken by DELWP.

Therefore, Council should not proceed with the preparation of a planning scheme amendment to rezone the Belfast Coastal Reserve to the Public Conservation and Resource Zone, as the matter is under consideration by DELWP. The organiser of the Petition and VNPA should be informed accordingly.

There are minor anomalies in relation to the zoning of Coastal Crown Land in other locations, which will be rectified by a future corrections amendment.



## **7. Hexham Wind Farm – Establishment of Community Engagement Committee**

**Presented to Council Meeting – 23 April 2019**

Presented by Director Economic Development and Planning

Report Author Major Projects Liaison Officer

Attachment Hexham Wind Farm newsletter March 2019

### **Officer's Recommendation**

- 1. That Council establish a Hexham Wind Farm Community Engagement Committee, comprising:**
    - a) Three (3) Moyne Shire Councillors;**
    - b) Up to Six (6) community representatives, via an expression of interest process; and**
    - c) Two (2) Wind Prospect Pty Ltd representatives.**
  - 2. That Council advise Mr K Johnston of its decision.**
- 

### **Synopsis**

The proponent for the Hexham Wind Farm is Wind Prospect Pty Ltd. The project is in the feasibility / pre-application stage, with the proponent proposing to lodge a planning permit application with the Minister for Planning before the end of 2019.

The establishment of a Community Engagement Committee (CEC) now will assist the community engagement process between the proponent, community, Council and other stakeholders regarding this project.

A request has been made by Mr Ken Johnston asking Council to consider establishing a Community Engagement Committee for the Hexham Wind Farm.

### **Background**

The Hexham Wind Farm proposal is for 125 turbines on an area extending from the south-east of Caramut and the south-west of Hexham, to the west of Ellerslie. It is proposed that the project would connect to the 500kv electricity transmission line at the Mortlake Terminal Station.

The proponent released its first Hexham Wind Farm newsletter in March 2019 (Attachment 1) and has recently conducted a door-knock of properties within 6 km of the site. Council was briefed by the proponent on 2 April 2019.

### **Strategic Link**

The establishment of this CEC will continue the implementation of Council's community engagement framework for major project developments in the Shire.

### **Discussion**

The number of operational, approved and/or proposed wind farms in this north eastern area of the Shire warrants the establishment of this CEC. CECs are already operating for three other wind farm projects in the area – Salt Creek, Dundonnell and Mortlake South, and in March 2019, Council established a CEC for the Mt Fyans Wind Farm.

In total, there are currently seven CECs for wind farm projects across Moyne Shire.

The establishment of this CEC will ensure that community representatives from districts around the proposed wind farm site are actively involved in developing and maintaining an effective communication process between all stakeholders about the Hexham Wind Farm.

Existing CECs have between 3 and 6 community representatives. Considering the scale and size of the windfarm and proximity to Hexham, Caramut and Ellerslie the number of community representatives should be determined by Council as part of its establishment.

It is proposed that in line with other CECs, the Committee undertake at its first meeting a review of its draft Charter and report back to Council its recommendations via the Minutes of the Meeting, any proposed amendments.

### **Financial Implications**

The administrative duties associated with this CEC will be performed by Council's Major Projects Liaison Officer.

### **Risk**

There is no risk in Council establishing a CEC for this wind farm project.

### **Conclusion**

That Council establish the Hexham Wind Farm Community Engagement Committee to facilitate a timely and effective communication process between the proponent, the community, Council and other relevant stakeholders.

## 8. Wind Farm Transmission Lines

**Presented to** Council Meeting – 23 April 2019

Presented by Director Economic Development and Planning

Report Author Major Projects Liaison Officer

Attachment Nil

### Officer's Recommendation

**That Council write to the Minister for Planning to request that underground transmission lines be mandatory for all future wind farm projects.**

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### Synopsis

This report recommends that Council write to the Minister for Planning to request that underground transmission lines be mandatory for all future wind farm projects.

### Background

After the construction of the 51km Salt Creek Wind Farm transmission line in 2017-18, Council advocated strongly for strengthened planning processes in relation to wind farm transmission lines.

