



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 12 December 2017 at 7.00pm at
Portland Customer Service Centre
Cliff Street, Portland

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TIME:

7.00pm

PRESENT:

Cr Anita Rank (Mayor), Cr Robert Halliday, Cr Chrissy Hawker, Cr Alistair McDonald, Cr Karen Stephens, Cr Geoff White and Cr Gilbert Wilson.

Also in attendance were the Acting Chief Executive Officer (Ms Edith Farrell), Acting Director Community Services (Ms Yvette Parker), Director Assets (Mr Robert Alexander), Acting Director Corporate Services (Mr David Hol) and Group Manager Special Projects (Mr Paul Healy), Acting Council Support Coordinator (Kim Overall) and Media and Communications Officer (Courtney Hoggan).

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Chief Executive Officer, Greg Burgoyne.

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 28 November 2017 as circulated, be confirmed.

MOTION**MOVED Cr Wilson**

That the minutes of the Ordinary Council Meeting held on Tuesday 28 November 2017 as circulated, be confirmed.

SECONDED Cr Hawker**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 select – legislation. Alternatively, a printed copy is available for Councillors upon request'.

Cr Wilson declared an Indirect Conflict of Interest in Item F3. Adoption of the Proposed General Local Law 2018. Cr Wilson has advised the Acting Chief Executive Officer in writing prior to the meeting and classified the type of interest that has given rise to the conflict.

QUESTION TIME:QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN WRITING OR PREVIOUSLY TAKEN ON NOTICE:QUESTIONS FROM THE GALLERY:1. Proposed Solar Energy Project

Mr Bill Meldrum from the Portland Observer asked the following question:

Can the Council provide any details regarding a proposed solar energy project on the outskirts of Portland?

Mayor Rank advised that in line with Councils economic development objectives that Council are considering a range of opportunities in the renewable energy sector and the broader business industry sectors.

Council have had numerous business enquiries and explorations at this stage but there is nothing definitive or any plans in place for a specific project at this moment.

A. NOTICES OF MOTION:

Nil.

B. DEPUTATIONS:

Nil.

C. PETITIONS:

Nil.

D. COMMITTEE REPORTS:

Nil.

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 5 DECEMBER 2017 (INCLUSIVE)**

Director: David Hol, Acting Director Corporate Services

Author: Rachael Fellows, Senior Administration Officer Corporate Services

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Meeting Record of the Portland Tourist Association and Promoting Portland Annual General meeting held Thursday on 16 November 2017	2369774
2.	Assembly of Councillors - CEO and Councillor Briefing session held on Tuesday 28 November 2017	2369888
3.	Assembly of Councillors - Councillor Briefing session held on Tuesday 28 November 2017	2367973
4.	Assembly of Councillors – CEO and Councillors meeting held on Tuesday 5 December 2017	2370251
5.	Assembly of Councillors – Councillors Workshop held on Tuesday 5 December 2017	2370215

Separate Circulation – Confidential

The separate circulation listed in the table below have been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM DocSetID
6.	Meeting Record of the Australia Day Advisory Committee meeting held on Tuesday 21 November 2017	Any other matter which the Council or Special Committee considers would Prejudice the Council or any person – Section 82(2)(h)	2369152

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.

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 5 DECEMBER 2017 (INCLUSIVE)

(continued)

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).

In 2010, Local Government Victoria circulated guidance material that advises an Assembly of Councillors records “*only needs to be a simple document that record:*

- *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...*”

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 Thursday 16 November 2017 – Thursday 5 December 2017 (inclusive). 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 Portland Tourist Association and Promoting Portland Annual General meeting held Thursday on 16 November 2017 (DocSetID: 2369774);
- Assembly of Councillors – CEO and Councillor Briefing session held on Tuesday 28 November 2017 (DocSetID: 2367973);

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 5 DECEMBER 2017 (INCLUSIVE)

(continued)

