



# Port of Port Fairy Delegated Committee Meeting

## Agenda

Date: Tuesday 11 October 2022

Time: 3.00pm

Venue: Port Fairy Office – Old Council Chambers

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## **CONFIDENTIAL AGENDA ITEMS**

7. Confidential Business Arising from Previous Meeting
8. Debtors/Finance Report

## Committee Members

Cr Jordan Lockett (Chair)  
Cr Jim Doukas  
Mr Daniel Hoey  
Mr Rex Grady  
Mr John Sproal  
Mr Russell Allardice  
Mr Garry Stewart  
Mr Peter O'Keeffe

### ***Officers (non-voting attendees)***

Mr Paul Roy – Acting Manager Environment and Regulatory Services  
Ms Brett Anders – Personal Assistant I & E Directorate (Minutes)

## Apologies

Ms Edith Farrell – Director Infrastructure and Environment

## Acknowledgment of Country

### **The Chair 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.

## Recording of Delegated Committee Meetings

### **The Chair will read the following:**

Please note that today's meeting is being recorded on zoom and will be 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.

## Declarations of Conflict Interest

Reference: Local Government Act 2020 – Sections 130 (1)(a) and 130(2) Disclosure of Conflict of Interest in respect of a matter to be considered at a Council Meeting

A relevant person who has a conflict of interest in respect of a matter must:

- a) disclose the conflict of interest in the manner required by the Council's Governance Rules [Refer to Governance Rules – Division 2 Councillor conflict of interest disclosures] and
- b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

## Members of Staff

If a member of Council staff has a conflict of interest in a matter which they are providing advice to Council:

- a) if the advice is included in a report, the report must disclose the conflict of interest
- b) if the officer is speaking in the Council meeting, the officer must disclose the conflict of interest before speaking on the matter.

## Confirmation of Minutes

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### Recommendation

**That the Minutes and Confidential Minutes of the previous meeting held on 31 May 2022 be confirmed.**

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### Attachment(s)

Attachment 1 – Minutes of 31 May 2022 PoPF Delegated Committee Meeting  
Attachment 2 – **Confidential** Minutes of 31 May 2022 PoPF Delegated Committee Meeting



# Port of Port Fairy Delegated Committee Meeting Minutes

Date: Tuesday 31 May 2022

Time: 5.00pm

Venue: Southcombe Lodge



## Committee Members

Cr Jim Doukas  
Cr Jordan Lockett (Chair)  
Mr John Sproal  
Mr Russell Allardice  
Mr Garry Stewart  
Mr Peter O'Keeffe

### **Officers (non-voting attendees)**

Ms Edith Farrell – Director Infrastructure and Environment – Via Zoom  
Mr Paul Roy – Acting Manager Environment and Regulatory Services – Via Zoom  
Mr David Mattner – Port Coordinator  
Ms Brett Anders – Personal Assistant I & E Directorate (Minutes)

## Apologies

Mr Daniel Hoey  
Mr Rex Grady

## Acknowledgment of Country

### **The Chair 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.

## Declarations of Conflict Interest

Reference: Local Government Act 2020 – Sections 130 (1)(a) and 130(2) Disclosure of Conflict of Interest in respect of a matter to be considered at a Council Meeting

A relevant person who has a conflict of interest in respect of a matter must:

- a) disclose the conflict of interest in the manner required by the Council's Governance Rules [Refer to Governance Rules – Division 2 Councillor conflict of interest disclosures]  
and
- b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.



## **Members of Staff**

If a member of Council staff has a conflict of interest in a matter which they are providing advice to Council:

- a) if the advice is included in a report, the report must disclose the conflict of interest
- b) if the officer is speaking in the Council meeting, the officer must disclose the conflict of interest before speaking on the matter.

Cr Lockett declared a declaration of interest with Lockett Real Estate handling the sale of the Wharf restaurant. He would remove himself from any discussion on the Wharf sale.

## **Confirmation of Minutes**

**Mr O’Keeffe moved, Mr Allardice seconded that the Minutes and Confidential Minutes of the previous meeting held on 15 February 2022 be confirmed.**

**Carried 6-0**

## **Public Participation attendees for this meeting:**

### **Mr John Clue**

Queried how the increase of fees were decided - advised all documented in minutes and agendas available on the website (link to be sent to Mr Clue). Advised fees increased to align with other Ports.

Masterplan available for download from the website.

Port funded through State revenue and topped up by Council.

Port Forum good opportunity to disseminate information back to port users.

Suggestion of representative of Port Users group to join the committee in the new term of Council.

Some questions taken on notice, response to be provided to Mr Clue.

**Mr Murray Hallmark** attended as an observer but asked to be included in any response to Mr Clue.



## 1. Business Arising from Previous Meeting

Action item	Responsible Officer	Comments
<b>Consult with stakeholders on proposed fees and charges strategy</b>	Port Manager	COMPLETED
<b>Continue to work towards removal of Mary S from the Port. Owner has contacted Port Coordinator stating she has spoken with the Mayor and awaiting a response. Port Coordinator to email details of phone call so it can be relayed to Cr Doukas for advice/update.</b>	Port Coordinator	ONGOING
<b>Budget bid through Tourism Department for museum centre at bait shed.</b>	Sub Committee	COMMENCED funding required, no Council funding, scope of works to be developed by sub committee, meet with Council.
<b>Request DOT/AMSA lighthouse lumens upgrade</b>	Port Coordinator	ONGOING safety issue, Ms Farrell to send letter to DOT
<b>Pursue outstanding debtors</b>	Port Coordinator	COMMENCED owner settlement
<b>Port of Port Fairy Training wall assessment</b>	Port Coordinator	ONGOING



## 2. Port Quarterly Operations Report

Overview: This report contains information pertaining to the operation and management of the Port of Port Fairy for the period from February 2022 to May 2022.

**Mr O’Keeffe moved, Mr Stewart seconded** that the Port of Port Fairy Delegated Committee note and receive the Port of Port Fairy Quarterly Operations Report for the period from February 2022 to May 2022

**Carried 6-0**

## 3. Correspondence In/Out

**Mr O’Keeffe moved, Mr Stewart seconded** that the Port of Port Fairy Delegated Committee note and receive the correspondence in and correspondence out.