Amendment VC157 recently changed all planning schemes to require a planning permit for transmission lines for wind and solar projects. Council congratulates the Minister for Planning for implementing this change.

In March 2019, Acciona announced that subject to planning approval, it will construct a 15km underground transmission line to connect the Mortlake South Wind Farm to the Terang Terminal Station.

This demonstrates that the undergrounding of wind farm transmission lines is an option for future wind farms.

### Strategic Link

Moyne Shire Council Plan 2017-2021, to listen to and advocate on behalf of our community, respond to issues and look after our infrastructure.

**Discussion**

The undergrounding of wind farm transmission lines would reduce the significant visual impact that wind farms and their associated infrastructure have on the rural landscape, and reduce the risk of bush and grass fires. It would also remove any associated road safety risk when the overhead lines are situated on road reserves.

There are currently six wind farm projects yet to reach construction in Moyne, including:

<b>Woolsthorpe Wind Farm</b>	– Approved, proposed to commence construction in late 2019.
<b>Hawkesdale Wind Farm</b>	– Approved, construction date pending.
<b>Ryan Corner Wind Farm</b>	– Approved, construction date pending.
<b>Mt Fyans Wind Farm</b>	– Permit application lodged.
<b>Willatook Wind Farm</b>	– Undertaking an EES.
<b>Hexham Wind Farm</b>	– Feasibility stage.

If these projects all proceed to construction with underground external transmission lines, Council estimates this would remove the need for at least 50kms of new overhead transmission lines in the Moyne Shire in the future.

**Consultation**

Council’s position has been informed by feedback from the public and Council’s wind farm Community Engagement Committees, since the construction of the Salt Creek Wind Farm transmission line.

This position is consistent with the motion Council proposes to put to the MAV State Council 2019.

**Financial Implications**

Council determining the recommended position to request that new transmission lines should be underground, should not result in any direct financial impact to Council.



**Risk**

Council determining the recommended position to request that new transmission lines should be underground, should not result in any risk to Council.

The risks associated with overhead powerlines relating to bushfire and road safety risks should be minimised if Council is successful in advocating that new transmission lines be constructed underground.

**Conclusion**

Due to Council's experiences of overhead transmission lines for wind farms and the significant number of wind farms that may be constructed in Moyne in the future, Council should write to the Minister for Planning to request that underground transmission lines be mandatory for all future wind farm projects.



## 9. Petition - Albert Road, Port Fairy

**Presented to Council Meeting - 23 April 2019**

Presented by Director Infrastructure and Environment  
Report Author Director Infrastructure and Environment  
Attachments Petition received 10 January 2019

### Officer's Recommendation

**That Council:**

- 1. Acknowledge that improvement works to Albert Road, Port Fairy are scheduled for 2020/21 and 2021/22; and**
  - 2. Request officers write to the Petition organiser to notify them to the Council decision in relation to the Petition.**
- 

### Synopsis

This report relates to the petition received by Council on 10 January 2019, which is signed by 46 citizens. The Petition requests Council to consider improvements to Albert Road in Port Fairy. The Petition was formally received by Council at its meeting on 26 February 2019.

Officers have researched the issue and have identified that improvement works are planned over a two year period from 2020-2022.

Council is asked to acknowledge the planned works and to request officers to notify the petitioners of the outcome.

### Background

Residents of Albert Road submitted a Petition to Council in 2010.

The response from Council at the time indicated that traffic counts warranted widening of the road to 6.2 metres and that the works would be added to the 10 year works program.

Improvement works are yet to be added to the program and as such, the residents of Albert Road submitted another petition requesting improvements to the road be considered.

This Petition was received by Council at its meeting on 26 February 2019.

### **Strategic Link**

The Petition needs to be managed in accordance with Councils Local Law (meeting procedures).

### **Discussion**

Council Officers have researched proposed works in Albert Road and found the following:

- The road averages 401 traffic movements per day with 6% of heavy vehicles.
- The condition of the road ranges from 6 to 7.

