



Moyne Shire Council

Ordinary Council Meeting

Minutes

Tuesday 8 November 2022

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Minutes of the Ordinary Meeting of Moyne Shire Council held on Tuesday 8 November 2022, at Koroit Senior Citizens Hall, commencing 2.02pm

Present

Councillors Jim Doukas, Karen Foster, Damian Gleeson, Jordan Lockett, Daniel Meade, James Purcell, Ian Smith

Officers Brett Davis, Chief Executive Officer
Edith Farrell, Director Infrastructure and Environment
David Rae, Director Community & Corporate Services
Jodie McNamara, Director Economy and Place
Lesley Cook, Executive Assistant

Temporary Chairperson - Chief Executive Officer

The Chief Executive Officer must Chair the meeting, or part of the meeting, at which the Mayor is to be elected. After the election the Mayor must take the Chair. This is in accordance with Local Government Act 2020, Governance Rules, Part 2, Division 1, 5(2).

Acknowledgement of Country

The Chief Executive Officer read the following statement:

We begin by acknowledging the Traditional Custodians of the land on which we meet today and pay our respects to their Elders past and present. We extend that respect to Aboriginal and Torres Strait Islander peoples here today.

Live-streaming of Council Meetings

The Chief Executive Officer read the following:

Please note that today's meeting is being live streamed and can be viewed by the general public via Council's Facebook page, and later uploaded to Council's website. By participating in and addressing those present at the meeting, you consent to any information you disclose (including any personal information or sensitive information) being recorded and uploaded to the website.

Prayer

The Chief Executive Officer read the Prayer:

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

Apologies

No apologies at this meeting.

1. Mayoral Term of Office

Overview: Council is required to determine the Mayoral term. The Local Government Act 2020 provides for a Mayoral term of two years should Council wish to elect a Mayor for a two year term, rather than a one year term.

Cr Purcell moved that Council

(a) Determine the Mayoral Term to be a period of two years

(b) Determine that the next Mayoral election be held following 2024 council election.

The motion lapsed for want of seconder.

No Secunder was received for this item, therefore the motion failed.

Cr Meade moved, Cr Foster seconded that Council

(a) Determine the Mayoral Term to be a period one year

(b) Determine that the next Mayoral election be held at the scheduled meeting of Council on Tuesday 24 October 2023.

Motion carried 6:1

For: Cr Doukas, Cr Foster, Cr Gleeson, Cr Lockett, Cr Meade, Cr Smith

Against: Cr Purcell

2. Election of Mayor

Overview: Local Government Act 2020, Division 4 25(1) requires that Councillors elect a Councillor to be the Mayor of the Council.

The Chief Executive Officer called for nominations for the office of Mayor for the period 2022-2023:

Cr Meade nominated Cr Foster. Cr Foster accepted the nomination.

Cr Doukas nominated Cr Smith. Cr Smith declined the nomination.

Cr Purcell nominated Cr Doukas. Cr Doukas accepted the nomination.

Voting

The Chief Executive Officer called for a show of hands for each candidate:

Cr Doukas received 2 votes - Cr Doukas, Cr Purcell

Cr Foster received 5 votes - Cr Foster, Cr Gleeson, Cr Lockett, Cr Meade, Cr Smith

The Chief Executive Officer declared Cr Foster elected as Mayor of Moyne Shire.

Cr Foster took the Chair.

3. Election of Deputy Mayor

Overview: The report provides advice on the process for the election of Deputy Mayor.

The Mayor called for nominations for the office of Deputy Mayor for the period 2022-2023:

Cr Smith nominated Cr Meade. Cr Meade accepted the nomination.

There being no other nominations, the Mayor declared Cr Meade elected as Deputy Mayor of Moyne Shire.

Declarations of Conflict Interest

Reference: Local Government Act 2020 – Sections 130 (1)(a) and 130(2) Disclosure of Conflict of Interest in respect of a matter to be considered at a Council Meeting

A relevant person who has a conflict of interest in respect of a matter must:

- a) disclose the conflict of interest in the manner required by the Council's Governance Rules [Refer to [Governance Rules](#) – Division 2 Councillor conflict of interest disclosures] and
- b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Declarations made at this meeting:

Cr Foster - Item 16 Port Fairy Water Quality - Cr Foster is a paid independent Chair for a Wannon Water public committee

Cr Gleeson - Item 12 Business Façade Improvement Program 2022-2023

– Cr Gleeson owns premises that has benefited from a Façade Improvement Grant.