**Carried 6-0**

## 4. Port of Port Fairy Budget Update

Overview: Update of Port of Port Fairy Budget for 2021-2022

**Mr O’Keeffe moved, Mr Sproal seconded** that the Port of Port Fairy Delegated Committee note and receive the Port of Port Fairy budget for 2021-2022

**Carried 6-0**

## 5. General Business

- Reminder requirement for committee members to complete Biannual Personal Interests Returns

***Penalties for non-disclosure or failing to submit a personal interests return***  
*Failing to submit a Personal Interests Return or intentionally or recklessly submitting a return containing false or incomplete information carry a maximum penalty of 60 penalty units i.e. \$10,904.40 (currently \$181.74/unit).*

- Query on follow up to extension to jetty for lifeboat mooring. Advocacy letter was sent, to be provided to the Committee.
- Request for quote for repairs to the historic lifeboat. Will determine how to proceed.
- Ms Farrell advised the Port Masterplan was included in recent Advocacy to State Government by Moyne Shire Council.

### Next Meeting

Tuesday 23 August 2022 at 4pm

Mr O’Keeffe unavailable but will join via zoom

**Mr O’Keeffe moved and Mr Sproal seconded that the meeting be closed to the public to consider Confidential agenda items.**

Minutes confirmed ..... (Date)

.....  
Chair

## Public Participation

Refer to Governance Rules - Division 5 – Clause 62 Public Participation/Clause 63 Public questions/Clause 64 Public statements

### **62. Public participation in scheduled meeting**

The agenda for every scheduled meeting must include provision for public participation.

The Council must suspend standing orders for the period of public participation.

Public participation in a Delegated Committee meeting may include:

- (a) questions from members of the public in accordance with clause 63; or
- (b) statements from members of the public in accordance with clause 64.

Unless an extension is granted by a ruling of the Delegated Committee Chair, a member of the public asking a question or making a statement under this Division must not speak for more than five minutes.

If the Delegated Committee Chair considers that a member of the public is making comments that are offensive or defamatory when given an opportunity to ask a question or make a statement:

- (a) the Delegated Committee Chair must direct the person to cease speaking; and
- (b) the meeting must proceed to the next matter.

### **63. Public questions**

A member of the public may ask a question at a delegated committee meeting if they comply with this clause.

A person wishing to ask a question must, no later than 12 noon on the business day before the scheduled meeting, give the Delegated Committee Chair:

- (a) their name and address; and
- (b) the text of the question they wish to ask.

The Delegated Committee Chair may reject a question that is offensive or defamatory of any person, including of a Councillor or a member of Council staff.

At the discretion of the Delegated Committee Chair a question may be answered by the Delegated Committee Chair or a member of staff nominated by the Delegated Committee Chair.

If a question cannot be answered at the meeting, the Delegated Committee Chair must provide a written response to the question as soon as is practicable to:

- (a) the person asking the question; and
- (b) the Delegated Committee.

#### **64. Public statements**

A member of the public may make a statement at a delegated committee meeting if they comply with this clause.

A person making a statement may:

- (a) speak on behalf of themselves or another person or group of persons;
- (b) speak to a matter on the agenda for the scheduled meeting; or
- (c) speak on any other matter that falls within responsibilities.

A person wishing to make a statement must, no later than 12 noon on the business day before the scheduled meeting, give the Delegated Committee Chair:

- (a) their name and address;
- (b) the name of any person or group they wish to represent; and
- (c) a general description of the statement they wish to make.

The Delegated Committee Chair may reject a request to make a statement if it appears to be:

- (a) offensive or defamatory of any person, including of a Delegated Committee member or a member of Council staff; or
- (b) not a matter that falls within the responsibilities of the Council.

[Public Participation attendees for this meeting:](#)

**Ashley King** - succession planning for Committee members, shipwrights courses, and a proposal for enhanced signage and pathways.

## 1. Business Arising from Previous Meeting

Action item	Responsible Officer	Comments
<b>Continue to work towards removal of Mary S from the Port.</b>	Port Coordinator	ONGOING
<b>Budget bid through Tourism Department for media centre at bait shed.</b>	Sub Committee	COMMENCED
<b>Request DOT/AMSA lighthouse lumens upgrade</b>	Port Coordinator	COMMENCED
<b>Pursue outstanding debtors</b>	Port Coordinator	COMMENCED
<b>Port of Port Fairy Training wall assessment</b>	Port Coordinator	ONGOING

## 2. Port Quarterly Operations Report

Overview: This report contains information pertaining to the operation and management of the Port of Port Fairy for the period from May 2022 to August 2022.

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### Officers' Recommendation

**That the Port of Port Fairy Delegated Committee note and receive the Port of Port Fairy Quarterly Operations Report for the period from May 2022 to August 2022**

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### PoPF Quarterly Operations Report Overview

The PoPF has been operating under internal secondment arrangement since the resignation of David Mattner, Port of Port Fairy Coordinator. David's last day with MSC was 21 June 2022, after serving with Council for three years. The requirement as per the PoPF Management Agreement, is to coordinate the management of Port operations, under the Port Management Act 1995.

Council appointed a temporary Coordinator to oversee the PoPF operations whilst a recruitment process was undertaken. The recruitment process is coming to a close with the likeliness of MSC appointing a new Coordinator, late September 2022. Whilst this recruitment process has been in progression, the operational requirement respective of the PoPF Management Agreement has continued as business as usual.

Although operational activities have been relatively quiet; attributable to the winter/wetter months, there has been progress on the Asset Revaluation Report, SEMP Audit and Prescribed Bodies Regulations addressing compliances under Safe Transport Victoria (STV – formally *Transport Safety Victoria*) the Environmental Protection Authority and Worksafe Victoria.

June 30 concluded the funding agreement between DoT and Council, under State Gov funding on works for Local Port Capital and Emergency Works Program. This program was entered into agreement to schedule and complete maintenance and capital works for the aging pylons at the Southern side of the Wharf.

