



# Ordinary Council Meeting and Mayoral Election

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## Minutes

Held on Tuesday 24 October 2023

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

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Unconfirmed Minutes of the Ordinary Meeting  
of Moyne Shire Council held on Tuesday 24 October 2023, at Council  
Chambers,  
Mortlake Council Offices, 1 Jamieson Avenue, Mortlake Vic  
commencing at 2:00 pm.

## Present

<b>Councillors</b>	Karen Foster Daniel Meade Jim Doukas Damian Gleeson Jordan Lockett James Purcell Ian Smith
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<b>Officers</b>	Brett Davis, Chief Executive Officer Edith Farrell, Director Assets & Community Ed Small, Director Corporate & Governance Services Jodie McNamara, Director Environment, Economy & Place
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## 1 Procedural

### 1.1 Acknowledgement of Country

The CEO 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 CEO 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 CEO 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.

### 1.4 Apologies

None at this meeting.

### 1.5 Election of Mayor and Deputy Mayor

The Local Government Act 2020, Division 4 Section 25(3) requires the Chief Executive Officer to chair the election of the Mayor and preside over the meeting until the Mayor is elected and assumes the chair.

Elections for Mayor and Deputy Mayor must be conducted in accordance with the Act.

The CEO has no voting rights during this process.

#### Temporary Chairperson

The temporary Chairperson will offer the outgoing Mayor an opportunity to address Council.

#### **Outgoing Mayor Cr Karen Foster addressed the Council**

#### Mayoral Term of Office

The Local Government Act Section 26(3) requires Council to determine the length of the Mayoral term prior to the election of Mayor. Council must resolve whether the Mayor is to be elected for a 1 or 2 year period.

However, as local council elections will be held Saturday 26 October 2024, the Mayoral Term of Office in this instance will be for one year only – ie from the date of the Mayoral election (24 October 2023) to 25 October 2024.

This term will also apply to the Deputy Mayor, if one is also elected.

### 1.5.1 Election of Mayor 2023-2024

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

#### **Resolution ID: OCM 2023-114**

**Cr Daniel Meade nominated Cr Damian Gleeson for the position of Mayor for the 2023/2024 term.**

**Cr. Gleeson accepted the nomination.**

**Cr Jim Doukas nominated Cr Ian Smith for the position of Mayor for the 2023/2024 term.**

**Cr Smith accepted the nomination**

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

**Cr Damian Gleeson received 3 votes - Cr Foster, Cr Gleeson, Cr Meade**

**Cr Ian Smith received 4 votes - Cr Doukas, Cr Purcell, Cr Lockett, Cr Smith**

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

Cr Smith took the Chair.

### 1.5.2 Election of Deputy Mayor 2023-2024

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

#### **Resolution ID: OCM 2023-115**

**Cr Daniel Meade nominated Cr Karen Foster for the position of Deputy Mayor for the 2023/2024 term.**

**Cr Foster accepted the nomination.**

There being no further nominations, the Mayor declared Cr Karen Foster elected as Deputy Mayor of Moyne Shire.

**Cr Karen Foster moved, Cr James Purcell seconded that standing Orders be suspended for a short adjournment.**

**CARRIED UNANIMOUSLY 7 / 0**

*Meeting suspended at 2:15pm*

**Cr James Purcell moved to resume standing orders, seconded by Cr Jordan Lockett**

**CARRIED UNANIMOUSLY 7 / 0**

*Meeting resumed at 2:35pm*

### 1.6 Confirmation of Minutes from previous meeting

#### **Resolution ID: OCM 2023-116**

**Cr Jordan Lockett moved, Cr James Purcell seconded  
That the Minutes of the Council Meeting held on Tuesday 26 September be accepted and confirmed as correct.**

**CARRIED UNANIMOUSLY 7 / 0**

## 1.7 Public Participation

**None registered for this meeting.**

## 1.8 Declarations of Conflict Interest

### Declarations made at this meeting

Cr Jordan Lockett declared an interest in item 2.9 - FY 2023-2024 Community Assistance Fund Round 1 due to personal connection with a member of one of the groups being considered for grant approval.

## 2 Officers Reports

### 2.1 Ordinary Council meeting Schedule 2024

Overview: The report is submitted for Council's consideration and adoption of the Council Meeting scheduled for 2024.