Suspension of Standing Orders

Cr Meade moved, Cr Lockett seconded that Standing Orders be suspended to allow Councillors a short break.

Motion carried 7:0

Confirmation of Minutes

Cr Meade moved, Cr Gleeson seconded that the Minutes of the Ordinary Council Meeting held on Tuesday 4 October 2022 and the Minutes of the Special Council Meeting held on Thursday 27 October 2022 be confirmed.

Motion carried 7:0

Public Participation

Refer to [Governance Rules](#) - Division 5 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.

The public participation segment for each Council meeting will be held after the confirmation of Minutes of previous meeting(s) and be considered in the order they were received.

Unless an extension is granted by a ruling of the Mayor, a member of the public asking a question or making a statement must not speak for more than 5 minutes.

If a question cannot be answered at the meeting, the Chief Executive Officer must provide a written response to the question as soon as is practicable to the person asking the question and Councillors.

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.

Public Participation attendees for this meeting:

- (1) Shane Lenehan – Item 15 Port Fairy Folk Festival Agreement (2023–2028)
- (2) John Konings and David McLean – Item 16 Port Fairy Water Quality
- (3) Andrew Jeffers, Wannon Water – Item 16 Port Fairy Water Quality

(1) Shane Lenehan made his presentation relating to Item 15 Port Fairy Folk Festival Agreement (2023–2028)

Order of Business

Cr Purcell moved, Cr Smith seconded that the order of business be changed and that item 15 be heard next.

Motion carried 7:0

15. Port Fairy Folk Festival Agreement (2023–2028)

Overview: The report outlines the proposed changes to the Port Fairy Folk Festival Agreement following the annual review of the document and proposes enhanced mitigation measures to reduce ground and infrastructure damage related to future events.

Cr Lockett moved that Council endorse the Revised Port Fairy Folk Festival Agreement 2023-2028, including a reduction of the required bond from \$20,000 to \$8,000.

No Seconder was received for this item, therefore the motion failed.

Cr Doukas moved, Cr Purcell seconded that Council endorse the Revised Port Fairy Folk Festival Agreement 2023-2028.

Motion carried 6:1

For: Cr Doukas, Cr Foster, Cr Gleeson, Cr Meade, Cr Purcell, Cr Smith

Against: Cr Lockett

Resumption of Standing Orders

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

Motion carried 7:0

Public Participation attendees for this meeting (continued):

Cr Foster declared an interest in Item 16 and left the Chamber during Public Participation presentation and discussion and voting of the item.

John Konings and David McLean – Item 16 - Port Fairy Water Quality

Andrew Jeffers, Wannon Water – Item 16 - Port Fairy Water Quality

Order of Business

Cr Purcell moved, Cr Smith seconded that the order of business be changed and that item 16 be heard next.

Motion carried 7:0

16. Port Fairy Water Quality

Overview: Council has been requested to consider the options presented to improve the quality of drinking water in Port Fairy via a new pipeline or desalination of ground water.

Cr Lockett moved, Cr Purcell seconded that Council, in respect of the Great Tasting Water initiative for Port Fairy proposed by Wannon Water Authority:

- 1. Provide a letter of support to Wannon Water Authority in support of their advocacy to secure appropriate funding for Port Fairy in the first instance;**
- 2. Amend its Public Health and Wellbeing Plan to reflect Council's support for better tasting water across the Shire; and**
- 3. Encourage Wannon Water to extend the pipeline from Koroit to Port Fairy with water coming from the Colac Otway Basin**

Cr Doukas foreshadowed a motion.

Motion lost 3:4 on the casting vote of the Mayor

For: Cr Gleeson, Cr Lockett, Cr Purcell

Against: Cr Doukas, Cr Meade, Cr Smith

Cr Doukas foreshadowed motion:

Cr Doukas moved, Cr Purcell seconded that Council, in respect of the Great Tasting Water initiative for Port Fairy proposed by Wannon Water Authority:

- 1. Provide a letter of support to Wannon Water Authority in support of their advocacy to secure appropriate funding for Port Fairy in the first instance;**
- 2. Amend its Public Health and Wellbeing Plan to reflect Council's support for better tasting water across the Shire; and**
- 3. Have preference in delivering great tasting water to Port Fairy**

Motion carried 4:2

For: Cr Doukas, Cr Meade, Cr Purcell, Cr Smith

Against: Cr Gleeson, Cr Lockett

3.37pm Cr Foster returned to the Chamber.