A condition report was undertaken to assist with programming works. The report listed 72 pylons, in which 49 were assessed as needing repairs and or maintenance to bring back to conditional purpose. A financial summary is provided below, item 5. Port of

Port Fairy Budget Update. As a condition of State Gov funding, a project report is in draft to be issued to DoT by 30 September 2022.

### PoPF Asset Revaluation Report (*draft and review*)

MSC engaged in Sureside Consulting Pty Ltd to put together the PoPF Asset Revaluation Report, issued in August 2022 in draft for review.

The sole purpose of this report and the associated services performed by Sureside Consulting Pty Ltd, is to describe asset revaluation development in accordance with the scope of services set out in the contract between Sureside and Moynes Shire Council. The scope of services was defined by the requests of MSC.

The report has been prepared on behalf of and for the exclusive use of MSC, and is subject to and issued in connection with the provisions of the agreement between Sureside and MSC.

The report factored,

- A conditional survey of the structure and substructure of Port assets excluding 'wet assets' that refers to piles, fenders etc that had been separately addressed by a separate commission,
- DDA Assessment,
- A report on findings, including recommendations for remediation works and an estimated costing of those works, and
- Indicative costs of recommended Works.

The report details a conditional assessment using two separate condition rating systems, one of MSC and the other from the Wharf Structures Condition Assessment Manual (WSCAM), Ports Australia (2014).

Once this report has been reviewed and assessed by MSC, the report will be returned to Sureside Consulting Pty Ltd with any listed amendments for issuance of a FINAL report.

The draft report will be attached to the PoPF Annual Report from preliminary review and discussion. The FINAL Report will be communicated at a future meeting for the PoPF Delegated Committee.

## SEMP Audit M3988 Port of Port Fairy

Eva & Associates Pty Ltd was commissioned by Moyne Shire Council to provide the services of Brian Eva, approved Auditor under s91E of the Port Management Act (PMA), to prepare an audit report in relation to the continuing adequacy and implementation of their Port Safety and Environmental Management Plan (SEMP). MSC has received the SEMP Audit Report (FINAL) 23 May 2022, for review and action.

The requirements for audits of compliance are outlined in section 91E of the PMA. The audit must be completed by a person who is approved by the Minister under subsection 5 (or an environmental auditor appointed under section 191(1) of the Environment Protection Act 2017 for environmental management plans of commercial or local ports), and must determine whether,

- The management plan adequately provides for the matters required by section 91D(1) of the PMA

A safety and environment management plan must,

- a. Identify by a description, map or plan the area or areas of the port lands and waters to which it applies,
- b. Identify the nature and extent of the safety and environmental hazards and risks associated with the operation of the port,
- c. Assess the likely impact of those hazards and risks on the port and the surrounding area,
- d. Specify the measures and strategies to be implemented to prevent or reduce those hazards or risks,
- e. Nominate the person who is to be responsible for implementing those measures and strategies,
- f. Set out the processes to be followed to involve tenants, licensees and service providers in the port with the implementation of the management plan,
- g. Set out the procedures to be followed for implementing, reviewing and revising the management plan,
- h. Set out those measures that the port manager intends to implement to eliminate or reduce the safety and environmental risks and hazards of the port, and
- i. Set out the key performance indicators through which the port manager can assess the extent to which the implementation of the management plan achieves the safety and environment management planning objectives set out in section 91CA.



Furthermore, it is expected that port managers will consult with the local community in the development and implementation of their management plans:

- S91G(1)e The process for consultation with people affected by the plans, and
- S91G(1)f The publication and availability of the management plans

The Audit process followed the guidelines described in AS/NZS ISO 19011:2018, guidelines for auditing management systems and EPA Publication 952.5 and 953.21.

The on-site component of the audit was conducted 16 February 2022.

The Auditors findings with regard to section 91E of the PMA - Audits of Compliance, are as follows,

1. The Moyne Shire Port of Port Fairy Safety and Environment Management Plan – August 2020, has been prepared in accordance with Ministerial Guidelines Port Safety and Environment Management Plans (November 2012), as required by section 91G of the Port Management Act 1995; and
2. The Moyne Shire Port of Port Fairy Safety and Environment Management Plan – August 2020, adequately provides for the matters required by s.91D of the Port Management Act 1995; and
3. In the context of the scope of the audit, Moyne Shire Council, as Port Manager, is complying with their documented Safety and Environment Management Plan – Port of Port Fairy August 2020.

A number of suggested improvements have been made throughout the Audit Report, however as the PoPF SEMP Audit has been found to be fully compliant, the suggested improvements and proposed implementation timetable are advisory only.

Element Suggested Improvements, s91D

- a) The 28,000L diesel fuel tank to be added to the Port map, and
- b) Liaise with DoT when preparing any new lease document to ensure it includes additional information relating

A summary of PMA compliance findings accompany the full audit and will be attached and communicated within the PoPF Annual Report.

## Prescribed Bodies Regulations

MSC has received notification from The Port Management (Prescribed Bodies) Regulations 2012, of the sunset clause ending 7 November 2022. After this date, the Regulations will cease to exist unless they are remade.

The Department of Transport intends to remake the Regulations to ensure appropriate oversight of the safety and environment management plan (SEMP) obligations under

the Port Management Act 1995. The effect of remaking the Regulations would be that the current requirement to send SEMP annual and audit reports to Transport Safety Victoria (now Safe Transport Victoria), the Environment Protection Authority and Worksafe Victoria would remain.

One of the purposes of the sunseting process is to ensure that the Regulations remain relevant and appropriate.

MSC have been invited to provide feedback on the proposal to remake the Regulations and maintain current requirements. A meeting was arranged by the STV for Thursday 8 September 2022, to discuss the proposed regulations. It is anticipated that no amendments will be considered and or recommended.

This meeting was scheduled at time of writing the PoPF Quarterly Operational Report; as the meeting was to occur at a future day/ date and time – no subject matter was available to be published and or communicated at this time.

*\*end*

### 3. Correspondence In/Out

Overview: Update of correspondence in and correspondence out since the last Port of Port Fairy Delegated Committee meeting.

