



Ordinary Council Meeting

Minutes

Held on Tuesday 28 May 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 28 May 2024, at Council Chambers,
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake
commencing at 2:00 pm.

Present

Councillors	Cr Ian Smith (Mayor)
	Cr Karen Foster (Deputy Mayor)
	Cr Jim Doukas
	Cr Damian Gleeson
	Cr Jordan Lockett
	Cr Daniel Meade
	Cr James Purcell

Officers	Peter Brown, Acting Chief Executive Officer
	Steve Van Orsouw, Acting Director Assets & Community
	Ed Small, Director Corporate & Governance Services
	Jodie McNamara, Director Environment, Economy & Place

Mark Eversteyn, incoming Chief Executive Officer

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

The Mayor 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 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.

The Mayor welcomed incoming CEO Mr Mark Eversteyn to the meeting.

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

1.42

Resolution ID: OCM 202460

Cr Jordan Lockett moved, Cr Karen Foster seconded

That the Minutes of the Council Meeting held on Tuesday 30 April 2024 and the minutes of the Special Council Meeting held on Tuesday 7 May 2024 be accepted and confirmed as correct with amendment to spelling in the General Matters section of the Ordinary Council Meeting minutes.

CARRIED UNANIMOUSLY 7 / 0

1.7 Public Participation

3.28

Cr Damian Gleeson moved, Cr James Purcell seconded that standing Orders be suspended in order to hear public participants.

CARRIED UNANIMOUSLY 7 / 0

Public Participation attendees for this meeting:

1. Paul Sheehan referring to Item 2.3 on the Agenda – Planning Application PL23/089
- 1697 Princes Highway Rosebrook

Cr Daniel Meade moved, Cr Jordan Lockett seconded that Standing Orders be resumed and that item 2.3 be heard next.

CARRIED UNANIMOUSLY 7 / 0

2 Officers Reports

13.43

2.3 Planning Application PL23/089 - 1697 Princes Highway Rosebrook

Overview: This report provides Council with a recommendation to determine on Planning Application PL23/089 for a two lot subdivision at 1697 Princes Highway Rosebrook

Cr Daniel Meade moved an alternate motion

Resolution ID: OCM 202463

Cr Daniel Meade moved, Cr Jim Doukas seconded

That Council having caused notice of Planning Application No. PL23/089 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 Moyne Planning Scheme in respect of the land known and described as 1697 Princes Highway Rosebrook for a Two lot subdivision, subject to the following conditions:

Subdivision endorsed plan

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.**

Commencement of Permit

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

Compliance with documents approved under this permit

- 3. 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.**

Layout not altered

- 4. The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.**

Controlled access points

- 5. Access to the each lots from the Princes Highway must be via the existing carriageway identified on plan 730060K in favour of the subject land.**

Subdivision plans for Certification

- 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 7. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**

Electricity supply

- 9. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.**
- 10. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.**

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- 11. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and**

Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

12. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor’s requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

Telecommunications

13. The owner of the land must enter into an agreement with:

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
- b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

14. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
- b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Glenelg Hopkins CMA Referral Authority Conditions

15. Fencing shall not obstruct the conveyance of flood water across the property and must be consistent with the GHCMA fencing in floodplain guidelines e.g., open style post and wire fencing.

Expiry – Subdivision

16. This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:

- a. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.**
- b. A statement of compliance is not issued within 5 years of the date of certification.**

17. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Notes:

- 1. It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor’s web portal, “mySupply” which can be accessed via the following link:**

<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or crr@powercor.com.au.

CARRIED 5 / 2

For

Cr Jim Doukas
 Cr Damian Gleeson
 Cr Jordan Lockett
 Cr Daniel Meade
 Cr James Purcell

Against

Cr Karen Foster
 Cr Ian Smith

2.1 Monthly Finance Report - April 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.

Resolution ID: OCM 202461

Cr Daniel Meade moved, Cr Jim Doukas seconded
Officers Recommendation:

That Council receive and note the Monthly Financial Report as at 30 April 2024.

