



# Ordinary Council Meeting

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## Confirmed Minutes

Held on Tuesday 27 June 2023

Council Chambers, Mortlake Council Offices  
1 Jamieson Avenue, Mortlake Vic





**Confirmed Minutes of the Ordinary Meeting  
of Moyne Shire Council held on Tuesday 27 June 2023, at Council  
Chambers,  
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake Vic  
commencing at 2:00 pm.**

## **Present**

**Councillors (in person) -** Karen Foster (Mayor), Daniel Meade (Deputy Mayor) Jim Doukas, Damian Gleeson, Ian Smith

**Councillors (via Zoom link) -  
Officers** Jordan Lockett  
Edith Farrell, Director Infrastructure and Environment  
Peter Brown, Acting Director Community & Corporate Services  
Jodie McNamara, Director Economy and Place  
Liz Regent, Manager Moyne Futures  
Craig Ralston, Manager Finance & ICT  
Myra Murrhy, Executive Assistant

## **1 Procedural**

### **1.1 Acknowledgement of Country**

The Mayor read the following:

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.

### **1.2 Prayer**

The Deputy Mayor read the following:

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.

### 1.3 Live streaming of Council Meetings

The Mayor 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.

### 1.4 Apologies

Apologies were received from Cr James Purcell and Brett Davis, Chief Executive Officer

**Apologies were accepted by Cr Karen Foster**

### 1.5 Declarations of Conflict Interest

**Cr Gleeson declared an Interest in a section of Item 2.1 - Monthly Finance Report**

### 1.6 Confirmation of Minutes from previous meeting

**Resolution ID: OCM 2023-60**

**Cr Ian Smith moved, Cr Damian Gleeson seconded  
That the Minutes of the Council Meeting held on Tuesday 23 May 2023 be accepted  
and confirmed as correct.**

**CARRIED UNANIMOUSLY 6 / 0**

### 1.7 Public Participation

**Resolution ID: OCM 2023-61**

**Cr Daniel Meade moved, Cr Damian Gleeson seconded**

**That Standing Orders be suspended in order that Public Participants be heard.**

**CARRIED UNANIMOUSLY 6 / 0**



1. Shane Gurnett referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit
2. Shane Gurnett referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit
2. Via Virtual Link: Mark Gavin referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit
3. Leo & Kathleen Freeman referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit
4. Anthony Dowling referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit
5. Via Virtual Link: Gary Egan & Cynthea Wellings referring to Item 2.9 on the Agenda – Call in - PL22/209 - 55 Anzac Avenue, Koroit

**Cr Meade moved, Cr Gleeson seconded that Standing Orders be resumed and that the order of business be changed and Item 2.9 be heard next.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2 Officers Reports

### 2.9 PL22-209 55 Anzac Avenue Koroit

Overview: This report provides Council with a planning assessment report for an application for the use of the land for a function centre and reduction in car parking at 55 Anzac Avenue Koroit and recommends that a Notice of Decision to Grant a Permit be issued.

**Cr Jim Doukas moved, Cr Jordan Lockett seconded**

**That Council having caused notice of Planning Application No. PL22/209 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice to Grant a Permit under the provisions of the Moynes Planning Scheme in respect of the land known and described as 55 Anzac Avenue, Koroit, for the use of a function centre and reduction in number of carparking spaces including ancillary works in accordance with the endorsed plans, subject to the following:**

**Conditions:**

**Commencement of Permit**

**This permit will operate from the issued date of this permit.**

**Amended Plans required**

**Before the commencement of the use and/or development, amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:**

- a. No fewer than 16 car space(s) must be provided on the land for the use and development, including 1 space clearly marked for use by disabled persons. Amended plans must show the location of car parking consistent with the car parking plan endorsed under condition 8.**

**Compliance with documents approved under this permit**

**At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.**

**The layout of the use must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.**

**Operation**

**The function centre must not exceed the following:**

**108 patrons for indoor and outdoor events at any one time**  
**25 outdoor events between September and April (inclusive)**