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#### **Recommendation**

**That the Port Board note and receive that no correspondence in has been received and no correspondence out has been sent since the last delegated committee meeting.**

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#### Attachment(s)

Nil

#### 4. Port of Port Fairy Annual Report DRAFT

Overview: Update of Port of Port Fairy Draft Annual Report for 2021-2022

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##### **Recommendation**

**That the Port Board note and receive the Port of Port Fairy DRAFT Annual Report for 2021-2022**

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##### Attachment(s)

Attachment – Port of Port Fairy *Draft* Annual Report 2021-2022



Moyne Shire Council

# Port of Port Fairy Annual Report 2021-2022



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# Introduction

This 2021-22 Annual Report is the fifth report as prescribed by the Port of Port Fairy Management Agreement for the term 1 July 2017 – 30 September 2023.

Moyne Shire Council and the Port of Port Fairy Delegated Committee is committed to continue with a high level of accountability in reporting the Port's performance and is dedicated to maintaining a strong working relationship with the local port community and stakeholders.

This report provides a summary of key services and performance at the Port for the 2021-22 financial year and indicates plans for future management of the Port.

Port users, partners, stakeholder and members of the public are welcome to provide feedback on performance and plans for the future of the Port of Port Fairy.

# Chairman's Report

I am pleased to present the 2021-2022 Port of Port Fairy Annual Report.

Despite the continued challenges posed by the COVID-19 pandemic, the Port of Port Fairy Delegated Committee continues to deliver quality services to mariners, visitors and the wider community. I would like to acknowledge the achievements of port management and staff over the past 12 months and the continued support they have provided to the Port of Port Fairy Delegated Committee.

The Port of Port Fairy continues to face challenges with aging infrastructure throughout the Port. An assessment of above water assets has been undertaken with the development of a comprehensive asset management plan.

Pylon wrapping under the north and south wharves are a work in progress to ensure these valuable assets remain structurally sound and continue to provide reliable service to port users into the future. Anode replacements have been undertaken to help maintain the long term viability of metal assets immersed in salt water.

The completion of the Port of Port Fairy Masterplan has provided the Port of Port Fairy Delegated Committee with clear direction and enable the Port of Port Fairy Delegated Committee to advocate for funding to implement actions identified within the masterplan.

The Port of Port Fairy will continue to provide services for recreational and commercial vessels including mooring, berthing, slipway access and channel maintenance programs.

On behalf of the Port of Port Fairy Delegated Committee I thank the Ministers for Ports & Freight, Transport Infrastructure, and Fishing & Boating and associated staff for their contribution in the past year and to the continued success of the Port of Port Fairy in the years ahead.

Cr Jordan Lockett

**Chairman**

**Port of Port Fairy Delegated Committee**



# Executive Officer's Report

The Port of Port Fairy encompasses the area of the Moyne River bounded by the footbridge at the northern boundary of the Port to the river mouth at the ocean. Its location is the centre point of the water front, offering an expanse of recreational boating activities, commercial enterprises, and anglers, enveloped in the history of Port Fairy. This special place showcases the beautification of old-time maritime landscape and provides a place for the community and visitors alike to experience water front at its finest.

The year, has not been without some operational challenges, some have surfaced as business as usual, however, with the leave of absence of Councils Environment and Regulatory Manager, and the resignation of the PoPF's Coordinator, the challenge was on – to continue managing the PoPF with minimal interruption to the community, fisheries (industry) visitors, and user groups of the Port.

This year, we also experienced a shift of returning to pre-pandemic liveability. With the lifting of restrictions, greater movements and reopening the PoPF back to the community, we witnessed people returning to the natural beauty of this place. During this shift, the PoPF was working on asset strategies, completing audits and wrapping up (*pun intended*) the project works on repairing the many ageing pylons at the Wharf.

The 2021-22 year presented scope for the PoPF to engage with specialist consultants for undertaking assessments of assets, to finalise the SEMP Audit and to maintain compliances through maritime regulations. This engagement ensured that the operational requirements are being met under the Port Management Act 1995. This year was not a typical business as usual approach, it was bedded in compliances, and strategising long term asset management principles.

I would like to take this opportunity to share with the community, the early development and progress of the Asset Revaluation Report (*draft*), the finalisation and recommendations of the SEMP Audit, and the upcoming regulatory compliance review to be undertaken by Safe Transport Victoria. As too, the completion of the staged pylon repairs under State Gov funding agreement.

As a component of meeting the funding agreement, a condition report was undertaken to assist with programming works. The report listed 72 pylons, in which 49 were assessed as needing repairs and or maintenance to bring back to conditional purpose. A financial summary is provided below, item 5. Port of Port Fairy Budget Update. As of June 30 these works concluded, a project report is now in draft to be issued to DoT by 30 September 2022.

Finally, the commitment and dedication of the Port of Port Fairy staff, contractors and the Port of Port Fairy Delegated Committee is acknowledged. In particular, the Port of Port Fairy Delegated Committee's guidance, support, enthusiasm and dedication to continuing to improve the Port of Port Fairy.

Paul Roy  
**Acting Manager Environment & Regulatory Services**

# Committee Membership

Moyne Shire Council's Delegated Committee, the Port of Port Fairy Port of Port Fairy Delegated Committee, has continued to provide guidance and advice with ongoing management and development of the Port of Port Fairy. The below provides notification of Port of Port Fairy Delegated Committee members and staff during the period:

## Port Port of Port Fairy Delegated Committee Community Representatives

- Peter O'Keeffe
- Garry Stewart
- Russell Allardice
- Rex O'Grady
- John Sproal
- Daniel Hoey

## Port of Port Fairy Delegated Committee Councillor Representatives

- Cr Jim Doukas (Chair) (Until 18 May 2022)
- Cr Jordan Lockett (From 18 May 2022)

## Council Officers

- Leah Johnston – Acting Director Infrastructure and Environment (30 May 2021 until 6 October 2021)
- Edith Farrell – Director Infrastructure and Environment (from 6 October 2021)
- Robert Gibson – Manager Environment and Regulatory Services, (until 8 April 2022)
- Paul Roy – Acting Manager Environment and Regulatory Services (from 8 April 2022)
- David Mattner – Coordinator Port of Port Fairy, (until 21 June 2022)
- Brett Anders – Personal Assistant to Director Infrastructure and Environment.

