



# Unconfirmed Minutes

## Ordinary Council Meeting

Tuesday, 28 August 2018

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





## Contents

Present .....	5654
Acknowledgement of Country .....	5654
Declarations of Conflict of Interest.....	5655
Confirmation of Minutes .....	5655
Public Participation .....	5654
5. Planning Permit PL18/016 – 32 James Street, Port Fairy, Building and works to construct a dwelling.....	5656
7. Macarthur Wind Farm – Permit Conditions and Compliance Table.....	5658
8. Review of National Wind Farm Commissioner’s Report .....	5659
10. Mt Fyans Wind Farm, Establishment of Community Engagement Committee .....	5660
6. Port Fairy Coastal and Structure Plan – Adoption of Plan .....	5661
1. Assemblies of Councillors .....	5662
2. Financial Performance Report.....	5665
3. Port Fairy & District Community Bank - Investment Proposal .....	5665
4. Planning Permit PL17/036 – 84 Sackville Street, Port Fairy – Buildings and works to construct a commercial premises (shops) and accommodation and a reduction of car parking .....	5666
9. Corella Resilient Surfaces on Port Fairy Cricket Grounds .....	5670
11. Gardens Reserve Master Plan .....	5671
12. Koroit Bowls Club Change Rooms and Amenities Upgrade .....	5671
13. Nirranda Drainage Issue – McDowall Property .....	5672
14. King George Square Precinct (‘Wharf Restaurant’) Proposed Traffic Plan for 29 Gipps Street, Port Fairy .....	5672
15. Youth Strategy 2018 - 2021.....	5673
16. Cricket Nets at Irvine Reserve, Peterborough .....	5673
17. Potential Purchase of 27 Huntly Street, Macarthur (former Macarthur DELWP Depot) .....	5674
18. Road Focus Group - Proposal to Prioritise Dangerous Roadside Trees .....	5674
19. Road Focus Group – Proposal to Disband .....	5674
20(a) Mayoral Report .....	5675
20(b) Councillors’ Report .....	5676
20(c) Acting Chief Executive Officer’s Report.....	5677
21. Councillor Notice of Motion, Cr Parker - Hawkesdale Windfarm Township Buffer.....	5677
22. General Business.....	5678
23. Urgent Business.....	5678



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24. CEO Activities Report.....	5678
26. Contract MS851 – Supply of Bituminous Materials.....	5679
27. Telstra Corporation Limited – Hawkesdale Telephone Exchange Lease located at 27 Austin Street, Hawkesdale .....	5680
25. Contract MS847 – Port Fairy Streetscape Renewal Stage 3, Bank Street, between Barclay and Princes Streets.....	5680
28. Appointment of Chief Executive Officer .....	5681



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## Minutes of the Ordinary Meeting of Moyne Shire Council held 28 August 2018 at the Port Fairy Community Services Centre, commencing 4pm

### Present

<b>Councillors</b>	M. Wolfe (Mayor), J. Doukas, J. Lockett (Deputy Mayor), D Meade, I. Smith, J. Parker and C. Ryan
<b>Officers in attendance</b>	Mr K Leddin, Acting Chief Executive Officer Mr T Greenberger, Director Physical Services Mr O Moles, Director Sustainable Development Mr S Kewley, Acting Director Community & Corporate Support Ms L Cook, Executive Assistant

### Acknowledgement of Country

The Mayor read the following statement:

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

### Recording of Council Meetings

The Mayor read the following statement:

Please note that today's meeting is being audio recorded. This recording will be made available to any member of the public on written request to the Council. The record will be kept and be made available for a period of seven years. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded, and that recording being made available to any person who applies to the Council and is granted access to the audio recording of the meeting.

### Prayer

Almighty God, we humbly beseech your blessing on the Council, direct and prosper its deliberations for the welfare of the people of the Moyne Shire. Amen.

### Apologies

None.

## Declarations of Conflict of Interest

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

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

### Declarations made at this meeting

Mr Greenberger declared an interest in Confidential Reports 25 and 26.

### Confirmation of Minutes

**Cr Ryan moved, Cr Meade seconded** that the Minutes of the Ordinary Council Meeting held on Tuesday, 24 July 2018 be confirmed

**Motion carried 7:0**

## Public Participation

Members of the public attending the monthly Council Ordinary Meeting may address the meeting in respect of either:

- a) any item listed in the business paper; or
- b) any other matter relevant to the activities and projects of the Council.

Any person wishing to address the Council must submit details in writing of the nature of the issue / question they wish to raise by 12 noon on the Monday prior to the meeting day.

The public participation segment for each meeting will be held at the beginning of the Council meeting commencing at 4.30 pm.

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

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

### Public participation attendees – 28 August 2018 meeting

Elle Richards (applicant)	Report 5, Planning Permit PL18/016, 32 James Street, Port Fairy – Building and works to construct a dwelling
Hamish Cumming	Report 7 - Macarthur Wind Farm – Permit Conditions and Compliance Table
Annie Gardner	Report 7 - Macarthur Wind Farm – Permit Conditions and Compliance Table
Christine Jelbart	Report 8 - Review of National Wind Farm Commissioner's Report
Lachlan Cumming )	
Lisa Parker )	Report 10 - Mt Fyans Wind Farm - Establishment
Tim Haworth )	of Community Engagement Committee
Paul Herry )	
Mike Williams )	

***5.15pm Cr Doukas left the Chamber.***

***5.15pm Cr Doukas returned to the Chamber.***

Leanne McDonald	Report 10 - Mt Fyans Wind Farm – Establishment of Community Engagement Committee
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Martin Sullivan      As the world's most liveable community [Port Fairy], should  
Council be            putting out a welcome mat to the LGBTQI community?