Given the current fair to poor condition of the road and the high volumes of traffic, rehabilitation of the road is warranted. On this basis the works team have scheduled rehabilitation and widening works over two financial years in 2020/21 and 2021/22.

On this basis it is proposed to notify the organiser of the petition that works are scheduled between 2020 and 2022.

### **Consultation**

Presentation of Petition.

### **Financial Implications**

The works will be funded from Council's road rehabilitation budget and will cost approximately \$720,000.

### **Risk**

Risks associated with the works will be managed in accordance with Council's Safety Systems.

### **Conclusion**

Moyne Shire has received a petition from 46 citizens requesting Council consider improvements to Albert Road in Port Fairy.

Research by Council Officers have found the requested works to be warranted and have scheduled the works over two financial years between 2020 and 2022.

It is recommended that Council acknowledge the planned works and notify the petition organiser of the outcome.

## 10. Petition - Speed Limits in Chatsworth

**Presented to** Council Meeting - 23 April 2019

Presented by Director Infrastructure and Environment

Report Author Manager Works & Engineering

Attachments Petition received 26 March 2019

### Officer's Recommendation

**That Council receive the Petition in relation to a proposal to reduce the speed limit adjacent to the Chatsworth Occasional Childcare Centre and through the township of Chatsworth.**

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### Synopsis

This report relates to the petition received by Council on 26 March 2019 which is signed by 81 citizens.

The Petition requests Council to support reducing the speed limits through the township of Chatsworth and more specifically in front of the Chatsworth Occasional Childcare Centre.

Council's Local Law (meeting procedures), requires the Petition to be received by Council.

### Background

Council has received a Petition which has been signed by 81 residents regarding speed limits through Chatsworth.

The Petition requests Council to consider reducing the speed limit to 40 km/hr during the Chatsworth Occasional Childcare Centre operating hours which are between 8.00am and 5.00pm on Tuesdays and Thursdays and to reduce the speed throughout the Chatsworth township.

Some of the concerns from the community have been raised as follows:

- safety of the towns residents and families who use the childcare centre;
- history of accidents at the Chatsworth bridge and;
- blind spots, crests, high shoulders, steep descents and speeding issues.

### **Strategic Link**

The Petition needs to be managed in accordance with Councils Local Law (meeting procedures).

### **Discussion**

Council's Local Law (Meeting Procedures) does not allow a motion to be made regarding the petition until the following ordinary meeting of Council unless Council determines that it is a matter of urgent business.

Council Officers will research the issue further and provide a detailed report to a future meeting of Council with a recommended response to the petition.

### **Consultation**

Presentation of petition.

### **Financial Implications**

The implementation of suitable signage to indicate the change in speed would be subject to a budget process of Council.

### **Risk**

There is no perceived risk for Council in receiving the petition.

### **Conclusion**

Moyne Shire has recently received a petition from citizens requesting Council support reducing the speed limits through the township of Chatsworth and more specifically in front of the Chatsworth Occasional Childcare Centre.

In accordance with Council's Local Law (meeting procedures) the petition is to be received by Council.

The issue will be further considered in a separate report to Council.

## 11. Petition - Macarthur Depot

**Presented to** Council Meeting - 23 April 2019

Presented by Director Infrastructure and Environment

Report Author Director Infrastructure and Environment

Attachments Petition received 13 March 2019

### Officer's Recommendation

**That Council formally receive the Petition in relation to the operation of the Macarthur Depot.**

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### Synopsis

This report relates to the petition received by Council on 13 March, 2019 which is signed by 183 citizens.

The Petition requests Council put on hold all preparations for the closure of the Macarthur Depot including the relocation of staff to the Koroit Depot.

Council's Local Law (meeting procedures), requires the Petition to be received by Council.

### Background

A Petition has been received from 183 citizens on 13 March, 2019

The Petition relates to concerns that there may be plans for the closure of the Macarthur depot following the relocation of 2 employees to the Koroit Depot.

The two employees formally worked on both local roads and VicRoads maintenance in accordance with a contract with VicRoads. Council formally ended its contract arrangement with VicRoads at the end of February, 2019. The ceasing of the contract resulted in two staff being redeployed into two vacant parks and gardens roles working out of the Koroit Depot.

