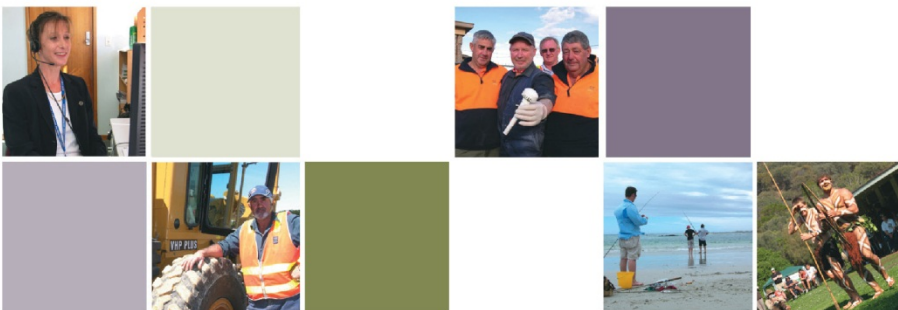




ORDINARY COUNCIL MEETING MINUTES 24 May 2016

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



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**Minutes of the Ordinary Meeting of the Moyne Shire Council
held 24 May 2016 at the Mortlake Council Chamber
commencing 4.32pm**

Present

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

Apologies None.

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

Mr Greenberger, Item 10, Port Fairy Streetscape Stage 3

Confirmation of Minutes

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

Carried - 7:0

Public Participation

Members of the public addressing the meeting:

Mr Gray Wilson, Reedy Creek Drain Management.

Mr Nic Bailey, Report 9 Planning Permit PL15/284, Scotts North Road, Koroit, Use and Development of land for a dwelling.

Suspension of Standing Orders

Cr Goodall moved, Cr Keane seconded that Standing Orders be suspended in order that Items 9 and 19 be heard next.

Carried - 7:0

SUSTAINABLE DEVELOPMENT

9. Planning Permit PL15/284 – Scotts North Road, Koroit – Use and Development of land for a dwelling

Report Summary: *The Applicant seeks a planning permit for use and development of land for a dwelling in the Farming Zone.*

Cr Goodall moved, Cr Leutton seconded that Council having caused notice of Planning Application No. PL15/284 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 Grant a Permit under the provisions of the Moyne Planning Scheme in respect of the land known and described as Scotts North Road, Kirkstall (Lot 3 TP549503X) for the use and development of a dwelling in accordance with the endorsed plans, subject to the following conditions:

Amended Plans

1. Before the development permitted by this permit starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A landscape plan to the satisfaction of the responsible authority, including a planting schedule of proposed trees, shrubs and ground covers, to enhance native vegetation biodiversity values of the area.
 - b) Scaled elevations of the dwelling, showing materials, external finishes and colours to each elevation. In this regard, materials, external finishes and colours must be muted and non-reflective tones which blend in with the landscape of the area.
 - c) Full details of wastewater treatment for the dwelling demonstrating that all wastewater is to be treated and retained on the site in accordance with the State Environment Protection Policy (waters of Victoria) under the Environment Protection Act 1970 and the relevant Code of Practice for the treatment of wastewater adopted by the Environment Protection Authority. A secondary wastewater treatment plant is required.

All to the satisfaction of the responsible authority.

Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Lot Consolidation

3. Before the development starts Lots 1, 2 and 3 on TP549503X) must be consolidated into 1 title and written confirmation of such must be provided to the satisfaction of the responsible authority.

Land Management Plan

4. Prior to the commencement of the development, a Land Management Plan shall be submitted to and approved by the Responsible Authority. The plan must provide for the integrated management of the land and minimise any potential for land use conflicts with existing and future nearby agricultural activities to the satisfaction of the responsible authority. The plan must include, but not limited to:
 - a) Any domestic garden zone;
 - b) The approved effluent disposal area, including location of septic and effluent envelope;
 - c) Measures and ongoing actions to manage any household pets, particularly dogs and cats to prevent any risk of attacks on livestock and native fauna;
 - d) Measures and ongoing actions to control noxious and environmental weeds;
 - e) Measures and ongoing actions to control pest animals;
 - f) Details of how fire safety will be addressed throughout the property;
 - g) Measures and ongoing actions to ensure the maintenance and timely repair of fences;
 - h) Any other specific requirement.

All to the satisfaction of the responsible authority.

When approved the plan will be endorsed and form part of the permit. All requirements of the Land Management Plan must be implemented and the site must conform to the approved plan at all times, to the satisfaction of the responsible authority.