Tom Casey            Representing "Willatook Wind Farm neighbours"

### **Suspension of Standing Orders**

**Cr Ryan moved, Cr Smith seconded** that Standing Orders be suspended and items 5, 7, 8 and 10 be heard next.

**Motion carried 7:0**



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## 5. Planning Permit PL18/016 – 32 James Street, Port Fairy – Building and works to construct a dwelling

**Report Summary:** The applicant seeks a planning permit for a dwelling at 32 James Street, Port Fairy, proposing a one bedroom dwelling, with the front wall setback 42.1m from the title boundary at James Street, and nil side setbacks. Three objections to the proposal has been received.

**Cr Lockett moved, Cr Meade seconded** that Council having caused notice of Planning Application No. PL18/016 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 32 James Street, Port Fairy 3284 (Lot 1 TP950235J), for the Building and works to construct a dwelling in accordance with the endorsed plans, with the application dated 8/02/2018 and amended 1/04/2018, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a) Amended roof material to be of muted tones and non-reflective material.
  - b) A Stormwater Management Plan prepared by a suitably qualified engineer, to the satisfaction of the responsible authority. In this regard the stormwater system must provide onsite detention to cater for a 1% AEP (1 in 100 year) rainfall event and:
    - (i) Major storm overflows may be directed to the roadside surface drainage.
  - c) A landscaping plan, showing:
    - i) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The plan must not include the use of any environmental or declared noxious weeds.
    - ii) Species selected must predominantly be selected from the Indigenous Species of Moyne Shire Publication.
    - iii) Details of surface finishes of pathways and driveways.

The majority of species selected must be selected from Class 5 (Herb Rich Woodlands) of the Indigenous Species of Moyne Shire Publication and established to the satisfaction of the responsible authority.

2. The development as shown on the endorsed plans, including materials and colours, must not be altered without the written consent of the responsible authority.
3. The external finishes of the development must be constructed in muted, non-reflective materials and tones to the satisfaction of the responsible authority.
4. Prior to occupation, construct and maintain the storm water system in accordance with the approved storm water management plan to the satisfaction of the Responsible Authority.
5. Prior to occupation obtain crossover works within road reserves permit and construct the crossover, the crossover must have Satisfactory clearance shall be provided to any stormwater pit, power or telecommunications pole, manhole cover or marker, or street trees. Any relocation, alteration or replacement required shall be at the applicant's expense. All to the satisfaction of the Responsible Authority.
6. Within six (6) months of the completion of the development or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
7. The landscaping must be provided with an adequate water supply and mulching to ensure the health and continued growth of the vegetation to the satisfaction of the responsible authority.
8. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
  - The development is not started before 2 years from the date of issue.
  - The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months of the permit expiry date, where the development allowed by the permit has not yet started; or within twelve (12) months of the permit expiry date, where the development has lawfully started before the permit expires.

#### Note

- i. The application for the dwelling has not been assessed under Clauses 54 (single dwelling) or 55 (two dwellings) of the Moyne Planning Scheme

(ResCode provisions). This may be of assistance to building surveyors in determining the extent of the subsequent assessment required under the Building Regulations.

- ii. Zinclume is considered to be a highly reflective material.

**Motion carried 5:2**

**For:** Cr Lockett, Cr Meade, Cr Parker, Cr Smith, Cr Wolfe

**Against:** Cr Doukas, Cr Ryan

## 7. Macarthur Wind Farm – Permit Conditions and Compliance Table

**Report Summary:** Macarthur Wind Farm comprises 140 operational wind turbines and operates under Planning Permit PL-SP/05/0238. The report presented Council with an audit and review of the permit, to identify the status of permit conditions and any outstanding actions. To inform Council's review, a Permit conditions and compliance table (the table) has been prepared (Attachment 1 to the report).

**Cr Parker moved, Cr Ryan seconded** that Council, having considered the status of Planning Permit PL-SP/05/0238 for Macarthur Wind Farm, resolve to:

1. Endorse the attached permit conditions and compliance table.
2. Proceed with an assessment of the revised Environmental Management Plan, to assess compliance with Condition 9.

**Motion carried 6:1**

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

**Against:** Cr Doukas

## 8. Review of National Wind Farm Commissioner's Report

**Report Summary:** The Climate Change Authority ('CCA') undertook a review on behalf of the Australian Government and has presented its report – *Review of the National Wind Farm Commissioner – Final Report* (May 2018). The CCA undertook public consultation between March and April 2018 and received sixty-six submissions, including a submission from Moyne Shire Council. The Review delivers eleven recommendations for consideration by the Australian Government. A key recommendation is for the role of the National Wind Farm Commissioner to be retained for a further three years until 2021.

**Cr Ryan moved, Cr Meade seconded** that Council:

1. Support the 'Review of the National Wind Farm Commissioner – Final Report'
2. Continue to advocate to the National Wind Farm Commissioner that he continue discussions with the Victorian Government to amend the Victorian Planning Provisions so that transmission line infrastructure associated with wind farms be subject to a planning permit approval process.