## Meetings held during the reporting year

<b>Date of Meeting</b>	<b>Attendance</b>
<b>8 September 2021</b>	Cr Jim Doukas, Cr Jordan Lockett, Peter O'Keefe, Rex Grady, John Sproal, Garry Stewart, Daniel Hoey Robert Gibson, David Mattner, Brett Anders (Council Officers)
<b>2 December 2022</b>	Cr Jim Doukas, Cr Jordan Lockett, Peter O'Keefe, Rex Grady, John Sproal, Russell Allardice, Garry Stewart, Robert Gibson, David Mattner, Brett Anders (Council Officers)
<b>31 May 2022</b>	Cr Jim Doukas, Cr Jordan Lockett, John Sproal, Russell Allardice, Garry Stewart, Peter O'Keefe Edith Farrell, Paul Roy, David Mattner, Brett Anders. ( <i>Council Officers</i> )

# Summary of Operations

## Berths and Mooring Permits Issued

The Port presently maintains 98% occupancy of long term berths:

- 35 Alongside moorings,
- 6 Jetty berths, and
- 25 Marina berths

A berth waiting list is maintained.

## Itinerant Vessel Berthing

Port management continues to actively promote port facilities and liaises with the tourism sector to encourage additional mariners to stopover at the Port of Port Fairy.

**Table 1: Itinerant Vessel Berthing**

	18/19	19/20	20/21	21/22
<b>No. of Vessels</b>	35	47	21	20
<b>Total Annual Days</b>	107	115	46	75
<b>Ave. Slip Stay (Days)</b>	3.05	2.44	2.2	3.75

## Slipway Traffic

Port management continues to promote the availability of slipway services and encourage mariners from outside Port Fairy to utilise the slipways.

**Table 2: Slipway Use**

Year	Large Slipway			Small Slipway		
	19/20	20/21	21/22	19/20	20/21	21/22
<b>No. of Vessels</b>	51	36	41	15	18	14
<b>Total Annual Days</b>	179	163	178	34	52	48
<b>Ave. Slip Stay (Days)</b>	3.5	2.9	4.3	2.2	2.9	3.4

## Major Works Completed, Underway or Planned

The following provides a summary of the works program at the Port of Port Fairy over the period of 2021-22:

- Pylons supporting the fuel berth were wrapped and sealed to prevent further degradation
- Anodes were attached to the large slipway tracks and minor repairs completed to ensure the slipway remains safe and functional
- Anodes were affixed to metal infrastructure underpinning King George Wharf
- The annual dredging program continued with Slurry Systems Marine removing sand from the Moyne River over a 31 day period to maintain safe, navigable access to the port
- Fenders have been prepared for installation to replace aging and failing fenders throughout the port during the latter half of 2021
- One hydrographic survey has been completed to monitor sediment levels within the Moyne River
- The Port of Port Fairy Safety and Environment Management Plan has continued to be implemented including regular safety inspections and maintenance
- Conservation of the Battery Hill cannons and carriages has been complicated. The two larger carriages require additional structural work to safely support the larger barrels.
- Pylons under the South and North wharves have been wrapped and sealed
- An assessment of all above water assets has been completed
- An asset revaluation management report is in draft
- Anodes have been installed on the yacht marina, the small slipway jetty and the small slipway
- 35 failing ladders have been replaced.

# Performance Reporting

**Table 3: Port of Port Fairy Program Delivery for 2021-22**

- Operations in comparison to budget	The annual operations budget outcome was favourable with a surplus of \$0,00 This will be reallocated to an asset management project in 22/23.
- Cash flow details in comparison to budget	PR/ update
- Commentary on variations	PR/ update
- Cost of dredging	\$00,000 including \$00,000 funded by Council.
- Days of dredging	00

## Incident Reports

29 October 2021 – Vessel departing boat ramp leaking diesel fuel. Work boat “Marvin” used to agitate and break up sheen.

30 October 2021 – Vessel “Chikaro” had mooring line break during storm and damage yacht “Running Wild” in berth PFM18

1 November 2021 – Electrical fault in lights. Electricians attended.

23 February 2022 – Black mould found under paint during restoration of Griffiths Island Lighthouse – Contractors rectified and repainted.

11 March 2022 – Mooring line broke on vessel at berth PFM16, impacting alongside vessel line reconnected and owner advised to install new lines.

6 April 2022 – Verbal abuse by member of the public over phone – call terminated

# Audits and Regulatory

## Safety and Environment Management Plan (SEMP Audit) M3988

The Safety and Environment Management Plan (SEMP) is a legislative requirement under Part 6A of the Port Management Act 1995 and provides the basis for safety and environmental management within the Port of Port Fairy.

The aim of the SEMF is to present an integrated system for managing and improving environmental and safety performance at the Port of Port Fairy and to promote best practice safety and environment risk management across all aspects of Port activities. Port employees, users, visitors and the wider Victorian community are all beneficiaries of the plan.

The 2015 SEMF was subject to full review and the 2020 SEMF was adopted by the Port of Port Fairy Delegated Committee at its Ordinary Meeting of 25 August 2020. The SEMF Annual Report is provided as part of this annual report, as FINAL.

Eva & Associates Pty Ltd was commissioned by Moyne Shire Council to provide the services of Brian Eva, approved Auditor under s91E of the Port Management Act (PMA), to prepare an audit report in relation to the continuing adequacy and implementation of their Port Safety and Environment Management Plan (SEMF). MSC has received the SEMF Audit Report (FINAL) 23 May 2022, for review and action.