There is no reduction of service in relation to the maintenance of roads as local road maintenance in the Macarthur area is being undertaken by a crew based out of Koroit who also used to do both local road work and VicRoads contract work.

### **Strategic Link**

The Petition needs to be managed in accordance with Councils Local Law (meeting procedures).

### **Discussion**

Council's Local Law (Meeting Procedures) does not allow a motion to be made regarding the petition until the following ordinary meeting of Council unless Council determines that it is a matter of urgent business.

Council has requested a paper detailing the operation of the Macarthur Depot and some complaints have been received regarding the smell from the bitumen heater located at the depot.

There has been no planning undertaken in relation to the closure of the Macarthur Depot.

A further paper regarding this petition will be presented to Council following the consideration of the report regarding Moyne Shire depot operations.

### **Consultation**

Presentation of Petition.

### **Financial Implications**

Any changes to the operations of the Macarthur depot will be subject to future budget considerations.

### **Risk**

There is no perceived risk for Council in receiving the petition.

### **Conclusion**

Moyne Shire has recently received a petition from 183 citizens requesting Council put on hold all preparations for the closure of the Macarthur Depot including the relocation of staff to the Koroit Depot.

Council's Local Law (meeting procedures), requires the petition to be received by Council.

The issue will be further considered in a separate report to Council.



## 12. Petition - Model Lane, Port Fairy Footpath

**Presented to** Council Meeting - 23 April 2019

Presented by Director Infrastructure and Environment

Report Author Manager Works & Engineering

Attachments Petition received 3 April 2019

### Officer's Recommendation

**That Council receive the Petition in relation to a proposal to construct a footpath on Model Lane Port Fairy between Sandspit Road and the Rail Trail.**

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### Synopsis

This report relates to the petition received by Council on 3 April 2019, which is signed by 29 citizens.

The petition requests Council to consider constructing a footpath on Model Lane, Port Fairy between Sandspit Road and the Rail Trail.

Council's Local Law (meeting procedures), requires the petition to be received by Council.

### Background

Council has received a petition which has been signed by 29 residents regarding the construction of a new footpath.

The footpath concept was also raised via social media and received considerable comments from the community.

### Strategic Link

The petition needs to be managed in accordance with Councils Local Law (meeting procedures).

## **Discussion**

Council's Local Law (Meeting Procedures) does not allow a motion to be made regarding the petition until the following ordinary meeting of Council unless Council determines that it is a matter of urgent business.

Council Officers will research the issue further and provide a detailed report to a future meeting of Council with a recommended response to the Petition.

## **Consultation**

Presentation of Petition.

## **Financial Implications**

The construction of a footpath on Model Lane will be subject to a budget process of Council.

## **Risk**

There is no perceived risk for Council in receiving the Petition.

## **Conclusion**

Moyne Shire has recently received a petition from citizens requesting Council consider construction of a footpath on Model Lane, Port Fairy between Sandspit Road and the Rail Trail.

In accordance with Council's Local Law (meeting procedures) the petition is to be received by Council.

The issue will be further considered in a separate report to Council.

## 13. Procurement Policy Review 2019

**Presented to** Council Meeting - 23 April 2019

Presented by Director Infrastructure and Environment

Report Author Manager Assets and Contracts

Attachment Procurement Policy 2019 for review

### Officers' Recommendation

**That Council adopt the reviewed Procurement Policy.**

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### Synopsis

The Procurement Policy is made under Section 186a of the *Local Government Act 1989*. Section 186a of the Act requires Council to prepare, approve and comply with a procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

The procurement policy is required under the *Local Government Act 1989* to be reviewed at least once in a Financial Year.

### Background

In July 2014, Council undertook a major review and adopted the current Moyne Shire Council procurement policy, which was broadly based around the Municipal Association of Victoria's standard procurement policy template. It has been reviewed annually since then with minor amendments being implemented.

As per the *Local Government Act 1989* requirements, Council must now again review the procurement policy.