**Motion carried 6:1**

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

**Against:** Cr Doukas

## 10. Mt Fyans Wind Farm, Establishment of Community Engagement Committee

**Report Summary:** The proponent for the Mt Fyans Wind Farm is Woolnorth Wind Farm Holding Pty Ltd. The project is in the pre-application stage, with the proponent proposing to lodge a permit application with the Minister for Planning in the coming weeks. The establishment of a Community Engagement Committee now will assist the community engagement process between the proponent, community, Council and other stakeholders regarding this project.

**Cr Ryan moved, Cr Meade seconded** that Council establish the Mt Fyans Wind Farm Community Engagement Committee, comprising:

- a) Three Moyne Shire Councillors.
- b) Up to six community representatives, via an expression of interest process
- c) Two Woolnorth Wind Farm Holding Pty Ltd representatives.

**Motion carried 7:0**

### 6.37pm Resumption of Standing Orders

**Cr Ryan moved, Cr Doukas seconded** that Standing Orders be resumed.

**Motion carried 7:0**

### 6.37pm Suspension of Standing Orders

**Cr Ryan moved, Cr Doukas seconded** that Standing Orders be suspended to allow Councillors to have a refreshment break.

**Motion carried 7:0**

### 6.51pm Resumption of Standing Orders

**Cr Parker moved, Cr Ryan seconded** that Standing Orders be resumed and that Item 6 be heard next.

**Motion carried 7:0**

## 6. Port Fairy Coastal and Structure Plan – Adoption of Plan

**Report Summary:** The Port Fairy Coastal and Structure Plan is a long term land use and development framework for the township of Port Fairy to 2040. The Plan to date has been prepared in five stages over a two year period with extensive opportunities for stakeholder engagement and community consultation. The remaining sixth stage is Amendment of the Planning Scheme.

**Cr Ryan moved, Cr Parker seconded** that Council resolve to adopt the Port Fairy Coastal and Structure Plan and seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Moyne Planning Scheme to implement the Plan.

***Cr Doukas foreshadowed a motion.***

**Motion carried 4:3**

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

**Against:** Cr Doukas, Cr Meade, Cr Wolfe

## 7.37pm Resumption of Standing Orders

**Cr Parker moved, Cr Lockett seconded** that Standing Orders be resumed.

**Motion carried 7:0**

## 1. Assemblies of Councillors

**Report summary:** The report details assemblies of Councillors that have taken place since the matter was last reported to Council in October 2016.

**Cr Lockett moved, Cr Parker seconded** that Council receives and notes the records of the listed assemblies of Councillors covering the period 14 July 2018 to 17 August 2018

3 July 2018 Councillor Workshop	
Matters considered	<ul style="list-style-type: none"> <li>– Policy Manual Review – Information Security</li> <li>– Policy and Internet and Email Usage Policy</li> <li>– Port Fairy Coastal Climate Change Adaptation Plan</li> <li>– Contract MS843 – Battery Hill Conservation of Cannons and Carriages</li> <li>– Southcombe Park arrangements for Port Fairy</li> <li>– Folk Festival</li> <li>– Open Space Strategy update</li> <li>– Nick Kelly (McArthur Pty Ltd) - CEO recruitment</li> <li>– Presentation - NOPSEMA - National Offshore Petroleum Safety &amp; Environment Management Authority and Department of Industry, Innovation and Science</li> <li>– Presentation - Equinor - a company proposing to undertake oil exploration in the Great Australian Bight</li> <li>– Presentation - Fight for the Bight Port Fairy (Ben Druitt)</li> </ul>
Councillors present	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr K Leddin, Mr T Greenberger, Mr O Moles, Ms S Kewley, Ms V Askew-Thornton, Ms J Anderton, Ms E Riddington
Conflict of Interest	None declared

17 July 2018 Planning site visits and Councillor Workshop	
Matters considered	PL16/173363 St Marys Road, Wangoom PL18/036 Bowls Court, Port Fairy Shire promotional videos
Councillors present	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith
Staff present	Mr K Leddin, Mr T Greenberger, Mr O Moles, Ms D Rogers, Ms L Cook, Ms E Riddington
Conflict of Interest	None declared

### 25 July 2018 Salt Creek Wind Farm Community Engagement Committee (CEC)

Matters considered	<ul style="list-style-type: none"> <li>– Project update</li> <li>– Status of implementation of management plans</li> <li>– ‘Lend a Hand’ community fund</li> </ul>
Councillors present	Cr Parker, Cr Smith
Staff present	Ms Askew-Thornton
Conflict of Interest	None declared

### 1 August 2018, Roads Focus Group Committee

Matters considered	<ol style="list-style-type: none"> <li>1. Attendance and Apologies</li> <li>2. Minutes of meeting held 15 May, 2018</li> <li>3. Declarations of Interest</li> <li>4. Business arising from previous Minutes <ul style="list-style-type: none"> <li>• Customer satisfaction survey results</li> <li>• Russell’s Road drop off</li> <li>• Phillips Road grading</li> <li>• Planning issue information – Woorndoo–Dundonnell Road</li> </ul> </li> <li>5. Correspondence</li> <li>6. General business</li> <li>7. Shire Report - Road Rehabilitation 2018/19</li> <li>8. Industry Issues</li> <li>9. Regional Issues - PHW Advocacy</li> <li>11. State and Federal issues - State Election advocacy plan</li> <li>12. Meeting Close</li> </ol>
Councillors present	Cr Doukas, Cr Wolfe
Staff present	Mr Greenberger
Conflict of Interest	None declared

### 1 August 2018, Dundonnell Wind Farm CEC

Matters considered	<ul style="list-style-type: none"> <li>– Update on proposed timing of VRET announcements.</li> <li>– Status of draft management plans.</li> <li>– Status of transmission line design, and the discussion with Woolnorth Wind Farms regarding line-sharing with the proposed Mt Fyans Wind Farm.</li> </ul>
Councillors present	Cr Smith
Staff present	Ms Askew Thornton
Conflict of Interest	None declared.