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	

47.22

2.2 Proposed lease agreement with the CFA - Toolong West Road, Toolong

Overview: Council has received a proposal to enter into a lease agreement from the Country Fire Authority (CFA) with respect to their existing facility situated on part of the land known as 5 Toolong West Road, Toolong.

Resolution ID: OCM 202462

Cr Damian Gleeson moved, Cr Daniel Meade seconded
That Council notes the report and resolves to:

- 1. Authorise the Chief Executive Officer to enter into a lease agreement under section 115 and section 116 of the Local Government Act 2020 (the Act) with the Country Fire Authority (CFA) ABN 39 255 319 010 for part of the land known as 5 Toolong West Road, Toolong 3285.**

The lease agreement provides the following terms:

- Lease Commencement Date (this is to be finalised by the CEO in discussion with the CFA)
- Initial term of 20 years, with a further two five year options.
- Proposed Rental Commencement - \$4,250 ex. GST per annum.
- Rent reviews conducted annually.
- Outgoings to be paid by the CFA.

2. Council authorise the CEO to sign the Lease agreement.

CARRIED UNANIMOUSLY 7 / 0

52.03

2.4 Tarrone Power Station

Overview: The Developer of the Tarrone Power Station (AGL) has requested to extend the period for expiry of the Incorporated Document under the Moyne Planning Scheme for the Tarrone Power Station ('the **Incorporated Document**') for 6 years to 26 April 2030.

Cr Daniel Meade foreshadowed a motion

Resolution ID: OCM 202464

Cr Jordan Lockett moved, Cr James Purcell seconded

That Council:

1. **Approve the extension of time request made by AGL to the *Tarrone Power Station Incorporated Document (December 2011)* in accordance with Clause 4 of the Tarrone Power Station Incorporated Document December 2011, Council; and**
2. **Write to the applicant for extension of time (AGL) to the Tarrone Power Station which includes the following conditions:**

The controls of the Tarrone Power Station Incorporated Document (December 2011) will expire if one of the following circumstances applies:

- a) **The use and development is not started by 26 April 2030.**
- b) **The development is not completed within fifteen (15) years after commencement.**

CARRIED 4 / 3

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

2.5 Koroit West Rural Living Re-zoning

Overview: This report provides a summary of the recommendations of the Koroit West Preliminary Site Investigation for potentially contaminated land and recommends that Council request the Minister for Planning to authorise the preparation and exhibition of a planning scheme amendment.

Cr Meade proposed an alternate motion

Resolution ID: OCM 202465

Cr Daniel Meade moved, Cr James Purcell seconded

That Council

1. Consider and note the recommendations of the Preliminary Site Investigation prepared by Tetra Tech Coffey.

2. Request authorisation from the Minister for Planning to prepare and exhibit an amendment to the Moyne Planning Scheme to rezone the land west of Koroit to Rural Living Zone

CARRIED UNANIMOUSLY 7 / 0

1.32.00

2.6 Corangamite Moyne Shared Library Service Agreement

Overview: This report recommends the extension of the Corangamite Moyne Shared Library Service Agreement for a further three-year term.

Resolution ID: OCM 202466

Cr Karen Foster moved, Cr Jordan Lockett seconded

That Council endorse signing a further three-year term for the Corangamite Moyne Library Services Agreement to commence 1 July 2025 and conclude 30 June 2028.

CARRIED UNANIMOUSLY 7 / 0

1.45.16

2.7 Public Transparency Policy - Review

Overview: Council must adopt a *Public Transparency Policy* under Clause 57 & 58 of the *Local Government Act 2020* (Vic.). The report provides a review of the current policy.

Resolution ID: OCM 202467

Cr Damian Gleeson moved, Cr Karen Foster seconded

That Councillors adopt the updated *Public Transparency Policy*.

