



---

**Glenelg Shire Council**  
**Minutes of the Ordinary Council Meeting held on**  
**Tuesday 22 March 2016, at 7.00pm at**  
**Digby Community Hall**  
**Corner of Buckingham and Clarke Street, Digby**

---

<b><u>Contents</u></b>	<b><u>Page</u></b>
Present:	4
Opening Prayer:	4
Aboriginal Acknowledgement:	4
Receipt of Apologies:	4
Confirmation of Minutes:	4
Conflict of Interest:	5
<u>Question Time:</u>	5
<u>Questions of which due notice has been given in writing or previously taken on notice:</u>	5
<u>Questions from the Gallery:</u>	5
<u>A. Notices of Motion:</u>	5
<u>B. Deputations:</u>	5
<u>C. Petitions:</u>	6
C1. Petition received regarding condition of Kennedys Road Cape Bridgewater	6
<u>D. Committee Reports:</u>	8
D1. Casterton Saleyards Advisory Committee Recommendations	8-9
D2. Recommendation from Tourism Advisory Committee Meeting 18 February 2016	10-11
D3. Recommendation from IGP for Portland Advisory Committee Meeting 17 February 2016	12-13
D4. Recommendation from Local Port of Portland Bay Advisory Committee Meeting 16 February 2016	14-16
<u>E. Assembly of Councillor Records</u>	17
E1. Assembly of Councillors Records – 16 February 2016 – 8 March 2016 (Inclusive)	17-20
<u>F. Management Reports</u>	21
F1. Monthly Finance Report – February 2016	22-23
F2. Draft Arts and Culture Strategy (2016-2020)	24-26
F3. Policy Development and Review – Election Period Policy	27-35

<b><u>Contents</u></b>	<b><u>Page</u></b>
F4. Adoption of 2016/2017 Fees and Charges Schedule	36-38
F5. Receipt of the Proposed Alcohol Free Zone within Portland's Foreshore Submissions Committee Meeting Minutes, held on 8 March 2016	39-41
F6. Proposed Alcohol Free Zone within the Portland Foreshore	42-48
F7. Cape Bridgewater Structure Plan Project	49-55
F8. Draft Coastal Weed Action Plan	56-59
F9. Draft Coastal Operational Plan 2016	60-65
F10. Business Case - Lighting Replacement - Portland Leisure and Aquatic Centre	66-70
F11. Business Case - Fawthrop Community Centre Lighting Replacement	71-75
F12. Portland Industrial Land Strategy: Final Draft Options & Feasibility Report	76-80
F13. Local Port of Portland Bay Business Plan (Trawler Wharf Budget) 2016/17	81-83
F14. Delegations and Authorisations Review No. One (1) – 2016	84-90
F15. Proposed continuation of free parking in Portland's shopping precinct on Saturday mornings	91-93
<u>Any Other Procedural Matter:</u>	94
<u>Urgent Business:</u>	94
1. Great South Coast	94
<u>Receipt of Items Submitted for Information:</u>	94
<u>Index – Separate Circulations to Reports:</u>	94-95
<u>Closure of Meeting to Members of the Public:</u>	96
<u>G. In Camera Reports:</u>	97
G1. Lease Agreement with 1260 Bridgewater lakes Road, Cashmore	97-99
G2. Leave of Absence	100
<u>Urgent Business:</u>	101
1. Great South Coast	101
<u>Opening of Council Meeting to Members of the Public</u>	102
<u>Closure of the Council Meeting</u>	102

TIME:

7.00 pm

PRESENT:

**Cr Max Oberlander (Mayor), Cr John Northcott, Cr Robert Halliday , Cr Anita Rank, Cr Karen Stephens, Cr Geoff White, Cr Gilbert Wilson.**

**Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Group Manager Corporate Services (Ms Karena Prevett), Acting Group Manager Assets and Infrastructure (Mr David Hol), Group Manager Planning and Economic Development (Mr Stephen Kerrigan), and Senior Administration Officer Corporate Services (Ms Kim Ballantyne).**

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Group Manager Community and Culture Ms Edith Farrell

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 23 February 2016 and the Special Council Meeting held on Tuesday 8 March 2016 as circulated be confirmed.

**MOTION**

**MOVED Cr Wilson**

**That the minutes of the Ordinary Council Meeting held on Tuesday 23 February 2016 and the Special Council Meeting held on Tuesday 8 March 2016 as circulated be confirmed.**

**SECONDED Cr Stephens**

**CARRIED**

DECLARATIONS OF CONFLICT OF INTEREST:**CONFLICT OF INTEREST**

*'The Local Government Act contains mandatory requirements for both direct and indirect conflict of interest. The objective of the provisions is to enhance good governance in Victorian local government and to improve public confidence in the probity of decision making at Victoria's 79 Councils. Councillors are responsible for ensuring that they comply with the relevant provisions contained in Part 4 – Division 1A of the Act.*

*An online copy of the Local Government Act is available at [www.localgovernment.vic.gov.au](http://www.localgovernment.vic.gov.au) select – legislation. Alternatively, a printed copy is available for Councillors upon request'.*

Mayor Cr Oberlander declared a direct Conflict of Interest in item 1. Great South Coast Membership due to being a Board member on the Great South Coast.

Cr Rank declared an indirect Conflict of Interest in item 1. Great South Coast Membership due to being a member of a Pillar Group of the Great South Coast.

QUESTION TIME:QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN WRITING OR PREVIOUSLY TAKEN ON NOTICE:

Nil.

QUESTIONS FROM THE GALLERY:

Nil.

A. NOTICES OF MOTION:

Nil.

B. DEPUTATIONS:

Nil.

C. PETITIONS:**C1. PETITION RECEIVED REGARDING CONDITION OF KENNEDYS ROAD CAPE BRIDGEWATER**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2067687)

Group Manager: Paul Healy Group Manager Assets and Infrastructure  
Author: Paul Healy Group Manager Assets and Infrastructure

Executive Summary

The purpose of this report is for Council to receive the petition requesting that Kennedys Road be sealed and to make a recommendation on this matter.

Background

Council receives numerous requests for the construction of roads through various means such as letters, emails, service requests and phone calls, as well as through petitions.

Report

The process to manage requests for construction of roads including the sealing of roads, is to refer all requests to future Capital Works programs for consideration against all Capital projects as part of Councils budget process each financial year.

Conclusion

It is recommended that Council receive the petition and advise the petition organiser that the request for sealing of Kennedys Road will be referred to the 2016/17 draft Capital Works Program for Council to consider as part of the budget process.

Officer Recommendation

1. That Council receive the petition in accordance with Glenelg Shire Councils Meeting Procedure.
2. That Council refer the petition requesting sealing of Kennedys Road to the 2016/17 draft Capital Works Program for consideration against all other Capital projects as part of Councils budget process.
3. That Council advise the petition organiser of Councils decision.

**C1. PETITION RECEIVED REGARDING CONDITION OF KENNEDYS ROAD CAPE BRIDGEWATER**

(Continued)

**MOTION**

**MOVED Cr White**

- 1. That Council receive the petition in accordance with Glenelg Shire Councils Meeting Procedure.**
- 2. That Council refer the petition requesting sealing of Kennedys Road to the 2016/17 draft Capital Works Program for consideration against all other Capital projects as part of Councils budget process.**
- 3. That Council advise the petition organiser of Councils decision.**

**SECONDED Cr Halliday**

**CARRIED**

D. COMMITTEE REPORTS:**D1. CASTERTON SALEYARDS ADVISORY COMMITTEE RECOMMENDATIONS**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2071110)

Group Manager: Paul Healy Group Manager Assets and Infrastructure

Author: Paul Healy Group Manager Assets and Infrastructure

Executive Summary

The purpose of this report is to enable Council to receive the minutes of the Casterton Saleyards Advisory Committee Meeting held on 20 February 2016.

Background

The role of the Saleyards Advisory Committee is to advise Council on saleyards operations and maintenance, and to provide recommendations.

Report

The Minutes of the Casterton Saleyards Advisory Committee Meeting held on Thursday 18 February 2016 are attached to this report.

a. Council Plan Linkage and Policy Context

This report links directly to the Council Plan Theme 2 "Diverse economic base" and Objective 2 "A thriving economy full of opportunities and resilience".

b. Legislative and Legal Considerations

The Casterton Saleyards Advisory Committee has been established in accordance with the relevant provisions of the *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

Meetings of the Casterton Saleyards Advisory Committee are held as required in accordance with the terms of reference. The recommendation from the Committee is the subject of this report.

d. Risk Management

Agents have been reminded of the need to follow due process to ensure compliance with NSQA accreditation.



**D1. CASTERTON SALEYARDS ADVISORY COMMITTEE RECOMMENDATIONS**

(continued)

e. Resource Implications

There are no new resource implications that emanate from the content of this report.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

There are no environmental considerations that emanate from the content of this report.

h. Budget Implication

The Committee considered the draft 2016/17 Fees and Charges table and endorsed that the Fees and Charges be subject to the Consumer Price Index (CPI) increase.

Conclusion

The Casterton Saleyards Advisory Committee recommended that Council draft a letter of recognition to Stuart Ferrier acknowledging Stuart's contribution to the Casterton Saleyards.

Officer Recommendation

That Council send a letter of recognition to Stuart Ferrier acknowledging his contribution to the Casterton Saleyards.

**MOTION**

**MOVED Cr Northcott**

**That Council send a letter of recognition to Stuart Ferrier acknowledging his contribution to the Casterton Saleyards.**

**SECONDED Cr Stephens**

**CARRIED**

**D2. RECOMMENDATION FROM TOURISM ADVISORY COMMITTEE MEETING 18 FEBRUARY 2016**

(Separate circulation to Councillors, CEO and Group Managers)  
(DocSetID: 2065259)

Group Manager: Stephen Kerrigan, Group Manager Planning and Economic Development  
Author: Stephen Kerrigan, Group Manager Planning and Economic Development

**Executive Summary**

The purpose of this report is to brief Councillors on a recommendation from the Tourism Advisory Committee.

**Background**

The role of the Tourism Advisory Committee is to provide information and advice to Council on (1) marketing and promotion; (2) policy relating to development of Tourism product; and (3) identification of new ideas.

**Report**

At the Tourism Advisory Committee meeting held 18 February 2016 it was recommended:

*'That Council investigate and develop a business case for an interpretive/training Centre/VIC in Portland'.*

*Moved: Cr Wilson*

*Seconded: Cr Rank*

**CARRIED**

a. Council Plan Linkage and Policy Context

Theme 2 – Diverse economic base

b. Legislative and Legal Considerations

There are no legislative or legal considerations.

c. Consultation and/or communication processes

Discussed by Committee and Council staff.

**D2. RECOMMENDATION FROM TOURISM ADVISORY COMMITTEE MEETING 18 FEBRUARY 2016**

(continued)

d. Risk Management

None applicable to this paper.

e. Resource Implications

Skill sets required to undertake business case not available in-house and would need to be outsourced.

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

There are no sustainability and environmental considerations relevant to this report.

h. Budget Implication

There is no current budget for this proposal and a new budget initiative will be required.

Officer Recommendation

That Council endorses the Committee recommendation and investigates and develops a business case for an Interpretive/Training Centre/VIC in Portland.

**MOTION**

**MOVED Cr Stephens**

**That Council endorses the Committee recommendation and investigates and develops a business case for an Interpretive/Training Centre/VIC in Portland.**

**SECONDED Cr Rank**

**CARRIED**

**D3. RECOMMENDATION FROM IGP FOR PORTLAND ADVISORY COMMITTEE MEETING 17 FEBRUARY 2016**

(Separate circulation to Councillors, CEO and Group Managers)

(DocSetID: 2065256)

Group Manager: Stephen Kerrigan, Group Manager Planning and Economic Development

Author: Stephen Kerrigan, Group Manager Planning and Economic Development

Executive Summary

The purpose of this report is to brief Councillors on a recommendation from the IGP for Portland Advisory Committee and to request Council approve the recommendation.

Background

The role of the IGP for Portland Advisory Committee is to oversee the project and provide advice and assistance on the implementation of actions identified in the Plan, assist with community consultation and provide advice on marketing.

Report

At the IGP for Portland Advisory Committee meeting held Wednesday 17 February 2016 it was recommended:

*That proposed streetscape and harbour interpretative signs be trialled in three locations' as per the attached sketch.*

Moved: Gordon Stokes

Seconded: Cr Geoff White

CARRIED

a. Council Plan Linkage and Policy Context

Theme 1 - Engaged Healthy Connected and Proud Communities.

b. Legislative and Legal Considerations

There are no legislative or legal considerations.

c. Consultation and/or communication processes

Committee and Council officers discussed. No discussion has been held with adjoining business operators regarding the location of the signs.

**D3. RECOMMENDATION FROM IGP FOR PORTLAND ADVISORY COMMITTEE MEETING 17 FEBRUARY 2016**

(continued)

d. Risk Management

Will be taken into account when interpretive signs installed.

e. Resource Implications

Staff will be required to give guidance on content and design prior to ordering signs and stands.

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

There are no sustainability and environmental considerations relevant to this report. If approved, requirements for ongoing maintenance will need to be assessed.

h. Budget Implication

The estimated cost for three coloured, semi vandal proof signs (similar to the Whale Viewing Platform) is approximately \$5,000. This will require an assessment by Council of priorities and funding availability.

Officer Recommendation

That Council consider a new initiative for three interpretative signs in the 2016/2017 operational budget.

**MOTION**

**MOVED Cr Rank**

**That Council consider a new initiative for three interpretative signs in the 2016/2017 operational budget.**

**SECONDED Cr White**

**CARRIED**

**D4. RECOMMENDATION FROM LOCAL PORT OF PORTLAND BAY ADVISORY COMMITTEE MEETING 16 FEBRUARY 2016**

(Separate circulation to Councillors, CEO and Group Managers)

(DocSetID: 2067090)

Group Manager: Stephen Kerrigan, Group Manager Planning and Economic Development

Author: Gary Bebbington, Local Port of Portland Bay Manager

Executive Summary

The purpose of this report is to brief Councillors on a recommendation from the Local Port of Portland Bay Advisory Committee.

Background

The role of the Local Port of Portland Bay Advisory Committee is to provide information and advice to Council on (1) Policy relating to legislation surrounding operation of the harbour; (2) Issues identified by Port users; and (3) Operational issues that may affect the Port of Portland Pty Ltd and Local Port of Portland Bay

Report

On 22 October 2015 Dr Andrew Levings wrote to Council on behalf of the Portland Professional Fishermen's Association requesting 'membership of the Local Portland Bay Advisory Committee'.