- Assembly of Councillors - Councillor Briefing session held on Tuesday 28 November 2017(DocSetID:2367973);
 - Assembly of Councillors – CEO and Councillors meeting held on Tuesday 5 December 2017 (DocSetID: 2370251);
 - Assembly of Councillors – Councillors Workshop held on Tuesday 5 December 2017(DocSetID: 2370215);and
 - Confidential Meeting Record of the Australia Day Advisory Committee meeting held on Tuesday 21 November 2017 (DocSetID: 2369152).
- a. Council Plan Linkage and Policy Context
- Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.
- b. Legislative and Legal Considerations
- This report links to the Council Plan, particularly key objective: (1) - responsible and responsive governance and decision making.
- c. Consultation and/or communication processes implemented or proposed
- This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.
- e. Risk Management
- Nil.
- f. Resource Implications
- Nil.
- g. Charter of Human Rights and Responsibilities
- Nil.

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 5 DECEMBER 2017 (INCLUSIVE)

(continued)

h. Budget Implication

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.

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 Thursday 16 November 2017 – Tuesday 5 December 2017 (inclusive).

Officer Recommendation

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 16 November 2017 – Tuesday 5 December 2017 (inclusive).

MOTION

MOVED Cr Hawker

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 16 November 2017 – Tuesday 5 December 2017 (inclusive).

SECONDED Cr White

CARRIED

F. MANAGEMENT REPORTS:**F1. MONTHLY FINANCIAL REPORT – NOVEMBER 2017**

Director: David Hol, Acting Director Corporate Services

Author: Paulina Silbernagel, Senior Accountant

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Monthly Financial Report – November 2017	2369203

Executive Summary

The finance report up to 30 November 2017 has been prepared and has been separately circulated to Councillors, the CEO and Directors with this Council Agenda.

Background

The Monthly Financial 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.

Report

The 2017/2018 Annual Budget was adopted by Council on 27 June 2017.

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

- Financial Performance Dashboard;
- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Statement of Cash Flows; and
- Statement of Capital Works.

The report has been prepared on an accrual basis to ensure accurate matching of income and expenditure, both operating and capital items, for the period ending 30 November 2017.

The finance report provides a high level of financial reporting. The monthly financial report provides comment on favourable and unfavourable variations and trends identified to date.

F1. MONTHLY FINANCIAL REPORT – OCTOBER 2017

(continued)

a. Council Plan Linkage and Policy Context

Creative Glenelg – Creative, inspired, forward thinking and action orientated.

b. Legislative and Legal Considerations

This report is being presented in accordance with section 138 of the *Local Government Act 1989*.

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 financial 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 outlined in monthly financial report.

Conclusion

The Monthly Financial 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.

F1. MONTHLY FINANCIAL REPORT – OCTOBER 2017

(continued)

Officer Recommendation

That the Monthly Financial Report for the period ending 30 November 2017 be received.

MOTION

MOVED Cr McDonald

That the Monthly Financial Report for the period ending 30 November 2017 be received.

SECONDED Cr Stephens

CARRIED

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

CEO: Edith Farrell, Acting Chief Executive Officer
Author: Kim Overall, Acting Council Support Coordinator

Separate Circulation – Confidential

The separate circulation listed in the table below has been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM DocsetID
1.	Councillor and Chief Executive Officer Leave of Absence Register	(Security of Councillor's Property) Any other matter which the council or special committee considers would prejudice the council or any person - section 89 (2) (h)	2369290

Executive Summary

The purpose of this report is to enable Council to consider the Councillor and Chief Executive Officer Leave of Absence Register.

Background

In accordance with Section 66B of the *Local Government Act 1989* Councillors are entitled to take Leave of Absence.

Report

Section 66B of the *Local Government Act 1989* states:

- (1) If a Councillor is required to take leave of absence under this Act, the Councillor:
 - a. may continue to be a Councillor but must not perform the duties of functions of a Councillor during the period of leave;
 - b. remains entitled to receive a Councillor allowance unless this Act otherwise provides;
 - c. is not entitled to be reimbursed for out-of-pocket expenses during the period of leave;
 - d. must return all Council equipment and materials to the Council for the period of leave if the Council requires.

