

# Ordinary Council Meeting

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## Confirmed Minutes

Held on Tuesday 25 July 2023

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

Confirmed Minutes of the Ordinary Meeting  
of Moyne Shire Council held on Tuesday 25 July 2023, at Council Chambers,  
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake Vic  
commencing at 2:00 pm.

## Present

**Councillors - in person** Karen Foster (Mayor), Jim Doukas, Jordan Lockett,  
James Purcell and Ian Smith

**Councillors - Virtual attendance** Damian Gleeson

**Officers** Brett Davis, Chief Executive Officer  
Peter Brown, Acting Director Community & Corporate Services  
Edith Farrell, Director Infrastructure and Environment  
Ed Small, Director Community & Corporate Services  
Liz Regent, Manager Moyne Futures  
Craig Ralston, Manager Finance & ICT  
Michelle Grainger, Manager Energy Projects

## 1 Procedural

### 1.1 Acknowledgement of Country

The Mayor 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.

### 1.2 Prayer

Cr Doukas 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.

### 1.3 Live streaming of Council Meetings

The Mayor read the following statement:

Please note that today's meeting is being recorded 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

Cr Daniel Meade  
Jodie McNamara, Director of Economy and Place

**Apologies were accepted by Cr Karen Foster**

### 1.5 Declarations of Conflict Interest

**Declaration made at this meeting:**

CEO Brett Davis declared an interest in Item 2.2 Chief Executive Officer Employment and Remuneration Advisory Committee

### 1.6 Confirmation of Minutes from previous meetings

**Resolution ID: OCM 2023-78**

**Cr Jordan Lockett moved, Cr Ian Smith seconded  
That the Minutes of the Council Meeting held on Tuesday 27 June 2023 be accepted and confirmed as correct.**

**CARRIED UNANIMOUSLY 6 / 0**

## 1.7 Public Participation

**Resolution ID: OCM 2023-79**

**Cr Jordan Lockett moved, Cr James Purcell seconded**

**That the order of business be suspended in order to hear Public Participants**

1. Ben Druitt referring to Item 3.2 on the Agenda – Councillor Notice of Motion
2. Michael Hearn referring to Item 2.5 on the Agenda – Planning Scheme Amendment C75-Rivers Run, Port Fairy
3. Joseph Conheady – Making a request for Council to consider an amendment to the planning scheme ensuring protection of valuable agricultural land.

**Cr James Purcell moved, Cr Ian Smith seconded that Standing Orders be resumed and that items 2.5 and 3.2 be heard first.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2 Officers Reports

### 2.5 Planning Scheme Amendment C75-Rivers Run Port Fairy

Overview: This report considers submissions received during exhibition of Planning Scheme Amendment C75moyn - Rivers Run Estate and recommends that all the submissions be referred to a Planning Panel.

**Resolution ID: OCM 2023-80**

**Cr Jordan Lockett moved, Cr Jim Doukas seconded that Council:**

- 1. Having considered all submissions received prior to the date of this report in respect of Planning Scheme Amendment C75moyn under Section 22 of the Planning and Environment Act 1987.**
- 2. Refer all submissions received prior to the date of this report to a Planning Panel in accordance with section 23 (1) (b) of the Planning and Environment Act 1987.**
- 3. Request the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider all submissions received prior to the date of this report.**
- 4. Submits to the Panel its response to the submissions generally as outlined in this report and the attachment.**

**CARRIED UNANIMOUSLY 6 / 0**

### 3.2 Councillor Notice of Motion

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

**Cr Lockett Notice of Motion Opposing the use of Seismic Testing in the Otway Basin**

**Resolution ID: OCM 2023-81**

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

**That Moyne Shire Council**

- 1. Opposes the use of seismic testing in the continuing exploration of the Otway Basin.**
- 2. Writes to the Prime Minister and the Minister for Industry, Science and Technology and relevant local Federal and State Parliamentarians requesting that no further permits to conduct seismic testing are issued by NOPSEMA for**

the area known as the Otway Basin in order to protect marine breeding and spawning areas, particularly those of the southern rock lobster.

