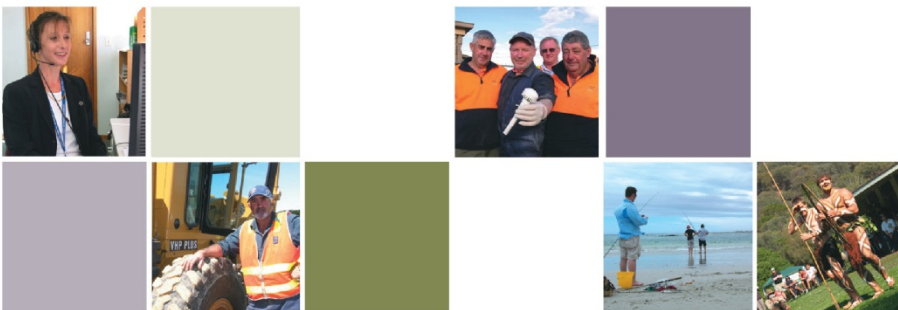




ORDINARY COUNCIL MEETING CONFIRMED MINUTES

23 August 2016

Moyne Shire - a safe, vibrant, liveable, and prosperous community



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**Minutes of the Ordinary Meeting of the Moyne Shire Council
held 23 August 2016 at the Port Fairy Community Services Centre
commencing 4.33pm**

Present

Councillors C. Ryan (Mayor), J. Doukas, R. Leutton, J. Parker (Deputy Mayor) and M. Wolfe

In attendance Mr D Madden, Chief Executive Officer
Mr T Greenberger, Director Physical Services
Mr O Moles, Director Sustainable Development
Mr K Leddin, Director Community & Corporate Support
Ms L Cook, Executive Assistant

Prayer

The Mayor read the Municipal prayer.

Apologies

None.

Declaration of Interest

None.

Confirmation of Minutes

Cr Goodall moved, Cr Leutton seconded that the Minutes of the Ordinary Council Meeting held on Tuesday 26 July 2016 be confirmed.

Carried - 6:0

Public Participation

Members of the public addressing the meeting:

Mr Gray Wilson – Port Fairy Reedy Drain modelling

Ms Jane Dennis speaking on behalf of Mr Paul Cross and O'Reilly Street residents – Report 4, Port Fairy Consolidated School turbine.

GOVERNANCE

1. Assemblies of Councillors

Report Summary: *The report details assemblies of Councillors that have taken place since the matter was last reported to Council in July 2016.*

Cr Leutton moved, Cr Parker seconded, that Council receives and notes the records of the listed assemblies of Councillors:

20 July 2016 - Halladale Black Watch Community Engagement Committee

Matters considered	<ul style="list-style-type: none">– Gas pipeline testing and land rehabilitation update.– Infrastructure construction progress – wellsite and Otway Gas Plant.– Discussion of proposal to wind up the CEC after project completion.
Councillors present	Cr Doukas, Cr Parker and Cr Wolfe
Staff present	V Askew-Thornton
Conflict of Interest	None declared.

20 July 2016 – Mount Shadwell Quarry Advisory Committee Meeting

Matters considered	<ul style="list-style-type: none">– Business arising from meeting held in December 2016– Fossicking– Weighbridge issues	<ul style="list-style-type: none">– RMIT rocket testing– Impact of neighbouring quarries– Sales discussion– General Business
Councillors present	Cr Doukas, Cr Goodall, Cr Keane, Cr Leutton, Cr Parker	
Staff present	L Johnston	
Conflict of Interest	None declared by Councillors.	

3 August 2016 - Mortlake South Wind Farm Community Engagement Committee

Matters considered	<ul style="list-style-type: none">• Status of the 'further information request' from DELWP to Acciona regarding their amendment application lodged with the Minister for Planning.• Estimated timeline for the Minister for Planning's process for notification and assessment of the application.• Council's community consultation process for major project amendment applications.	<ul style="list-style-type: none">• VC130 – Requirement for Minister to call a Panel Hearing if objections are received by DELWP.• Proposed transmission line route.• Visual montage viewpoints.• Proposal to include summary of CEC meetings for inclusion in Mortlake Lions Club newsletter.
Councillors present	Cr Doukas, Cr Goodall and Cr Parker	
Staff present	V Askew-Thornton	
Conflict of Interest	None declared.	

Governance

Assemblies of Councillors (cont'd)

9 August 2016 – Conservation and Environment Advisory Committee

Matters considered	<ul style="list-style-type: none">– Annual review of Council-Community Carbon Offset Program– Annual review of Environmental Sustainability Awards– Review of Request for Quotation documentation for Roadside Conservation Plan– Future progress towards implementing rate relief for covenanted properties action– 2015/16 Roadside Weed and Pests Management Program yearly report– Results of Council's Waste Collection Services Survey– Release of Draft Barwon South West Waste & Resource Recovery Group implementation plan for community consultation– Implications to the Committee of the 2016 Council election process
Councillors present	Cr Parker
Staff present	R Hodgens
Conflict of Interest	None declared.