**The function centre must only operate between the following hours:**

**Friday 5.00pm - 11.00pm.**

**Saturday 12noon - 11.00pm.**

**Sunday 12noon - 10.00pm.**

**Indoor Events**

**a. Monday- Friday 9am-6pm**

**b. Saturday- 9am- 11pm**

**c. Sunday – 10am-10pm**

**Amenity**

**The function centre must be managed so that the amenity of the area is not detrimentally affected, including through the:**

**Transport of materials, goods or commodities to or from the land;**

**Appearance of any building, works or materials;**

**Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or otherwise; and**

**presence of vermin.**

**Expiry**

**The use will expire if one of the following circumstances applies:**

**The use has not commenced within two years of the date of this permit.**

**The use is discontinued for a period of two years.**

**Car parking Plan**

**A professionally prepared car parking plan shall be prepared and submitted to the Responsible Authority for approval, clearly showing the layout, the proposed method of surfacing, and delineation of spaces, and how the car parking area will be landscaped. The Plan must allow entry and exit from the site in a forward direction. This plan, when approved, shall be endorsed as forming part of the Permit and the parking area shall be constructed, maintained, drained and delineated in accordance with the endorsed plans to the satisfaction of the Responsible Authority**

## **Car Parking**

**9. Before the commencement of the *use or occupation of the development*, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:-**

- (a) Constructed to the satisfaction of the Responsible Authority**
- (b) Properly formed to such levels that they can be used in accordance with the plans;**
- (c) Surfaced with *an all-weather seal coat OR surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust*;;**
- (d) Drained;**
- (d) *Line-marked to indicate each car space and all access lanes (for seal finish) OR marked to indicate each car space (for other surface finish)*;**
- (e) Clearly marked to show the direction of traffic along access lanes and driveways;**
- (f) properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;**

**to the satisfaction of the Responsible Authority.**

**Car spaces, access lanes must be maintained and kept available for these purposes at all times.**

**The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority**

## **CARRIED 4 / 2**

**For**

**Cr Karen Foster  
Cr Jordan Lockett  
Cr Daniel Meade  
Cr Ian Smith**

**Against**

**Cr Jim Doukas  
Cr Damian Gleeson**

## 2.1 Monthly Financial Performance Report – May 2023

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.

*3.17pm Cr Gleeson declared an interest in a banking investment query raised by Cr Smith. Cr Gleeson left the Chamber during discussions.*

*3.19pm Cr Gleeson returned to the Chamber.*

**Resolution ID: OCM 2023-63**

**Cr Daniel Meade moved, Cr Ian Smith seconded**

- 1. That Council receive the Monthly Financial Performance Report May 2023.**
- 2. That Council approves the variations as listed under Section 7 Budget Variations for the current month.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.2 Budget Submissions 2023-2024

Overview: This report summarises the submissions received on the draft budget for 2023-24. A person, or persons, can make a submission on any proposal contained in the budget and any submission will be considered before adoption of the budget by Council. Council has received thirty-two (32) submissions to the 2023-2024 proposed Budget.

**Resolution ID: OCM 2023-64**

**Cr Ian Smith moved, Cr Daniel Meade seconded that Council:**

- 1. Determine on the submissions received in respect of the draft Budget for 2023-2024.**
- 2. Include a capped amount of \$125,000 towards the Victoria Park Football oval lighting in Koroit.**



3. **Contribute a capped amount of \$20,000 towards the Aberlea Strategic master plan for the Mortlake aged care facility.**
4. **Commence Investigation into Ocean Drive footpath including options and scoping for a 24-25 budget commitment.**
5. **That a letter of response be written to the authors of submissions received thanking them for their submission and advising of Council's decision.**

**CARRIED UNANIMOUSLY 6 / 0**

### **2.3 Budget 2023-2024**

Overview: Council has prepared a Budget for the 2023-24 year after a process of consultation and review, including community input. The draft Budget was advertised, and submissions invited. Council has received and considered Budget submissions. Council is now required to adopt the Budget for 2023-24 by 30 June 2023 to ensure compliance with the Local Government Act 2020.