Section 173 Agreement

5. Before the development starts, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that:

Sustainable Development

Planning Permit PL15/285 – Scotts North Road, Koroit (cont'd)

- a) *The owner acknowledges that the use and development of land for a dwelling in the Farming Zone has been permitted on the basis that the dwelling will be used in association with the operation of the agricultural activity in accordance with the endorsed Equine Management Plan under Planning Permit PL15/284 or approved alternative, and the dwelling will only be used on that basis.*
- b) *Ongoing implementation of the endorsed Land Management Plan (or any amended and approved Land Management Plan)*

The owner/operator must pay the reasonable costs of preparation, execution and registration of the Section 173 agreement.

Drainage

6. All stormwater from the development must be contained onsite to the satisfaction of the responsible authority and no concentrated stormwater may drain or discharge from the land to adjoining properties.

Prior to Occupation of the dwelling

7. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the dwelling/commencement of use, the dwelling must be provided with:
 - a) Vehicular crossing in accordance with the requirements of Moyne Shire.
 - b) Access to the dwelling via an all-weather road with dimensions adequate to accommodate emergency vehicles.
 - c) Connection to a reticulated sewerage system or if not available, the on-site treatment and retention of waste water in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
 - d) Connection to a reticulated pole water supply or an alternative pole water supply with adequate storage for domestic use as well as for fire fighting purposes.
 - e) Connection to a reticulated electricity supply or an alternative energy source.

All to the satisfaction of the responsible authority.

Permit Expiry

8. This permit will expire if:
 - a) The use does not commence within two (2) years after the completion of the development.
 - b) The development is not started within two (2) years of the issued date of this permit.
 - c) The development is not completed within four (4) years of the issued date of the permit.

Sustainable Development

Planning Permit PL15/285 – Scotts North Road, Koroit (cont'd)

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 period referred to in this condition.

Permit Notes:

1. A Vehicle Crossing Permit must be obtained prior to commencement of works.
2. The applicant is required to lodge an application for permission to install a Septic Tank System which can be obtained from Council's Environmental Health Department by telephoning 55680555. The permit is required prior to the building permit being issued.

Carried - 7:0

19. COUNCILLOR NOTICE OF MOTION – Cr M Wolfe Reedy Creek Drainage Program

Cr Wolfe moved, Cr Parker seconded that Council review progress on Reedy Creek Drainage Program and if appropriate consider enforcement action to progress works.

Carried - 7:0

Resumption of Standing Orders

Cr Keane moved, Cr Goodall seconded that Standing Orders be resumed.

Carried - 7:0

GOVERNANCE

1. Assemblies of Councillors

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

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

19 April 2016 – Willatook Wind Farm Community Engagement Committee (CEC) meeting

Matters considered	<ul style="list-style-type: none">- Project status update.- Effect of the RET review, electricity market and other factors on investment in the wind farm sector.- Resignation of Keith Harrison, community representative.- Placing of endorsed CEC minutes on Council's website.
Councillors present	Cr Doukas, Cr Ryan
Staff present	Ms V Askew-Thornton
Conflict of Interest	None declared.

27 April 2016 – Mortlake South Wind Farm CEC Meeting

Matters considered	<ul style="list-style-type: none">- Discussion of the contents of Acciona's amendment application lodged with the Minister for Planning.- Description of the Minister for Planning's process for assessment of the application.- Description of Council's Major Projects Consultation process in relation to the application.- Contents of the endorsed Traffic Management Plan (TMP), and discussion of the subsequent TMP review process that will occur if the amendments are granted.- Resignation of community representative Bill Whitehead.- Advertising process for the community representative vacancy.
Councillors present	Cr Goodall, Cr Parker
Staff present	Ms L Johnston, Ms V Askew-Thornton, Mr A Moyne
Conflict of Interest	None declared.

Governance

Assemblies of Councillors (cont'd)

10 May 2016 – Site Visit, Scotts North Road

Matters considered	PL15/284 Planning permit
Councillors present	Cr Doukas, Cr Keane, Cr Ryan, Cr Wolfe
Staff present	Mr P Bergman, Mr A Nield
Conflict of Interest	None declared.

10 May 2016 – Councillor Workshop

Matters considered	<ul style="list-style-type: none">- Presentation - Minds at Work, a workshop for Councillors regarding the Council Plan- Presentation - Demonstration of REMPLAN- Presentation - Great Ocean Road Regional Tourism Board (GORRTB) - Liz Price- Master Plan for the Great Ocean Road Region Visitor Economy 2015-2025- GORRTB - Replacement of Moyne Representative- Delegation to members of Council staff- Resources & Facilities for Councillors Policy- Finalisation of Draft Avenues of Honour Tree Management Plan- Review of Local Laws Policy SD-C-1- Port Fairy Streetscape Stages 3 and 4- Southcombe Park Committee of Management- Port Fairy SLSC – Labour Day Weekend Lifeguard Services- Property Leasing Policy and Procedure Policy Review- Request for Memorial Plaque- Waterfront Building Operating Lease Program- Macarthur Office Closure
Councillors present	Cr Doukas, Cr Goodall, Cr Keane, Cr Leutton, Cr Ryan, Cr Wolfe
Staff present	Mr T Greenberger, Mr O Moles, Ms V Askew-Thornton
Conflict of Interest	None declared.