### 7 August 2018 – Councillor Workshop

Matters considered	<ul style="list-style-type: none"> <li>– Site visit - James St Port Fairy, PL18/016</li> <li>– Site visit - Sackville St Port Fairy PL17/036</li> <li>– Port Fairy Coastal Structure Plan</li> <li>– Councillor Mid Term Review</li> <li>– Macarthur WEF - Permit Compliance</li> </ul>
Councillors present	Cr Doukas, Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr K Leddin, Mr T Greenberger, Mr O Moles, Ms M Grainger, Ms C Renkin, Ms L Cook
Conflict of Interest	None declared.

### 14 August 2018, Councillor workshop

Matters considered	<ul style="list-style-type: none"> <li>– CEO Recruitment</li> <li>– Port Fairy &amp; District Community Bank - Investments Proposal</li> <li>– Economic Development Strategy – Councillor Appointment to Project Control Group</li> <li>– Review of National Wind Farm Commissioner’s Final Report</li> <li>– Corella Resilient Surfaces on Port Fairy Cricket Grounds</li> <li>– Caravan Park Strategy Planning Framework</li> <li>– Gardens Reserve Master Plan</li> <li>– Koroit Bowling Club Change Rooms and Amenities Upgrade</li> <li>– Potential Purchase of the former DELWP depot at Macarthur</li> <li>– Cricket Nets at Irvine Reserve, Peterborough</li> <li>– Road making materials</li> <li>– Proposed new Lease to Telstra Corporation Limited located at Hawkesdale Exchange, 27 Austin Street, Hawkesdale Vic 3287</li> <li>– Proposed Traffic Plan – One-Way Signage and Installation of Removable Bollards at King George Square Precinct (‘Wharf’ Restaurant), 29 Gipps Street, Port Fairy</li> <li>– Youth Strategy 2018-2021</li> </ul>
Councillors present	Cr Lockett, Cr Meade, Cr Parker, Cr Ryan, Cr Smith, Cr Wolfe
Staff present	Mr K Leddin, Mr T Greenberger, Mr O Moles, Ms Michelle Grainger, Mr A Boyle, Ms J Madden, Ms L Cook
Conflict of Interest	None declared

**Motion carried 7:0**

## 2. Financial Performance Report

**Report Summary:** The purpose of the report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date (YTD) actuals.

### **Cr Parker moved, Cr Smith seconded**

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

**Motion carried 7:0**

## 3. Port Fairy & District Community Bank - Investment Proposal

**Report Summary:** The Port Fairy & District Community Bank, a branch of the Bendigo Bank have requested consideration of Council using up to a 0.2% discretion when comparing investment rates in an effort to have more investment funds placed with the Bank.

**Cr Parker moved, Cr Smith seconded** that Council applies a discretionary factor of 0.2% in favour of the Port Fairy & District Community Bank when comparing quotations for investment rates.

**Motion carried 7:0**

#### 4. Planning Permit PL17/036 – 84 Sackville Street, Port Fairy – Buildings and works to construct a commercial premises (shops) and accommodation and a reduction of car parking

**Report Summary:** The development proposes shops at ground level and short term accommodation largely on the first floor. The site adjoins the Star of the West Hotel and will need to be constructed to ensure acoustic measures are put in place to ensure residential amenity is considered as the Hotel is a live music venue.

**Cr Ryan moved, Cr Lockett seconded** that Council having caused notice of Planning Application No. PL17/036, as amended on 6/04/2018 pursuant to Section 50 of the *Planning and Environment Act 1987*, to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as 84 Sackville Street PORT FAIRY, (Lot 1 on Title Plan 296953V), for the Buildings and works to construct a commercial premises (shops) and accommodation and a reduction of car parking, in accordance with the endorsed plans, with the amended application dated 16/04/2018, with the following conditions:

Conditions:

Amended Plans Required

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
  - a) Two (2) accessible accommodation units provided on the ground floor level of the building, with one of bedroom 14 or 15 converted to be accessible and contained within the current building footprint.
  - b) The front part of the building to be pier and beam footings within the Tree Protection Zone of the Norfolk Island Pine tree, in accordance with the recommendations of the Arboricultural Impact Assessment by Arbor Safe dated 26 February 2018, or alternative construction method approved by the Responsible Authority.
  - c) The front verandah to be a cantilevered design and the paving to be installed at or above the existing ground level within the Tree Protection Zone of the Norfolk Island Pine tree, in accordance with the

recommendations of the Arboricultural Impact Assessment by Arbor Safe dated 26 February 2018, or alternative (as approved).