At the Local Port of Portland Bay Advisory Committee meeting held 16 February 2016 it was recommended:

*That Council write to Dr Andrew Levings stating that as the Advisory Committee currently has full membership, further nominations cannot be accepted. If the Committee continues for the period 2016 – 2018, nominations for new community members for the next Local Port of Portland Bay Advisory Committee will be publicly sought after the Council elections in October 2016.*

*Applicants will be chosen on 'their knowledge and experience of recreational/commercial boating in Portland Harbour in relation to the operation of ports'.*

Moved: John Sealy

Seconded: Les Thomas

CARRIED

**D4. RECOMMENDATION FROM LOCAL PORT OF PORTLAND BAY ADVISORY COMMITTEE MEETING 16 FEBRUARY 2016**

(continued)

a. Council Plan Linkage and Policy Context

Objective 2 - Diverse economic base; Build Portland Bay and foreshore as economic attractor.

b. Legislative and Legal Considerations

The Advisory committee considers issues that may fall under legislative consideration and includes but is not limited to Guidelines for Port Safety and Environmental Management Plans (2009) and the *Port Management Act 1995*.

c. Consultation and/or communication processes

Discussed by Committee and Council staff.

d. Risk Management

The Advisory committee considers issues that may fall under legislative consideration and includes but is not limited to the *OHS Act 2004*

e. Resource Implications

There are no resource implications

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

There are no sustainability and environmental considerations relevant to this report.

h. Budget Implication

There are no budget implications

**D4. RECOMMENDATION FROM LOCAL PORT OF PORTLAND BAY ADVISORY COMMITTEE MEETING 16 FEBRUARY 2016**

(continued)

**Officer Recommendation**

That Council endorses the Local Port of Portland Bay Advisory Committee recommendation - 'That Council write to Dr Andrew Levings stating that as the Advisory Committee currently has full membership, further nominations cannot be accepted. If the Committee continues for the period 2016 – 2018, nominations for new community members for the next Local Port of Portland Bay Advisory Committee will be publicly sought after the Council elections in October 2016.

Applicants will be chosen on 'their knowledge and experience of recreational/commercial boating in Portland Harbour in relation to the operation of ports'.

**MOTION****MOVED Cr Stephens**

**That Council endorses the Local Port of Portland Bay Advisory Committee recommendation - 'That Council write to Dr Andrew Levings stating that as the Advisory Committee currently has full membership, further nominations cannot be accepted. If the Committee continues for the period 2016 – 2018, nominations for new community members for the next Local Port of Portland Bay Advisory Committee will be publicly sought after the Council elections in October 2016.**

**Applicants will be chosen on 'their knowledge and experience of recreational/commercial boating in Portland Harbour in relation to the operation of ports'.**

**SECONDED Cr Wilson****CARRIED**



E. ASSEMBLY OF COUNCILLOR RECORDS**E1. ASSEMBLY OF COUNCILLORS RECORDS - 16 FEBRUARY 2016 - 8 MARCH 2016 (INCLUSIVE)**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2067090, 2055256, 2566862, 2065259, 2065039, 2068174, 2069087, 2071806, 2071805)

Group Manager: Karena Prevett, Group Manager Corporate Services  
Author: Rachael Fellows, Acting Senior Administration Officer  
Corporate Services

Executive Summary

In accordance with the *Local Government Act 1989* assembly of Councillors records (including records of those titled as committees) must be reported to the next 'practical' ordinary Council meeting and recorded in the minutes of that meeting. The objective of submitting the assembly of Councillors (including records of those titled as committees) records to Council meetings is to ensure public transparency in Council decision making processes.

Background

The Chief Executive Officer must ensure that a written record is kept of every assembly of Councillors records (including records of those titled as committees).

Department of Community Development and Planning circular L97 advises that assembly of Councillors records "*only needs to be a simple document that records:*

- *the names of all Councillors and staff at the meeting;*
- *a list of the matters considered;*
- *any conflict of interest disclosed by a Councillor; and*
- *whether a Councillor who disclosed a conflict left the room.*

The circular also advises that: "*The record is not required to be in the form of minutes. The recommended approach is to record the "matters" discussed, by listing the headings of the matters. In some cases, meetings may be considering a single matter...*"

**E1. ASSEMBLY OF COUNCILLORS RECORDS – 16 FEBRUARY 2016 – 8 MARCH 2016 (INCLUSIVE)**

(continued)

The circular further advises that: *“This does not mean that the record cannot be reported to the Council in the form of minutes. In Councils where it is established practice for minutes of advisory committees to be tabled at Council meetings, the minutes will be sufficient for the purpose if they include the required information, including disclosures.”*

Report

The legislative requirement became effective from the 24 September 2010.

This report covers the period from Tuesday 16 February 2016 to midnight on Tuesday 8 March 2016. All assembly of Councillors records (including records of those titled as committees) held during this period must be included.

The following assembly of Councillors records (including records of those titled as committees) held during the period specified above have been received from the relevant Departments/Units:

- Meeting Record of the Local Port of Portland Bay Advisory Committee, Thursday 16 February 2016 (DocSetID: 2067090);
- Meeting Record IGP for Portland Advisory Committee, Wednesday 17 February 2016 (DocSetID: 2055256);
- Meeting Record of the Volunteer Advisory Committee, Wednesday 17 February 2016 (DocSetID: 2566862);
- Meeting Record of the Casterton Saleyards Advisory Committee, Thursday 18 February 2016, (DocSetID: 2071110);
- Meeting Record of the Tourism Advisory Committee, Thursday 18 February 2016 (DocSetID: 2065259);
- Meeting Record of the Tourism Advisory Committee and Local Tourist Associations, Thursday 18 February 2016 (DocSetID: 2065039);
- Assembly of Councillors – Councillors and CEO Meeting Record, Tuesday 23 February 2016 (DocSetID: 2068174 ); and
- Assembly of Councillors – Councillor Briefing Session Meeting Record, Tuesday 23 February 2016 (DocSetID: 2069087)

**E1. ASSEMBLY OF COUNCILLORS RECORDS – 16 FEBRUARY 2016 –  
8 MARCH 2016 (INCLUSIVE)**

(continued)

- Meeting Record, Assembly of Councillors, Deputation to Council by Barwon South West Waste and Resource Recovery Group, Tuesday 8 March 2016 (DocSetID: 2075484)
- Assembly of Councillors – Meeting with Roma Britnell – Meeting Record, Wednesday 2 March 2016, (DocSetID: 2072339)
- Meeting Record of the Glenelg Municipal Fire Management Planning Committee, Thursday 3 March 2016 (DocSetID: 2071806)
- Meeting Record of the Glenelg Municipal Emergency Management Planning Committee, Thursday 3 March 2016 (DocSetID: 2071805)
- Assembly of Councillors , Councillors Workshop Meeting Record, Tuesday 8 March 2016 (DocSetID: 2071548)

a. Legislative and legal requirements

The purpose of this report is to ensure compliance with the *Local Government Act 1989*. References include:

- Section 3(1) – Definition of “assembly of Councillors”;
- Section 80A – Requirements for an assembly of Councillors; and
- Section 3(1) – Definition of “advisory committee”

b. Council Plan linkage and policy context

This report links to the Council Plan, particularly key objective: (1) - responsible and responsive governance and decision making.

c. Charter of human rights and responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

**E1. ASSEMBLY OF COUNCILLORS RECORDS – 16 FEBRUARY 2016 –  
8 MARCH 2016 (INCLUSIVE)**

(continued)

d. Budget implications

The cost of preparing the monthly reports on assembly of Councillors records (including records of those titled as committees) is another compliance cost imposed by the state government and is an indirect cost within the corporate governance unit salaries and on cost budget.

The cost of preparing assembly of Councillors records (including records of those titled as committees) is an indirect cost within the salaries and on cost budget for each Department/Unit that is responsible for the specified meeting.

Conclusion

This report is a summary of the Assembly of Councillors records for the period Tuesday 16 February 2016 until Tuesday 8 March 2016 (both dates inclusive).

Officer Recommendation

That Council receive the report on Assembly of Councillors Records (including records of those titled as committees) for the period Tuesday 16 February 2016 – Tuesday 8 March 2016 (both dates inclusive).

**MOTION**

**MOVED Cr Stephens**

**That Council receive the report on Assembly of Councillors Records (including records of those titled as committees) for the period Tuesday 16 February 2016 – Tuesday 8 March 2016 (both dates inclusive).**

**SECONDED Cr Northcott**

**CARRIED**

F. MANAGEMENT REPORTS**F1. MONTHLY FINANCE REPORT – FEBRUARY 2016**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2071087)

Group Manager: Karena Prevett, Group Manager Corporate Services

Author: Andrea Gash, Finance Manager

Executive Summary

The Finance Report up to the 29 February 2016 has been prepared and has been separately circulated to Councillors, the CEO and Group Managers with this Council Agenda.

Report

The 2015/2016 Annual Budget was adopted by Council on 23 June 2015.

This report provides information on the current status of Council's financial position and performance and includes:

- Executive Summary (including the Glossary of Terms);
- Income (Operating) Statement;
- Balance Sheet;
- Cash Flow Statement;
- Capital Works Statement;
- Capital Project Expenditure;
- Statement of Changes in Equity;
- Statement of Human Resources; and
- Operating and Capital Grants Analysis.

The report has been prepared on an accrual basis to ensure accurate matching of income and expenditure, both operating and capital items, for the year ending 29 February.

The finance report provides a high level of financial reporting.

**F1. MONTHLY FINANCE REPORT – FEBRUARY 2016**

(continued)

The monthly finance report provides comment on favourable and unfavourable variations and trends identified to date.

a. Council Plan Linkage and Policy Context

The monthly finance report links to the Council Plan, particularly key objective: (4) – Govern in a responsible and responsive way.

A component of this strategic objective is that Council will provide prudent and responsible stewardship for the community assets and resources within our care.

b. Legislative and Legal Considerations

This report is being presented in accordance with section 138 of the *Local Government Act 1989* and Regulation 5 of the *Local Government (Finance and Reporting) Regulations 2014*. Although the Regulations require a quarterly reporting cycle, the Glenelg Shire provides a monthly finance report to enable Council and residents to monitor the Glenelg Shire's financial performance on a more frequent basis.

c. Consultation and/or communication processes implemented or proposed

Not applicable.

d. Risk Management

Not applicable.

e. Resource Implications

Not applicable.

f. Charter of Human Rights and Responsibilities

The monthly finance report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

Not applicable.

**F1. MONTHLY FINANCE REPORT – FEBRUARY 2016**

(continued)

h. Budget Implication

As outlined in monthly finance report.

Conclusion

The Monthly Finance Report is a key document in assuring responsible and responsive governance and decision making. This high level report is provided monthly to provide council and residents the ability to monitor Glenelg Shire's financial performance on a regular basis.

Officer Recommendation

That the Monthly Finance Report for the period ending 29 February 2016 be received.

**MOTION**

**MOVED Cr Stephens**

**That the Monthly Finance Report for the period ending 29 February 2016 be received.**

**SECONDED Cr Northcott**

**CARRIED**

**F2. DRAFT ARTS & CULTURE STRATEGY 2016 – 2020**

(Separate circulation to Councillors, CEO, Group Managers)

(DocSet ID: 2051547)

Group Manager            Edith Farrell, Group Manager, Community and Culture  
Author:                    Susie Lyons, Arts and Culture Manager

**Executive Summary**

This report on the Draft Arts & Culture Strategy (2016 – 2020) is presented for Council consideration. It was developed by a community based Arts & Culture Strategy Review Committee and is to be released for public exhibition from 1 April to 29 April 2016.

**Background**

In 1997, Council contracted a professional consultant to develop a Cultural Strategy Ten Year Plan. In consultation with the community, this document was then refined into a Cultural Strategy Five Year Plan, which was adopted by Council in 1999.

Since then, Council has regularly reviewed and updated this strategic document, with the most recent version being the current Cultural Strategic Five Year Plan 2011 – 2014.

The Draft Arts & Culture Strategy (2016 – 2020) details a range of objectives for achieving both the Vision and Goals outlined in the document, and will guide the Arts & Culture Manager and the Arts & Culture unit staff in their respective roles over the next five years.

**Report**

The Arts & Culture Strategy was reviewed over a series of meetings by the Arts & Culture Strategy Review Committee. The committee comprised relevant Council staff and interested persons from across the Shire, and was chaired by a Councillor.

The Review Committee met on four occasions during September, October and November, and provided input into the review of the existing Strategic Plan, and the development of appropriate objectives for inclusion in the Arts & Culture Strategy (2016 – 2020).



**F2. DRAFT ARTS & CULTURE STRATEGY 2016 – 2020**

(continued)

a. Council Plan Linkage and Policy Context

The Arts & Culture Strategy is based on a Strategic Plan previously adopted by Council. The Vision and Goals outlined in the Strategy are linked to Council's Four Year Plan, and provide important guidelines for Councillors and Council staff, and it is thus essential that the document be reviewed and updated on a regular basis.

b. Legislative and Legal Considerations

No legislative or legal considerations have been identified as being associated with this process.

c. Consultation and/or communication processes implemented or proposed

The strategy was reviewed over a series of meetings by the Arts & Culture Strategy Review Committee, comprising relevant Council staff and interested persons from across the Shire. With the approval of Council, the Draft Arts & Culture Strategy (2016 – 2020) will be placed on public exhibition for a four week period for comment from the general community.

d. Risk Management

Any risks will be addressed on an individual basis in the implementation of the objectives detailed in the Arts & Culture Strategy (2016 – 2020).

e. Resource Implications

Any resource implications will be addressed on an individual basis in the implementation of the objectives detailed in the Arts & Culture Strategy (2016 – 2020).

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

There is no identified sustainability or environmental considerations relating to this report.

**F2. DRAFT ARTS & CULTURE STRATEGY 2016 – 2020**

(continued)

**h. Budget Implication**

The majority of the objectives outlined in the Draft Arts & Culture Strategy (2016 – 2020) can be achieved within the existing Arts & Culture budget. Any objectives that require external grants or additional Council funding will be subject to Council approval.

**Conclusion**

The Arts & Culture Strategy will provide a clear set of objectives to deliver a high quality and diverse program of cultural and arts experiences over the next five years. This document is now ready to be released for a four week period of public exhibition in April, prior to consideration of feedback and presentation to the 24 May OCM for Council consideration.

**Officer Recommendation**

1. That the Draft Arts & Culture Strategy 2016 – 2020 be received and approved for public exhibition from 1 April to 29 April 2016.
2. That following public exhibition, officers prepare a further report to Council which takes account of feedback on the Arts & Culture Strategy and present a final version of the Arts & Culture Strategy for Council consideration at the 24 May OCM.

**MOTION****MOVED Cr Rank**

1. **That the Draft Arts & Culture Strategy 2016 – 2020 be received and approved for public exhibition from 1 April to 29 April 2016.**
2. **That following public exhibition, officers prepare a further report to Council which takes account of feedback on the Arts & Culture Strategy and present a final version of the Arts & Culture Strategy for Council consideration at the 24 May OCM.**

**SECONDED Cr Stephens****CARRIED**

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2070811)

Group Manager            Karena Prevett, Group Manager Corporate Services  
Author:                    Scott Millard, Corporate Coordinator

**Executive Summary**

The purpose of this report is to enable Council to adopt an Election Period Policy as required by the *Local Government Act 1989*.

**Background**

A number of changes were made to the *Local Government Act 1989* (the Act) arising from the *Local Government Amendment (Improved Governance) Act 2015* which was passed by the Victorian Parliament in October 2015.

The Act now requires councils to adopt an Election Period Policy by 31 March 2016 to ensure that councils explain to their communities how they will conduct their business immediately prior to an election. This is to ensure council elections are not compromised by inappropriate electioneering by existing councillors and to safeguard the authority of the incoming council. As a minimum the policy must cover:

- Preventing inappropriate decisions and misuse of resources;
- Limiting public consultation and council events; and
- Equitable access to council information.

The election period begins 32 days prior to a general election – this is the period in which the policy applies.

The previous Caretaker Policy adopted by Council in 2012 is now outdated and requires review to ensure legislative compliance.

**Report**

The Election Period Policy has been developed in order to ensure that general elections for Glenelg Shire Council are conducted in a manner that is fair and equitable and is publicly perceived as such.