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

- (2) If a Mayor is required to take a leave of absence under this Act, the Mayor is, for the duration of the leave, to be considered as incapable of acting under section 73(3) and subsection (1) applies to the Mayor as if the Mayor were a Councillor only.

a. Council Plan Linkage and Policy Context

Connecting Glenelg – Connecting people, places and spaces.

b. Legislative and Legal Considerations

Nil.

c. Consultation and/or communication processes implemented or proposed

Councillors are required to submit Leave of Absence requests in writing to the Chief Executive Officer.

The Chief Executive Officer is required to submit his Leave of Absence requests in writing to Council through the Councillor and Chief Executive Officer Leave of Absence Register.

A register will be held by the Chief Executive Officer and reported monthly to Council.

d. Risk Management

Not applicable.

e. Resource Implications

Nil.

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

Nil.

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

Conclusion

It is recommended that Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented to the December Ordinary Council Meeting.

Officer Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

MOTION

MOVED Cr McDonald

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the Local Government Act 1989.

SECONDED Cr Halliday

CARRIED

Cr Wilson re-declared an Indirect Conflict of Interest in item F3. Adoption of the Proposed General Local Law 2018 and left the meeting at 7.08pm.

F3. ADOPTION OF THE PROPOSED GENERAL LOCAL LAW 2018

Director: David Hol, Acting Director Corporate Services
 Author: David Hol, Acting Director Corporate Services

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Draft General Local Law 2018	2355267
2.	Draft List of Schedules	2351895
3.	Draft Footpath Trading Policy	2322479
4.	Draft Itinerant Trading Policy	2324969

Separate Circulations – Confidential

The separate circulations listed in the table below have been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM DocSetID
1.	Copy of Submissions received	Personnel Matters – Section 89 (2) (a) of the Local Government Act 1989	2371898
2.	Minutes of Special Committee	Any other matter which the council or special committee considers would prejudice the council or any person- Section 89(2)(h) of the Local Government Act 1989.	2371863

Executive Summary

Following an extensive consultation phase, formal notification period and hearing of submissions, the proposed General Local Law 2018 has now been prepared for Council consideration and adoption.

Background

This General Local Law 2018 is a local law made under Part 5 of the *Local Government Act 1989* and Part 3 Division 4 Section 42 of the *Domestic Animals Act 1994*. On the commencement of this Local Law, the existing General Local Law 2008 will be revoked.

F3. ADOPTION OF THE PROPOSED GENERAL LOCAL LAW 2018

(continued)

An internal working group undertook a review of the provisions of the General Local law during 2017 in preparation of the expiry in 2018 of the existing local law. This review ensured that the document remains appropriate with current trends and demands.

A public consultation phase was then undertaken with Local Laws officers meeting with the community in a range of locations as part of the Local Laws roadshow. This process instigated a number of suggestions and amendments which were then provided for Council endorsement.

The proposed General Local Law 2018 was then the subject of a formal public submission process in accordance with sections 119 and 223 of the *Local Government Act 1989* and a special committee formed to hear any submissions at the conclusion of the exhibited period. The confidential minutes of the submission hearings are attached for Councillor Information.

Report

At the conclusion of the public submission process there were a total of five submissions provided in regards to the proposed Local Law 2018.

<u>Submissions</u>	<u>Feedback</u>
Submitter 1	Advocate for dogs to be banned at Yarraman Park
Submitter 2	Objection to cat curfew
Submitter 3	Objection to cat curfew – supporting longer hours
Submitter 4	Objection to cat curfew – supporting longer hours
Submitter 5	Recommendations to change of Footpath trading policy

The Special Committee considered the submissions on the 5 December 2017. The outcome was a recommendation to Council that the proposed Local Law 2018 be adopted and that under the provisions of the Local Law, that Council undertakes a separate community consultation process on a proposal to ban dogs from Yarraman Park.

a. Council Plan Linkage and Policy Context

Creative Glenelg – Creative, inspired, forward thinking and action orientated.