Carried - 7:0

GOVERNANCE

2. Incorporation of Rural Councils Victoria – Section 193 Entrepreneurial Powers

Report Summary: *The report outlines the benefits of the Incorporation of Rural Councils Victoria under the Local Government Act 1989 section 193 Entrepreneurial Powers.*

Cr Leutton moved, Cr Parker seconded, that:

1. the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in section 193(5C) of the *Local Government Act 1989*;
2. Council votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;
3. Council approves the draft Rules attached to this report as 'Attachment A' as the Rules for Rural Councils Victoria Incorporated; and
4. Council authorises Cr [insert name] to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of Rural Councils Victoria (RCV) to be held on 10 June 2016.

Carried - 7:0

COMMUNITY AND CORPORATE SUPPORT

3. 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 Wolfe seconded

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

Carried - 7:0

COMMUNITY AND CORPORATE SUPPORT

4. Delegation to members of Council staff

Report Summary: *The report reviews and updates the Council's delegation of authority to members of staff other than the Chief Executive Officer.*

Cr Leutton moved, Cr Keane seconded

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Moyné Shire Council (Council) RESOLVES THAT:

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

Carried - 7:0

5. Resources and Facilities for Councillors Policy

Report Summary: *The report discusses the proposed policy for adoption on the Resources and Facilities for Councillors Policy. This policy covers the type of resources Council will provide to Councillors during their term in public office.*

Cr Goodall moved, Cr Wolfe seconded that the Resources and Facilities for Councillors Policy be adopted.

Carried - 7:0

SUSTAINABLE DEVELOPMENT

6. Master Plan for the Great Ocean Road Region Visitor Economy 2015 - 2025

Report Summary: *The report evaluates the main elements of the “Master Plan for the Great Ocean Road Region Visitor Economy 2015 – 2025” (“the Plan”) and recommends that Council endorse the Plan.*

Cr Parker moved, Cr Leutton seconded that Council endorse the Master Plan for the Great Ocean Road Region Visitor Economy 2015–2025.

Carried - 7:0

7. Great Ocean Road Regional Tourism Board – Replacement of Moyne Representative

Report Summary: *The report asks Council to nominate a new Moyne Shire Council representative on the Great Ocean Road Regional Tourism Board following the departure of Dean Robertson.*

Cr Parker moved, Cr Leutton seconded that Council appoint Mr David Madden as the Moyne Shire representative to the Great Ocean Road Regional Tourism Ltd Board.

Carried - 7:0

8. Review of Local Laws Policy SD-C-1

Report Summary: *The report discusses a review of Council’s Local Laws Policy SD-C-1 which identifies the local laws Council has in effect.*

Cr Keane moved, Cr Wolfe seconded that Council revoke Local Laws Policy SD-C-1.

Carried - 7:0

9. Planning Permit PL15/284 – Scotts North Road, Koroit – Use and Development of land for a dwelling

Item 9 was considered earlier in the meeting.

PHYSICAL SERVICES

10. Port Fairy Streetscape Stage 3

5.27pm Mr Greenberger declared an interest in this item and left th Chamber during discussions and voting.

Report Summary: The report presents Council the plans for Stage 3 of the Port Fairy Streetscape project.

Cr Wolfe moved, Cr Leutton seconded that Council endorse the funding application to Regional Development Victoria for \$500,000 to assist in funding Stage 3 of the Port Fairy Streetscape with Council's \$260,000 contribution to be funded by Council's rehabilitation and drainage budgets with a further \$50,000 from community fundraising.

Carried - 7:0

5.35pm Mr Greenberger returned to the Chamber.

11. Macarthur Office Closure

Report Summary: The report relates to the proposed closure of the Macarthur Office due to change in management structure and opportunity for increased efficiency.

Cr Leutton moved, Cr Goodall seconded that Council:

1. Invite submissions regarding a proposal to close the Macarthur Office as a customer services centre from 1 July 2016.
2. Receive a future report regarding the potential closure of the Macarthur Office as a customer services centre following the submission process.

Carried - 7:0

PHYSICAL SERVICES

12. Policy Review – Property Leasing Policy and Procedure

Report Summary: *The report outlines a new policy and procedure for Property Leasing of Moyne Shire controlled property which is seen as a need from the Assets Unit and also highlighted by an internal Auditors Report.*

Cr Goodall moved, Cr Keane seconded that Council endorse the new policy and procedure regarding Property Leasing by Moyne Shire.