The following table summarises the key impacts and considerations for Councillors and Officers during the Election Period:

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

<i>Category</i>	<i>Impacts</i>	<i>Considerations</i>
Meetings / Decisions	Ordinary Council Meetings / Special Councils Meetings and extraordinary Council Meetings will continue to be convened. Any matter considered at a meeting closed to the public will only be those matters necessary for the continued day-to-day operation of the Council.	<ul style="list-style-type: none"> <li>• Must not be an inappropriate or major decision as defined by the Act.</li> <li>○ Could the decision affect voting in the election?</li> <li>○ Will the decision unreasonably bind the incoming council?</li> <li>○ Can the decision reasonably be made after the election?</li> <li>○ Will the decision encourage candidates to use the item as part of their electioneering?</li> </ul>
	Councillor Workshops and Briefing Sessions will continue.	<ul style="list-style-type: none"> <li>• Only for items that are to be considered at a meeting of Council during the Election Period.</li> </ul>
	Assemblies of Councillors will continue, although only with the CEO or his delegate present.	<ul style="list-style-type: none"> <li>• Items discussed are confined to the ordinary day-to-day business of Council.</li> </ul>
	Special Committees (s.86) will <u>cease</u> .	
	Advisory Committees will continue.	<ul style="list-style-type: none"> <li>• Where possible recommendations will be reported to Council after the Election Period.</li> </ul>
	External Committees with Councillor Representation will continue.	<ul style="list-style-type: none"> <li>• No media will be undertaken by Council or Councillors pertaining to their representation on the Committee.</li> </ul>

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

Category	Impacts	Considerations
Council Resources	Council resources including officers, support staff, hospitality, equipment and stationery should be used exclusively for normal Council business.	<ul style="list-style-type: none"> <li>• Must not be used in connection with the election.</li> </ul>
	All approaches to Council staff, including support staff, by Councillors during the 'Election Period' must be referred to the relevant Group Manager or the CEO.	<ul style="list-style-type: none"> <li>• Is the approach related to day to day Council business?</li> </ul>
	Use of the Mayoral Vehicle must not be used for any activity related to the electioneering of any candidate.	
	Payment or reimbursement of Councillor expenses must be for normal Council business and not in connection with the election.	
	Council logos, letterheads and other GSC Council promotional branding cannot be used or linked in any way to a Candidates election campaign.	
Consultation	Council will not commission or approve any public consultation if such consultation is likely to run into the Election Period. Unless prior written approval is given by the Council or the CEO.	

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

Category	Impacts	Considerations
Consultation	If consultation must be undertaken the Council will justify to the community the special circumstances making it necessary and how risks of influencing the election will be mitigated or prevented.	
	The results of any consultation undertaken will not be reported to Council until after the Election Period.	<ul style="list-style-type: none"> <li>• Unless approved by the CEO</li> </ul>
Events and Functions	Councillors may continue to attend events and functions conducted by external bodies during the Election Period.	<ul style="list-style-type: none"> <li>• Refer to Council Resources</li> </ul>
	Council organised events and functions held during the Election Period should only be those essential to the operation of Council.	<ul style="list-style-type: none"> <li>• May be varied by a Council resolution or prior written approval by the CEO</li> <li>• Need to justify to the community the special circumstances making it necessary to conduct the event or function.</li> <li>• No election material or active campaigning is to be conducted.</li> </ul>
	Councillors may only make short welcome speeches at Council organised events of functions.	<ul style="list-style-type: none"> <li>• Subject to prior written approval by the CEO.</li> </ul>

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

Category	Impacts	Considerations
Publications	Council must not print, publish or distribute any advertisement, handbill, pamphlet, or notice during the 'Election Period' unless it has been certified by the CEO.	<ul style="list-style-type: none"> <li>• Must not contain electoral matter. Electoral matter includes material that deals with:               <ul style="list-style-type: none"> <li>○ The election</li> <li>○ A candidate in the election</li> <li>○ An issue submitted to, or otherwise before, the voters in connection with the election</li> <li>○ Advocates the policies of the Council or a candidate</li> <li>○ Responds to claims made by a candidate</li> <li>○ Publicises the achievements of the elected Council</li> </ul> </li> </ul>
	All existing publications containing electoral matter that might reasonably influence the election that is on public display in Council facilities will be temporarily removed during the 'Election Period'.	
	Councillor Updates will continue	<ul style="list-style-type: none"> <li>• Only for items confined to the ordinary day-to-day business of Council. The CEO will be required to certify these updates.</li> </ul>

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

Category	Impacts	Considerations
Publications	<p>Existing material displayed prominently on the Council's website will be reviewed and removed if it contains electoral material.</p> <p>New material can be published but may need to be certified.</p>	<ul style="list-style-type: none"> <li>• Does it contain electoral matter?</li> </ul>
	Councillor contact information will remain on the website but Councillors' profiles will be removed.	
	<p>Any publication on Council social media sites will require certification by the CEO.</p> <p>Council auspiced social media sites will be monitored during business hours and twice per day on non-business days to ensure no posts are regarded as electoral matter.</p>	
	Councillor may publish campaign material on their own behalf, but cannot purport for the material to be originating from, or authorised by, the Glenelg Shire Council.	<ul style="list-style-type: none"> <li>• Refer to Council Resources</li> </ul>
Information	All Candidates have an equal right to access information relevant to their election campaign from Council.	<ul style="list-style-type: none"> <li>• Council staff will not provide information that might be perceived to support an election campaign.</li> <li>• Refer to Council Resources</li> <li>• Refer to Meetings / Decisions</li> </ul>



### **F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY** (continued)

<i>Category</i>	<i>Impacts</i>	<i>Considerations</i>
Information	Information and briefing material provided by Council staff to Councillors during the Election Period must be necessary to carrying out the Councillor's role.	<ul style="list-style-type: none"> <li>• Must not be in relation to election issues.</li> </ul>
	A public information request register will be maintained that records all requests for information of a non-election nature by all candidates and the responses given to those requests.	<ul style="list-style-type: none"> <li>• All requests must be brought through the relevant Group Manager or CEO.</li> </ul>
Media	Council's media service is intended to promote Council's activities.	<ul style="list-style-type: none"> <li>• Requests for media advice/assistance to be directed to the CEO or relevant Group Manager.</li> </ul>
	No media advice or assistance will be provided to election issues or in regard to publicity that involves specific Councillors or Candidates.	<ul style="list-style-type: none"> <li>• Does the proposed media contain electoral matter?</li> <li>• Refer to Council Resources</li> </ul>
	Media releases will not refer to or attribute phrases to specific Councillors.	
	Where it is necessary to identify a spokesperson, the CEO or his delegate will be consulted.	

The Policy will ensure that the business of local government in the Glenelg Shire continues throughout the 'Election Period' in a responsible and transparent manner, and in accordance with the legislative provisions of the Act.

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**

(continued)

a. Council Plan Linkage and Policy Context

This Policy links to the Glenelg Shire Council – Council Plan 2013 – 2017, Theme 4, Govern in a responsible and responsive way.

b. Legislative and Legal Considerations

This Policy responds to Council's obligations specifically in relation to section 93(B)(1) of the Act, requiring Council to prepare, adopt and maintain an election period policy.

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Risk Management

This Policy will assist Council meet its obligations under the Act. Adherence to this Policy will minimise the potential for any successful disputes regarding the validity of the 2016 Glenelg Shire Council general elections or on Council decisions made during the 'Election Period'.

e. Resource Implications

The application of this Policy will have a moderate resource implication, however it is expected that relevant staff will undertake these responsibilities within their existing positions without the need for additional resources be allocated.

f. Charter of Human Rights and Responsibilities

This Policy is consistent with the Charter for Human Rights. Specifically the 'right to take part in public life'.

g. Sustainability and Environmental Considerations

Not applicable.

h. Budget Implication

It is expected that there will be no additional budget implications as a result of the implementation of this Policy.

**F3. POLICY DEVELOPMENT AND REVIEW – ELECTION PERIOD POLICY**Conclusion

The policy extends to all Councillors and candidates who are standing for election as well as staff in their dealings with candidates during the election period. A copy of the Election Period Policy must:

- Be given to each Councillor as soon as practicable after it is adopted;
- Be available for inspection by the public at the Council office and any district offices; and
- Be published on the Council's website.

Officer Recommendation

That Council adopt the Election Period Policy.

**MOTION**

**MOVED Cr Wilson**

**That Council adopt the Election Period Policy.**

**SECONDED Cr Stephens**

**CARRIED**

**F4. ADOPTION OF 2016/2017 FEES AND CHARGES SCHEDULE**

(Separate circulation to Councillors, CEO, Group Managers and available to the Public)

(DocSetID: 2071056, 2071058)

Group Manager: Karena Prevett, Group Manager Corporate Services  
Author: Toni Saunders, Accountant

**Executive Summary**

The purpose of this report is to enable Council to adopt the Fees and Charges schedule for the 2016/2017 financial year.

**Background**

As part of its annual Budget preparation process, Council reviews its suite of user fees and charges. These fees and charges need to be adopted prior to the release of the Council Budget, so they can commence on 1 July each year. This enables the incorporation of proposed fees and charges into the coming year's budget, and ensures that sufficient notice is provided to service users and customers.

**Report**

All Council's fees and charges have been reviewed for the 2016/2017 financial year. A number of fees and charges are fixed by the Federal or State Government and are non-discretionary. Fees and charges that are discretionary and set by Council have been reviewed by the relevant service area.

As a guiding principle, the Council's Strategic Resource Plan was based on an average increase of two point five percent (2.5%), with the exception of statutory fees (determined by external legislation and not Council) and those items impacted by rounding. Any other fee or charge that has either increased / decreased by greater than two point five percent (2.5%) has been considered by Council.

**F4. ADOPTION OF 2016/2017 FEES AND CHARGES SCHEDULE**

(continued)

a. Council Plan Linkage and Policy Context

The fees and charges schedule links to the Council Plan, particularly key objective: (4) – Govern in a responsible and responsive way.

b. Legislative and Legal Considerations

Statutory fees governed by legislation have been considered.

c. Consultation and/or communication processes implemented or proposed

Service recipients and customers have been given sufficient notice of the fees and charges effective from the 1 July 2016.

d. Risk Management

Not applicable.

e. Resource Implications

Not applicable.

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

Not applicable.

h. Budget Implication

As per the attached report.

Conclusion

As service recipients and customers should be given reasonable notice prior to a fee or charge changing, the adoption of the fees and charges for the 2016/2017 financial year will provide a reasonable notice period and commencement of the new fees and charges on 1 July 2016, it is therefore recommended that the Fees and Charges for 2016/2017 be adopted.

**F4. ADOPTION OF 2016/2017 FEES AND CHARGES SCHEDULE**

(continued)

**Officer Recommendation**

1. That Council adopt the fees and charges contained in the 2016/2017 Fees and Charges document, separately circulated (as initialled by the Chairperson), subject to Council reserving the right to vary the fees and charges during the 2016/2017 financial year following completion of any subsequent reviews.
2. That Council, as a matter of policy, set all statutory fees and charges at the maximum level permitted by the relevant Act or Regulation, unless otherwise specified in the 2016/2017 Fees and Charges document.

**MOTION****MOVED Cr Northcott**

1. **That Council adopt the fees and charges contained in the 2016/2017 Fees and Charges document, separately circulated (as initialled by the Chairperson), subject to Council reserving the right to vary the fees and charges during the 2016/2017 financial year following completion of any subsequent reviews.**
2. **That Council, as a matter of policy, set all statutory fees and charges at the maximum level permitted by the relevant Act or Regulation, unless otherwise specified in the 2016/2017 Fees and Charges document.**

**SECONDED Cr Stephens****CARRIED**

## **F5. RECEIPT OF THE PROPOSED ALCOHOL FREE ZONE WITHIN PORTLAND'S FORESHORE SUBMISSIONS COMMITTEE MEETING MINUTES HELD ON 8 MARCH 2016**

(Separate circulation to Councillors, CEO, and Group Managers)

(DocSetID: 2573802, 2050098)

Group Manager: Karena Prevett, Group Manager Corporate Services  
Author: Debra Clark, Governance & Local Laws Coordinator

### Executive Summary

This report provides the minutes of the Proposed Alcohol Free Zone within Portland's Foreshore Submissions Committee Meeting held on Tuesday 8 March 2016.

### Background

In accordance with Section 223 of the *Local Government Act 1989* ("the Act") if a person is given a right to make a submission to the Council, the Council must provide the person with the opportunity to be heard in support of the submission at a meeting of the Council or at a committee determined by the Council. The Council or special committee must consider all the submissions made under Section 223 of the Act.

At the Ordinary Council Meeting held on 23 February 2016, the Council appointed a Committee to consider submissions received on the proposed alcohol free zone within the Portland foreshore. It was proposed that the designated area be alcohol free between the hours of 10pm to 11am, and 2pm to 5pm daily.

A public notice inviting submissions was advertised on Friday 5 February 2016. Submissions were received until 3pm Friday 4 March 2016 and at the time of closing, one (1) written submission had been received. The person who made the submission was provided an opportunity to speak to it. This opportunity was declined.

### Report

A meeting was held on Tuesday, 8 March 2016 for the Committee to consider the written submissions. The Committee Meeting minutes are attached along with a copy of the submission received.

#### a. Council Plan Linkage and Policy Context

This report is linked to Theme 4 of the Council's Plan – 'Govern in a responsible and responsive way'.

**F5. RECEIPT OF THE PROPOSED ALCOHOL FREE ZONE WITHIN PORTLAND'S FORESHORE SUBMISSIONS COMMITTEE MEETING MINUTES HELD ON 8 MARCH 2016**

(continued)

b. Legislative and Legal Considerations

The Council or Special Committee must consider all the submissions made under Section 223 of the *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

A public notice on the proposal to designate an alcohol free zone within Portland's foreshore inviting submissions under Section 223 of the *Local Government Act 1989* was published in the Portland Observer on Friday 5 February 2016. Submissions were received until 3pm Friday 4 March 2016.

The Submissions Committee has considered the one submission received.

d. Risk Management

Risk management issues have been considered during the preparation of this report.

e. Resource Implications

There are no resource implications. The administration required has been carried out as part of normal duties.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

Sustainability and environmental considerations have been considered.

h. Budget Implications

There are no budget implications relating to this report.



**F5. RECEIPT OF THE PROPOSED ALCOHOL FREE ZONE WITHIN PORTLAND'S FORESHORE SUBMISSIONS COMMITTEE MEETING MINUTES HELD ON 8 MARCH 2016**

(continued)

Conclusion

The Submissions Committee has considered the one submission received in relation to the proposed designated alcohol free zone within Portland's foreshore.

Having considered the submission the Committee recommended proceeding with the designated alcohol free zone within Portland's foreshore with an amendment to the proposed alcohol free times.

Proposed Alcohol Free Zone within Portland's Foreshore Submissions Committee Recommendation

1. That Council consider the report submitted to this Ordinary Council Meeting informing them that the Submissions Committee has received one written submission on the Proposed Alcohol Free Zone within Portland's Foreshore.
2. That Council accept the minutes of the Proposed Alcohol Free Zone within Portland's Foreshore Submissions Committee held on 8 March 2016.
3. That the Committee advise Council on any related matter it considers appropriate.