3. Requests that if such exploration permits continue to be issued, then a provision for reasonable compensation to affected commercial fishing businesses caused by such testing and exploration be included in those issued permits.
4. Establishes a temporary advisory committee to amend the current Moyne Shire Environment Strategy and/or shape the development of a new strategy to address risks to local coastlines associated with offshore oil, gas and offshore windfarm exploration. The advisory committee to comprise two councillors, and two members of the public selected by EOI and be supported by the Director Economy and Place.
5. Communicates Council's position to the Victorian Government, the local Registered Aboriginal Parties and neighbouring Councils.
6. Uses the period of public submission to voice a strong community opposition to the current proposal by CGG to conduct seismic testing along the Otway Basin.

**CARRIED 5 / 1**

For	Against
Cr Karen Foster	
Cr Damian Gleeson	
Cr Jordan Lockett	Cr Jim Doukas
Cr James Purcell	
Cr Ian Smith	

## 2.1 Monthly Financial Performance Report June 2023

Overview: The purpose of this report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some of the key financial indicators and monitors performance against year-to-date (YTD) actuals. Explanations of significant variations are provided.

**Resolution ID: OCM 2023-82**

**Cr Jordan Lockett moved, Cr Ian Smith seconded**

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

**CARRIED 5 / 1**

For	Against
Cr Jim Doukas	
Cr Karen Foster	
Cr Damian Gleeson	Cr James Purcell
Cr Jordan Lockett	
Cr Ian Smith	

## 2.2 Chief Executive Officer Employment and Remuneration Advisory Committee

Overview: To exercise Council's functions and powers and to perform Council's duties in relation to the performance review of the Chief Executive Officer.

*CEO Brett Davis left the meeting at 3:36pm.*

**Resolution ID: OCM 2023-83**

**Cr Jim Doukas moved, Cr James Purcell seconded**

**That Council endorse the Chief Executive Officer (CEO) Employment and Remuneration Advisory Committee confidential minutes and the motions contained within.**

**CARRIED UNANIMOUSLY 6 / 0**

*CEO Brett Davis returned to the meeting at 3:40pm*

## 2.3 MAV State Council (13 October 2023) - Motions

Overview: The next MAV State Council Meeting will be held on Friday 13 October 2023 and all motions must be submitted to MAV by midnight on Monday 14 August 2023. Submitted motions must be the subject of a council resolution.

**Resolution ID: OCM 2023-84**

**Cr Jim Doukas moved, Cr James Purcell seconded**

**That Council submit the following motions for consideration at the MAV State Council Meeting :-**

1. **Establishment of Renewable Energy Development Guidelines including provisions that infrastructure to support renewable energy transmission be developed using existing easements, be located where practicable underground and require co-location of connecting lines to reduce the impact on agriculture, the visual landscape, recognise risks of bushfire and protect amenity.**
2. **Reinstate a state funded program to ensure local government is adequately supported to continue the ongoing maintenance and additional replacement and renewal of the local road network.**
3. **Represent rural Councils in any review of the Planning System by state government, including but not limited to streamlining the amendment and planning permit processes.**

**CARRIED UNANIMOUSLY 6 / 0**

## **2.4 Rates Collection and Hardship Policy**

Overview: The purpose of this policy is to provide a framework for the efficient and effective administration and collection of outstanding rates and charges (including Fire Services Property Levy) whilst treating all ratepayers respectfully, fairly and consistently, and to fulfil statutory requirements in relation to the collection of rates and charges.

**Resolution ID: OCM 2023-85**

**Cr Ian Smith moved, Cr James Purcell seconded  
Officer Recommendation**

**That Council adopt the Draft Rates Collection & Hardship Policy.**

**CARRIED UNANIMOUSLY 6 / 0**

*Item 2.5 Planning Scheme Amendment C75moyn - Rivers Run Port Fairy was considered earlier in the meeting*



## 2.6 Hexham Wind Farm - Environment Effects Statement - Scoping Requirements

Overview: The Minister for Planning has determined that an Environment Effects Statement is required for the Hexham Wind Farm. A key step in this process is outlining the Scoping Requirements and calling for public comment on them. This report outlines the Scoping Requirements and provides a draft submission for Council consideration.