- d) Amended site plans to include details for the construction within the road reserve, vehicle crossover, internal driveway, pathways and car parking spaces, to include details of the following:
- i. The proposed on street verandah construction and all associated civil works to ensure the ongoing protection of the heritage listed street tree, public safety and the protection of the verandah structure.
  - ii. Protection of the street tree and the verandah from impact by vehicles to include the provision of roadside kerb.
  - iii. Provisions for drainage.
  - iv. Upgrade of existing adjacent on street parking spaces including delineation and constructed with infill block or similar permeable paving.
  - v. Provide pedestrian suitable paving under the full area of the proposed verandah roof area.
  - vi. Vehicle crossover to the property to include infill block or similar pavement.
  - vii. Surface and pavement structure of the internal access driveway and rear parking area to be of infill block pavement or similar permeable pavement, except for any disability access areas.
  - viii. Disability access car space and shared space to be sealed or concrete.
  - ix. Pathways for disability access to be sealed or concrete and clear of obstructions.  
Details of the external materials of the southern elevation of the building to be designed and constructed to provide satisfactory acoustic attenuation measures to reduce noise levels from the adjoining live music venue to the south and meet the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
- A Report from a qualified acoustician must accompany this design response to ensure adequate noise protection.
- e) A revised schedule of external materials, finishes and colours for the building to include the following:

- i. The paint colour Resene 'Armadillo' for the external walls of the building revised to be a flat or satin finish rather than a semi-gloss finish.
  - ii. The roof material and finish be amended to be Galvanised Iron (Zincalume is not to be used).
- f) A Landscape Plan, showing the number and type of plant species including trees, shrubs and groundcovers, to enhance the appearance of the development on the site. Species chosen must be predominantly indigenous to the Port Fairy area.
- g) A detailed Construction Management Plan, including the following information, but not limited to:
  - i. Operating Hours, Noise and Vibration Controls;
  - ii. Air and Dust Management;
  - iii. Stormwater and Sediment Control;
  - iv. Waste and Materials Reuse Management; and
  - v. Construction traffic and parking management.
- h) A Stormwater Management Plan prepared by a suitably qualified engineer that:
  - i. Include on site detention catering for a 5% AEP (1 in 20 year ARI) rainfall event.
  - ii. Overflows from the site must be limited to pre development 20% AEP (1 in 5 year) flow rates.
  - iii. Overflows must be piped to the Legal Point of Discharge point of connection being the existing Council storm water system in Sackville Street.
  - iv. No storm water is to be directed across neighbouring property boundaries.
- i) A revised Waste Management Plan to provide a minimum six (6) garbage bins and three (3) recycling bins for the accommodation units and a private waste collection bin service for the shops and any alterations to the bin compound area including vehicle and pedestrian access gates.

All of the above must be to the satisfaction the Responsible Authority.

#### Plans not altered

- 2) The development as shown on the endorsed plans, including external materials and colours, must not be altered without the written consent of the Responsible Authority.

#### Works to be constructed

- 3) Before the occupancy of the building or commencement of the uses, all building, landscaping, civil and storm water works must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.

#### Waste management

- 4) Before the occupancy of the building or commencement of the uses, the Waste Management Plan submitted with the application must be amended in accordance with Condition 1j) of the permit and be resubmitted and approved to the satisfaction of the Responsible Authority.

#### No plant or equipment

- 5) No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building, without the written consent of the Responsible Authority

#### Buildings and works maintained

- 6) All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

#### Landscape management

- 7) The approved landscaping must be provided with an adequate water supply and mulching to ensure the health and continued growth of the vegetation to the satisfaction of the responsible authority. The landscaping must be maintained to the satisfaction of the responsible authority for the life of the development and if any plants die, become diseased or damaged they are to be replaced with a similar species to the satisfaction of the responsible authority.

#### Expiry of Permit – Development

- 8) This permit will expire if one of the following circumstances applies:
  - The development is not started within two (2) years of the date of this permit.
  - The development is not completed within four (4) years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the *Planning and Environment Act 1987*.

Notes:

- a) The vehicle crossing and the driveway is to be constructed in accordance with the Moyne Shire Infrastructure Design Manual. A Works on Road Reserve permit is required from the Moyne Shire Council for the construction of the vehicle crossing.
- b) Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- c) The side doors/windows and south wall will need fire rating as less than 3m to the southern boundary.
- d) Two (2) accessible units (not one) are required as more than 10 sole occupancy units.
- e) Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- f) Use of easement approval is required for the development with approval given subject to Council and Wannon Water approval being obtained.

**Motion carried 7:0**

**Report 5 Planning Permit PL18/016 – 32 James Street, Port Fairy – Building and works to construct a dwelling** was considered earlier in the meeting.

## **9. Corella Resilient Surfaces on Port Fairy Cricket Grounds**

**Report Summary:** The report provided Council with a turf consultant's advice on the best way to encourage more outfield grass growth on the Port Fairy Cricket Grounds in order to reduce the likelihood of noticeable future Corella-caused damage. It also provided requested information to Council on non-lethal Corella control methods.

**Cr Lockett moved, Cr Smith seconded**

1. That Council arranges and funds 'Line Planting' of Kikuyu grass sprigs on the Port Fairy Cricket Grounds in Spring 2018.
2. That Council take no action towards controlling Corellas at the present time.

**Motion carried 5:2**

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

**Against:** Cr Doukas, Cr Meade

**Report 6 Port Fairy Coastal and Structure Plan – Adoption of Plan**

**Report 7 Macarthur Wind Farm – Permit Conditions and Compliance Table**

**Report 8 Review of National Wind Farm Commissioner’s Report**

**Report 10 Mt Fyans Wind Farm, Establishment of Community Engagement Committee**

were all considered earlier in the meeting.