**MOTION**

**MOVED Cr Halliday**

1. **That Council consider the report submitted to this Ordinary Council Meeting informing them that the Submissions Committee has received one written submission on the Proposed Alcohol Free Zone within Portland's Foreshore.**
2. **That Council accept the minutes of the Proposed Alcohol Free Zone within Portland's Foreshore Submissions Committee held on 8 March 2016.**
3. **That the Committee advise Council on any related matter it considers appropriate.**

**SECONDED Cr Wilson**

**CARRIED**

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

Group Manager: Karena Prevett, Group Manager Corporate Services  
Author: Debra Clark, Governance & Local Laws Coordinator

**Executive Summary**

This report is to provide Council with a summary of submissions received on the proposed alcohol free zone within Portland's foreshore and to present an amended proposal for Council's consideration.

**Background**

The Victoria Police made a presentation to Council in September 2015 recommending that alcohol consumption be prohibited in an area of the foreshore incorporating the Portland Youth Activity and Skate Space through to the carpark on the north side of the Portland Yacht Club. Their proposal recommended there be specific alcohol free time periods each day, rather than a blanket 24 hour approach.

**Report**

Under clause 4.33 of the General Local Law 2018, Council has the legal power to declare by resolution that "unless otherwise authorised by Council a person must not consume, or have in his or her possession, in an unsealed container, any alcohol in or on any Public Place, unless the Public Place is a licensed premises or authorised premises under the *Liquor Control Reform Act 1998* as amended from time to time".

Any designated areas declared by resolution are within Schedule 4 in the List of Schedules incorporated as a document to the General Local Law. The List of Schedules allows Council a less onerous way to provide for a restriction of alcohol in a designated area. Amending the Local Law itself is a lengthy process. Under best practice regulation, demonstration of open and transparent approaches including genuine consultation outside the normal statutory process is required.

There are currently three designated areas where a declaration is in force, being the Portland and Casterton central business districts, and an area in Nelson which includes Council road reserves, the river foreshore precinct and the Annie Kerr Reserve.

In terms of enforcement, if a person without a permit consumes, or has in his or her possession, an unsealed container of alcohol within an area designated by Council to be alcohol free, that person commits an offence under the Local Law and can be issued with an infringement notice.

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

Council has the ability to delegate to individual Police officers the power to issue infringement notices under such a local law in accordance with section 224A of the *Local Government Act 1989* (the Act). This power is exercised for the established designated areas within Portland and Casterton.

In February 2011 the List of Schedules were amended to include a designated area in Nelson. The amendment included the following: "to be seasonal between 1 December and the 30 April each year, and only apply from 10pm to 10am."

Under section 116 of the Act, Council can decide the times and extent to which a Local Law applies; however clause 4.33 in the General Local Law refers to prohibition only and does not extend to declaring times and time periods. As the proposal for an alcohol free area within Portland's foreshore also includes time zones, it is proposed to address this technicality when developing the new General Local Law which must be adopted by 19 March 2018.

The proposal for a new alcohol free zone within the Portland foreshore can then be delivered by an amendment to Schedule 4 in the List of Schedules incorporated as a document to the General Local Law 2008 via the statutory process. Section 199 of the Act requires Councils to give public notice of the intention to make an amendment and section 223 specifies a minimum period of 28 days for consultation on the proposed change.

Local Laws are developed within the context of other existing legislation and steps need to be taken to ensure any amendment does not duplicate, overlap, conflict with, or is inconsistent with existing legislation.

The proposed amendment to be added to Schedule 4 in the List of Schedules is as follows:

*Schedule 4 – Designated Areas – Consumption of Alcohol in Public Places  
General Local Law 2008 Clause 4.33*

*Portland Foreshore*

*Time: 10pm to 10am, and 2pm to 5pm*

*All Municipal Places within the area bounded by a line commencing at the south west corner of Lee Breakwater Road and then extending in a northerly direction along the western side of Lee Breakwater Road to the southern side of the Portland Yacht Club and then extending in a easterly direction to the water edge, and then extending back in a southerly direction to Trawler Wharf Road, and then in a westerly direction to Lee Breakwater Road.*

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

An indicative map of the proposed area follows:



**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

At the Ordinary Council Meeting held on 27 January 2016 it was resolved that Council gives notice of the proposed amendment to the List of Schedules incorporated as a document to the General Local Law 2008 and invites submissions from any person on the proposed alcohol free area within Portland's foreshore. It was proposed to have two alcohol free times within the designated zone; being 10pm to 11am, and 2pm to 5pm daily.

The public notice inviting submissions was advertised on Friday 5 February 2016. Submissions were received until 3pm Friday 4 March 2016 and at the time of closing, one (1) written submission had been received. The person who made the submission was provided an opportunity to speak to it; however this opportunity was declined.

Pursuant with section 223 of the Act, at the Ordinary Council Meeting held on 23 February 2016 a Committee of Council was appointed to hear and consider any submissions received, with the Committee's findings reported to Council.

If an amendment to the General Local Law 2008 is adopted by Council, formal notice of the amendment will need to be placed in the Victoria Government Gazette and a copy of the amendment provided to the Minister for Local Government in accordance with the Act. Approval is not required from the Department of Environment, Water, Land and Planning (DELWP) as Council is the delegated Committee of Management for the area.

After completion of the legal requirements, the necessary signage will need to be erected and the Victoria Police to be formally notified of the commencement of the amendment to the List of Schedules incorporated as a document to the General Local Law 2008.

a. Council Plan Linkage and Policy Context

The content of this report relates to Council's commitment to Governing in a Responsible and Responsive Way as described in Theme 4 of the Council Plan 2013/14 – 2016/17.

b. Legislative and Legal Considerations

Legislative and legal matters have been considered in the preparation of this report.

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

c. Consultation and/or communication processes implemented or proposed

The Victoria Police made a presentation to Council in September 2015 recommending an amendment to the General Local Law 2008 to include an alcohol dry zone at the Portland Foreshore precinct.

To amend Schedule 4 in the List of Schedules, there is a statutory process to be followed including a submission process of not less than 28 days. The findings of any submissions received will be reported to Council. Any amendment cannot take effect until Governmental Gazettal has taken place following adoption by Council.

Following the statutory process, the Victoria Police will be advised of the change, new signage erected and media attention given to the change.

d. Risk Management

There are no specific risk management issues to be addressed in relation to the content of this report.

e. Resource Implications

There are no resource implications. The administration required has been carried out as part of normal duties. The Victoria Police will be responsible for enforcement.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

There are no specific sustainability and environmental considerations that need to be addressed in this report.

h. Budget Implication

If this proceeds, the consultation and process steps will be undertaken by officers as part of normal duties. There are no budget implications apart from advertising and signage costs.

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

As the enforcement is delegated to Victoria Police, the financial implications on Council would be limited to the administrative and prosecution functions.

Conclusion

The Victoria Police made a presentation to Council in September 2015 recommending that alcohol consumption be prohibited in an area of the foreshore incorporating the Portland Youth Activity and Skate Space through to the carpark on the north side of the Portland Yacht Club. Their proposal recommended there be specific alcohol free time periods each day, rather than a blanket 24 hour approach and further consultation with them determined their preference was for two alcohol free periods each 24 hours:

- 10pm to 11am; and 2pm to 5pm.

Following the Submissions Committee meeting held on 8 March 2016, the Committee recommends that Council endorse a designated alcohol free area within Portland's foreshore (as described within this report and displayed in the indicative map). Following consideration of the submission received, the Committee has recommended a change to one of the alcohol free periods – namely, 10pm to 11am be changed to 10pm to 10am.

Officer Recommendation

1. That Council designate an alcohol free zone within Portland's foreshore as described within this report and displayed in the indicative map, in accordance with clause 4.33 of the General Local Law 2008.
2. That the proposed designated alcohol free area be enforceable between the hours of 10pm to 10am, and 2pm to 5pm.
3. That the notice of the amendment to Schedule 4 in the List of Schedules incorporated as a document to the General Local Law 2008 be published in the Victoria Government Gazette.
4. That a copy of this amendment be forwarded to the Minister for Local Government in accordance with the requirements of the *Local Government Act 1989*.
5. That the Victoria Police be notified following the completion of all statutory requirements.
6. That the necessary signage be erected once the statutory process is complete.

**F6. PROPOSED ALCOHOL FREE ZONE WITHIN THE PORTLAND FORESHORE**

(continued)

**MOTION**

**MOVED Cr Wilson**

1. That Council designate an alcohol free zone within Portland's foreshore as described within this report and displayed in the indicative map, in accordance with clause 4.33 of the General Local Law 2008.
2. That the proposed designated alcohol free area be enforceable between the hours of 10pm to 10am, and 2pm to 5pm.
3. That the notice of the amendment to Schedule 4 in the List of Schedules incorporated as a document to the General Local Law 2008 be published in the Victoria Government Gazette.
4. That a copy of this amendment be forwarded to the Minister for Local Government in accordance with the requirements of the *Local Government Act 1989*.
5. That the Victoria Police be notified following the completion of all statutory requirements.
6. That the necessary signage be erected once the statutory process is complete.

**SECONDED Cr Rank**

**CARRIED**



**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(Separate circulation to Councillors, CEO and Group Managers)

(DocSet ID: 2059944, 1882524, 2059213)

Group Manager: Stephen Kerrigan, Group Manager Planning and Economic Development.

Author: Steve Myers, Strategic Planner.

Executive Summary

This report is provided to Councillors for review and requests Council to release the Glenelg Tourism and Events Strategy to the public and endorse the Cape Bridgewater Structure Plan Background Report.

Background

Council has commenced the preparation of a Structure Plan for Cape Bridgewater that will identify the location of a settlement boundary and provide guidance on future land uses within the settlement, taking into account tourism supply and demand.

Report

In January 2016, Council officers completed a Background Report (Attachment A) which provides an overview of key issues affecting future land use and development within Cape Bridgewater. In summary, the report identifies the following key planning issues which will be considered during the preparation of the Structure Plan:

- A clear settlement boundary will be identified to ensure future development is planned and coastal values are protected.
- Once the settlement boundary has been identified, a review of land uses within Cape Bridgewater will be undertaken to identify preferred planning zones.
- Built form and design guidelines will be developed to promote and enhance the uniqueness and attractiveness of Cape Bridgewater.
- Opportunities for new tourist facilities and accommodation within the settlement (and adjoining rural areas) will be investigated.

The Background Report identifies there are limited urban growth opportunities beyond the existing settlement area. However, as identified within the Glenelg Tourism & Events Strategy, there are opportunities to develop further tourism facilities/accommodation within Cape Bridgewater.

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

The Glenelg Tourism & Events Strategy is discussed further below.

The Background Report also identifies that the preparation of the Structure Plan will be informed by a coastal hazard risk assessment (based on best available information on sea-level rise and the risks/impacts of a changing climate). Coastal hazard risk affecting Cape Bridgewater is also discussed further below.

The Project Control Group (comprising Cr. Halliday and various Council officers) met on 19 January 2016 and endorsed the Background Report. The report will inform the development of a vision and key land use directions for the Cape Bridgewater (Stage 4). Refer to Figure 1 below.

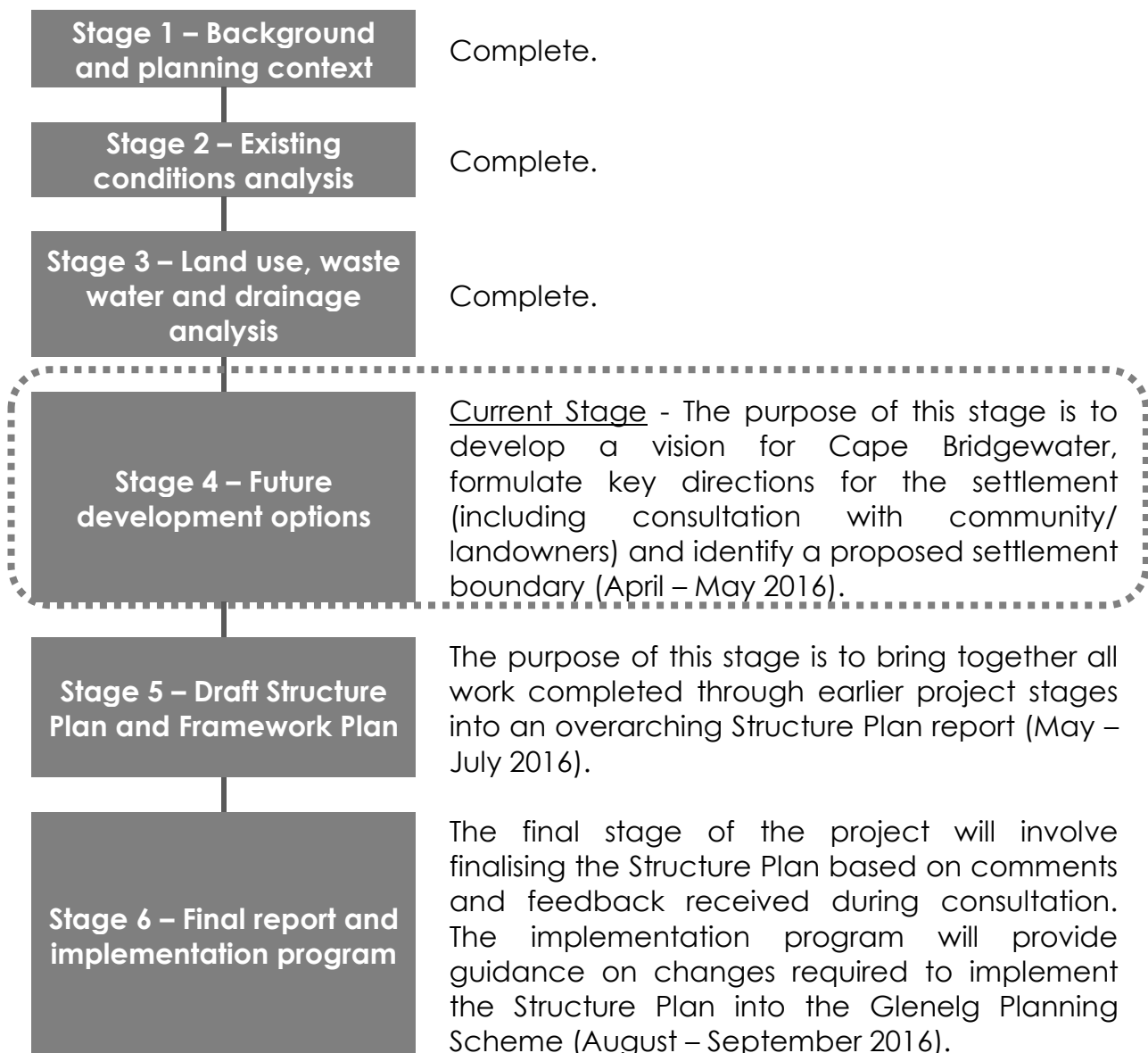


Figure 1 – Cape Bridgewater Structure Plan Project Stages (Stages 4-6 to be undertaken by consultant)

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

Glenelg Tourism and Events Strategy:

The Background Report identifies while there is limited policy support for further urban development beyond existing developed areas within Cape Bridgewater, there is strong policy support for development of tourist facilities and accommodation within the settlement and adjoining rural areas.

In 2015, Council prepared a Tourism and Events Strategy which provides a framework for the development of the Shire's tourism industry. Of relevance to Cape Bridgewater, the Strategy identifies opportunities to develop and expand nature-based tourism, including:

- Major resort-style development and/or high quality tourist park (e.g. BIG4, RACV);
- Seal and other wildlife tours;
- Cycling and trail network; and
- Wildlife viewing areas.