Carried - 7:0

13. Port Fairy SLSC – Labour Day Weekend Lifeguard Services

Report Summary: *The report is to determine if Council will pay for a service that is the responsibility of the Port Fairy Surf Life Saving Club Inc. due to the unavailability of the membership to perform the task.*

Cr Keane moved, Cr Doukas seconded that Council not pay for lifeguard services where the Port Fairy Surf Life Saving Club Inc., is required by Surf Life Saving Australia Inc., to fulfil this commitment.

Carried - 7:0

14. Siting of Port Fairy Indoor Cricket Training Facility

Report Summary: *The report proposes the siting of an Indoor Cricket Training Facility within the Southcombe Park Caravan Park grounds in Port Fairy.*

Cr Wolfe moved, Cr Leutton seconded that Council:

1. Endorse the proposed location for the Port Fairy Cricket Club Indoor Training Facility at Southcombe Park.
2. Utilise \$14,000 of the original \$30,000 allocation for sewer works to undertake site preparation works for the site.

Carried - 7:0

PHYSICAL SERVICES

15. Request for Memorial Plaque

Report Summary: *The report details a request regarding a memorial plaque to be installed in memory of Gemma Karon McLaughlan Crosby and proposes a change to the policy for Acknowledgment of Community Contributions.*

Cr Leutton moved, Cr Keane seconded that Council:

1. Endorse the proposed installation of a plaque on an existing seat on Griffiths Island, Port Fairy
2. Adopt the amended policy for Acknowledgment of Community Contributions

Carried - 7:0

16. Community Assistance Fund Guidelines 2016-2017

Report Summary: *The report focuses on one proposed change to the 2016-2017 Community Assistance Fund Guidelines Application opening and closing dates. The is to ensure the caretaker period prior to Council Elections in October 2016 does not impact on the 2016-2017 Community Assistance Fund allocation process.*

Cr Parker moved, Cr Goodall seconded that the 2016-2017 Community Assistance Fund application and closing dates be varied from 1 June 2016 – 8 July 2016 to ensure the grant process is not impacted upon by Council's caretaker period prior to the 2016 Council Elections.

Carried - 7:0

COMMITTEES

17. Southcombe Park Committee of Management

Cr Wolfe moved, Cr Keane seconded

1. That Council give support to undertake a joint review with the Southcombe Park Management Committee of the current governance model as a Special Committee (Section 86) of Council.
2. That Moyne Shire in partnership with Southcombe Park Committee of Management investigate and identify a preferred governance model for the Southcombe Park Committee of Management and report recommendations to Council by the end of June 2016.

Carried - 7:0

COUNCILLOR ITEMS

18(a) Mayoral Report

Report noted.

18(b) Councillors' Report

Report noted.

19. Councillor Notice of Motion – Cr M Wolfe Reedy Creek Drainage Program

Item 19 was considered earlier in the meeting.

20. Personal Explanations

None.

21. Urgent Business

None.

22. CEO Activities Report

Report noted.

6.12 pm - 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 (d) contractual matters.

Carried - 7:0

6.21pm – Resumption of Open Meeting

Cr Goodall moved, Cr Leutton seconded that the Open Meeting be resumed.

Carried - 7:0

Cr Leutton moved, Cr Goodall seconded that confidentiality of resolutions numbered 23 and 24 be lifted.

Carried - 7:0

Confidential Item – confidentiality of resolution lifted
Reason for item being considered at meeting closed to the public - Local Government Act 1989, Section 89 2 (d) contractual matters.

SUSTAINABLE DEVELOPMENT

23. Waterfront Building Operating Lease Program

Report Summary: *The report sets out the process and estimated timelines for a proposed lease for the Waterfront Building.*

Cr Keane moved, Cr Wolfe seconded that Council directs officers to commence the leasing process in accordance with the lease attached to the report named “Leasing of Waterfront Building King George Square - Process Outline.”

Carried - 7:0

Confidential Item – confidentiality of resolution lifted
Reason for item being considered at meeting closed to the public - Local Government Act 1989, Section 89 2 (d) contractual matters.

PHYSICAL SERVICES

24. Reardon Theatre Front Office Area Lease

Report Summary: *The report details a proposal to lease the front office area of the Reardon Theatre.*

Cr Leutton moved, Cr Goodall seconded that Council give Public Notice of its intention to lease the front office of the Reardon Theatre in accordance with Section 189 of the Local Government Act and invite submissions regarding the proposed lease in accordance with Section 223 of the Local Government Act.

Carried - 7:0

The meeting closed at 6.21pm.

Confirmed this 28th June 2016.

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Mayor