## **11. Gardens Reserve Master Plan**

**Report Summary:** The report presented the draft Gardens Reserve Master Plan for approval prior to being released for community comment. The draft plan details a number of project elements that impact Gardens Oval Sporting Precinct, the Gardens Caravan Park and the Gardens Botanic Garden. Comments will be sought by way of advertisements in local newspapers, social media and Council’s website.

**Cr Lockett moved, Cr Ryan seconded** that Council approve the draft Gardens Reserve Master Plan and release it for public comment for a period of 28 days.

**Motion carried 7:0**

## **12. Koroit Bowls Club Change Rooms and Amenities Upgrade**

**Report Summary:** The report provided information to Council on the recent application submitted as part of the 2019-2020 Community Sports Infrastructure Fund on behalf of the Koroit Bowls Club. The total project cost for the upgrade of the Koroit Bowls Club to include male and female change rooms, toilets and accessible facilities is \$280,000 where Council is requested to contribute \$50,000; the Koroit Bowls Club will contribute \$50,000 and the balance of \$180,000 from CSIF grant.

**Cr Doukas moved, Cr Ryan seconded** that Council endorse the funding submission information update regarding the Koroit Bowls Club change room and amenities upgrade.

**Motion carried 7:0**



**8.15pm Cr Lockett left the Chamber.**

### **13. Nirranda Drainage Issue – McDowall Property**

**Report Summary:** The report detailed an agreement between the former Shire of Warrnambool and a landowner in the Nirranda area regarding the installation and maintenance of 6 rock drops and 2 vehicle crossings. Moyne Shire over the past two years has repaired the rock drops as per the agreement and is now being asked by the landowner to not only maintain the two vehicle crossings but also to upgrade the crossings at a cost of \$49,000.

**Cr Ryan moved, Cr Smith seconded** that Council acknowledge the maintenance works undertaken at the McDowall property at Nirranda on the 6 rock drops and commit to undertake maintenance works on the two vehicle crossings in accordance with the original Deed of Compromise.

**Cr Doukas foreshadowed a motion.**

**8.18pm Cr Lockett returned to the Chamber.**

**Motion carried 4:3**

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

**Against:** Cr Doukas, Cr Meade, Cr Ryan

### **14. King George Square Precinct ('Wharf Restaurant') Proposed Traffic Plan for 29 Gipps Street, Port Fairy**

**Report Summary:** To inform Council of the outcome of the statutory process associated with the proposed traffic management plan at the new 'Wharf' restaurant precinct that restricts vehicle movement for the improvement of pedestrian safety.

**Cr Ryan moved, Cr Lockett seconded** that Council proceed to implement the traffic plan incorporating one-way signage and installation of removal bollards as proposed at King George Square Precinct ('Wharf' Restaurant), 29 Gipps Street, Port Fairy.

**Motion carried 7:0**

## 15. Youth Strategy 2018 - 2021

**Report Summary:** The current Moyne Youth Strategy is undergoing an internal review. The report presents feedback on the consultation process to date with a presentation on the key issues raised by Moyne Shire youth. It provides Council with the opportunity to provide feedback on how the draft Moyne Youth Strategy can address the issues raised by Moyne youth.

**Cr Lockett moved, Cr Meade seconded** that Council acknowledge feedback from the Moyne Youth Council, which will be utilised to inform the 2018 Youth Strategy.

**Motion carried 7:0**

## 16. Cricket Nets at Irvine Reserve, Peterborough

**Report Summary:** The report relates to the Petition presented by the Peterborough Residents Group Inc. to Council on the 29 May 2018, which was formally received at the 26 June Council meeting. The Petition was signed by ninety permanent and part-time residents of Peterborough and holiday makers and visitors requests permission for a cricket net to be built on the north end of Irving Reserve.

**Cr Meade moved, Cr Smith seconded**

1. That Council approve a budget variation of \$3,100 to allow the Peterborough Residents Group to install an interim cricket net and pitch improvements on Irvine Reserve, Peterborough.
2. That Council endorse the development of a Masterplan for Irvine Reserve, Peterborough, which will include consideration of cricket and other recreation assets.

**Motion carried 7:0**

## 17. Potential Purchase of 27 Huntly Street, Macarthur (former Macarthur DELWP Depot)

**Report Summary:** The report outlined an opportunity to purchase the former DELWP depot located at 27 Huntly Street, Macarthur. The purchase of the site would provide for a future home for the Macarthur Men's Shed based on a peppercorn lease agreement.

**Cr Smith moved, Cr Parker seconded** that Council agree to purchase the former DELWP depot at Macarthur and agree to a budget variation of up to \$35,000 to provide for the purchase price.

**Motion carried 7:0**

## 18. Road Focus Group - Proposal to Prioritise Dangerous Roadside Trees

**Report Summary:** The report presented a recommendation from the Moyne Shire Road Focus Group requesting that Council develop a program to identify a prioritised list for the removal of dangerous roadside trees.

**Cr Meade moved, Cr Doukas seconded** that Moyne Shire establish a program to develop a prioritised list of dangerous roadside trees for removal.