The Background Report recommends the Structure Plan identify opportunities to develop and promote tourist facilities and accommodation within Cape Bridgewater (and adjoining rural areas) based on detailed supply and demand analysis. The Tourism & Events Strategy contains relevant background information and research to undertake this analysis (and will be publicly available upon request).

It is therefore recommended Council support the release of the Glenelg Tourism and Events Strategy as it is currently confidential (even though the Key Strategic Actions have been made available to the public). This is to assist the analysis of nature-based tourism supply and demand relevant to Cape Bridgewater and the preparation of the Structure Plan. The Tourism & Events Strategy will be provided to consultants appointed to undertake Stages 4-6 of the project.

Coastal Hazard Vulnerability Assessment:

Following completion of the Background Report, Council officers engaged Water Technology Pty Ltd to undertake a Coastal Hazard Vulnerability Assessment for the Bridgewater Bay foreshore area.

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

The Coastal Hazard Vulnerability Assessment (Attachment B) identifies Bridgewater Road, the surf lifesaving club, the café, and car parks are at risk of undermining from storm events under existing sea level conditions. This risk increases by the year 2040, 2070 and 2100 due to predicted sea-level rise.

The assessment identifies the foreshore area should be protected by a rock armour wall, otherwise the area should be vacated to allow the shoreline to retreat. Properties landward of Bridgewater Road are not considered at risk of coastal hazards.

In November 2014, Council adopted a master plan for the foreshore area (Bridgewater Bay Foreshore Master Plan, 2014). The master plan supports the installation of a rock revetment and dune reconstruction works along the foreshore. The Coastal Hazard Vulnerability Assessment includes an assessment of short-term and long-term foreshore erosion based on existing conditions and the proposed dune reconstruction works (as recommended within the Bridgewater Bay Foreshore Master Plan).

The assessment (pages 16-19) identifies short-term and long-term erosion is significantly reduced based on the proposed installation of a rock revetment and dune reconstruction works. The assessment notes the level of protection and effectiveness of the proposed works should be considered further within the detailed design phase of the project (proposed to be undertaken in conjunction with the Structure Plan).

The identification of a settlement boundary for Cape Bridgewater will be guided by the Coastal Hazard Vulnerability Assessment and Council's response to the risk assessment. It is recommended Council confirm its commitment to install the proposed rock revetment and dune reconstruction works along the Cape Bridgewater Foreshore.

As recommended within the Coastal Hazard Vulnerability Assessment, the Cape Bridgewater Structure Plan project will include detailed design of the rock revetment and dune reconstruction works to support the establishment of a settlement boundary. The detailed design construction plans could take between 3-6 months to design.

a. Council Plan Linkage and Policy Context

Theme 3 - Manage and sustain our natural and built assets.

The preparation of the Cape Bridgewater Structure Plan supports the implementation of the Council Plan 2013-2017 objective to create places where our livelihoods and quality of life complement our natural and built assets.

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

b. Legislative and Legal Considerations

The Cape Bridgewater Structure Plan will be developed in accordance with the requirements and objectives of the *Planning and Environment Act 1987*, directions issued by the Minister for Planning (Ministerial Directions) and relevant practice notes/guidelines issued by the Department of Environment, Land, Water and Planning.

c. Consultation and/or communication processes

The preparation of the Cape Bridgewater Structure Plan will include extensive community consultation and engagement. An Engagement Plan will be prepared to guide consultation throughout the preparation of the structure plan (Stages 4-6).

d. Risk Management

Risks will be managed through the preparation of an Engagement Plan that will ensure local residents, landowners, and stakeholders are involved in the preparation of the Cape Bridgewater Structure Plan.

e. Resource Implications

The preparation of the Cape Bridgewater Structure Plan will not result in any significant impact on the resources and administrative costs of Council. The project will be managed by Council's Planning Unit. The project will also involve a number of staff across the organisation (through the involvement on a Project Control Group).

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

g. Sustainability and Environmental Considerations

The Cape Bridgewater Structure Plan will incorporate sustainability and environmental practices.

h. Budget Implication

Costs associated with the preparation of the Cape Bridgewater Structure Plan have been included within the 2015/16 Planning Budget.

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

Conclusion

The Cape Bridgewater Structure Plan project is proceeding in accordance with agreed timeframes (as outlined in Figure 1). The preparation of the Structure Plan (Stages 4-6) will commence late March/early April 2016 (following the appointment of a consultant).

The project will be guided by the Background Report (Attachment A), the Glenelg Tourism and Events Strategy and the Coastal Hazard Vulnerability Assessment prepared for the settlement (Attachment B).

In March 2016, a selected tender process will commence to appoint a suitably qualified and experienced planning consultancy to prepare a Structure Plan for Cape Bridgewater. These stages (Stages 4-6) of the project will include the development of a vision for Cape Bridgewater, formulation of key directions for the settlement (including consultation with community/landowners) and identification of a settlement boundary.

Following completion of the Structure Plan, Council will be in a position to prepare and exhibit a planning scheme amendment to implement the Structure Plan into the Glenelg Planning Scheme. The planning scheme amendment will be guided by an Implementation Program (to be developed as part of Stage 6).

Officer Recommendation

1. That Council support the public release of the Glenelg Tourism and Events Strategy adopted by Council 26 May 2015.
2. That Council endorse the Cape Bridgewater Structure Plan Background Report included in the separate circulation.
3. That Council confirms its commitment to the installation of a rock revetment and dune reconstruction, as outlined in the Coastal Hazard Vulnerability Assessment report, in accordance with the Bridgewater Bay Foreshore Master Plan included in the separate circulation.

**F7. CAPE BRIDGEWATER STRUCTURE PLAN PROJECT**

(continued)

**MOTION**

**MOVED Cr Rank**

1. That Council support the public release of the Glenelg Tourism and Events Strategy adopted by Council 26 May 2015.
2. That Council endorse the Cape Bridgewater Structure Plan Background Report included in the separate circulation.
3. That Council confirms its commitment to the installation of a rock revetment and dune reconstruction, as outlined in the Coastal Hazard Vulnerability Assessment report, in accordance with the Bridgewater Bay Foreshore Master Plan included in the separate circulation.

**SECONDED Cr Halliday**

**CARRIED**

**F8. DRAFT COASTAL WEED ACTION PLAN 2016**

(Separate circulation to Councillors, CEO and Group Managers)

(DocSetID: 2067616)

Group Manager: Stephen Kerrigan, Group Manager, Planning and Economic Development

Author: Adam Smith, Environmental Sustainability Coordinator

Executive Summary

This report is provided to Councillors for review of the Coastal Weed Action Plan and endorsement of same.

Background

The Glenelg Shire contains 133km of coastline stretching from the boundary with the Moyne Shire at Boundary Road in the east to the South Australian border in the west.

The two main areas are Bridgewater Bay and the Portland foreshore area including the harbour, Nuns Beach and Anderson Point. Noxious and environmental weeds within these areas were assessed and a Weed Action Plan developed.

Within this area Council has management of 113 hectares of land along the coastline (97.6 hectares is Crown land with Council appointed as Committee of Management and 15.5 hectares is owned by Council). This equates to 6.5km of coastline under Councils care, control and management.

Weeds have major economic, environmental and social impacts in Australia, causing damage to natural landscapes, agricultural lands, waterways and coastal areas. Weeds impact severely on agriculture by competing with production, contaminating produce and poisoning livestock. Weeds also impact on biodiversity by out-competing native plants and degrading habitat. Weeds, along with other invasive species, now arguably pose one of the most significant threats to biodiversity.

Weed management is an essential and integral part of the sustainable management of natural resources for the benefit of the economy, the environment, human health and amenity.



**F8. DRAFT COASTAL WEED ACTION PLAN 2016**

(continued)

Report

The Draft Coastal Weed Action Plan has been developed to assess, evaluate and provide control action for the management of noxious and environmental weeds within the coastal areas under Councils care, control and management. If implemented it should see the gradual control and reduction of noxious and environmental weeds within these areas.

a. Council Plan Linkage and Policy Context

*Glenelg Shire Council Plan 2013/14 – 2016/17*

Theme 1: Engaged, healthy, connected and proud community:

Strategy 2: Improve the presentation of the Shire to our community and to invite visitors.

Theme 3: Manage and sustain our natural and built assets:

Strategy 7: Manage the development of a quality built environment that values and respects our natural and cultural inheritance.

Theme 4: Govern in a responsible and responsive way:

Strategy 2: Maximise the effectiveness of our resources.

Action 2: Ongoing financial sustainability of GSC.

Action 3: Effective stewardship of assets and resources.

*Glenelg Environment Strategy 2010-2020*

Strategy 3.1 Council to value and appropriately manage biodiversity and environmental values of Council managed land.

Strategy 3.4 Council to actively contribute to planning and decision-making with all Crown land managers in Glenelg Shire.

Strategy 5.1 Increase the capacity and resilience of Glenelg's biophysical coastal environment to adjust to the impacts of climate change.

b. Legislative and Legal Considerations

None applicable.

**F8. DRAFT COASTAL WEED ACTION PLAN 2016**

(continued)

c. Consultation and/or communication processes

None applicable.

d. Risk Management

None applicable.

e. Resource Implications

Supervision of the control works will need to be included eg: Parks and Gardens.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when doing the report.

g. Sustainability and Environmental Considerations

The Plan will assist in the management of coastal areas owned or managed by Council to the best sustainability and environmental practice. It will assist in the capacity for climate adaptation and use of the best materials for coastal areas.

h. Budget Implication

There are no funds allocated to the implementation of this Plan. Resources of \$50,000 per annum over approximately 5 years would need to be allocated. Otherwise work could gradually be undertaken within normal budget, but this would not have the desired impact.

Conclusion

Key Strategic Activities – Year 3 of the Council Plan 2013-2017 Theme 3, Objective 3 requires that an action plan, based on priority locations, for coastal weed control be presented to Council by 31 March 2016.

Officer Recommendation

That Council endorse the Draft Coastal Weed Action Plan and that a new budget initiative be presented for consideration in the 2017/18 budget discussions.

**F8. DRAFT COASTAL WEED ACTION PLAN 2016**

(continued)

**MOTION**

**MOVED Cr Northcott**

**That Council endorse the Draft Coastal Weed Action Plan and that a new budget initiative be presented for consideration in the 2017/18 budget discussions.**

**SECONDED Cr Halliday**

**CARRIED**

**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(Separate circulation to Councillors, CEO and Group Managers)

(DocSetID: 2067385)

Group Manager: Stephen Kerrigan, Group Manager, Planning and Economic Development

Author: Adam Smith, Environmental Sustainability Coordinator

Executive Summary

This report is provided to Councillors for review of the Coastal Operation Plan (attached) and for endorsement of same.

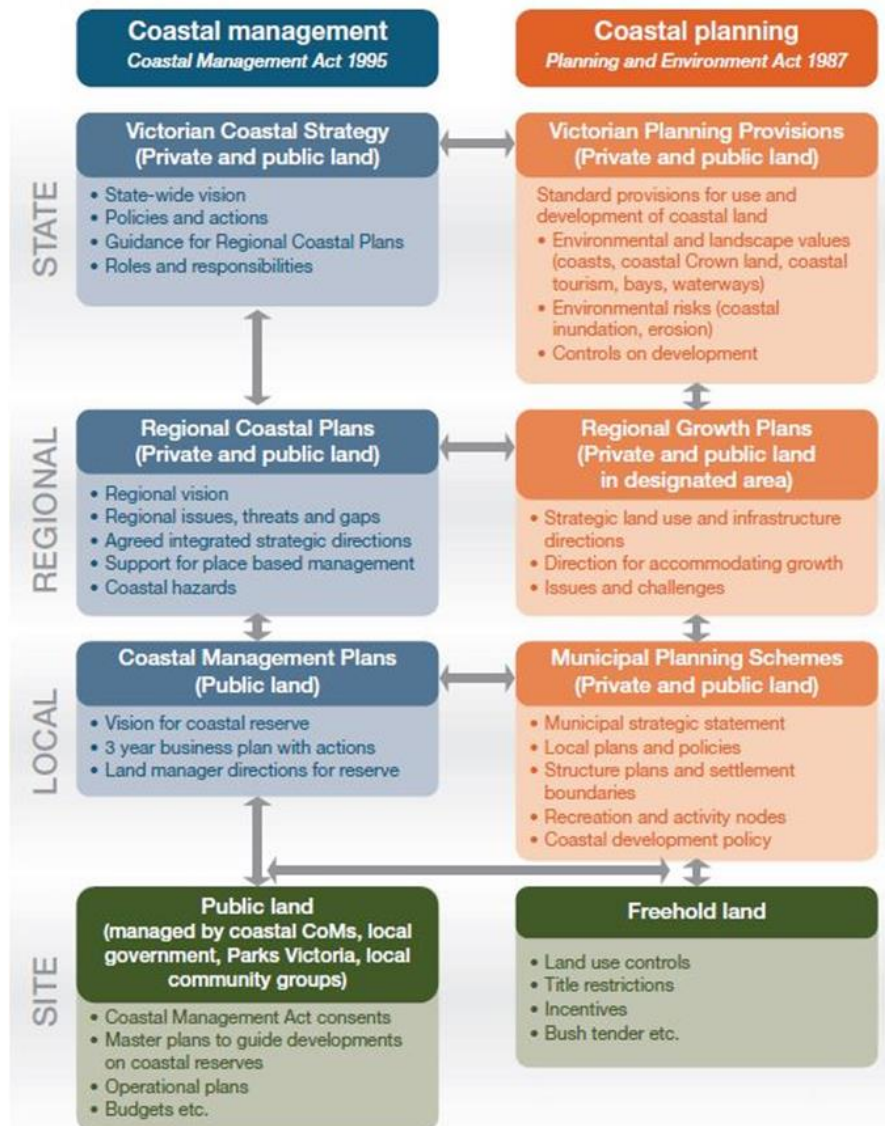
Background

The Glenelg Shire contains 133km of coastline stretching from the boundary with the Moyne Shire at Boundary Road in the east to the South Australian border in the west. Within this area Council has management of 113 hectares of land along the coastline (97.6 hectares is Crown land with Council appointed as Committee of Management and 15.5 hectares is owned by Council).

*The Coastal Management Act 1996* establishes the legislative framework for planning and managing the coast of Victoria. It enables a four-tiered approach with policies, plans and tools at a state, regional, local and site level as shown in Figure 1. Coastal management and planning connections in Victoria.

**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(continued)



**Figure 1. Coastal management and planning connections in Victoria (from Victorian Coastal Strategy 2014. P7)**

Under the *Coastal Management Act 1996* Council as Public Land Manager can prepare a Coastal Operational Plan (the Plan) to be used to assist in the management of coastal land under its care, control and management.

Only land within 200 metres of the coastline has been incorporated into this Plan. This Plan does not include the management of roads within this zone. If an adopted Master Plan exists for an area then this Plan is to assist in the implementation of the Master Plan (any management action in an adopted Master Plan takes precedence over this Plan).

**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(continued)

This Plan seeks to provide the framework necessary for the protection of environmental and aesthetic values and to ensure that the use of coastal resources occur in a sustainable way for future generations to enjoy.