The requirements for audits of compliance are outlined in section 91E of the PMA. The audit must be completed by a person who is approved by the Minister under subsection 5 (or an environmental auditor appointed under section 191(1) of the Environment Protection Act 2017 for environmental management plans of commercial or local ports), and must determine whether,

- The management plan adequately provides for the matters required by section 91D(1) of the PMA

A safety and environment management plan must,

- a. Identify by a description, map or plan the area or areas of the port lands and waters to which it applies,
- b. Identify the nature and extent of the safety and environmental hazards and risks associated with the operation of the port,
- c. Assess the likely impact of those hazards and risks on the port and the surrounding area,
- d. Specify the measures and strategies to be implemented to prevent or reduce those hazards or risks,
- e. Nominate the person who is to be responsible for implementing those measures and strategies,
- f. Set out the processes to be followed to involve tenants, licensees and service providers in the port with the implementation of the management plan,
- g. Set out the procedures to be followed for implementing, reviewing and revising the management plan,
- h. Set out those measures that the port manager intends to implement to eliminate or reduce the safety and environmental risks and hazards of the port, and

- i. Set out the key performance indicators through which the port manager can assess the extent to which the implementation of the management plan achieves the safety and environment management planning objectives set out in section 91CA.

Furthermore, it is expected that port managers will consult with the local community in the development and implementation of their management plans:

- S91G(1)e The process for consultation with people affected by the plans, and
- S91G(1)f The publication and availability of the management plans

The Audit process followed the guidelines described in AS/NZS ISO 19011:2018, guidelines for auditing management systems and EPA Publication 952.5 and 953.21. The on-site component of the audit was conducted 16 February 2022. The Auditors findings with regard to section 91E of the PMA - Audits of Compliance, are as follows,

1. The Moyne Shire Port of Port Fairy Safety and Environment Management Plan – August 2020, has been prepared in accordance with Ministerial Guidelines Port Safety and Environment Management Plans (November 2012), as required by section 91G of the Port Management Act 1995; and
2. The Moyne Shire Port of Port Fairy Safety and Environment Management Plan – August 2020, adequately provides for the matters required by s.91D of the Port Management Act 1995; and
3. In the context of the scope of the audit, Moyne Shire Council, as Port Manager, is complying with their documented Safety and Environment Management Plan – Port of Port Fairy August 2020.

A number of suggested improvements have been made throughout the Audit Report, however as the PoPF SEMP Audit has been found to be fully compliant, the suggested improvements and proposed implementation timetable are advisory only.

Element Suggested Improvements, s91D

- ✓ The 28,000L diesel fuel tank to be added to the Port map, and
- ✓ Liaise with DoT when preparing any new lease document to ensure it includes additional information relating

A summary of PMA compliance findings accompany the full audit and is *attachment 1*.

### PoPF Asset Revaluation Report (draft and review)

MSC engaged in Sureside Consulting Pty Ltd to put together the PoPF Asset Revaluation Report, issued in August 2022 in draft for review. The sole purpose of this report and the associated services performed by Sureside Consulting Pty Ltd, is to describe asset revaluation development in accordance with the scope of services set out in the contract between Sureside and Moyne Shire Council.

The scope of services was defined by the requests of MSC. The report has been prepared on behalf of and for the exclusive use of MSC, and is subject to and issued in connection with the provisions of the agreement between Sureside and MSC.



The report factored,

- A conditional survey of the structure and substructure of Port assets excluding 'wet assets' that refers to piles, fenders etc that had been separately addressed by a separate commission,
- DDA Assessment,
- A report on findings, including recommendations for remediation works and an estimated costing of those works, and
- Indicative costs of recommended Works.

The report details a conditional assessment using two separate condition rating systems, one of MSC and the other from the Wharf Structures Condition Assessment Manual (WSCAM), Ports Australia (2014).

The Report is now under review, with recommendation for editing to be returned to Sureside Consulting Pty Ltd for the development of the FINAL report.

The *draft* Report *attachment 2*.

## Prescribed Bodies Regulations

MSC has received notification from The Port Management (Prescribed Bodies) Regulations 2012, of the sunset clause ending 7 November 2022. After this date, the Regulations will cease to exist unless they are remade.

The Department of Transport intends to remake the Regulations to ensure appropriate oversight of the safety and environment management plan (SEMP) obligations under the Port Management Act 1995. The effect of remaking the Regulations would be that the current requirement to send SEMP annual and audit reports to Transport Safety Victoria (now Safe Transport Victoria), the Environment Protection Authority and Worksafe Victoria would remain. One of the purposes of the sunset process is to ensure that the Regulations remain relevant and appropriate.

MSC have been invited to provide feedback on the proposal to remake the Regulations and maintain current requirements.

\**more*\*

## KPIs

*Provide an assessment of all KPIs including:*

- *Achievements*
- *Shortfalls (the reason behind shortfalls and the improvement actions (either taken or planned))*
- *Changes made and the reasons behind these changes.*

*Performance Measures can be reported using numbers or percentages. For example, if the port managers target is to have three management meetings within the reporting period and this target was met, place a '3' in the 'Target' and 'Actual' fields. The status at the end of the reporting period can be shown as 'met', 'unmet' (exceeds 5% variance), unmet within 5% variance or recorded as no measure.*

*Use the table below as a template to report the status of each key Performance indicator using the copy and paste function. You can refer to the second table as a reference guide.*

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Performance Indicator	Target (for Reporting period)	Actual (for Reporting period)	Reporting Period End Status
1) <b>Maintain 2 metres depth of water in main channel by carrying out dredging in a planned and effective manner</b>	Fortnightly soundings conducted with work boat 6 monthly hydrographic surveys arranged	Three monthly hydrographic surveys conducted to develop long term plan. Survey to be done prior to planned dredging contractor commencing.	Met
2) <b>Ensure maintenance and functioning of Navigation Aids 95% of time or greater.</b>	95%	99%	Exceeded
3) <b>Timely completion of incident form – within 24 hours or next working day.</b>	End of shift	100%	Met
4) <b>Monthly inspections of assets for preventative and maintenance works</b>	100%	100%	Met
5) <b>SEMP updated</b>	SEMP Issued	SEMP circulate for review	WIP
6) <b>No workplace deaths</b>	Nil	Nil	Met
7) <b>Asset Revaluation Report</b>	95% Draft issued	100% circulate for review	Met
8) <b>Pile Restorations</b>	100%	100%	Met
9) <b>Port of Port Fairy Business Plan 2022</b>	100%	100%	Met