CARRIED 6 / 1

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

1.54.09

2.8 Councillor Attendance at Conferences and Seminars Policy - Review

Overview: Councillors are asked to review the updated *Councillor Attendance at Conferences and Seminars Policy* in advance of Council meeting endorsement.

Resolution ID: OCM 202468

Cr James Purcell moved, Cr Karen Foster seconded

That Councillors adopt the updated *Councillor Attendance at Conferences and Seminars Policy*.

CARRIED UNANIMOUSLY 7 / 0

2.9 Community Representation on Council Committees Policy Review

Overview: The *Community Representation on Council Committees Policy* has been reviewed for required amendments in the lead-up to Council Elections in October 2024, and in line with the Policy Review Criticality List.

Resolution ID: OCM 202469

Cr James Purcell moved, Cr Karen Foster seconded
That Councillors adopt the updated *Community Representation on Council Committees Policy*.

CARRIED UNANIMOUSLY 7 / 0

2.02.19

2.10 Review of Use of Council Chambers Policy

Overview: This report is to consider the oversight of the “Use of Council Chambers, Port Fairy and Mortlake” given changes in the community use of Council venues.

Cr Meade proposed an amended motion

Resolution ID: OCM 202470

Cr Daniel Meade moved, Cr Karen Foster seconded

That Council endorse delegating ownership of the Use of Council Chambers Policy to the CEO to manage.

CARRIED UNANIMOUSLY 7 / 0

3 Councillors' Items

2.07.39

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 April and 20 May 2024

Mayor Activities

Council noted the report item Mayor Activities.

Councillor Activities

Council noted the report item Councillor Activities.

Cr Gleeson noted the following amendments:

Date	Location	Meeting/Event
16 May	Warrnambool	Economic Development Advisory Committee (EDAC) - Cr Meade attended ,Cr Gleeson an apology
20 May	Hawkesdale	Hawkesdale CEC - Cr Gleeson
29 May	Port Fairy	CEO Interviews
29 May	Port Fairy	Councillor meeting - Budget update

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. Lockett noted the Seismic Blasting consultation taking place on 28 May at Port Fairy Community House.

Acknowledged 17 May IDAHOBIT Day, noting that the rainbow flag was flown proudly from both the Mortlake and Port Fairy Council offices. Read out the Moyne Shire Facebook post from the day as a great summary of what IDAHOBIT Day means to the community.

Made note of Sorry Day 26 May, acknowledging the strength of Stolen Generation Survivors and how we can all assist in healing this difficult past in our culture, doing our best at Moyne to help out in that space.

Made mention of the many upcoming events, notably Winter Weekends which will this time consist of 45 events across one weekend in Koroit, Crossley and Port Fairy.

Congratulations extended to Nullawarre Kindergarten, notably ranking in the National Quality Standards.

Mentioned recent achievements - the Koroit Streetscape Stage 2 opening and the lights on Gardens Oval.

Made mention of the many community consultation and grant opportunities currently available through Council, and encouraged people to take the opportunity to head to the Council Website to find out more and have their say.

Cr. Foster advised she and Cr. Doukas attended Volunteers Week receptions in Koroit, Mortlake and Port Fairy to acknowledge and thank community volunteers. Extended thanks to volunteers right across the Shire, stating that they are appreciated and acknowledged every week of the year.

The Mayor endorsed Cr Foster's comments.

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.

2.12.53

4 CEO Meeting Schedule

Council noted the report item CEO Meeting Schedule from 21 April to 20 May 2024.

5 CEO Activities Report

Overview: CEO Activities Report – May 2024

Council noted the report item CEO Activities Report.

The Mayor extended thanks to Acting CEO Peter Brown for his time with Moyne Shire.

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 - Appointment of Acting Chief Executive Officer

6.2 - Appointment of External Member of the Audit and Risk Management 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 - 28 May 2024 was declared closed at 4.20pm.