3.37pm Cr Purcell left the Chamber

3.39pm Cr Purcell returned to the Chamber

4. Ordinary Council Meeting Schedule 2023

Overview: The report is submitted for Council's consideration and adoption of the Council Meeting scheduled for 2023.

3.39pm Cr Purcell returned to the Chamber

Cr Lockett moved, Cr Smith seconded that Council adopt the Ordinary Council meeting schedule for 2023 as follows:

Date	Location	Time
Tuesday 31 January 2023	Council Chambers, Mortlake Office	2pm
Tuesday 28 February 2023	Council Chambers, Mortlake Office	2pm
Tuesday 28 March 2023	Council Chambers, Mortlake Office	2pm
Wednesday 26 April 2023	Council Chambers, Mortlake Office	2pm
Tuesday 23 May 2023	Council Chambers, Mortlake Office	2pm
Tuesday 27 June 2023	Council Chambers, Mortlake Office	2pm
Tuesday 25 July 2023	Council Chambers, Mortlake Office	2pm
Tuesday 22 August 2023	Council Chambers, Mortlake Office	2pm
Tuesday 26 September 2023	Council Chambers, Mortlake Office	2pm
Tuesday 24 October 2023	Council Chambers, Mortlake Office	2pm
Tuesday 28 November 2023	Council Chambers, Mortlake Office	2pm
Tuesday 19 December 2023	Council Chambers, Mortlake Office	2pm

Motion carried 7:0

5. Monthly Financial Performance Report – September 2022

Overview: 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 actuals.

Cr Meade moved, Cr Gleeson seconded

- 1. That Council receive the Monthly Financial Performance Report for September 2022.**
- 2. That Council approve the variations as listed under Section 7 Budget Variations for the current month.**

Motion carried 7:0

6. Audit and Risk Management Committee Biannual Report to Council

Overview: The report presents a biannual update of performance from the Chairperson of Council's Audit and Risk Management Committee as required by the Local Government Act 2020.

Cr Doukas moved, Cr Gleeson seconded that Council receives the biannual Audit and Risk Management Committee report.

Motion carried 7:0

7. Audit and Risk Management Committee Charter

Overview: Management and the Audit and Risk Management Committee have reviewed the Audit Committee Charter and it is now appropriate for Council to approve the revised Charter.

Cr Doukas moved, Cr Smith seconded that Council adopt the Audit and Risk Committee Charter as attached to the report.

Motion carried 7:0

8. Audit and Risk Management Committee Meeting 7 September 2022 - Unconfirmed Minutes

Overview: As required by the Local Government Act 2020, the report presents the Unconfirmed Minutes from the Audit and Risk Management Committee meeting held on 7 September 2022 for endorsement by Council.

Cr Smith moved, Cr Doukas seconded that Council receive the Unconfirmed Minutes from the Audit and Risk Management Committee meeting held on 7 September 2022.

Motion carried 7:0

9. Community Assistance Fund: Round 1 (\$5,001-\$30,000) – Financial Year 2022-2023

Overview: The report presents a list of Round 1 grant applications for the Community Assistance Fund \$5,001 to \$30,000 Category for approval by Council.

Cr Gleeson moved, Cr Meade seconded that Council under Round 1 of the Financial Year 2022-2023 CAF \$5,001 to \$30,000 category allocate a total of \$17,264 to the following eligible applications:

(a) Warrnambool Field and Game Inc \$2,871

(b) Purnim Recreation Reserve \$14,753

Motion carried 7:0

10. Child Safe Policy

Overview: The purpose of the report is to present the Moyne Shire Council Child Safe Policy for adoption.

Cr Lockett moved, Cr Meade seconded that Council

1. Revoke the Child Safe Policy adopted in 2018 and

2. Adopt the Child Safe Policy attached to the report.

Motion carried 7:0

11. Panmure Recreation Reserve – Community Loan Application

Overview: The Panmure Recreation Reserve have made formal application to Council for a community loan of up to \$90,000 to part fund the new septic system as part of the new female change rooms development at the Reserve. The report presents options for Council to determine on this request.

Cr Meade moved, Cr Purcell seconded that

- 1. Council provide a loan of up to \$90,000 to be repaid over 10 years to cover the additional project costs based on the loan request details made by the Panmure Recreation Reserve and Clubs. This is not in accordance with Council's adopted policy.**
- 2. Nil interest rate to be applied.**
- 3. The annual reserve contribution to the Panmure Recreation Reserve (full or part thereof) be withheld as payment of the loan instalments that are in arrears due to loan default.**

Motion carried 7:0

12. Business Façade Improvement Program 2022/23

4.39pm Cr Gleeson declared an interest in this item and left the Chamber during discussion and voting.