Performance Indicator	Target (for Reporting period)	Actual (for Reporting period)	Reporting Period End Status
<b>10) Implementation of the Annual Action Plan 2022-23</b>	Nil	Nil	Underway
<b>11) Port of Port Fairy Training Wall Assessment</b>	Nil	Nil	WIP

*Explain how the measure has been determined here for each KPI –*

- 1) Fortnightly inspection of channel using workboat sounder to ensure no risk areas identified. Previous data of build-up of areas known for inundation of sand through training walls to allow targeted approach to dredging planning. Hydrographic survey to be done immediately prior to schedule dredging operations.
- 2) Monthly inspections of navigation lights done. Expectation for KPI to have some down time during repair and maintenance work.
- 3) Incidents reports to be submitted within 24 hour period or next working day to assist with notification process to stakeholders. Risk management and preventative action if required in a timely manner. All reports submitted punctually and within guidelines
- 4) Monthly inspections conducted utilising iAuditor program. Monthly asset inspections and maintenance records completed. Actions resulting from inspection are highlighted and tasked for remediation work.
- 5) SEMP issued 23 May 22 and will be circulated to the Port of Port Fairy Delegated Committee 11 October 2022.
- 6) No deaths reported for this work place. Focus within this KPI is additionally on workplace injury. During reporting period no workplace injury was reported, no injury or loss of time was reported by any staff member or contractor during the reporting period.
- 7) MSC engaged in Sureside Consulting Pty Ltd to put together the PoPF Asset Revaluation Report, issued in August 2022 in draft for review. The sole purpose of this report and the associated services performed by Sureside Consulting Pty Ltd, is to describe asset revaluation development in accordance with the scope of services set out in the contract between Sureside and Moyne Shire Council.
- 8) Maintenance Concepts has been engaged to wrap piles following a tender process conducted late last year. The initial tender was to wrap 60 piles however, due the state a further 24 piles, a further quote was obtained to wrap the additional piles. A total of 84

piles will be wrapped using State Government Funding and Port of Port Fairy Wharf maintenance funds as agreed to at the Committee meeting of 2 December 2021. Works re-commenced February / March 2022 and is now complete.

- 9) The Port of Port Fairy Business Plan is designed as a working document. It is intended to be reviewed on a regular basis to monitor the Port's objectives, strategies and performance and to set operational targets.
- 10) Commence the PoPF Annual Action Plan 2022-23 addressing priority services linked to key actions.
- 11) In 2004 a detailed assessment of the seawall (training walls) was undertaken. The general condition was one of being in a relatively good condition considering they were built over 100 years ago. There is a total wall length of 3,200 metres and present day costs to build would be in the order of \$5-10 million.

## Other Information

AA

### Status of compliance

MEMP- Municipal Emergency Management Plan, compliant.

SEMP – Safety and Environmental Management Plan, compliant.

Port Management (Prescribed Bodies) Regulations 2012, compliant.

### Authorisation and Review

Issuing agency/division/branch	Port of Port Fairy
Document number	N/A
Date effective	30 June 2021
Enquiries	Coordinator, Port of Port Fairy
Contact	0428 123 424
Approved by	Paul Roy, Acting Manager Environment & Regulatory Services

### Attachments

1. SEMP Audit Report FINAL
2. Asset Revaluation Report DRAFT

# Disclosures

## Freedom of Information Act 1982

- There was one FOI request submitted from a former berth holder arising from a dispute with the Port of Port Fairy Delegated Committee.

## Protected Disclosure Act 2012

- Nil requested

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# Annual Financial Report

– 2021/2022 for the period ending 30 June 2022

**Moyné Shire Council**  
**Port of Port Fairy**

Natural Account	2021/22 Budget	2021/22 Actuals	Variation
<b>Port of Port Fairy</b>	<b>872,541</b>	<b>823,053</b>	<b>(49,488)</b>
<b>Expenses</b>			
1101 Salary and Employee oncosts	294,530	305,995	(11,465)
1315 Legal Fees	5,000	14,779	(9,779)
1325 Cleaning Offices	5,600	3,867	1,733
1330 Consultants	40,000	11,100	28,900
1349 Site Maintenance	0	9,427	(9,427)
1357 Dredging	40,000	66,603	(26,603)
1395 Building Supplies	2,500	5,178	(2,678)
1399 External Contractor	268,094	215,743	52,351
1420 Fuel	87,000	91,929	(4,929)
1440 Registration	0	2,359	(2,359)
1445 Servicing	0	4,197	(4,197)
1515 Bank Charges	600	2,426	(1,826)
1516 Lease Payments	0	14,020	(14,020)
1519 Facilities & Equipment Hire	16,024	0	16,024
1520 Catering	0	172	(172)
1529 Insurance	6,195	5,376	819
1530 Consumables	3,000	1,179	1,821
1535 Computer Costs-Internet	1,000	751	249
1549 Minor Equipment Purchases	6,000	1,098	4,902
1605 Electricity	8,400	7,624	776
1615 Water & Sewerage	1,400	1,595	(195)
1616 Rates Inc Kerbside Collection	0	746	(746)
1620 Telephone	1,800	1,302	498
1710 Photocopying and Printer Expenses	0	309	(309)
1769 Port Plant & Equipment Purchases	10,176	245	9,931
1770 Plant and Equipment Maintenance	4,500	9,315	(4,815)
1775 Protective Clothing	1,000	1,905	(905)
1910 Bad and Doubtful Debts	15,000	(10,990)	25,990
8020 Plant Hire Expense	4,036	4,036	0
8025 IT Support Overhead Expense	5,818	5,853	(35)
8030 HR/Payroll Support Overhead Expense	16,126	16,126	0
8031 Finance Overhead Expense	14,416	14,416	0
8045 General Office Overhead Expense	14,327	14,374	(46)
<b>Income</b>	<b>(687,758)</b>	<b>(697,565)</b>	<b>9,807</b>
2655 Port - Mooring Fees	(110,000)	(118,558)	8,558
2660 Port - Slipway Fees	(26,000)	(27,995)	1,995
2665 Port - Leases/Rental	(4,000)	0	(4,000)
2790 Sales Other	(88,000)	(91,254)	3,254
2846 Government Grants - Operating State Gov	(459,758)	(459,758)	0
<b>Grand Total</b>	<b>184,783</b>	<b>125,489</b>	<b>59,295</b>



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## 5. Port of Port Fairy Budget Update

Overview: Update of the Port of Port Fairy 2021-2022 Budget actuals, and adopted 2022-2023 Budget.