### Strategic Link

It is a requirement under the *Local Government Act 1989* for Councils to achieve value for money through open and fair competition and in the context of high standards of probity, transparency, accountability and managed risks.

The Council Plan 2017-2021 has the following objectives:

*“We will govern and administer our organisation to achieve the best outcomes for our community by...*

- *Ensuring our councillors and staff are accountable*
- *Being clear about the roles and responsibilities of the organisation and individual staff members*
- *Ensuring our procurement practices continue to be transparent”*

## **Discussion**

Over recent years, Councils’ procurement area has been both internally and externally audited. All findings from these audits have been considered by Council and the procurement policy is considered to be an overall robust document.

In this review there are no other changes proposed other grammatical and presentation changes, however, these changes have been tracked in the Policy document for review for the purposes of transparency.

## **Consultation**

The procurement policy and procurement guidelines have been considered by the relevant Council staff and are in accordance with the *“Victorian Local Government Best Practice Procurement Guidelines 2013”*.

Draft policy update was reviewed by Full Management Team on 28 March 2019.

## **Financial Implications**

There are no financial implications identified in regard to this issue but rather ensuring appropriate controls over Council’s procurement activities.

## **Risk**

The procurement policy assists in protecting Council from exposure to risks and ensures compliance with the Act.

## **Conclusion**

A review is required at least once in each Financial Year under the *Local Government Act 1989*. Any changes recommended represent continuous improvement and good governance.

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## 14. Port of Port Fairy Board membership nomination

**Presented to** Council Meeting – 23 April 2019

Presented by Director Infrastructure and Environment

Report Author Manager Corporate Business and Customer Experience

Attachments

1. Nomination received Max Holmes (**Confidential**)
2. Nomination received Bruce Rae (**Confidential**)
3. Nomination received Barry Levinson (**Confidential**)
4. Nomination received Michael Robertson (**Confidential**)
5. Nomination evaluation assistance matrix (**Confidential**)

### Officer's Recommendation

**That Council consider the four (4) industry representative nominations received for the one (1) vacancy on the Board of Port of Port Fairy.**

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### Synopsis

The Port of Port Fairy Board is a Section 86 Advisory Committee to Council. Following resignation of a one of the Port of Port Fairy Board's industry representatives, a recruitment and selection processes has been conducted to fill the vacant role.

Following the 4 week period that nominations were open, four (4) submissions were received. These are presented as attachments to this report for Council's consideration.

The Port Board provides a vital function in the development and operations of the Port of Port Fairy. Recruitment of a diverse set of skills and experience through industry representative positions, supports dynamic thinking and contemporary advice to ensure best practice in port services and infrastructure is delivered.

### Background

The Port of Port Fairy Board provides support in direction setting through:

- Strategic planning projects,
- Capital works and maintenance programs,
- Supported advocacy efforts on identified projects and issues, and
- Support of the flow of accurate information about the Port between the community, Council and other relevant stakeholders.

Board membership comprises 2 Councillors and 6 industry representatives.

The Board meet 5 times per annum, inclusive of hosting an annual port user's forum in December each year.

### Strategic Link

The management, operations and associated industry representation processes conducted at the Port of Port Fairy is supported by the Infrastructure Objective detailed in Moyne Shire Council Plan 2017-2021:

*"We will look after our infrastructure and make improvements wherever we can by providing infrastructure that suits community needs."*

### Discussion

Appointment of representatives to the Board should be made by Council having regard to a range of selection criteria including a nominee's:

- Knowledge of the Port and related marine based issues.
- Linkages to and or active involvement in the Port.
- Availability and commitment to attend regular Committee meetings.

At the close of the nomination period, four (4) submissions were received:

- Max Holmes
- Bruce Rae
- Barry Levinson
- Michael Robertson

These are presented as attachments to this report for Council's consideration.

### Consultation

Council adhered to its adopted procedure to advertise Board vacancy, publicly calling for nominations.

Nominations for the vacant position opened from 21 February and closed on 22 March 2019.