4.39pm Cr Meade left the Chamber

Overview: The report presents the outcome of applications for the 2022-2023 Business Facade Improvement Program for Council decision. Twenty applications were received with fifteen considered eligible, having met the program criteria.

Cr Doukas moved, Cr Purcell seconded that Council approve funding of \$55,462 to support the following fifteen eligible applications for the 2022/23 Business Façade Improvement Program.

• Hayven Beauty	\$2,662
• Pelicans Port Fairy	\$1,875.50
• Robertson Port Fairy	\$3,850
• DLT Building Surveying	\$1,210
• Stonefield Lane	\$5,000
• Alexo's Pizza	\$1,815
• Meat@Beanys Pty Ltd	\$3,506.05
• Tiny Café	\$5,000
• CoZac Group Pty Ltd	\$4,729
• Killarney and District Towing	\$5,000
• The Local Place	\$2,540
• Mortlake Laundromat	\$5,000
• MA & RJ Hinkley as trustee for The Hinkley Investment Trust	\$3,274
• Koroitgundidj Gallery	\$5,000
• Mortlake Motorcycles and Mowers	\$5,000

4.41pm Cr Meade returned to the Chamber

Motion carried 6:0

4.42pm Cr Gleeson returned to the Chamber.

13. Woolsthorpe Wind Farm – Planning Permit Amendment Application 20060220-3

Overview: The Minister for Planning is considering an application to amend the planning permit for the Woolsthorpe Wind Farm. The application is on notice and the report provides the basis for Council to make a submission addressing the issues to be amended.

Cr Gleeson moved, Cr Doukas seconded that Council make a submission to the Minister for Planning objecting to Woolsthorpe Wind Farm Planning Permit Amendment Application 20060220-3 in accordance generally with the draft report attached to the report.

Motion carried 7:0

4.51pm Cr Lockett left the Chamber.

14. Asset Project Management Framework and Asset Project Management Policy

4.54pm Cr Lockett returned to the Chamber.

Overview: The purpose of the report is to seek Council adoption of the Asset Project Management Framework and Asset Project Management Policy to Council to guide the determination and delivery of major infrastructure projects.

Cr Meade moved, Cr Gleeson seconded that Council adopt the Asset Project Management Framework and Asset Project Management Policy.

Motion carried 6:1

For: Cr Doukas, Cr Foster, Cr Gleeson, Cr Lockett, Cr Meade, Cr Smith

Against: Cr Purcell

Item 15 and 16 were considered earlier in the meeting.

17. Mayor and Councillors' Reports

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 24 September 2022 and 28 October 2022.

2022	Location	Meeting / Event
Mayor		
27 September	Port Fairy	Councillor Workshop
30 September	Mortlake	Mortlake Recreation Reserve Community Opening Celebration
1 October	Mortlake	Mortlake Bowls Club Centenary celebrations
4 October	Mortlake	Ordinary Council Meeting
6-7 October	Warrnambool	Councillor Retreat Workshop
11 October	Koroit	Meeting with Stuart Grimley, Member for Western Victoria
18 October	By electronic means	Councillor Workshop
18 October	Warrnambool	Walkthrough of new Learning & Library Hub, Warrnambool
19 October	Port Fairy	Meeting with Roma Britnell, Member for Western Victoria
19 October	By electronic means	Meeting with Kate Boyd, senior adviser to Senator Murray Watt – Federal Minister for Agriculture
24 October	Mortlake	Meeting with Amanda Mead - Independent Candidate for Lowan
25 October	Garvoc	Councillor Workshop and Listening Post
Councillors		
27 September	Port Fairy	Councillor Workshop
28 September	Koroit	Koroit and District Progress Association Meeting
4 October	Mortlake	Ordinary Council Meeting
6-7 October	Warrnambool	Councillor Retreat Workshop
6 October	Warrnambool	Let's Talk Foundation monthly meeting
11 October	Port Fairy	Economic Development Advisory Committee (EDAC) Meeting
11 October	Koroit	Meeting with Stuart Grimley, Member for Western Victoria
11 October	Port Fairy	Port of Port Fairy Delegated Committee meeting
13 October	Melbourne	MAV Annual Conference and Councillor Long Service Awards Dinner