#### Resolution ID: OCM 2023-117

**Cr Jordan Lockett moved, Cr Karen Foster seconded**

**That Council adopt the Ordinary Council meeting schedule for 2024 as follows With the possibility of moving Ordinary Council Meeting locations around the Moyne Shire**

Date	Location	Time
Tuesday 30 January 2024	Council Chambers, Mortlake Office	2pm
Tuesday 27 February 2024	Council Chambers, Mortlake Office	2pm
Tuesday 26 March 2024	Council Chambers, Mortlake Office	2pm
Tuesday 30 April 2024	Council Chambers, Mortlake Office	2pm
Tuesday 28 May 2024	Council Chambers, Mortlake Office	2pm
Tuesday 25 June 2024	Council Chambers, Mortlake Office	2pm
Tuesday 30 July 2024	Council Chambers, Mortlake Office	2pm
Tuesday 27 August 2024	Council Chambers, Mortlake Office	2pm

**Monday 23 September 2024      Council Chambers, Mortlake Office      2pm**

***Caretaker period commences 24 Sept & LG Elections held on Sat 26 October***

**Tuesday 26 November 2024      Council Chambers, Mortlake Office      2pm**

**Tuesday 17 December 2024      Council Chambers, Mortlake Office      2pm**

**CARRIED UNANIMOUSLY 7 / 0**

## **2.2      Monthly Financial Performance Report September 2023**

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 2023-118**

**Cr James Purcell moved, Cr Daniel Meade seconded**

**That Council receive and note the Monthly Financial Performance Report September 2023.**

**CARRIED UNANIMOUSLY 7 / 0**

## **2.3      Audit and Risk Committee Biannual Report to Council - September 2023**

Overview: This report presents a biannual update of performance of Council's Audit and Risk Committee as required by section 54 the Local Government Act 2020. This report is prepared by the Chair of the Audit and Risk Committee, Mr John Duffield, as required by clause 6.2 of the Audit and Risk Committee Charter.

**Resolution ID: OCM 2023-119**

**Cr Karen Foster moved, Cr James Purcell seconded**

**That Council receives the Biannual Audit and Risk Committee report September 2023.**

**CARRIED UNANIMOUSLY 7 / 0**



## 2.4 CEO Employment and Remuneration Policy Report

Overview: Pursuant to section 45 of the *Local Government Act 2020*, Council is required to develop, adopt and keep in force a *Chief Executive Officer Employment and Remuneration Policy*. This policy ensures compliance with the *Local Government Act 2020* regarding the management of the CEO performance, remuneration and general employment conditions.

**Resolution ID: OCM 2023-120**

**Cr Jim Doukas moved, Cr Karen Foster seconded that Council**

1. **Adopt the updated *Chief Executive Officer Employment and Remuneration Policy* with the effective date of 24 October 2023; and**
2. **Make the policy available on Council's website.**

**CARRIED UNANIMOUSLY 7 / 0**

## 2.5 Gifts, Benefits & Hospitality Policy Review

Overview: Pursuant to section 138 of the *Local Government Act 2020*, Council must adopt a Councillor gift policy and include procedures for maintenance for a gift register and may review and update the Councillor gift policy. This policy ensures compliance with the *Local Government Act 2020* regarding disclosure of gifts.

**Resolution ID: OCM 2023-121**

**Cr James Purcell moved, Cr Karen Foster seconded that Council**

1. **Adopt the updated *Gifts, Benefits and Hospitality Policy* with the effective date of 24 October 2023; and to**
2. **Make the policy available on Council's website.**

**CARRIED UNANIMOUSLY 7 / 0**

## 2.6 Budget Reallocation - Drainage, Commercial Road, Koroit

Overview: As part of Koroit Township Renewal Stage 2 works (IGA to Woolsthorpe Road, Commercial Road north side), it is recommended that drainage works along the same section are completed prior to the main footpath works. Given works about to commence, it is opportune to undertake drainage repair now.

**Resolution ID: OCM 2023-122**

**Cr Jim Doukas moved, Cr Damian Gleeson seconded**

**That Council approves a FY23-24 budget reallocation of \$300,000 from the annual drainage program to complete drainage works in Commercial Road, Koroit.**

**CARRIED UNANIMOUSLY 7 / 0**

## **2.7 LRCI4 A&B - Roads and Community Infrastructure**

Overview: Following a presentation to Councillor Workshop on 19<sup>th</sup> September for project allocations to LRCI4 Parts A and B, this report provides recommendations for grant allocation to footpath and roads projects.