Operational Plan aims to:

- Maintain beach and water quality
- Provide protection of coastal assets (infrastructure)
- Retaining the coastal character
- Provide safe vehicle and pedestrian movement
- Protect dune and foreshore
- Enable sustainable use of the natural assets
- Enhance biodiversity by protecting significant native flora and fauna habitat
- Provide visitor facilities and infrastructure that meets demand, minimises environmental impact and are well maintained
- Protect Indigenous and European Cultural Heritage
- Continue to support the activities of volunteer groups and organisations
- Enhance the quality of life for local residents
- Provide for a diverse range of recreational and tourism opportunities, including the provision of infrastructure to extend and expand the tourist season and experience
- Provide suitable, well connected, all abilities, access to coastal locations where practicable

Comments were received from DELWP and have been included in the document (changes indicated in red).

**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(continued)

Report

Comment and review on the Draft Plan was sought from Councillors, State Government and Gunditj Mirring in late 2015.

Comments were received from DELWP and have been included in the document (changes indicated in red).

a. Council Plan Linkage and Policy Context

*Glenelg Shire Council Plan 2013/14 – 2016/17*

Theme 1: Engaged, healthy, connected and proud community:

Strategy 2: Improve the presentation of the Shire to our community and to invite visitors.

Theme 3: Manage and sustain our natural and built assets:

Strategy 7: Manage the development of a quality built environment that values and respects our natural and cultural inheritance.

Theme 4: Govern in a responsible and responsive way:

Strategy 2: Maximise the effectiveness of our resources.

Action 2: Ongoing financial sustainability of GSC.

Action 3: Effective stewardship of assets and resources.

*Glenelg Environment Strategy 2010-2020*

Strategy 3.1 Council to value and appropriately manage biodiversity and environmental values of Council managed land.

Strategy 3.4 Council to actively contribute to planning and decision-making with all Crown land managers in Glenelg Shire.

Strategy 5.1 Increase the capacity and resilience of Glenelg's biophysical coastal environment to adjust to the impacts of climate change.

b. Legislative and Legal Considerations

None applicable.

**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(continued)

c. Consultation and/or communication processes

Selected staff were given the opportunity to comment on the draft plan. DELWP have been contacted on the proposed Plan.

d. Risk Management

None applicable.

e. Resource Implications

None applicable.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when doing the report.

g. Sustainability and Environmental Considerations

The Plan will assist in the management of coastal areas owned or managed by Council to the best sustainability and environmental practice. It will assist in the capacity for climate adaptation and use of the best materials for coastal areas.

h. Budget Implication

There are no additional funds allocated for the implementation of this Plan. Day to day operation/actions within the Plan are mainly included in existing budgets.



**F9. DRAFT COASTAL OPERATIONAL PLAN 2016**

(continued)

**Conclusion**

Key Strategic Activities – Year 3 of the Council Plan 2013-2017 Theme 3, Objective 3 requires that an Action Plan be prepared for presentation to Council.

**Officer Recommendation**

That Council endorse the 2016 Coastal Operational Plan with amendments.

**MOTION****MOVED Cr Rank**

**That Council endorse the 2016 Coastal Operational Plan with amendments.**

**SECONDED Cr Stephens****CARRIED**

**F10. BUSINESS CASE - LIGHTING REPLACEMENT - PORTLAND LEISURE AND AQUATIC CENTRE**

Group Manager: Stephen Kerrigan, Group Manager, Planning and Economic Development  
Author: Adam Smith, Environmental Sustainability Coordinator

**Executive Summary**

This briefing paper is provided to Council for review and endorsement of the Business case for lighting replacement at the Portland Leisure and Aquatic Centre.

**Background**

At the Ordinary Council Meeting 26 November 2013, Council adopted the recommendations set out in the Carbon Reduction Plan 2014-2018. A number of key priorities were identified that have a significant cost benefit to the organisation as well as significant carbon reduction savings. Reducing carbon emissions by a minimum of 5 percent for the organisation is a key performance activity as set out in the *Council Plan 2013-2017*.

Portland's Leisure and Aquatic Centre although not being managed by Council is still a Council asset. By assisting in the upgrading of the facility to more efficient lighting Council is providing a higher quality asset that meets minimum lighting standards, has reduced energy costs and provides a better return to the local community. Staff at the YMCA have indicated that the current lighting, especially with the 25 metre pool, makes it hard to see the corners of the pool.

**Victorian Energy Efficiency Certificates (VEEC):**

Some activities referred to as 'Prescribed Activity' are eligible for electronic certificates known as VEECs (Victorian energy efficiency certificates) under the Victorian Energy Efficiency Target (VEET) scheme. VEET was introduced through the *Victorian Energy Efficiency Act 2007* and the Victorian Energy Efficiency Target Regulations 2008. The purpose of the VEET scheme is to reduce greenhouse gas emissions, encourage the efficient use of electricity and gas, and to encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by energy consumers.

Each VEEC represents one tonne of carbon dioxide equivalent (CO<sub>2</sub>-e) abated by specified energy saving activities (e.g. fluorescent lighting replacement). The number of VEECs that a given activity can yield depends on the amount of CO<sub>2</sub>-e abatement that the activity will cause.

**F10. BUSINESS CASE - LIGHTING REPLACEMENT - PORTLAND LEISURE AND AQUATIC CENTRE**

(continued)

The abatement is calculated by comparing the difference between the energy use of the new product and the 'baseline' energy use, which refers to the amount of energy that would have been used if the new high efficiency product had not been installed. The Regulations provide the methodology and values for calculating the CO<sub>2</sub>-e abatement (and therefore the number of VEECs eligible for creation) for each Prescribed Activity.

VEECs can only be created by entities accredited by the Essential Services Commission. These entities are known as Accredited Persons. Anyone can apply to be accredited, subject to payment of a \$500 fee. Accredited Persons range from sole traders and small businesses through to large appliance stores and major energy retailers.

The process by which VEECs are bought and sold is known as a transfer. When an Accredited Person wants to transfer its VEECs, they must find a buyer in the VEEC market. The buyer may be a large energy retailer with a liability under the scheme, or another Accredited Person, or any other individual or organisation that holds a VEET account (only VEET account holders can buy, sell or hold VEECs).

**Report**

A lighting audit was undertaken on the Portland Leisure and Aquatic Centre with the determination that 133 lights could be replaced (11 fluorescent 6x6 panel lights running at 54watts per light, 106 fluorescent batten lights running at 78watts each and 16 floodlights running at 250watts each). Replacement lights were costed at \$95 per 6x6 panel LED light (40watts), \$95 per batten LED light (40watts) and \$380 per floodlight (150watts).

If Council purchase the products for the replacement through Accredited Persons, Council can get a reimbursement for the VEECs back at the end of the activity. Replacement of the lights (in bulk) would create an estimated 383 VEECs certificates at a value of \$22.00 per certificate or \$8,426 total. Table 1 below shows the cost/ benefit analysis for the replacement of the current lights with their LED equivalent for the full cost price and for the cost price less the VEEC certificate value.

In summary the Replacement of the existing fluorescent lights to LED would save the operation of the Pool 36,528 kWh, \$7,987.98 and 38.3 tonnes of CO<sub>2</sub>, per year.

## **F10. BUSINESS CASE - LIGHTING REPLACEMENT - PORTLAND LEISURE AND AQUATIC CENTRE**

(continued)

Table 1: Cost/benefit analysis for the Portland Leisure and Aquatic Centre lighting upgrade

Old lights	New	New (less VEEC)	
15	15	15	Mon hours
15	15	15	Tues hours
15	15	15	Wed hours
15	15	15	Thus hours
15	15	15	Fri hours
11	11	11	Sat hours
9	9	9	Sun hours
\$0.22	\$0.22	\$0.22	Purchase cost of electricity (per kWh)
	\$129.28	\$65.93	*Purchase cost of each globe/fitting
140	133	133	Number of Fittings
	\$90	\$90	*Labour cost per hour
	45	45	Minutes to change each fitting
100	50	50	*Watt consumption saving per fitting
95	95	95	Total weekly hours
100	100	100	Percentage used
95	95	95	Net weekly hours
4940	4940	4940	Hours in use per year
20,000	40,000	40,000	Average life span of bulb
691600	657020	657020	Total lighting hours per year
69160	32851	32851	kWh year
	36309	36309	kWh saved per year
	\$7,987.98	\$7,987.98	Financial savings per year
72.96	34.66	34.66	Tonnes of CO2 per year.
	38.3	38.3	Tonnes of CO2 saved per year
	\$17,194	\$8,769	Capital cost
	\$8,978	\$8,978	Labour cost
	\$26,172	\$17,746	<b>Total Costs</b>
4.05	8.1	8.1	Life span (years)
	2.9	1.8	Years to pay back

(\*pricing for fittings, labour and watt consumptions have been averaged)

**F10. BUSINESS CASE - LIGHTING REPLACEMENT - PORTLAND LEISURE AND AQUATIC CENTRE**

(continued)

a. Council Plan Linkage and Policy Context

*Glenelg Shire Council Plan 2013/14 – 2016/17*

Theme 3: Manage and sustain our natural and built assets:  
Strategy 5: Reduce carbon footprint and reliance on non-renewable natural resources. Measure 7: Carbon Footprint for council assets.

Theme 4: Govern in a responsible and responsive way:  
Action 2: Ongoing financial sustainability of GSC.  
Action 3: Effective stewardship of assets and resources.

*Glenelg Environment Strategy 2010-2020*

Strategy 8.1 Reduce greenhouse gas (GHG) emissions from Council activities and offset those which cannot be avoided.

*Carbon Reduction Plan 2014-2018*

*Page 29 summary of recommendations: Council will reduce emissions by 5%, Council to focus its resources on improving energy efficiency within Council operations. Council to invest in projects with the best payback period for implementing retrofits.*

b. Legislative and Legal Considerations

*Victorian Energy Efficiency Act 2007 and the Victorian Energy Efficiency Target Regulations 2008.*

c. Consultation and/or communication processes

Discussion held with Assets and Infrastructure staff and Portland Leisure and Aquatic Centre management.

d. Risk Management

Power costs are expected to rise over coming years and this project will significantly reduce energy use.

e. Resource Implications

The Plan will be implemented and monitored utilising existing staff resources. Works will be undertaken utilising contractors.

**F10. BUSINESS CASE - LIGHTING REPLACEMENT - PORTLAND LEISURE AND AQUATIC CENTRE**

(continued)

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when doing the report.

g. Sustainability and Environmental Considerations

Environmental sustainability has been considered and is the main focus for this proposal.

Replacement of the existing lighting at Portland Leisure and Aquatic Centre would save 36528 kWh, \$7,987.98 and 38.3 tonnes of CO<sub>2</sub>, per year.

h. Budget Implication

At present the projects listed are not included in the 2015/16 budget or draft 2016/17 budget. Costs could be recuperated over time with the YMCA through an agreement or amendment to their lease/licence agreement.

Conclusion

Key Strategic Activities – Year 3 of the Council Plan 2013-2017 Theme 3, Objective 3 requires that a carbon reduction plan case study highlighting efficiency options be presented to Council by 31 March 2016.

Officer Recommendation

That Council endorse the Business case for lighting replacement at the Portland Leisure and Aquatic Centre and that works commence as soon as possible.

**MOTION**

**MOVED Cr Stephens**

**That Council endorse the Business case for lighting replacement at the Portland Leisure and Aquatic Centre and that works commence as soon as possible.**

**SECONDED Cr Halliday**

**CARRIED**

**F11. BUSINESS CASE - FAWTHROP COMMUNITY CENTRE LIGHTING REPLACEMENT**

Group Manager: Stephen Kerrigan, Group Manager, Planning and Economic Development

Author: Adam Smith, Environmental Sustainability Coordinator

**Executive Summary**

This briefing paper is provided to Council for review and endorsement of the Business case for lighting replacement at the Fawthrop Community Centre.

**Background**

At the Ordinary Council Meeting 26 November 2013, Council adopted the recommendations set out in the Carbon Reduction Plan 2014-2018. A number of key priorities were identified that have a significant cost benefit to the organisation as well as significant carbon reduction savings. Reducing carbon emissions by a minimum of 5 percent for the organisation is a key performance activity as set out in the *Council Plan 2013-2017*.

Portland's Fawthrop Community Centre was one of the sites highlighted within the Carbon Reduction Plan 2014-2018 as requiring works to be undertaken to reduce its overall electrical consumption. At the time of the report it was the third largest consumer accounting for 7% of Council's total electrical consumption. Lighting replacement was highlighted as one of the activities that would help reduce this consumption. Some of the lighting has been replaced with equivalent LED lights as they fail but a significant number of fluorescent lighting remains.

**Victorian Energy Efficiency Certificates**

Some activities referred to as 'Prescribed Activity' are eligible for electronic certificates known as VEECs (Victorian energy efficiency certificates) under the Victorian Energy Efficiency Target (VEET) scheme. VEET was introduced through the *Victorian Energy Efficiency Act 2007* and the Victorian Energy Efficiency Target Regulations 2008. The purpose of the VEET scheme is to reduce greenhouse gas emissions, encourage the efficient use of electricity and gas, and to encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by energy consumers.

Each VEEC represents one tonne of carbon dioxide equivalent (CO<sub>2</sub>-e) abated by specified energy saving activities (e.g. fluorescent lighting replacement). The number of VEECs that a given activity can yield depends on the amount of CO<sub>2</sub>-e abatement that the activity will cause.

**F11. BUSINESS CASE - FAWTHROP COMMUNITY CENTRE LIGHTING REPLACEMENT**

(continued)

The abatement is calculated by comparing the difference between the energy use of the new product and the 'baseline' energy use, which refers to the amount of energy that would have been used if the new high efficiency product had not been installed. The Regulations provide the methodology and values for calculating the CO<sub>2</sub>-e abatement (and therefore the number of VEECs eligible for creation) for each Prescribed Activity.

VEECs can only be created by entities accredited by the Essential Services Commission. These entities are known as Accredited Persons. Anyone can apply to be accredited, subject to payment of a \$500 fee. Accredited Persons range from sole traders and small businesses through to large appliance stores and major energy retailers.

The process by which VEECs are bought and sold is known as a transfer. When an Accredited Person wants to transfer its VEECs, they must find a buyer in the VEEC market. The buyer may be a large energy retailers with a liability under the scheme, or another Accredited Person, or any other individual or organisation that holds a VEET account (only VEET account holders can buy, sell or hold VEECs).

Report

A lighting audit was undertaken on the Fawthrop Community Centre with the determination that 69 lights were left to be replaced (46 fluorescent 6x6 panel lights running at 54watts per light and 23 fluorescent 12x3 bar lights running at 78watts each). Replacement lights were costed at \$95 per 6x6 panel LED light (40watts) and \$85 per 12x3 bar LED light (40watts).

If Council purchase the products for the replacement through Accredited Persons Council can get a reimbursement for the VEECs back at the end of the activity. Replacement of the lights (in bulk) would be eligible for the VEEC scheme. An estimated 97 VEECs certificate created at a value of \$22.00 per certificate or \$2,134 total. Table 1 below shows the cost/ benefit analysis for the replacement of the current fluorescent lights with their LED equivalent for the full cost price and for the cost price less the VEEC certificate value.

In summary the Replacement of the existing fluorescent lights to LED would save Council 9,645 kWh, \$2,121.80 and 9.7 tonnes of CO<sub>2</sub>, per year.



