



Ordinary Council Meeting

Minutes

Held on Tuesday 27 February 2024

Council Chambers, Mortlake Council Offices
1 Jamieson Avenue, Mortlake

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Confirmed Minutes of the Ordinary Meeting
of Moyne Shire Council held on Tuesday 27 February 2024, at Council
Chambers,
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake
commencing at 2:00 pm.

Present

1 Procedural

1.1 Acknowledgement of Country

The Mayor will 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 Mayor will 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 will 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

None at this meeting.

1.5 Declarations of Conflict Interest

No declarations made at this meeting

1.6 Confirmation of Minutes from previous meetings

Resolution ID: OCM 202425

**Cr Karen Foster moved, Cr Jordan Lockett seconded
That the Minutes of the Council Meeting held on Tuesday 30 January 2024 be
accepted and confirmed as correct.**

CARRIED UNANIMOUSLY 7 / 0

1.7 Public Participation

Recording timestamp: 2.05

**Cr James Purcell moved, Cr Karen Foster seconded that standing Orders be
suspended in order to hear public participants.**

CARRIED UNANIMOUSLY 7 / 0

Public Participation attendees for this meeting:

1. Mr Edward Strenger

*Issue/Question - Request for a workshop to explain the Moyne Shire Planning Scheme
(Subdivision)*

**Cr James Purcell moved, Cr Karen Foster seconded that standing Orders be
resumed**

CARRIED UNANIMOUSLY 7 / 0

2 Officers Reports

2.1 Monthly Finance Report - January 2024

Overview: The purpose of the report is to inform the Council of the financial performance and position of the Council. This section provides a snapshot of some key financial indicators of our financial performance as at the end of the reporting period. It focuses on monitoring our operating performance, capital expenditure progress and the ready availability of/access to cash resources. It also provides a forecast of the year-end result.

Recording Timestamp:14.03

Resolution ID: OCM 202412

**Cr Daniel Meade moved, Cr James Purcell seconded
Officers Recommendation:**

That Council receive and note the Monthly Financial Report January 2024.

CARRIED UNANIMOUSLY 7 / 0

2.2 Small Town Incentive Grant

Overview: This report presents a proposed economic and development grant incentive to encourage and develop on existing/appropriately zoned land within selected smaller townships within the Moyne Shire.

Recording Timestamp:22.39

Resolution ID: OCM 202413

**Cr Daniel Meade moved, Cr Karen Foster seconded
That Council approve the Small Town Incentive Grant Programme which will provide 10 eligible applicants up to \$2,000 to support new builds or house relocation in small townships where there is already existing/and or appropriately zoned land.**

CARRIED UNANIMOUSLY 7 / 0

2.3 Killarney Solid Inert Waste Landfill

Overview: This report presents the findings of the *Management Options Analysis – Killarney Landfill* report and recommends that the Solid Inert Waste Landfill service be discontinued at the Killarney Waste Facility.

Recording Timestamp:29.00

Resolution ID: OCM 202414

**Cr Daniel Meade moved, Cr James Purcell seconded
Officer's Recommendation**

That Council:

- 1. Close the Killarney Solid Inert Waste Landfill due to the significant cost of meeting the required regulations for operation; and**
- 2. Engage a specialist consultant to commence landfill rehabilitation design per Environment Protection Authority requirements.**

CARRIED UNANIMOUSLY 7 / 0

2.4 Fair Access Policy and Action Plan

Overview: The Fair Access Policy (the Policy) seeks to address known barriers experienced by women, girls and gender diverse people in accessing and using community sport and recreation. As a defined entity of the Gender Equality Act 2020, Moyne Shire Council is required to have a gender equitable access and use policy and action plan (or equivalent) in place, and the ability to demonstrate progress against that policy and action plan (or equivalent) to be eligible for Victorian Government funding programs relating to community sports infrastructure from 1 July 2024.

This report recommends Council release the draft Fair Access Policy for community comment.

Recording Timestamp:36.15

Resolution ID: OCM 202415

**Cr Karen Foster moved, Cr Jordan Lockett seconded
That Council note the draft Fair Access Policy and make it available for community comment from 28 February to 28 March 2024, before returning to Council for consideration and adoption.**

CARRIED UNANIMOUSLY 7 / 0

2.5 Resolve to Receive Australia Day Petition

Overview: To provide details to Councillors on the receipt and associated responses and process required for receiving an e-petition related to Australia Day activities.

Recording Timestamp:22.39

Resolution ID: OCM 202416

**Cr James Purcell moved, Cr Daniel Meade seconded
That Councillors resolve to receive the submission of an e-petition related to Australia Day activities received on 22 January 2024.**

CARRIED UNANIMOUSLY 7 / 0

2.6 Motions for MAV State Council

Overview: The Municipal Association of Victoria (MAV) State Council meetings for 2024 have been announced. The paper provides details of the MAV State Council meetings for 2024 and suggested motions for recommendation by Council.

Recording Timestamp:53.48

Resolution ID: OCM 202417

**Cr Daniel Meade moved, Cr James Purcell seconded
That the Council approve the suggested motions for 2024 MAV State Council Meeting to be conducted in May 2024.**

CARRIED UNANIMOUSLY 7 / 0

2.7 Prevention of Sexual Harassment Policy

The draft *Prevention of Sexual Harassment Policy* has been developed and is submitted for adoption.

This operational policy guides behaviour and sets out Moyne Shire Council's clear commitment to providing a safe, flexible and respectful environment for staff, councillors and clients that is free from all forms of sexual harassment. The policy sets out the legal responsibilities and obligations for Moyne Shire Council.