**Resolution ID: OCM 2023-123**

**Cr Daniel Meade moved, Cr Karen Foster seconded  
That Council**

- 1. Allocates \$135,903 of remaining LRCI4(A) funds to install a concrete footpath at Ocean Drive, Port Fairy.**
- 2. Allocates \$919,747 LRCI4(B) to proposed drainage, footpath, parking and other works in Campbell Street and James Street, Port Fairy.**
- 3. Allocates \$648,000 LRCI4(B) funds to Panmure-Laang Road renewal works.**
- 4. Directs officers to submit these projects to LRCI4 for funding approval.**

**CARRIED UNANIMOUSLY 7 / 0**

## **2.8 Tree Management Policy and Procedure Manual 2023**

This report presents the draft Tree Management Policy 2023 (the Policy) and draft Tree Management Procedures (the Procedures) to Council, following a period of consultation that has now been completed and considered in the preparation of these documents.

**Resolution ID: OCM 2023-124**

**Cr Damian Gleeson moved, Cr Karen Foster seconded  
That Council;**

- 1. Supports the officer response to comments and feedback provided through community submissions on the draft 2023 Moyne Shire Tree Management Policy and Procedures.**

2. **Adopts the draft 2023 Tree Management Policy and 2023 Tree Management Procedures.**
3. **Revoke superseded policies, namely the Moyne Tree Plan 2006, Planting of Trees on Urban Nature Strips Policy and Planting of Trees and Other Vegetation on Municipal Roadsides Policy.**
4. **Approves a budget allocation of \$50,000 in the 2023/24 budget to commence a tree audit and condition assessment.**

**CARRIED UNANIMOUSLY 7 / 0**

## 2.9 FY 2023-2024 Community Assistance Fund Round 1

Overview: This report presents a list of grant applications for the Round 1 Under \$3,000 and over \$3,001 funding under the FY 2023-2024 Community Assistance Fund (CAF) for endorsement by Council. With the adoption of the CAF Guidelines and Policy, the 2023-2024 program has reverted to the practice of fund distribution via Rounds rather than rolling funds. The CEO has delegation for grants under \$3000 and these are presented for Council information only.

*Cr Jordan Lockett left the room at 3:15 pm due to declared conflict of interest in item 2.9.*

**Resolution ID: OCM 2023-125**

**Cr Jim Doukas moved, Cr Damian Gleeson seconded**

**That Council**

1. **Acknowledge the proposed applications for funding under the \$3,000 category Round 1 FY 2023-2024 for CEO endorsement.**
2. **Approve applications in the \$3,001 and above category Round 1 FY 2023-2024 as per Table One below.**
3. **Approve a variation to the Purnim Recreation Reserve 2022-2023 Community Assistance Fund Application to upgrade their previous total project cost from \$29,860 to \$55,154, whilst maintaining the original grant allocation of \$14,930.**

*Table One - Applications to the Round 1 FY 2023-2024 Over \$3,001 Community Assistance Fund category, allocating \$98,149 to the following projects:*

Hawkesdale Football Netball Club	\$15,000
Spring Creek Cricket Club	\$15,000
Port Fairy Football Netball Club	\$5,400
Port Fairy Community Pool Management Group	\$3,055

Caramut Recreation Reserve Committee of Management	\$12,600
Peterborough Tennis Club	\$3,000
Port Fairy Ag, Pastoral and Horticultural Society	\$6,849
Warrnambool Olympic Pistol Club	\$3,092
Hexham Recreation Reserve Committee of Management	\$15,000
Port Fairy Golf Club	\$15,000
South West Makers Association	\$4,153
<b>Total</b>	<b>\$98,149</b>

## **CARRIED UNANIMOUSLY 6 / 0**

*Cr Jordan Lockett returned to the room at 3:22 pm*

*Cr Daniel Meade left the room at 3:22 pm.*

## **2.10 Community Asset Committees - Appointment of Community Representatives**

Overview: This report considers nominations for community representation on Council's Community Asset Committees. It was identified that there were a number of community representative vacancies remaining from the original round of nominations in 2020, as well as recent resignations on Council's Community Asset Committees.