The nomination process was advertised in local print media (Moyne Gazette and Warrnambool Standard) and on Council's website and social media channels.

In addition, all stakeholders of the Port, inclusive of Port tenants, industry groups and mooring holders were directly written to advising of the vacant position.

**Financial Implications**

There are no financial implications extending from this report.

**Risk**

No risk has been identified.

**Conclusion**

Council is presented with four (4) nominations for the one (1) available representative position for consideration and appointment.





## 15. Mt Fyans Wind Farm Community Engagement Committee – Community Representative Nomination

**Presented to** Council Meeting - 23 April 2019

Presented by Director Economic Development and Planning

Report Author Major Projects Liaison Officer

Attachment Nomination – Peter Rooke (*Confidential*)

### Officer's Recommendation

**That Council consider appointing Mr Peter Rooke as the sixth community representative to the Mt Fyans Wind Farm Community Engagement Committee.**

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### Synopsis

Council has been advised that one of the six recently appointed community representatives to the Mt Fyans Wind Farm Community Engagement Committee (CEC) is unable to accept the position. This report requests that Council consider appointing Peter Rooke as a community representative on the CEC.

### Background

Council received seven nominations for the six community representative positions available on the Mt Fyans Wind Farm CEC.

At the Ordinary Council Meeting held on 26 March 2019, Council appointed six community representatives to the CEC.

The community representatives that Council appointed to the CEC were:

- Lisa Parker
- Catherine Doulis
- Kelvin Goodall
- Wendy Bickley Lynzaat
- Jacinta Jubb
- Errol Harris

Council received one other nomination, from Mr Peter Rooke.

Letters were sent to all nominees advising them of the outcome of their nomination. Council has since been advised by Mr Errol Harris that he cannot accept the position of community representative on the CEC.

Therefore there is now a community representative vacancy on the CEC. This report requests that Council consider appointing Peter Rooke to the CEC to fill the community representative vacancy.

### **Strategic Link**

An active and fully representative Mt Fyans Wind Farm Community Engagement Committee will continue the implementation of Council's community engagement framework for major project developments in the Shire.

### **Discussion**

The main purpose of the CEC is to enhance the timely flow of accurate information about the Mt Fyans Wind Farm proposal between the community, the proponent, Council and other relevant stakeholders.

Appointment of community representatives to the Committee should be made by Council having regard to a range of selection criteria including a nominee's:

- Knowledge of the district/s around the proposed project site.
- Linkages to and/or active involvement in existing community organisations and networks.
- Availability and commitment to attend regular Community Engagement Committee meetings.

### **Consultation**

Council followed its adopted procedure to advertise the CEC vacancies, calling for nominations for six community representative positions. Peter Rooke's nomination was one of seven received as a result of the advertisement.

### **Financial Implications**

There are no financial implications for Council in appointing Community Representatives to this CEC.

### **Risk**

No risk has been identified.

### **Conclusion**

Council is presented with one nomination for the one available community representative position on the Mt Fyans Wind Farm Community Engagement Committee.

## 16. Woolsthorpe Wind Farm Community Engagement Committee – Community Representative Nomination

**Presented to** Council Meeting – 23 April 2019

Presented by Director Economic Development and Planning

Report Author Major Projects Liaison Officer

Attachment Nomination – Glenn Britnell (*Confidential*)

### Officer's Recommendation

**That Council consider the one (1) community representative nomination that has been received for the Woolsthorpe Wind Farm Community Engagement Committee.**

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### Synopsis

This report presents to Council one (1) community representative nomination that has been received for the Woolsthorpe Wind Farm Community Engagement Committee (CEC). There is one vacant community representative position available on the CEC.

### Background

The Woolsthorpe Wind Farm site is located approximately 4km west of the Woolsthorpe township, on a farming property directly south of the Woolsthorpe-Heywood Road. The Permit allows for the construction of up to 20 turbines with a blade tip-height of up to 168 metres.

In September 2018 the Woolsthorpe Wind Farm project changed ownership and became a wholly owned subsidiary of the Ironstone Group of companies. In February 2019 the proponent briefed Council with detailed information about its updated project timeline. The proponent is currently preparing development plans, with construction proposed to commence towards the end of 2019.