**Motion carried 7:0**

## 19. Road Focus Group – Proposal to Disband

**Report Summary:** That Council disband the Moyne Shire Road Focus Group.

**Cr Ryan moved, Cr Smith seconded** that Council disband the Moyne Shire Road Focus Group and look at an alternative model that will better represent Moyne ratepayers.

**Motion carried 6:1**

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

**Against:** Cr Doukas

## 20(a) Mayoral Report

This report provides information to Council in regard to the Mayor's meeting schedule, 14 July 2018 to 17 August 2018:

### **8.53pm Cr Ryan left the Chamber.**

2018	Location	Function
18 July	Port Fairy	Port Fairy Seniors AGM
18 July	Port Fairy	Port of Port Fairy Committee Meeting
20 July	Framlingham	Eastern Maar Native Title Claim, public event to mark the negotiations underway between the State and the Eastern Maar under the <i>Traditional Owner Settlement Act 2010</i> (Vic)
23 July	Mortlake	Mortlake Recreation Reserve Committee of Management meeting
24 July	Mortlake	Council Meeting
27 July	Warrnambool	Association of Independent Retirees AGM
27-29 July	Torquay	MAV Councillor Development Weekend conference
30 July	Warrnambool	A 'Thank you' morning tea for Food Share staff for their enormous support in providing much needed food to the Fire affected community members and to Blaze Aid as a result of the March 17 Fires.
31 July	Mortlake	Site visit, Tree Planting and Councillor Workshop
1 August	Warrnambool	Roma Britnell MP hosted a Regional Labour meeting to bring local governments up to date on the work that has been done with the Federal Government to solve the Great South Coast's labour shortage
1 August	Port Fairy	Road Focus Group Committee meeting
2 August	Port Fairy	Meeting with James Purcell, Member for Western Victoria
3 August	Portland	launch of the 'Tour of the Great South Coast', long distance cycling event
3 August	Warrnambool	Launch of 'Warrnambool Wellbeing Week' - a whole community approach to student wellbeing
6 August	Hamilton	Official opening of the 40 <sup>th</sup> Anniversary of farming event - 'Sheepvention'
7 August	Port Fairy	Councillor Workshop
8-9 August	Melbourne	Advocacy meetings with various State and Shadow Ministers
11 August	Koroit	'Moyne Shire Cup' (Koroit versus Port Fairy Football)
12 August	Port Fairy	Port Fairy Surf Life Saving Club AGM
14 August	Port Fairy	Councillor Workshop
16 August	Melbourne	MAV Rural and Regional Forum

**Report noted.**

## 20(b) Councillors' Report

The report provides information to Council in regard to the Councillors' meeting schedules, 14 July 2018 to 17 August 2018:

2018	Location	Function
16 July	Mortlake	Stavely Mineral Presentation
17 July	Mortlake	Mortlake Community Planning Workshop
17 July	Wangoom Port Fairy	Planning permit Site visits and Workshop
19 July	Melbourne	Timber Towns Victoria Inc. meeting
22 July	Orford	Orford Hall AGM and election of office bearers
23 July	Warrnambool	Farmer Power launch
24 July	Mortlake	Council Meeting
25 July	Woorndoo	Salt Creek Wind Farm Community Engagement Committee (CEC) meeting
27-29 July	Torquay	MAV Councillor Development Weekend conference
31 July	Mortlake	Site visit, Tree Planting and Councillor Workshop
1 August	Warrnambool	Roma Britnell MP hosted a Regional Labour meeting to bring local governments up to date on the work that has been done with the Federal Government to solve the Great South Coast's labour shortage
1 August	Port Fairy	Roads Focus Group committee meeting
1 August	Woorndoo	Dundonnell Wind Farm CEC meeting
3 August	Warrnambool	Launch of 'Warrnambool Wellbeing Week' - a whole community approach to student wellbeing
6 August	Warrnambool	Student Leaders Congress - an event to celebrate the work of local Student Leaders
7 August	Port Fairy	Councillor Workshop
9-10 August	Melbourne	Local Government Forest & Timber Industry Conference
11 August	Koroit	'Moyne Shire Cup' (Koroit versus Port Fairy Football)
13 August	Mortlake	Business Development Workshop
15 August	Mortlake	meeting with <i>Wind Prospect</i>
16 August	Dundonnell	Community meeting re hall development
16 August	Hawkesdale	Hawkesdale and District Development Committee
16 August	Wangoom	Minister Pulford - Funding announcement for Staywood Road and Spring Flat Road project

**Report noted.**

**8.55pm Cr Ryan returned to the Chamber**

## 20(c) Acting Chief Executive Officer's Report

This report provides information to Council in regard to the CEO's' meeting schedules, 14 July 2018 to 17 August 2018:

2018	Location	Function
18 July	Hamilton	'Beyond the Bell' - Local Action Group Forum 2
20 July	Framlingham	Eastern Maar Native Title Claim, public event to mark the negotiations underway between the State and the Eastern Maar under the <i>Traditional Owner Settlement Act 2010</i> (Vic)
1 August	Warrnambool	Roma Britnell MP hosted a Regional Labour meeting to bring local governments up to date on the work that has been done with the Federal Government to solve the Great South Coast's labour shortage
8 August	Warrnambool	Corangamite, Moyne and Warrnambool Shared Services Discussion with Local Government Victoria
16 August	Melbourne	MAV Rural and Regional Forum

### Forthcoming meetings (to be confirmed)

24 August	Warrnambool	Local Government Victoria, Barwon SW Rural Councils Transformation Program
29 August	Port Fairy	Meeting with Kim O'Shaughnessy, Director Emergency Management & Health Protection, DHHS
7 September	Port Fairy	Great South Coast Integrated Water Management Forum
14 September	Location TBC	Great South Coast Regional Partnership Meeting

**Report noted.**

## 21. Councillor Notice of Motion, Cr Parker - Hawkesdale Windfarm Township Buffer

**Cr Parker moved, Cr Smith seconded** that Moyne Shire Council write to the Minister for Planning and GPG (Wind Farm proponent) requesting an increase in the buffer distance between the wind towers and the township of Hawkesdale.