**Resolution ID: OCM 2023-86**

**Cr Jim Doukas moved, Cr Ian Smith seconded**

**That Council provide a written submission to the Minister for Planning on the Scoping Requirements for the Hexham Wind Farm Environment Effects Statement generally in accordance with the draft submission attached to this report.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.7 2023 Southcombe Use and Development Plan

Overview: The 2023 Southcombe Use and Development Plan has been developed to guide the future strategic planning and governance of key projects within the Southcombe Park Precinct by key user groups and the Southcombe Community Asset Committee (the Committee).

**Resolution ID: OCM 2023-87**

**Cr Jordan Lockett moved, Cr James Purcell seconded**

**That Council notes the 2023 Southcombe Use and Development Plan that will guide Southcombe Precinct user groups for key Precinct projects.**

**CARRIED UNANIMOUSLY 6 / 0**

## 2.8 Koroit Township Renewal Growing Regions Funding Application

Overview: The Koroit Township Renewal Project is Council's leading priority project and is proposed to be submitted for funding support through the Federal Government's Growing Region Program through an initial Expression of Interest due by the 1 August 2023. In order to complete primary footpath works in Commercial Road, and road, footpath and drainage works in High Street, a funding application for a total of \$4 million with a \$2 million Council contribution from FY24-25 budget is proposed.

## Resolution ID: OCM 2023-88

Cr Jim Doukas moved, Cr Jordan Lockett seconded that:

1. Council supports a contribution of \$2 million from the FY24-25 budget as the required \$ for \$ contribution under the Federal Government's Growing Regions Program for the proposed \$4 million of streetscape and associated works for Commercial Road and High Street Koroit.
2. Council authorises officers to make a submission under the required Expression of Interest process to the Growing Regions Program due 1 August 2023.
3. Council commences footpath and streetscape works in FY23-24 for the northern side of Commercial Road between IGA and Woolsthorpe Road as approved in the FY23-24 budget of \$1 million.
4. Council authorises officers to submit a full application to the Growing Regions Program in late 2023 should the Expression of Interest submission be successful.

**CARRIED UNANIMOUSLY 6 / 0**

## 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 17 June 2023 and 14 July 2023.

#### Mayor Activities

Council noted the report item Mayor Activities.

Mayor noted that she did not attend the Victoria Park Koroit Committee Meeting on 21 June 2023

#### Councillor Activities

Council noted the report item Councillor Activities.

*Item 3.2 Councillor Notice of Motion was considered earlier in the meeting.*

### 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 made some clarification regarding the 27 June Ordinary Council Meeting, subject to some letters in the paper to which he had not had the right of reply:

1. Advised he does not own and operate a business in Koroit, however does own an investment property there.
2. Advised he has no conflict of interest in relation to a liquor licence.
3. Advised he is in favour of any development in Koroit or anywhere else in the Shire as long as it is appropriately zoned.

Cr Lockett - Congratulated the Cultural & Community Development and Communications Team on the phenomenal NAIDOC Week program.

Cr Foster - Made mention of Australian Women's Cricketer, Georgia Wareham who hails from Mortlake who is doing the country very proud and is making headlines around the world. Recently had a career best bowling performance taking 3 for 44. Georgia also previously received the Mayor Achievement Award and was the 2018 Young Citizen of the Year.

### 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

Overview: This report provides information to Council regarding the CEO's meeting schedules between 21 June and 20 July 2023

Council noted the report item CEO Meeting Schedule from 21 June to 20 July 2023.

CEO advised he was not able to attend the Ideas Place Pitch Night on 20 July 2023.

## 5 CEO Activities Report

**Council noted the report item CEO Activities Report - July 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 James Purcell moved, Cr Jordan Lockett seconded that the meeting be closed in order to consider the following confidential items:**

**6.1 Emergency Relief Centre Solar Options**

**6.2 Mortlake Pool Operations Contractor Variation Request**

**CARRIED UNANIMOUSLY 6 / 0**

**Cr Jordan Lockett moved, Cr James Purcell seconded that the closed meeting be reopened**

**CARRIED UNANIMOUSLY 6 / 0**

## 7 Close Meeting

The Council Meeting Tuesday 25 July 2023 was declared closed at 4:54 pm.

Confirmed this 29<sup>th</sup> August 2023

A handwritten signature in black ink, appearing to be "KF", written over a horizontal dotted line.

Mayor, Cr Karen Foster