2022	Location	Meeting / Event
15 October	Peterborough	Peterborough Residents Group AGM
17 October	Port Fairy	Ryan Corner Wind Farm Community Engagement Committee meeting
18 October	By electronic means	Councillor Workshop
18 October	Warrnambool	Walkthrough of new Learning & Library Hub, Warrnambool
19 October	Port Fairy	Meeting with Roma Britnell, Member for Western Victoria
19 October	By electronic means	Meeting with Kate Boyd, senior adviser to Senator Murray Watt – Federal Minister for Agriculture
19 October	Melbourne	MAV Councillor Workshop – ‘Managing the CEO Employment Cycle’
20 October	Macarthur	Macarthur Advancement and Development Association (MADA) AGM
22 October	Warrnambool	Official opening - Learning & Library Hub, Warrnambool
25 October	Garvoc	Councillor Workshop and Listening Post
26 October	Koroit	Koroit and District Progress Association Meeting
27 October	By electronic means	Special Council Meeting – Annual Report
27 October	Kirkstall	Kirkstall Recreation Reserve Committee AGM
28 October	Koroit	Official opening – Koroit Cabins
28 October	By electronic means	VLGA Program and Panel Discussion – ‘Electing a Mayor: What’s to Know’

Report noted.

18. Councillor Notice of Motion

Overview: A Councillor may lodge a notice of motion on any matter the Councillor wants to be considered.

No Councillor Notice of Motion was received for this meeting.

19. General Matters

Overview: General Matters gives Councillors the opportunity to report on positive and good news items from around the Shire.

Cr Gleeson Port Fairy Show returned after a two years hiatus and it was a magnificent event. I'd like to recognise committee for staying strong – a fantastic day.

5.04pm Cr Smith left the Chamber

Cr Gleeson I'd like to acknowledge Michael & Cheryl Steele (BAM Stone) who have recently donated a new memorial at Woolsthorpe which will be there for Remembrance Day. I'd like to recognise the great contribution they make to our community.

Cr Meade I'd like to acknowledge the good work of the Koroit Fire Brigade & Koroit CFA. I had the pleasure of attending the opening of the new shade sail area recently. All the volunteers do an enormous amount of work, protecting the Koroit district area. Well done to the Captain and the whole crew.

Cr Lockett I agree with Cr Gleeson's comments regarding the Port Fairy Show. Also the *Picnic in the Paddock* event on 30 October was phenomenal. Let's see if the upcoming Koroit show can outdo that event!

5.06pm Cr Smith returned to the Chamber

Cr Lockett I also understand that Cr Smith has been polishing his dancing shoes for the opening of the Dance O'Mat event on Sunday at 10am.

Cr Purcell *Little Acts* in Port Fairy – absolutely fantastic with over 120 *Little Acts* a huge effort! Going really well and the local community should be very proud of it.

20. Urgent Business

Overview: A Councillor may raise an urgent matter for consideration at a Council Meeting if the Councillors considers that the matter is extremely urgent and it was not possible for the matter to have been included in the agenda notice for the meeting.

There was no urgent business raised at this meeting.

21. CEO Meeting Schedule and Activities Report

Overview: The report provides information to Council in regard to the CEO's meeting schedules, between 24 September 2022 and 28 October 2022.

Meeting Schedule

2022	Location	Meeting / Event
28 September	By electronic means	Food & Fibre Great South Coast - AGM and Board Meeting
29 September	Southern Cross	Ministerial AgFutures Launch
5 October	By electronic means	Dept Jobs, Precincts and Regions (DJPR) Joint State/Local Government CEO Forum
6-7 October	Warrnambool	Councillor Retreat Workshop
11 October	Koroit	Meeting with Stuart Grimley, Member for Western Victoria
11 October	By electronic means	Local Govt CEOs' Emergency Management Briefing (severe weather & flood risk)
19 October	Port Fairy	Meeting with Roma Britnell, Member for Western Victoria
19 October	By electronic means	Meeting with Kate Boyd, senior adviser to Senator Murray Watt – Federal Minister for Agriculture
20 October	By electronic means	Flood Recovery – CEOs discussion
20 October	By electronic means	Local Govt CEOs' Emergency Management Briefing (flood update)
24 October	Mortlake	Meeting with Amanda Mead - Independent Candidate for Lowan

Meeting closed at 5.15pm

Confirmed this 6th December 2022

.....
Mayor, Cr Karen Foster