**Motion carried 7:0**

## 22. General Business

### ***9.08pm Cr Meade left the Chamber.***

Cr Wolfe      The Mayor recently attended the Port Fairy Life Saving Club AGM. The new training facility will be open soon and membership is up. Also congratulations to Club Member Nicole Dwyer who received the Nipper Program Volunteer Award and Life Saving Victoria's Awards of Excellence.

Cr Wolfe      Moyne Shire staff and Councillors have continued their Advocacy with state members, visiting Ministers and Shadow Ministers in Melbourne recently.

### ***9.09pm Cr Meade returned to the Chamber***

Cr Parker      There is much excitement in town (Mortlake) – a huge crane is putting up large walls of the new library building.

Cr Smith      Has Moyne received any permit applications from NSW drovers?

Cr Doukas      What was the outcome of the meeting between shire officers and Elders pastoral company? Cr Doukas was informed that officers were not interested in droving but suggested that Elders talk to councillors.

## 23. Urgent Business

None.

## 24. CEO Activities Report

Report noted.

### 9.16pm Closure of Open Meeting

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

**Motion carried 7:0**

### 9.38pm Resumption of Open Meeting

**Cr Ryan moved, Cr Smith seconded** that the open meeting be resumed and that confidentiality of resolutions 25, 26, 27 and 28 be lifted.

**Motion carried 7:0**

## 26. Contract MS851 – Supply of Bituminous Materials

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

**Report Summary:** The report is in relation to the supply of bituminous materials for the Moyne Shire Council for the construction and maintenance of the sealed road network. The panel recommends to award the tender as per the attached evaluation report.

**Cr Doukas moved, Cr Meade seconded** that the tender from Sami Bitumen Technologies Pty Ltd be accepted for Contract MS851 Supply of Bituminous Materials as follows:

1. Part A - Supply of Cutback Bitumen for the period 1 October 2018 to 30 September 2020 for the estimated sum of \$1,031,000 plus GST
2. Part B - Supply of Primerbinder for the period 1 October 2018 to 30 September 2020 for the estimated sum of \$882,000 plus GST
3. Part C - Supply of CRS Emulsion for the period 1 October 2018 to 30 September 2020 for the estimated sum of \$218,640 plus GST.

**Motion carried 7:0**



## 27. Telstra Corporation Limited – Hawkesdale Telephone Exchange Lease located at 27 Austin Street, Hawkesdale

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

**Report Summary:** The purpose of this report is to seek Council approval to enter a lease with Telstra Corporation for part of the land located at 27 Austin Street, Hawkesdale for telecommunication purposes.

**Cr Parker moved, Cr Meade seconded** that Council:

1. Enter a 10 year lease agreement with the Telstra Corporation Limited known as Part of Lot 2 on Plan of Subdivision 400541 located at 27 Austin Street, Hawkesdale, for the purpose of providing telecommunication infrastructure; and
2. Delegate authority to the Chief Executive Officer to sign and seal the lease document.

**Motion carried 7:0**

## 25. Contract MS847 – Port Fairy Streetscape Renewal Stage 3, Bank Street, between Barclay and Princes Streets

*Mr Greenberger declared an interest in this item and left the Chamber during discussion and voting.*

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

**Report Summary:** The report recommends that no tender be accepted for the Port Fairy Streetscape Renewal, Stage 3 Bank Street, between Barclay and Princes Streets.

**Cr Ryan moved, Cr Lockett seconded** that no tender be accepted for Contract MS847 for the Port Fairy Streetscape Renewal, Stage 3 Bank Street, between Barclay and Princes Streets.

**Motion carried 7:0**

## 28. Appointment of Chief Executive Officer

***Mr Greenberger declared an interest in this item and left the Chamber during discussion and voting.***

The report and attachments are classed as confidential as they pertain to personnel matters Section 89 (2) (a) and contractual matters Section 89 2 (d) of the Local Government Act 1989.

**Report Summary:** Council has been through a recruitment process to replace the previous Chief Executive Officer who retired in May 2018. With the assistance of *McArthurs Recruitment Agency*, Council has conducted a thorough process to call for applications, short list applicants, conduct interviews and finally make an appointment. It is now appropriate for Council to formally resolve to appoint a new Chief Executive Officer.

**Cr Parker moved, Cr Lockett seconded** that Council:

1. Appoint William Stanley Millard as Chief Executive Officer subject to and in accordance with the Contract of Employment attached to the report, and;
2. Effect the common seal of Moyne Shire Council on the Contract of Employment, and;
3. Release to the public the appointee's name and the term of the appointment.

**Motion carried 7:0**

Meeting closed at 9.38pm

Confirmed this 25<sup>th</sup> September 2018.

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Mayor, Cr Mick Wolfe