**F11. BUSINESS CASE - FAWTHROP COMMUNITY CENTRE LIGHTING REPLACEMENT**

(continued)

Table 1: Cost/benefit analysis for the Fawthrop Community Centre lighting upgrade

Old lights	New	New (less VEEC)	
8	8	8	Mon hours
8	8	8	Tues hours
8	8	8	Wed hours
8	8	8	Thurs hours
8	8	8	Fri hours
8	8	8	Sat hours
8	8	8	Sun hours
\$0.22	\$0.22	\$0.22	Purchase cost of electricity (per kWh)
\$0.00	\$91.67	\$60.74	*Purchase cost of each globe/fitting
69	69	69	Number of Fittings
\$0	\$90	\$90	*Labour cost per hour
0	30	30	Minutes to change each fitting
70	22	22	*Watt consumption saving per fitting
56	56	56	Total weekly hours
100	100	100	Percentage used
56	56	56	Net weekly hours
2912	2912	2912	Hours in use per year
20,000	50,000	50,000	Average life span of bulb
200928	200928	200928	Total lighting hours per year
14064.96	4420.416	4420.416	kWh per year
	9644.544	9644.544	kWh saved per year
	\$2,121.80	\$2,121.80	Financial savings per year
14.2	4.5	4.5	tonnes of CO2 consumed per year.
	9.7	9.7	tonnes of CO2 saved per year
\$0	\$6,325	\$4,191	Capital cost
\$0	\$3,105	\$3,105	Labour cost
\$0	\$9,430	\$7,296	<b>Total Costs</b>
6.87	17.17	17.17	Life span (years)
0.0	4.4	3.4	Years to pay back

(\*pricing for fittings, labour and watt consumptions have been averaged)

**F11. BUSINESS CASE - FAWTHROP COMMUNITY CENTRE LIGHTING REPLACEMENT**

(continued)

a. Council Plan Linkage and Policy Context

*Glenelg Shire Council Plan 2013/14 – 2016/17*

Theme 3: Manage and sustain our natural and built assets:

Strategy 5: Reduce carbon footprint and reliance on non-renewable natural resources. Measure 7: Carbon Footprint for council assets.

Theme 4: Govern in a responsible and responsive way:

Action 2: Ongoing financial sustainability of GSC.

Action 3: Effective stewardship of assets and resources.

*Glenelg Environment Strategy 2010-2020*

Strategy 8.1 Reduce greenhouse gas (GHG) emissions from Council activities and offset those which cannot be avoided.

*Carbon Reduction Plan 2014-2018*

*Page 29 summary of recommendations:* Council will reduce emissions by 5%, Council to focus its resources on improving energy efficiency within Council operations. Council to invest in projects with the best payback period for implementing retrofits.

b. Legislative and Legal Considerations

*Victorian Energy Efficiency Act 2007* and the *Victorian Energy Efficiency Target Regulations 2008*.

c. Consultation and/or communication processes

Discussion held with Assets and Infrastructure staff and Community and Culture – Aged and Disability

d. Risk Management

Power costs are expected to rise over coming years and this project will significantly reduce energy use.

e. Resource Implications

The Plan will be implemented and monitored utilising existing staff resources. Works will be undertaken utilising contractors.

**F11. BUSINESS CASE - FAWTHROP COMMUNITY CENTRE LIGHTING REPLACEMENT**

(continued)

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when doing the report.

g. Sustainability and Environmental Considerations

Environmental sustainability has been considered and is the main focus for this proposal.

Replacement of the existing fluorescent lights to LED would save Council 9,645 kWh, \$2,121.80 and 9.7 tonnes of CO<sub>2</sub>, per year.

h. Budget Implication

At present the projects listed are not included in the 2015/16 budget or draft 2016/17 budget.

Conclusion

Key Strategic Activities – Year 3 of the Council Plan 2013-2017 Theme 3, Objective 3 requires that a carbon reduction plan case study highlighting efficiency options be presented to Council by 31 March 2016.

Officers Recommendation

That Council endorse the Business case for lighting replacement at the Fawthrop Community Centre and that work commence as soon as possible.

**MOTION**

**MOVED Cr Wilson**

**That Council endorse the Business case for lighting replacement at the Fawthrop Community Centre and that work commence as soon as possible.**

**SECONDED Cr Halliday**

**CARRIED**

**F12. PORTLAND INDUSTRIAL LAND STRATEGY: FINAL DRAFT OPTIONS & FEASIBILITY REPORT**

(Separate circulation to Councillors, CEO and Group Managers)  
(DocSetID: 2067655; 2003142)

Group Manager: Stephen Kerrigan, Group Manager Planning and Economic Development  
Author: Billy Greenham, Strategic Planner

**Executive Summary**

This report seeks Council's adoption of the Portland Industrial Land Strategy "Final Draft Options and Feasibility Report" (The 'Final Draft Options Report', Attachment 1). The purpose of adopting this report is to provide clear direction on the preferred options for industrial land and guide the process of detailed planning for the Draft Portland Industrial Land Strategy. The Final Draft Options Report has been refined in response to consultation submissions.

The Final Draft Options Report is the culmination of background technical reports, stakeholder engagement and issues analysis completed in the prior stages of this project. The "Needs, Demand & Gap Analysis" report (Attachment 2), is one of the outputs informing the Final Draft Options Report. This briefing paper recommends the Needs, Demand & Gap Analysis report is received and accepted; the report has not been altered post public exhibition.

**Background**

The Portland Industrial Land Strategy aims to strategically identify the location and attributes of industrial land to meet the long term needs of industry.

At the 15 December 2015 Ordinary Council Meeting, the Draft Options and Feasibility Report and Needs, Demand & Gap Analysis report were endorsed for public consultation. Community input has been sought during public engagement over four weeks in January and February 2016.

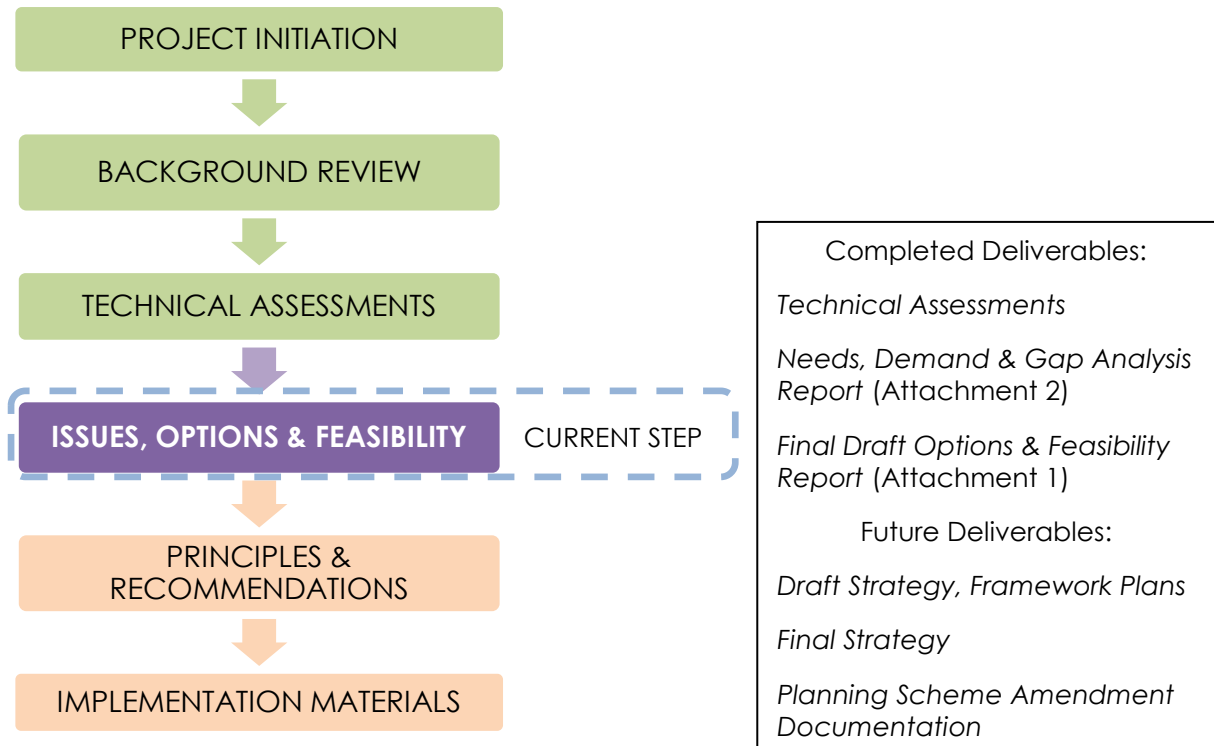
A range of stakeholders have contributed a significant number of submissions, surveys and workshop comments, which have helped inform the revision to the Final Draft Options Report. Workshops were held with the general public as well as with the three project Reference Groups, which are:

- *Industry:* Port of Portland, Portland Aluminum, and members of the Portland MADE Network;
- *Technical:* Public agencies including Department of Environment, Land, Water & Planning, VicRoads, VicTrack and service providers; and
- *Community:* A number of community members accepted through an Expression of Interest process, chaired by Cr. Halliday.

## **F12. PORTLAND INDUSTRIAL LAND STRATEGY: FINAL DRAFT OPTIONS & FEASIBILITY REPORT**

(continued)

The chart below broadly demonstrates the project process:



A larger community consultation period will be held at the end of the next stage of the project for the Framework Plan, Precinct Master Plans, Design Guidelines and Draft Portland Industrial Land Strategy.

### Report

The public engagement process has helped refine the direction and draft options for industrial land in Portland. The consultation provided robust consideration of options, with broad support shown for the option directions. Further detail on the consultation is provided in section (c) of this report.

During consultation, key issues were reiterated, and support shown for focusing industrial development into suitable precincts, as well as investigating appropriate zones for rezoning of surplus industrial land.

Much of the commentary received will help inform the next stage of detailed planning. The Options in the report will undergo refinement in the following stage (Principles & Recommendations) as detailed precinct planning continues for the final strategy.

**F12. PORTLAND INDUSTRIAL LAND STRATEGY: FINAL DRAFT OPTIONS & FEASIBILITY REPORT**

(continued)

Section 6 (pgs. 20-21) of the Final Draft Options Report highlights in greater detail the results of consultation, as well as changes made to the Options and other required actions. A key feature of the revision is the inclusion of Section 7 'Key Priorities' for each precinct (pgs. 22-24). These statements provide each precinct with greater clarity for their expected future direction, and reflect the general public support received during consultation.

While the maps in the Final Draft Options Report have not been altered, their direction is broad and the next stage of detailed planning (precinct planning) will develop them with greater nuance. The Precinct Master Plans to be developed will reflect the key priorities and incorporate consultation feedback. Similarly, the Vision and Key Directions in the Needs, Demand & Gap Analysis are expected to be refined through the Draft Strategy process.

a. Council Plan Linkage and Policy Context

The Portland Industrial Land Strategy supports the following themes from the 2013-2017 Council Plan:

- Theme 2: Diverse economic base;
- Theme 3: Manage and sustain our natural and built assets; and
- Theme 4: Govern in a responsible and responsive way.

b. Legislative and Legal Considerations

There are no legislative/legal considerations relevant to this phase of the project.

c. Consultation and/or communication processes

The public engagement period on the draft options was open over four weeks in January and February. The engagement program included:

- Media advertisement of the consultation;
- A project bulletin (leaflet) and survey mail-out (1000 properties);
- 2 public drop-in sessions of a workshop nature;
- A workshop with each project Reference Group; and
- Website updates with ability for submitting comments online.

**F12. PORTLAND INDUSTRIAL LAND STRATEGY: FINAL DRAFT OPTIONS & FEASIBILITY REPORT**

(continued)

More than 70 surveys were returned, in addition to a number of written submissions. Over 40 persons attended the two workshops.

Appendix C to the Final Draft Options Report (pgs. 36-46) provides a full list of comments received from submissions, surveys and workshops, as well as responses to each.

d. Risk Management

The thorough public engagement process built into the development of options improves community understanding and 'buy-in' to the project.

e. Resource Implications

No further resource implications.

f. Charter of Human Rights and Responsibilities

The Charter has been considered. Section 18 states every person in Victoria has the right to participate in the conduct of public affairs.

g. Sustainability and Environmental Considerations

Sustainability and environmental considerations have been considered within this project.

h. Budget Implication

The public consultation stage was factored into the project plan, funded within the existing strategic planning budget. The project received a Regional Development Victoria (RDV) grant for \$150,000 in August 2014. Council has provided \$50,000 as a co-contribution to the project.

Conclusion

The Final Draft Options and Feasibility Report (Attachment 1) is recommended for adoption, having been developed through a thorough process of background analysis and stakeholder engagement. The Needs, Demand & Gap Analysis report (Attachment 2) is recommended to be received and accepted; it has not been altered since Council endorsement for exhibition.

The next stage of the project will involve detailed planning leading to the Draft Portland Industrial Land Strategy, informed by these reports.

**F12. PORTLAND INDUSTRIAL LAND STRATEGY: FINAL DRAFT OPTIONS & FEASIBILITY REPORT**

(continued)

**Officer Recommendation**

1. That Council adopts the Final Draft Options and Feasibility Report for the Portland Industrial Land Strategy project.
2. That Council receives and accepts the Need, Demands and Gap Analysis Report for the Portland Industrial Land Strategy project.

**MOTION****MOVED Cr Halliday**

1. **That Council adopts the Final Draft Options and Feasibility Report for the Portland Industrial Land Strategy project.**
2. **That Council receives and accepts the Need, Demands and Gap Analysis Report for the Portland Industrial Land Strategy project.**

**SECONDED Cr Rank****CARRIED**



**F13. LOCAL PORT OF PORTLAND BAY BUSINESS PLAN (TRAWLER WHARF BUDGET) 2016/17**

(Separate circulation to Councillors, CEO and Group Managers)  
(DocSetID: 2069850)

Group Manager: Stephen Kerrigan, Group Manager Planning & Economic Development  
Author: Gary Bebbington, Local Port of Portland Bay Manager

**Executive Summary**

This report is to enable review by Councillors prior to submitting to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

DEDJTR require the Local Port of Portland Bay to submit a Business Plan and proposed Trawler Wharf Budget for funding in 2016/17.

**Background**

Glenelg Shire Council is Manager of the Local Port of Portland Bay and operates the Local Port under a Management Agreement with the Victorian Government's Department of Economic Development, Jobs, Transport and Resources (DEDJTR). The management agreement extends until June 2017.

**Report**

As part of its management agreement with DEDJTR, Council receives funding for the Local Port of Portland Bay's Trawler Wharf operations and managing the Port waters. The operation and maintenance of the Trawler Wharf and Port waters management is cost neutral to Council. Funding is provided by DEDJTR and through the collection of user fees. DEDJTR require a proposed Business Plan (Trawler Wharf budget) for 2016/17 funding. The proposed budget covers all aspects of operation and staffing.

**a. Council Plan Linkage and Policy Context**

Theme 2 - Objective 2.

Build Portland Bay and foreshore as economic attractor.

**b. Legislative and Legal Considerations**

Council as Local Port Manager has a clearly defined and gazetted boundary of its waters which pertain to specific legislative obligations including the *Marine Safety Act 2010*, the *Port Management Act 1995* and Local Port Regulations. Management of the Trawler Wharf is clearly defined in the management agreement between DEDJTR and Council.

**F13. LOCAL PORT OF PORTLAND BAY BUSINESS PLAN (TRAWLER WHARF BUDGET) 2016/17**

(continued)

c. Consultation and/or communication processes

The Local Port undertakes regular community and user consultation sessions which are a requirement of DEDJTR and the Local Port's Safety and Environmental Management Plan (SEMP).

d. Risk Management

The Local Port of Portland Bay SEMP is the key document for identifying and mitigating of risk.

e. Resource Implications

This budget funds the resources required for the Trawler Wharf and Port water's operations.