Council established the Woolsthorpe Wind Farm Community Engagement in 2013.

The CEC currently comprises of:

- Cr Colin Ryan, Chair
- Cr Mick Wolfe
- Cr Jim Doukas
- 2 Proponent representatives
- Graeme Broderick – Community Representative
- Neil Slattery – Community Representative
- 1 vacancy – Community Representative

A notice advertising the community representative vacancy was placed in The Warrnambool Standard on 2 March, and letters inviting community representative nominations were sent to landholders within 5km of the wind farm site.

Council received one nomination, from Mr Glenn Britnell.

The completed nomination form is attached to this report as Attachment 1.

### **Strategic Link**

An active and fully representative Woolsthorpe Wind Farm Community Engagement Committee will continue the implementation of Council's community engagement framework for major project developments in the Shire.

### **Discussion**

The main purpose of the CEC is to enhance the timely flow of accurate information about the Woolsthorpe Wind Farm between the community, the proponent, Council and other relevant stakeholders.

Appointment of community representatives to the Committee should be made by Council having regard to a range of selection criteria including a nominee's:

- Knowledge of the district/s around the proposed project site.
- Linkages to and/or active involvement in existing community organisations and networks.
- Availability and commitment to attend regular Community Engagement Committee meetings.

### **Consultation**

Council followed its adopted procedure to advertise the CEC vacancy, calling for nominations for 1 community representative vacancy.

**Financial Implications**

There are no financial implications for Council in appointing Community Representatives to this CEC.

**Risk**

No risk has been identified.

**Conclusion**

Council is presented with 1 nomination for the 1 available community representative position on the Woolsthorpe Wind Farm Community Engagement Committee.



## 17. Audit & Risk Management Committee Minutes

**Presented to Council Meeting - 23 April 2019**

Presented by Director Community & Corporate Services

Report Author Finance Manager

Attachments

1. Audit & Risk Management Committee Minutes 31 August 2018
2. Audit & Risk Management Committee Record of Meeting  
17 December 2018

### **Officer's Recommendation**

**That Council note the Minutes of the Audit & Risk Management Committee Meeting held on 31 August 2018 and Record of the Audit & Risk Management Committee Meeting held on 17 December 2018.**

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## 18(a) Mayoral Report

This report provides information to Council in regard to the Mayor's meeting schedule, 16 March 2019 to 12 April 2019:

<b>2019</b>	<b>Location</b>	<b>Function</b>
18 March	Warrnambool	Round Table, Hon Michael McCormack, Minister for Infrastructure, Transport & Regional Development
26 March	Mortlake	Council Meeting
29 March	Warrnambool	Brauer College Presentation Ball
2 April	Mortlake	Councillor Workshop
2 April	Port Fairy	Moyneyana Festival Committee AGM
4 April	Melbourne	Meeting with Hon. Richard Wynne, Minister for Planning
5 April	Ballarat	Meeting with Hon. Jaala Pulford, Member for Western Victoria
6 April	Port Fairy	Port Fairy Flood Exercise
8 April	Port Fairy	Meeting with Bev McArthur, Member for Western Victoria
8 April	Port Fairy	Unveiling Defibrillator, Cabinet and location maps
9 April	Woolsthorpe	Councillor Workshop and site visit
10 April	Port Fairy	Port of Port Fairy Board meeting

## 18(b) Councillors' Report

This report provides information to Council in regard to the Councillors' meeting schedules, 16 March 2019 to 12 April 2019:

2019	Location	Function
18 March	Mortlake	Mt Shadwell Quarry Advisory Committee
20 March	Mount Gambier	Barwon South West Waste and Resource Recovery Group (BSWWRRG), Bioenergy Field Trip
20 March	Broadwater	Broadwater Community Reserve AGM
20 March	Port Fairy	Audit and Risk Management Committee meeting
21 March	Hamilton	BSWWRRG Local Government Forum
23 March	Wangoom	Wangoom Hall Renovation and Upgrade Celebrations and presentation of Mayor's Community Appreciation Award
26 March	Mortlake	Council Meeting
27 March	Mortlake	Mortlake South Wind Farm Community Engagement Committee (CEC) meeting
27 March	Darlington	Darlington Hall Community Meeting
28 March	Warrnambool	Special Board meeting of Corangamite Regional Library Corporation
1 April	Purnim	Purnim Community Meeting
2 April	Mortlake	Councillor Workshop
2 April	Port Fairy	Moyneyana Festival Committee AGM
3 April	Port Fairy	Moyne Shire Economic Development Strategy - Project Control Group meeting
3 April	Panmure	Panmure Community Meeting
3 April	Hawkesdale	Hawkesdale Community Meeting
8 April	Port Fairy	Meeting with Bev McArthur, Member for Western Victoria
8 April	Port Fairy	Unveiling Defibrillator, Cabinet and location maps
9 April	Woolsthorpe	Councillor Workshop and site visit
10 April	Peterborough	Peterborough Residents Group meeting
10 April	Port Fairy	Port of Port Fairy Board meeting
10 April	Dundonnell	Dundonnell Wind Farm CEC Meeting
10 April	Port Fairy	Port Fairy Streetscape Committee Meeting
11 April	Warrnambool	Let's Talk Meeting
12 April	Melbourne	Meeting with Hon. Gayle Tierney, Member for Western Victoria

## 18(c) Chief Executive Officer's (CEO) Report

This report provides information to Council in regard to the CEO's' meeting schedules, 16 March 2019 to 12 April 2019:

<b>2019</b>	<b>Location</b>	<b>Function</b>
18 March	Warrnambool	Round Table, Hon Michael McCormack, Minister for Infrastructure, Transport & Regional Development
20 March	Port Fairy	Port Fairy Tourism Association catch-up
20 March	Warrnambool	China Host Closing Ceremony
21 March	Mortlake	Western Victoria Livestock Exchange Mortlake – Cattle Sales
4 April	Melbourne	Meeting with Hon. Richard Wynne, Minister for Planning
5 April	Ballarat	Meeting with Hon. Jaala Pulford, Member for Western Victoria
8 April	Port Fairy	Meeting with Bev McArthur, Member for Western Victoria
12 April	Melbourne	Meeting with Hon. Gayle Tierney, Member for Western Victoria



## **19. Councillor Notice of Motion – Cr C Ryan Removal of Fish Cleaning Tables located within the Port of Port Fairy**

### **Councillor’s Recommendation**

**That Council remove the fish cleaning tables that are located within the Port of Port Fairy, at the Boat Ramp and at Martin’s Point.**

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### **Notes**

- At the Port of Port Fairy Board meeting on 10/4/19, the board resolved to request the Council to consider the above request.
- The request comes as a result, of a lady being attacked by a seal as she was walking along the wooden jetty, near the boat ramp. The seal launched out of the water to attack her.
- The victim suffered a serious wound to her thigh above the knee.
- It is feared that if a child was attacked in such a way, a fatality could very well occur.
- The seal had been frequenting the port for a couple of months, feeding on scraps thrown into the water by fishers, after they return to port after fishing trips.
- The problem of seals being a problem in the Port has been happening for several years.
- Signs have been in place for some time requesting people not to throw the fish remnants into the water, and not to feed the seals.
- Council has also place barricades around the fish cleaning tables, with little effect.
- Council has also provided large skip bins for the remnants to be put in.
- Despite these signs, fish remnants have continued to be discarded into the water.



## **20. Councillor Notice of Motion – Cr C Ryan Creation of By-Law for the Port of Port Fairy**

### **Councillor's Recommendation**

**That Council cause a by-law to be created to prevent the cleaning of fish, and the discarding of fish and their remnants within the precincts of the Port of Port Fairy.**

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### **Notes**

- Request from the Port of Port Fairy Board 10/4/19.





## **21. General Matters**

None detailed at time of printing.

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## **22. Urgent Business**

None detailed at time of printing.

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## **23. CEO Activities Report**

Please see attached document.

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