*Cr Daniel Meade returned to the room at 3:24 pm.*

### **Resolution ID: OCM 2023-126**

**Cr Jim Doukas moved, Cr Damian Gleeson seconded**  
**That Council, in line with the Charter of operations for Community Asset Committees and subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district (s 65(2)), given affect by the Local Government Act 2020 in s.65:**

- 1. Resolve to accept the 2 nominations for community representation on the Council Community Asset Committee for Victoria Park, Koroit, being Sarah Brittain and Jordan O'Keefe.**

2. That the term of the Committee membership is aligned to term 4-year term of the Committee which has 12 months remaining.

**CARRIED UNANIMOUSLY 7 / 0**

### 2.11 Corangamite Moyne Library Service - 12-month review

Overview: This report provides an update in relation to the operations of the Corangamite Moyne Library Service (CMLS) first twelve months of operation and outlines the focus for the next twelve months.

**Resolution ID: OCM 2023-127**

**Cr Karen Foster moved, Cr James Purcell seconded**  
**That Council notes the information contained within this report.**

**CARRIED UNANIMOUSLY 7 / 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 16 September and 13 October 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 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 - Extended congratulations to the Koroit Lions Club and Port Fairy Cricket Club for hosting the Melbourne Cup visit on Thursday 5 and Friday 6 October. Noted the joy it brought the community. The way the two groups organised and ran the even was magnificent. Noted that the dinner at the Wharf was one of the best sports nights he had attended.

Cr Lockett - Congratulated organisers of the Port Fairy Spring music festival on a phenomenal event which was very well received. Noted the Warrnambool and Moyne Youth awards held on 15 October - extended congratulations to all nominees and award winners, and congratulated organisers on an amazing and positive event.

Highlighted upcoming free Youth Mental Health First Aid course on offer through Moyne Shire on 10th and 17th November for those aged 18 - 25. Highly recommended course on suicide awareness and being equipped for difficult conversations.

Cr Smith - Noted the DC Farran Oval inaugural Mortlake Gift held on Sunday 15 October. A great event, many competitors coming off back of Cobden Gift attended. Compliments recieved on the high on standard of the ovals, being one of best grounds they have run on. Congratulated the DC Farran Oval Committee who embraced and went ahead with it, and the many sponsors who got behind it. Noted it was great to see people enjoying the great facilities at the oval.

Cr Doukas - Noted the Dan Tehan Sports and Volunteers awards night on Friday 20 October was a terrific and worthy event. Extended Congratulations to all sportspeople and volunteers throughout the community, noting the many hours volunteers have put in over the years, and that nothing could be done without them.

### 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.

Cr Foster presented an item to receive as Urgent business.

**That Council receive, consider and adopt the 2022/2023 Moyne Shire Council Annual Report**

[3.4.1. Motion to confirm reason for urgency](#)

**Resolution ID: OCM 2023-128**

**Cr Karen Foster moved, Cr Daniel Meade seconded**

**That this item be considered as Urgent Business as the Council's Annual Report must be received, considered and adopted prior to the 31<sup>st</sup> October, in accordance with the Local Government Act.**

**CARRIED UNANIMOUSLY 7 / 0**

[3.4.2 The Motion – Annual Report](#)

**Resolution ID: OCM 2023-129**

**Cr Karen Foster moved, Cr James Purcell seconded**

**That Council receive, consider and adopt the 2022/2023 Moyne Shire Council Annual Report, as circulated 23 October 2023 Special Council Meeting.**

**CARRIED UNANIMOUSLY 7 / 0**

## [4 CEO Meeting Schedule](#)

**Council noted the report item CEO Meeting Schedule 21 September to 20 October 2023.**

## [5 CEO Activities Report](#)

### [5.1 CEO Activities Report](#)

Overview: CEO Activities Report – October 2023

**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 - Supply and Loading of Road Making Materials Contract No. MS953

6.2 - Provision of Immunisation Services Contract No. MS955

6.3 - Port Fairy Football Netball Club Sport Lighting MS959

6.4 - MOU -GORCAPA proposal for Great Ocean Road Tourist Park, Peterborough Lease Management

**Cr James Purcell moved, Cr Jordan Lockett seconded that the meeting be closed in order to consider confidential items.**

**CARRIED UNANIMOUSLY 7 / 0**

## 7 Close Meeting

The Council Meeting Tuesday 24 October 2023 was declared closed at 3.55pm

Confirmed Tuesday 29 November 2023

.....  
Cr Ian Smith, Mayor