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

The Local Port of Portland Bay SEMP is the key document for identifying environmental considerations in the operation of the wharf.

h. Budget Implications

There are no budget implications to Council as the Local Port (Trawler Wharf) operation is funded by DEDJTR and user fees.

Officer Recommendation

That the proposed Local Port of Portland Bay Business Plan (Trawler Wharf Budget) 2016/2017 reviewed March 2016, as separately circulated, be forwarded to the Department of Economic Development, Jobs, Transport and Resources.

**F13. LOCAL PORT OF PORTLAND BAY BUSINESS PLAN (TRAWLER WHARF BUDGET)  
2016/17**

(continued)

**MOTION**

**MOVED Cr Stephens**

**That the proposed Local Port of Portland Bay Business Plan (Trawler Wharf Budget) 2016/2017 reviewed March 2016, as separately circulated, be forwarded to the Department of Economic Development, Jobs, Transport and Resources.**

**SECONDED Cr Rank**

**CARRIED**

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(Separate circulation to Councillors, CEO and Group Managers)

Group Manager: Karena Prevett, Acting Group Manager Corporate Services  
Author: Rachael Fellows, Acting Senior Administration Officer Corporate Services

Executive Summary

In accordance with the principles of good governance, continuous improvement and statutory compliance, the first review of Delegations and Authorisations for 2016 has been completed.

As a result of the above requirements and legislative changes, the following Council Instruments of Delegation have been reviewed including:

- Instrument of Delegation from Council to Members of staff (S6);
- Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7);
- Instrument of Delegation of CEO powers, duties and functions (S13); and
- Instrument of Delegation from CEO to Staff (Vicsmart) (S14).

Background

Section 98 of the *Local Government Act 1989* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities.

The Glenelg Shire Council, together with a number of other Victorian municipalities, subscribes to the Maddocks Lawyers Delegations and Authorisations update service. This review is based on the Maddocks proforma documents with appropriate alterations identified by each Group Manager and their staff.

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(continued)

The objectives of delegation and authorisation reviews are to:

- Achieve good governance.
- Ensure statutory compliance by incorporating recent legislative changes.
- Facilitate responsive and efficient customer service.
- Deliver continuous improvement in service delivery and decision making.
- Make minor wording enhancements, where necessary, to improve the quality of the documents.

Report

The changes to Delegations and Authorisations include, relating to the current update includes:

Changes to the S6 Instrument of Delegation from Council to Staff

1. New duties and powers have been inserted in the *Cemeteries and Crematoria Act 2003*, including ss85(2)(b)-(c), these new provisions came into effect on 9 November 2015.
2. Several new duties and powers have been inserted into the *Planning and Environment Act 198*, including ss.46GF-46GI, s.46GL, s.46GM and s.46QD. These provisions come into effect on 1 June 2016 unless proclaimed earlier. Section 60(1B) has been added, and came into effect on 12 October 2015.
3. Included in the updates are to the Regulations contained in the mini Update released in October 2015, namely the *Crematories and Crematoria Regulations 2015*, the *Planning and Environment (Fees) Interim Regulations 2015* and the *Road Management (Works and Infrastructure) Regulations 2015*.

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(continued)

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

1. New powers added under the *Local Government Act 1989* relating to environmental upgrade agreements but note that, while your council's CEO can be delegated the power to enter into an environment upgrade agreement and the power to declare and levy environmental upgrade charges, the CEO does not have the power to sub-delegate those powers (see new S181H).
2. New duties in the *Local Government Act* do not include preparing internal resolution procedure (under new s 81AA) and an election period policy (under new S93B) as these documents will be approved by Council under resolution.
3. Included in the updates to the Regulations contained in the mini Update released in October 2015, namely the *Local Government (General) Regulations 2015* and the *Subdivision (Fees) Interim Regulations 2015*.

Changes to the S13 List of CEO Powers, Duties and Functions

1. In the last update in June 2015, the S13 document now enables a Council CEO to delegate all of his or her statutory duties, functions or powers to a member of Council Staff and contains the following features;
  - 5.1 It is a template Instrument of Delegation, as opposed to a list that was capable of being turned into an Instrument of Delegation;
  - 5.2 It covers all powers, duties and functions of the CEO under *all* Victorian Legislation, not just the *Local Government Act*.
2. The S13 Instrument only contains powers, duties and functions which are capable of delegation.
3. Some changes have been made to the S13 instrument in this update, some of which are already in force and others will commence in due course (e.g. on 1 September 2016 unless proclaimed earlier).

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(continued)

Changes to the S14 Instrument of Delegation from CEO to Staff (Vicsmart)

1. Amendments have been made to the S14 Instrument of Delegation from CEO to Staff (for Vicsmart) to reflect the:

- 1.1 Introduction of s60(1B) of the Planning and Environmental Act (mentioned above); and

- 1.2 Commencement of the Planning and Environmental (Fees ) interim Regulations (also mentioned above)

- a. Council Plan linkage and policy context

The use of delegations and authorisations links to the Council Plan, particularly Theme 4 – Govern in a responsible and responsive way.

- b. Legislative and Legal Considerations

Section 98 of the *Local Government Act 1989* provides that a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act. However, there are six statutory limitations.

Section 86 of the *Local Government Act 1989* provides that a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee. However, there are six statutory limitations.

- c. Consultation and/or Communication Processes Implemented or Proposed

All Council staff listed in the schedule contained in the various Instruments of Delegation were provided with a copy of the draft delegations and authorisations and invited to provide comment prior to finalisation.

- d. Risk Management

The completion of this first delegation and authorisation review for 2016 ensures that Council's delegations and authorisations comply with current legislative and organisational requirements and will enable those staff with delegations and authorisations to legally continue to undertake their duties and to deliver Council services.

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**e. Resource Implications

Resources for preparation and coordination of regular delegation reviews are allowed for within the Corporate Services department.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities was considered in the preparation of this report and associated documents.

g. Sustainability and Environmental Considerations

Not Applicable.

h. Budget Implications

The cost of the Maddocks Lawyers subscription service is a direct cost and the cost of undertaking the Delegation and Authorisation review is an indirect cost, both allowed for in allocated budgets.

Conclusion

For the reasons stated in this report, it is recommended that Council approve the updates made to S6. Instrument of Delegation from Council to Members of Staff, the S7. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff, S13. Instrument of Delegation of CEO powers, duties and functions and the S14. Instrument of Delegation by Chief Executive Officer for VicSmart Applications under the *Planning and Environment Act 1987*.

A copy of the Instrument of Delegation documents are separately circulated with this agenda.



**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(continued)

Officer Recommendation

1. Instrument of Delegation from Council to Members of Staff (\$6)
  - a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 22 March 2016 (\$6).
  - b. That the Instrument referred to in (a) come into force immediately the common seal of Council is affixed to the Instruments.
  - c. On the coming into force of the Instruments referred to in (a) the previous Instrument of Delegation from Council to designated members of Council staff (\$6) be revoked.
  - d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

2. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (\$7)

That Council note that the Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (\$7) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 March 2016.

3. Instrument of Delegation of CEO powers, duties and functions (\$13)

That Council note that the Instrument of Delegation of CEO powers, duties and functions has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 23 March 2016.

4. Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (\$14)

That Council note that the Instrument of Delegation by Chief Executive Officer for Vicsmart Applications has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 23 March 2016.

**F14. DELEGATIONS AND AUTHORISATIONS REVIEW NO. ONE (1) – 2016**

(continued)

**MOTION**

**MOVED Cr Northcott**

**1. Instrument of Delegation from Council to Members of Staff (\$6)**

- a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 22 March 2016 (\$6).
- b. That the Instrument referred to in (a) come into force immediately the common seal of Council is affixed to the Instruments.
- c. On the coming into force of the Instruments referred to in (a) the previous Instrument of Delegation from Council to designated members of Council staff (\$6) be revoked.
- d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**2. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (\$7)**

That Council note that the Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (\$7) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 March 2016.

**3. Instrument of Delegation of CEO powers, duties and functions (\$13)**

That Council note that the Instrument of Delegation of CEO powers, duties and functions has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 23 March 2016.

**4. Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (\$14)**

That Council note that the Instrument of Delegation by Chief Executive Officer for Vicsmart Applications has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 23 March 2016.

**SECONDED Cr Wilson**

**CARRIED**

**F15. PROPOSED CONTINUATION OF FREE PARKING IN PORTLAND'S SHOPPING PRECINCT ON SATURDAY MORNINGS**

Group Manager: Karena Prevett, Group Manager Corporate Services  
Author: Debra Clark, Governance & Local Laws Coordinator

*Executive Summary*

This report is to provide Council with feedback on the free parking trial conducted on Saturday mornings in Portland's shopping precinct and a recommendation for this to continue indefinitely.

*Background*

At the Ordinary Council Meeting held on Tuesday 15 December 2015 a notice of motion which revoked Saturday morning parking fees within the Portland shopping precinct for a trial period of three (3) months was carried. The trial was to be effective immediately until the end of March 2016 and to incorporate the Christmas and Easter holiday periods.

*Report*

During the period of the trial, Council has not received any complaints around decreased turnover of parking spaces or lack of parking opportunities. Local Laws officers have received positive verbal comments from local traders, residents and visitors to Portland.

If free parking continues within Portland's Shopping Precinct indefinitely on Saturday mornings, signage can be changed to dispel any confusion that may currently exist.

a. Council Plan Linkage and Policy Context

The content of this report relates to Council's commitment to Governing in a Responsible and Responsive Way as described in Theme 4 of the Council Plan 2013/14 – 2016/17.

b. Legislative and Legal Considerations

Legislative and legal matters have been considered in the preparation of this report.

c. Consultation and/or communication processes implemented or proposed

With Council's endorsement of this proposal, some media focus would be given to inform our local traders, community and visitors.

**F15. PROPOSED CONTINUATION OF FREE PARKING IN PORTLAND'S SHOPPING PRECINCT ON SATURDAY MORNINGS**

(continued)

d. Risk Management

There are no specific risk management issues to be addressed in relation to the content of this report.

e. Resource Implications

There are no resource implications.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

There are no specific sustainability and environmental considerations that need to be addressed in this report.

h. Budget Implication

If this proceeds, signage will need to be replaced within Portland's shopping precinct.

Conclusion

Following a successful three (3) month trial of free parking in Portland's shopping precinct on Saturday mornings, and only positive comments received by Council officers, it is recommended that the free parking continues indefinitely.

Officer Recommendation

1. That Council endorse free parking in Portland's shopping precinct on Saturday mornings for an indefinite period.
2. That the signage within Portland's shopping precinct be changed to reflect free parking on Saturday mornings.

**F15. PROPOSED CONTINUATION OF FREE PARKING IN PORTLAND'S SHOPPING  
PRECINCT ON SATURDAY MORNINGS**

(continued)

**MOTION**

**MOVED Cr White**

1. That Council endorse free parking in Portland's shopping precinct on Saturday mornings for an indefinite period.
2. That the signage within Portland's shopping precinct be changed to reflect free parking on Saturday mornings.

**SECONDED Cr Wilson**

**CARRIED**

ANY OTHER PROCEDURAL MATTER:URGENT BUSINESS:

1. Great South Coast – Membership

**MOTION****MOVED Cr Stephens**

**That Council determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 4.15 of the Glenelg Shire Council Meeting Procedure adopted 17 December 2013 and be discussed within In Camera section of this meeting.**

**SECONDED Cr Wilson****CARRIED**RECEIPT OF ITEMS SUBMITTED FOR INFORMATION:INDEX – SEPARATE CIRCULATIONS TO REPORTS

Separate Circulation to Councillors, CEO, Group Managers and available to the Public

- C1. Petition Received Regarding Condition Of Kennedys Road Cape Bridgewater
- D1. Casterton Saleyards Advisory Committee Recommendations
- E1. Assembly of Councillors Records – 16 February 2016 – 8 March 2016 (Inclusive)
- F1. Monthly Finance Report – February 2016
- F3. Policy Development and Review – Election Period Policy

Separate Circulation to Councillors, CEO and Group Managers

- D2. Recommendation from Tourism Advisory Committee Meeting 18 February 2016
- D3. Recommendation from ICP for Portland Advisory Committee Meeting 17 February 2016
- D4. Recommendation from Local Port of Portland Bay Advisory Committee 16 February 2016
- F2. Draft Arts and Culture Strategy (2016-2020)
- F4. Adoption of 2016/2017 Fees and Charges Schedule
- F5. Receipt of Minutes of the Consideration of Submissions – Meeting for the Proposed Alcohol Free Zone of Portland's Foreshore held on Tuesday 8 March 2016
- F7. Cape Bridgewater Structure Plan
- F8. Draft Coastal Weed Action Plan
- F9. Draft Coastal Operation Plan 2016

INDEX – SEPARATE CIRCULATIONS TO REPORTS

(continued)

F12. Portland Industrial Land Strategy: Final Draft Options & Feasibility Report

F13. Local Port of Portland Bay Budget (Trawler Wharf)

F14. Delegations and Authorisations Review No. One (1) - 2016

*IN CAMERA' Separate Circulation to Councillors, CEO and Group Managers*

Recommendation

The documents separately circulated to Councillors, CEO, Group Managers and available to the Public, as listed above, be received.

**MOTION**

**MOVED Cr Wilson**

**The documents separately circulated to Councillors, CEO, Group Managers and available to the Public, as listed above, be received.**

**SECONDED Cr Rank**

**CARRIED**

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC:Recommendation

That the Council Meeting be closed to members of the public pursuant to Section 89 (2), (d) and (h) of the *Local Government Act 1989*, excluding the Chief Executive Officer, Group Manager Corporate Services, Group Manager Community and Culture, Group Manager Planning and Economic Development, Acting Group Manager Assets and Infrastructure, Council Support Coordinator to consider the following reports:

- G1. Lease Agreement with 1260 Bridgewater Lakes Road, Cashmore
- G2. Request for Leave of Absence

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC:**MOTION****MOVED Cr Halliday**

**That the Council Meeting be closed to members of the public pursuant to Section 89 (2), (d) and (h) of the *Local Government Act 1989*, excluding the Chief Executive Officer, Group Manager Corporate Services, Group Manager Community and Culture, Group Manager Planning and Economic Development, Acting Group Manager Assets and Infrastructure, Council Support Coordinator to consider the following reports:**

- G1. Lease Agreement with 1260 Bridgewater Lakes Road, Cashmore**
- G2. Request for Leave of Absence**

**SECONDED Cr Rank****CARRIED**



**OPENING OF COUNCIL MEETING TO MEMBERS OF THE PUBLIC:**Recommendation

That the Council Meeting be opened to members of the public at 8.29pm

**MOTION**

**MOVED Cr Stephens**

**That the Council Meeting be opened to members of the public.**

**SECONDED Cr Wilson**

**CARRIED**

**CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8.29pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 103 INCLUDING PAGES 98 to 102 (IN CAMERA) ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

CR MAX OBERLANDER  
MAYOR

**26 April 2016**

**Victorian State Legislation Copyright Acknowledgement**

*Extracts from legislation of the Parliament of the State of Victoria, Australia, are reproduced with the permission of the Crown in right of the State of Victoria, Australia. The State of Victoria accepts no responsibility for the accuracy and completeness of any legislation contained in this publication.*

*© State of Victoria, Australia. Copyright of legislation referenced in this publication is owned by the Crown in right of the State of Victoria, Australia.*