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### **Recommendation**

**That the Port Board note and receive the Port of Port Fairy 2021-2022 budget actuals and the adopted 2022-2023 budget**

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### Attachment(s)

Attachment 1 – 2021-22 Port of Port Fairy Financials as at June 30 2022

Attachment 2 – 2022-23 Port of Port Fairy Financials 1 July 2022

## Attachment 1 – 2021-22 Port of Port Fairy Financials as at June 30 2022

Moyne Shire Council  
Port of Port Fairy

Natural Account	2021/22 Budget	2021/22 Actuals	Variation
Port of Port Fairy	872,541	823,053	(49,488)
Expenses			
1101 Salary and Employee oncosts	294,530	305,995	(11,465)
1315 Legal Fees	5,000	14,779	(9,779)
1325 Cleaning Offices	5,600	3,867	1,733
1330 Consultants	40,000	11,100	28,900
1349 Site Maintenance	0	9,427	(9,427)
1357 Dredging	40,000	66,603	(26,603)
1395 Building Supplies	2,500	5,178	(2,678)
1399 External Contractor	268,094	215,743	52,351
1420 Fuel	87,000	91,929	(4,929)
1440 Registration	0	2,359	(2,359)
1445 Servicing	0	4,197	(4,197)
1515 Bank Charges	600	2,426	(1,826)
1516 Lease Payments	0	14,020	(14,020)
1519 Facilities & Equipment Hire	16,024	0	16,024
1520 Catering	0	172	(172)
1529 Insurance	6,195	5,376	819
1530 Consumables	3,000	1,179	1,821
1535 Computer Costs-Internet	1,000	751	249
1549 Minor Equipment Purchases	6,000	1,098	4,902
1605 Electricity	8,400	7,624	776
1615 Water & Sewerage	1,400	1,595	(195)
1616 Rates Inc Kerbside Collection	0	746	(746)
1620 Telephone	1,800	1,302	498
1710 Photocopying and Printer Expenses	0	309	(309)
1769 Port Plant & Equipment Purchases	10,176	245	9,931
1770 Plant and Equipment Maintenance	4,500	9,315	(4,815)
1775 Protective Clothing	1,000	1,905	(905)
1910 Bad and Doubtful Debts	15,000	(10,990)	25,990
8020 Plant Hire Expense	4,036	4,036	0
8025 IT Support Overhead Expense	5,818	5,853	(35)
8030 HR/Payroll Support Overhead Expense	16,126	16,126	0
8031 Finance Overhead Expense	14,416	14,416	0
8045 General Office Overhead Expense	14,327	14,374	(46)
Income	(687,758)	(697,565)	9,807
2655 Port - Mooring Fees	(110,000)	(118,558)	8,558
2660 Port - Slipway Fees	(26,000)	(27,995)	1,995
2665 Port - Leases/Rental	(4,000)	0	(4,000)
2790 Sales Other	(88,000)	(91,254)	3,254
2846 Government Grants - Operating State Gov	(459,758)	(459,758)	0
<b>Grand Total</b>	<b>184,783</b>	<b>125,489</b>	<b>59,295</b>

Attachment 2 – 2022-23 Port of Port Fairy Financials 1 July 2022

Natural Account	2022-23 Adopted Budget
Port of Port Fairy	2,734
Expenses	697,492
1101 Salary and Employee oncosts	316,962
1315 Legal Fees	5,000
1325 Cleaning Offices	5,100
1330 Consultants	40,000
1357 Dredging	40,000
1395 Building Supplies	4,456
1399 External Contractor	87,000
1420 Fuel	85,500
1440 Registration	2,500
1515 Bank Charges	600
1516 Lease Payments	17,000
1529 Insurance	6,814
1530 Consumables	3,000
1535 Computer Costs-Internet	1,000
1549 Minor Equipment Purchases	6,000
1605 Electricity	7,544
1615 Water & Sewerage	2,364
1616 Rates Inc Kerbside Collection	822
1620 Telephone	1,704
1710 Photocopying and Printer Expenses	660
1770 Plant and Equipment Maintenance	4,000
1775 Protective Clothing	1,000
8020 Plant Hire Expense	4,116
8025 IT Support Overhead Expense	6,915
8030 HR/Payroll Support Overhead Expense	16,817
8031 Finance Overhead Expense	15,022
8045 General Office Overhead Expense	15,595
Income	(694,758)
2655 Port - Mooring Fees	(120,000)
2660 Port - Slipway Fees	(27,000)
2790 Sales Other	(88,000)
2846 Government Grants - Operating State Gov	(459,758)
Grand Total	2,734

## 6. General Business

- Better Boating Victoria (BBV) in participation with the Victorian Government is investing more than \$33 million in the Better Boating Fund, making recreational boating cheaper and more accessible for Victorians to enjoy.

The Department of Transport and Better Boating Victoria will manage the fund's distribution. In the first year of the fund, the \$33 million investment will contribute to enhanced infrastructure and facilities, maintenance and management, improved access, safer waterways, boating destinations, enhanced data, and boating promotion.

Council has met with the Director of Better Boating Victoria to discuss the extent of funding and opportunities for improvements and works in conjunction to Councils PoPF Master Plan. The Plan has been issued to BBV, which outline intended improvements for the Port, subject to funding.

An invitation has been extended to the Director of BBV to outline the funding criteria to Council. BBV have been invited to attend the next PoPF Delegated Committee meeting, to present information on the funding scheme.



## Next Meeting

Tuesday 22 November 2022 at 3pm