9 August 2016 – Councillor Workshop

Matters considered	<ul style="list-style-type: none">– Presentation - National Broadband Network issues - Graham Soawyer, Community Affairs Manager Vic.– Presentation - Kerbside Waste Collection David Cocks, Consultant– Kerbside Waste Collection – Strategic Options– Changes to Ordinary Council Meeting Schedule 2016 – September, October and November meeting dates– Debtor Management Policy Review– HACC Services - Transition and Service Levels– Tarrone Power Station – Extension of Time Request to Incorporated Document– CO2CRC– Extension of Time Request to Incorporated Document– Legal opinion in relation to Quarry situated at 90 Roseneath Road, Purnim West– Festival and Events Funding 2016/2017– Corangamite Regional Library Corporation Service Level Agreement– Port Fairy Film Society petition– Macarthur Office closure
Councillors present	Cr Doukas, Cr Goodall, Cr Leutton, Cr Parker, Cr Ryan, Cr Wolfe
Staff present	T. Greenberger, K. Leddin, O. Moles, J. Anderton, A. Boyle, L.Cook
Conflict of Interest	None declared.

Carried - 6:0

COMMUNITY AND CORPORATE SUPPORT

2. Performance Report

Report Summary: *The purpose of this report is to inform the Council of the financial performance and position of the Council. It provides a snapshot of some key financial indicators and monitors performance against year-to-date (YTD) actuals.*

Cr Goodall moved, Cr Leutton seconded

1. That Council receive the July 2016 Performance Report
2. That Council approves the variations listed in Attachment 4 to the Report.

Carried - 6:0

COMMUNITY AND CORPORATE SUPPORT

3. Local Government Act Review Directions Paper

Report Summary: *As part of its election commitment to reform Local Government the State Government is conducting a review of the Local Government Act 1989 (LGA) to make it a more contemporary piece of legislation. First stage consultation on the review of the LGA has taken place and culminated in the release of a Directions Paper.*

Cr Parker moved, Cr Goodall seconded that Council endorses the Moyne Shire Council's submission to the Victorian Government's review of the Local Government Act 1989 Directions Paper.

Carried - 6:0

SUSTAINABLE DEVELOPMENT

4. Petition – Port Fairy Consolidated School Wind Turbine

Report Summary: *The report was prepared in response to receipt of Petition A containing 12 signatures requesting Council lobby the Port Fairy Consolidated School and the Department of Education and Early Childhood Development to either decommission or relocate the Port Fairy Consolidated School's wind turbine. Following receipt of Petition A, Petition B was received by Council 26 July 2016. Petition B contains 411 signatures and additional support from 129 persons via the online 'Care2 petition' for the continued usage of the onsite small scale wind turbine at Port Fairy Consolidated School.*

Cr Wolfe moved, Cr Goodall seconded that Council:

1. Acknowledge that it received Petition A 'To re-position or stop the wind turbine' at its Ordinary Council Meeting held on 28 June 2016.
2. Acknowledge that it received Petition B 'In support of the wind turbine' at its Ordinary Council Meeting held on 26 July 2016.
3. Acknowledge that Mr Cross tabled further information in support of his arguments at the Ordinary Council Meeting held on 26 July 2016.
4. Write to the Port Fairy Consolidated School and the Department of Education and Early Childhood Development to inform them Council has received two petitions which Council has resolved to pass to the School and Department of Education for their consideration:
 - a) Petition A requesting council lobby to have the wind turbine either be switched off or relocated to a more suitable location;
 - b) Petition B in support of the continued use of the wind turbine as is.
5. Write to Mr Cross to inform him the matters raised in Petition A and Petition B, have been relayed to Port Fairy Consolidated School and the Department of Education and Early Childhood Development for their consideration as owners of the land and operators of the wind turbine.
6. Write to Mr Clift to inform him the matters raised in Petition A and Petition B have been relayed to Port Fairy Consolidated School and the Department of Education and Early Childhood Development for their consideration as owners of the land and operators of the wind turbine.

Carried - 6:0

SUSTAINABLE DEVELOPMENT

5. Moyne Shire Municipal Emergency Management Plan

Report Summary: *The report has been prepared in order for Council to comply with legislation and complete the administrative process of endorsing the Moyne Shire Municipal Emergency Management Plan in accordance with the Emergency Management Act 1986.*

Cr Parker moved, Cr Leutton seconded that Council endorse the Moyne Shire Municipal Emergency Management Plan.

Carried - 6:0

SUSTAINABLE DEVELOPMENT

6. Moyne Shire Municipal Fire Management Plan

Report Summary: *The report has been prepared in order for Council to comply with legislation and complete the administrative process of endorsing the Moyne Shire Municipal Fire Management Plan in accordance with the Country Fire Authority Act 1958.*

Cr Parker moved, Cr Leutton seconded that Council endorse the Moyne Shire Municipal Fire Management Plan.