**Resolution ID: OCM 2023-65**

**Cr Damian Gleeson moved, Cr Daniel Meade seconded**

**That Council, resolve to adopt the 2023-24 Budget noting any changes as per item 2.2 Budget Submissions 2023-2024 in accordance with Section 94 of the Local Government Act 2020.**

**CARRIED UNANIMOUSLY 6 / 0**

### **2.4 Declaration of Rates & Charges 2023-2024**

Overview: The Rates and Charges are set in accordance with the Council Budget 2023-2024. The Rates and Charges comply with the State Government "Fair Go Rates System" and rate capping provisions. Council is required to make a formal declaration of the Rates and Charges for 2023-2024.

**Resolution ID: OCM 2023-66**

**Cr Daniel Meade moved, Cr Damian Gleeson seconded**

**That the following determinations on the Rates and Charges for the 2023-2024 Financial Year be adopted.**

1. **Amounts to be raised**

An amount of \$26,883,686 (or such amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates, municipal charges, payments in lieu of rates and annual service charges (later described in this Resolution), which amount is calculated as follows:

	\$
General Rates	16,852,075
Municipal Charges	2,873,156
Annual Service Charges	4,411,652
Payments in Lieu of Rates	2,746,803

## 2. General Rate

- a) a General Rate be declared in respect of the 2023-2024 Financial Year;
- b) it be further declared that the General Rate be raised by the application of a uniform rate on the Capital Improved Value of all rateable land (in accordance with Section 158 (1)(b) of the Local Government Act 1989); and
- c) 0.12898 be specified as the cents of each dollar of Capital Improved Value for the uniform rate (in accordance with Section 160 of the Local Government Act 1989);

## 3. Municipal Charge

- a) a Municipal Charge (in accordance with Section 159 of the Local Government Act, 1989) be declared in respect of the 2023-2024 Financial Year for the purpose of recovering some of the administrative costs of Council;
- b) the Municipal Charge be the amount of \$286 for each rateable land (or part) in respect of which a Municipal Charge may be levied; and
- c) the Municipal Charge be declared in respect of all rateable land other than rateable land that is exempt from a Municipal Charge by reason of Section 159(3) of the Local Government Act, 1989.

## 4. Service Charges

- a) Annual Service Charges (in accordance with Section 162 of the Local Government Act, 1989) be declared in respect of the 2023-2024 Financial Year for the collection and disposal of refuse on the basis of the criteria later described in this resolution:
- b) Kerbside Collection Service  
State Government Landfill Levy

- (i) an annual service charge be declared for:
- the collection of refuse.
- (ii) this service charge is based on the criteria specified below:

***Residential***

**Declared Collection Areas and Routes**

<b>Property Type</b>	<b>Charge</b>
a) Collection of contents of bins from properties used for residential purposes and located within the areas depicted in Annexure A as a declared collection area and/or fronting the collection routes shown in Annexures B – U	120 litre waste bin, 120 litre glass recycling bin, 240 litre recycling bin and 240 litre organics bin - \$433.00 per annum  State Government Landfill Levy \$27.00 per annum

**Non-Declared/Optional Collection Routes**

<b>Property Type</b>	<b>Charge</b>
b) Collection of contents of bins from properties used for residential purposes and located outside collection routes shown in Annexure B – U and depicted in Annexure A as an optional collection route.	120 litre waste bin, 120 litre glass recycling bin, 240 litre recycling bin and 240 litre organics bin - \$433.00 per annum  State Government Landfill Levy \$27.00 per annum

***Commercial***

**Declared Collection Areas and Routes**

<b>Property Type</b>	<b>Charge</b>
a) Collection of contents of bins from properties used for commercial purposes and located within the areas depicted in Annexure A as a declared collection area and/or fronting the collection routes	120 litre waste bin, 120 litre glass recycling bin, 240 litre recycling bin and 240 litre organics bin - \$433.00 per annum  State Government Landfill Levy

shown in Annexure B – U, if the ratepayer has opted onto the service.	\$27.00 per annum
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**Waste Facilities Service Charge**

- (i) an annual service charge be declared for:
  - the disposal of refuse.
- (ii) this annual service charge component be the sum of and be based on the criteria specified below:

Property Type	Charge
a) Any rateable property in the municipal district which is used as an industrial property, commercial property or a residence, or a single farming enterprise (as defined in section 159(4) of the Local Government Act 1989)	\$146 for each property
b) Any developed non-rateable property	\$146 for each property
c) Any rateable or non-rateable property in the municipal district excepting those properties referred to in parts (a) and (b) above	\$38 for each property

- c) **Goods and Services Tax**
  - (i) all charges listed in this resolution are exclusive of the Goods and Services Tax (GST), which will be applied where applicable;
- d) **Annexure**
  - (i) the areas and routes depicted in the Annexures described in this Resolution may be amended by the Council from time to time; and
  - (ii) the power to amend the designated areas and collection routes for the kerbside collection service is delegated to the member of Council staff holding, acting in or performing the position of Director Infrastructure and Environment;

**5. Rebates**

- a) **it is recorded that Council grants no rebate or concession in accordance with Section 169(1) of the Local Government Act 1989;**

**6. Incentives**

- a) **no incentives be declared as the incentives to be given by Council pursuant to Section 168 of the Local Government Act 1989;**

**7. Interest on Unpaid Rates and Charges**

- a) **in accordance with Section 172 of the Local Government Act 1989, the Council will charge interest for rates and charges which have not been paid by the due instalment date as specified in accordance with Section 167 of the Local Government Act 1989; and**

**8. Consequential**

- a) **the Rates Administrator be authorised to levy and recover the General Rates, Municipal Charges and Annual Service Charges described in this Resolution in accordance with the provisions of the Local Government Act, 1989 and the Council's Rates Collection Policy.**

**CARRIED UNANIMOUSLY 6 / 0**

**2.5 [Audit and Risk Committee Biannual Report to Council](#)**

Overview: This 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.

**Resolution ID: OCM 2023-67**

**Cr Daniel Meade moved, Cr Ian Smith seconded**

**That Council receives the biannual Audit and Risk Management Committee report.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.6 S18 Instrument of Sub-delegation under the EP Act 2017

Overview: This instrument is used by a council to delegate to members of its staff those powers that are contained in the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017* dated 4 June 2021.

**Resolution ID: OCM 2023-68**

**Cr Damian Gleeson moved, Cr Daniel Meade seconded that Council**

- 1. Revoke 5 July 2022 S18 Instrument of sub-delegation Environment Protection Act 2017**
- 2. By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:**

**2.(1) delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;**

**2.(2) this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 27 June 2023 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.7 Community Satisfaction Survey - 2023 Research Report

Overview: This report provides analysis of the results of the Moyne Shire Council – 2023 Research Report. The Community Satisfaction Survey is an independent survey conducted for the majority of Victorian Councils and provides a measure of satisfaction of Council residents across a range of criteria.

**Resolution ID: OCM 2023-69**

**Cr Daniel Meade moved, Cr Damian Gleeson seconded**

**That Council note the Local Government Victoria 2023 Satisfaction Survey results for Moyne Shire Council has been published on Council's website as part of this agenda.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.8 Community Assistance Fund Policy and Guidelines Review

Overview: This report presents a revised Community Assistance Fund Policy and Community Assistance Fund Guidelines for adoption by Council. Both documents are the outcome from the evaluation of a new 2022-2023 program delivery model, which identified opportunities for structural improvements to the program and amendments that promote fair distribution of Council funds.

**Resolution ID: OCM 2023-70**

**Cr Daniel Meade moved, Cr Jim Doukas seconded**

1. That Council adopt the Community Assistance Fund Policy.
2. That Council adopt the 2023-2024 Community Assistance Fund Guidelines – subject to removal of the wording on page 383 of the agenda being page 4 of the Draft Guidelines as follows:

***CAPITAL WORKS BID – Over \$30,000 request***

***Projects over the value of \$30,000 will not be considered as part of this funding program. Community capital requests may be considered as part of the annual budget process.***

**CARRIED UNANIMOUSLY 6 / 0**

*Item 2.9 PL22-209 55 Anzac Avenue Koroit was considered earlier in the meeting*

## 2.10 Proposal to enter into a lease with Powercor Australia Ltd - Part of Gardens Caravan Park, Port Fairy

Overview: This report seeks Council endorsement to enter into a lease with Powercor to accommodate essential electricity supply infrastructure at 111 Griffiths Street, Port Fairy (Part of Gardens Caravan Park Reserve, Port Fairy).