Recording Timestamp:1.00.38

Resolution ID: OCM 202418

**Cr Karen Foster moved, Cr Jordan Lockett seconded
That Council adopt the draft *Prevention of Sexual Harassment Policy* with the policy made available on Council's website.**

CARRIED UNANIMOUSLY 7 / 0

2.8 S18 Instrument of Sub-delegation under the EP Act 2017

Overview: This instrument is used by a council to sub-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.

Recording Timestamp:1.08.24

Resolution ID: OCM 202419

Cr Daniel Meade moved, Cr James Purcell seconded

- 1. Revoke 5 July 2023 S18 Instrument of sub-delegation Environment Protection Act 2017**
- 2. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Moyne Shire Council (Council) RESOLVES THAT -**

There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.

The instrument comes into force immediately the common seal of Council is affixed to the instrument.

The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED UNANIMOUSLY 7 / 0

2.9 S5 Instrument of Delegation, Council to Chief Executive Officer

Overview: Instrument of Delegation from Council to CEO. This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some conditions and limitations, to the CEO. The report provides that delegations should be regularly updated to reflect any legislative changes plus review and update conditions and limitations to the CEO.

Recording Timestamp:1.22.20

Resolution ID: OCM 202420

Cr James Purcell moved, Cr Karen Foster seconded

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Moyne Shire Council (Council) RESOLVES THAT –

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor and the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED UNANIMOUSLY 7 / 0

2.10 S6 Council Delegations to members of Council Staff

Overview: The report reviews and updates the Council's delegation of authority to members of council staff. Delegations are regularly updated to reflect changes to various legislation that impact operations of Local Government.

Recording Timestamp:1.14.00

Resolution ID: OCM 202421

Cr Daniel Meade moved, Cr James Purcell seconded
In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Moyne Shire Council (Council) RESOLVES THAT –

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor and the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED UNANIMOUSLY 7 / 0

2.11 Stock Underpass Fund Budget Variation & Fund Application - Howards Road GARVOC

Overview: This report outlines a further application to Council's Cattle Underpass program and is seeking support for this application as a variation to budget given the grant program is fully expended.

Recording Timestamp:1.15.37

Resolution ID: OCM 202422

**Cr Daniel Meade moved, Cr Jim Doukas seconded
That Council endorse an allocation of \$10,000 to PW & LN Thornton as a contribution towards the installation of a stock underpass under Howards Road, Garvoc from Councils FY2023/2024 budget, subject to other private funding being secured.**

That Council extend the FY2023/2024 Stock Underpass Fund by a further \$10,000 in addition to the Council approved budget of \$30,000, as a budget variation to that amount.

CARRIED 6 / 1

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

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 20 January 2024 and 16 February 2024.

Mayor Activities

Recording Timestamp 1.23.53

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.

Recording Timestamp:1.23.43

Cr Foster noted the 70 plus submissions made for the Inspiring Women of Moyne award and extended congratulations to all those nominated. Winners to be announced next Friday 8 March - International Womens Day - its going to be a great event.

Cr Foster also made mention of the upcoming Port Fairy Folk Festival (PFFF) noting there is already a buzz around town. Looking forward to welcoming Folkie back again

Cr Gleeson extended congratulations to the organisers of the Jazz festival and to Cr Lockett for a magnificent opening to the event.

Also noted the fantastic welcome given to the visiting cruise ship by VIC staff Renee and Chelsea, with positive comments from the cruise coordinator.

Cr Gleeson also extended congratulations to the Port Fairy Consolidated School Port Fairy on another successful Port Fairy Marathon, and to Cr Lockett on his 5-6 hours on the microphone

Noted the upcoming VLine strike on on 8 March with 8 out of 10 services impacted. Asked if Council had any contacts in government to find out how this may impact people travelling to the Folkie and the wider district that weekend.

Cr Lockett echoed sentiments from Cr Gleeson about the success of the Port Fairy Marathon, noting in its 3rd year it had over 1800 runners, 160 plus volunteers and has grown to be 8th biggest in Australia and 3rd largest in Victoria. Community spirit during the event phenomenal.

Surf club acknowledged and thanked for their role in keeping people safe during the marathon.

Cr Doukas - Noted the two Lions club dinners held over the weekend in Koroit and Macarthur. Noted they were fantastic events, and congratulated the clubs for their work. Encouraged community members to consider joining the Lions Club.

Cr Doukas asked the Director Environment, Economy & Place if she knows anything about a proposed battery storage facility in The Sisters area. Director advised further enquiries would be made.

Cr Purcell also acknowledged the work Lions Club has done, noting Bruce Lowenthal looking after the Koroit Op Shop and the money raised for playground and BBQ area.

Gave a shout out to the great work done by the Pool Committees. Has noticed great patronage in the pools, and can see the community is getting behind them. Congratulated them on the great job they do.

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

Recording timestamp 1.32.19

Council noted the report item CEO Meeting Schedule 21 January to 20 February 2024.

5 CEO Activities Report

Overview: CEO Activities Report – February 2024

Recording Timestamp 1.34.18

Council noted the report item CEO Activities Report.

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.

The following is a list of confidential Items.

6.1 Chief Executive Officer Employment and Remuneration Advisory Committee

Cr James Purcell moved, Cr Karen Foster seconded that the meeting be closed in order to consider confidential items.

CARRIED UNANIMOUSLY 7 / 0

7 Close Meeting

The Council Meeting - 27 February 2024 was declared closed at 3:37pm