Carried - 6:0

PHYSICAL SERVICES

7. Community Assistance Fund Round 1 Allocations

Report Summary: *The report lists the applications received for recommended funding under Round 1 of 2016-2017 Community Assistance Fund.*

Cr Wolfe moved, Cr Goodall seconded that project applications listed on the attached Funding Allocation Sheet, valued at \$166,256 be endorsed by Council for allocation in 2016-2017 Round 1 Community Assistance Fund.

Carried – 6:0

PHYSICAL SERVICES

8. Impact of YMCA Safeguarding Children and Young People Policy

Report Summary: *The report advises Council of the introduction of the YMCA National's implementation of the Safeguarding Children and Young People policy and the impact the second additional staff member will have on Council's 2016-2017 operating budget for the Mortlake and Macarthur swimming pools.*

Cr Parker moved, Cr Goodall seconded that Council officers meet with the Mortlake and Macarthur communities to discuss the impact of the YMCA National's implementation of the Safeguarding Children and Young People Policy.

Carried - 6:0

PHYSICAL SERVICES

9. Nirranda Cricket Club Request for Variation of Community Assistance Fund 2014/15

Report Summary: *The report responds to an application that has been received from the Nirranda Cricket Club seeking Council's approval for the Club to vary the purpose of \$20,000.00 funding applied for and approved by Council from the 2014/15 Community Assistance Fund.*

Cr Doukas moved, Cr Wolfe that Council agrees to the Nirranda Cricket Club's request to vary the purpose of \$20,000.00 approved and allocated in the 2014/15 Community Assistance Funding round to the development of new outdoor cricket training nets at the Nirranda Recreation Reserve.

Carried - 6:0

10. COMMITTEES

No recommendations submitted.

COUNCILLOR ITEMS

11(a) Mayoral Report

Report noted.

11(b) Councillors' Report

Report noted.

12. COUNCILLOR NOTICE OF MOTION

None.

13. Personal Explanations

None.

14. Urgent Business

None.

15. CEO Activities Report

Report noted.

5.34pm - Closure of Open Meeting

Cr Goodall moved, Cr Leutton seconded that the meeting be closed to members of the public to discuss the items listed in the confidential agenda. The reason for the items being considered at meeting closed to the public – Local Government Act Section 89 2 (g) matters affecting the security of Council property.

Carried – 6:0

5.41pm – Resumption of Open Meeting

Cr Leutton moved, Cr Parker seconded that the confidentiality of resolution number 16 be lifted.

Carried - 6:0

5.41pm – Resumption of Open Meeting

Cr Doukas moved, Cr Wolfe seconded that the Open Meeting be resumed.

Carried - 6:0

Confidential Item –confidentiality of resolution lifted

PHYSICAL SERVICES

16. Intention to sell land owned by Council known as 20 Korongah North Road, Rosebrook – Rosebrook Hall

Report Summary: *The report addresses a submission and a subsequent hearing from Nita and Charlie Blackwood regarding the “Notice of Intention” to sell 20 Korongah North Road, Rosebrook, Vic 3275 and provides Council a recommended course of action.*

Cr Leutton moved, Cr Parker seconded that in respect of the intention to sell by public tender the land being Lot 1 on Title Plan 326150A formerly known as part of Crown Allotment 3C Parish of Koroit Certificate of Title Volume 8075 Folio 144 named as the Rosebrook Hall 20 Korongah North Road, Rosebrook Victoria 3275, Council having in accordance with sections 189 and 223 of Local Government Act 1989 considered the submission, and subsequent hearing from the only submitters Charlie and Nita Blackwood at the meeting of Council on 26 April 2016 notes that:

(a) a planning permit application to use land for the purposes of “Use of Land for a Dwelling”, has been refused; and

now resolves to:

- (1) proceed with the sale of the land by public tender, the reserve price be set not less than the market value assessed by the valuer for “A Permitted Farming Use” on page 4 in the attached confidential Valuation Report (see Confidential attachment 3); and
- (2) delegate authority to the Chief Executive Officer to accept a tender at or above the reserve price, and where required to negotiate with the preferred tenderer to reach the reserve price; and should the best offer not reach the reserve price, the offer be brought to Council for determination; and
- (3) that an information report be presented to Council following the sale process; and
- (4) keep the valuation confidential until the sale process is completed.

Cr Doukas foreshadowed a motion.

Carried – 5:1

Voting FOR the motion

Cr Goodall, Cr Leutton, Cr Parker, Cr Ryan and Cr Wolfe

Voting AGAINST the motion

Cr Doukas

The meeting closed at 5.41pm.

Confirmed this 13th September 2016.

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Mayor