*Cr Daniel Meade left the meeting at 4:17 pm.*

**Resolution ID: OCM 2023-71**

**Cr Jim Doukas moved, Cr Damian Gleeson seconded that Council:**

**1. Grant to Powercor Australia Ltd (Powercor) a lease for:**

- a. Part of the Council-owned land within Certificate of Title Volume Lot 1 on P418982P Volume 8632 Folio 044 with an approximate area of 56m<sup>2</sup> and more commonly known as 111 Griffiths Street, Port Fairy (Part of Gardens Caravan Park Reserve, Port Fairy); and**
- b. Approve the lease for a term of thirty (30) years, with one (1) further term option of twenty (20) years, at the nominal rent of {resolution}.10 cents per annum plus GST; and**

**2. Authorises the Chief Executive Officer to execute the lease with Powercor at the appropriate time.**

**CARRIED UNANIMOUSLY 5 / 0**

*Cr Daniel Meade returned to the meeting at 4:20 pm.*

### **3 Councillors' Items**

#### **3.1 Mayor and Councillor Activities**

Overview: The report provides information to Council in regard to the Councillors' attendance at briefings, forum and other meetings, between 18 May and 16 June 2023.

##### **Mayor Activities**

**Council noted the report item Mayor Activities.**

##### **Councillor Activities**

**Council noted the report item Councillor Activities.**

#### **3.2 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 has been received for this meeting Agenda.**

### 3.3 General Matters

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

Cr Gleeson - Congratulations extended to the Winter Weekends Committee for getting Winter Weekends back up and running.

Cr Lockett - Noted expansion of Winter Weekends into Koroit with a fair few events happening there as well. Highlighted NAIDOC week 2 - 9 July, with various events planned across the Shire. Noted the smoking ceremony held at the Council Chamber that morning.

Cr Gleeson - Noted postponement of Field Days. With the search for a suitable site ongoing offered suggestion of Victoria Park in Koroit, and proposed that Council have the option explored by the committee of management as it could be a magnificent opportunity for Koroit and the Moyne Shire.

Cr Doukas - Requested clarification on the Shires position going forward in relation to flooding, noting some concern had been expressed in the community that Government funding relief money is earmarked for damage repair rather than mitigation work to prevent future flooding.

### 3.4 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.

**No urgent business recorded for this meeting.**

## 4 CEO Meeting Schedule

**Council noted the report item CEO Meeting Schedule 21 May to 20 June 2023.**

## 5 CEO Activities Report

**Council noted the report item CEO Activities Report - June 2023.**

## 6 Confidential Items

Overview: Under section 3 of the Act, the council may consider report items in closed business if they contain certain information which is defined to be confidential information because premature or improper release may cause harm to the Council or to a person or persons.

Confidential Information remains confidential unless it can lawfully be released and the Council has determined that it should be publicly available.

**Cr Daniel Meade moved, Cr Damian Gleeson seconded that the meeting be closed in order to consider the following confidential items.**

- 6.1 Salt Creek Wind Farm - Nuisance Investigation**
- 6.2 Municipal Depot EOI**
- 6.3 Hire of Plant Equipment and Haulage MS952**
- 6.4 Horticultural Services MS954**

**CARRIED UNANIMOUSLY 6 / 0**

**Cr Ian Smith moved, Cr Jordan Lockett seconded that the open meeting be resumed**

**CARRIED UNANIMOUSLY 5 / 0**

## 7 Close Meeting

The Council Meeting Tuesday 27 June 2023 was declared closed at 5.33pm

Confirmed, this 25<sup>th</sup> July 2023

A handwritten signature in black ink, appearing to be "Karen Foster", written over a dotted line. The signature is enclosed in a large, hand-drawn circle.

Mayor, Cr Karen Foster