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

F3. ADOPTION OF THE PROPOSED GENERAL LOCAL LAW 2018

(continued)

b. Legislative and Legal Considerations

This General Local Law 2018 is a local law made under Part 5 of the *Local Government Act 1989* and Part 3 Division 4 Section 42 of the *Domestic Animals Act 1994*.

c. Consultation and/or communication processes implemented or proposed

The process for the Local Law review has included an internal working group, a public roadshow to various localities and a formal submission process.

d. Risk Management

A Local Law provides the ability of the Council to provide peace, order and good governance across the municipality.

e. Resource Implications

The Local Law is resourced through staffing levels in the Local Laws Unit.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights has been considered and outlined in the community impact statement.

g. Sustainability and Environmental Considerations

The Local Law is inclusive of elements involving environmental governance and regulation.

h. Budget Implication

The Local Law is funded through existing operational budgets.

Conclusion

Council's appointed Special Committee has received and considered the five submissions from the public in relation to the proposed General Local Law 2018 and has recommended that the proposed General Local Law 2018 be adopted and that a public consultation process is undertaken in regards to a proposed ban on dogs at Yarraman Park.

F3. ADOPTION OF THE PROPOSED GENERAL LOCAL LAW 2018

(continued)

Officer Recommendation

1. That Council consider the recommendations from the Special Committee appointed to hear the public submissions.
2. That Council adopt the General Local Law 2018 as proposed inclusive of the list of schedules.
3. That Council adopt the incorporated documents of the Local Law inclusive of the Footpath trading Policy and the Itinerant Trading Policy.
4. That Council publish public notices of the General Local Law 2018 in the Victorian Government Gazette, local newspapers and on Council's website.
5. That a copy of this General Local Law 2018 be forwarded to the Minister of Local Government.
6. That Council, in accordance with the General Local Law 2018, undertake a community consultation process in regards to a potential ban on dogs at Yarraman Park.
7. That each person or organisation that lodged a submission be thanked for their contribution to the Proposed General Local Law 2018.

F3. ADOPTION OF THE PROPOSED GENERAL LOCAL LAW 2018

(continued)

MOTION**MOVED Cr Halliday**

1. That Council consider the recommendations from the Special Committee appointed to hear the public submissions.
2. That Council adopt the General Local Law 2018 as proposed inclusive of the list of schedules.
3. That Council adopt the incorporated documents of the Local Law inclusive of the Footpath trading Policy and the Itinerant Trading Policy.
4. That Council publish public notices of the General Local Law 2018 in the Victorian Government Gazette, local newspapers and on Council's website.
5. That a copy of this General Local Law 2018 be forwarded to the Minister of Local Government.
6. That a report be provided to Council recommending the banning of dogs at Yarraman Park.
7. That each person or organisation that lodged a submission be thanked for their contribution to the Proposed General Local Law 2018.

SECONDED Cr McDonald**CARRIED**

Cr Wilson returned to the meeting at 7.10pm.

F4. HERITAGE GRANT APPLICATION 40 JULIA ST, PORTLAND

Director: David Hol, Acting Director Corporate Services

Author: Matt Berry, Planning Manager

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author	ECM
1.	Heritage Advisor Report, Flightpath dated 11 October 2017	2364883
2.	Heritage Loan/Grant Scheme Application dated 11 Sept 2017	2351333

Executive Summary

This report relates to a heritage grant application for repainting and repatching render on the front wall at 40 Julia St, Portland. A grant of \$5,000 is recommended for approval to the South West Community Church.

Background

On 25 July 2017 Council adopted a revised Heritage Loans and Grant Scheme Policy.

Report

On 11 September 2017 a grant application was lodged for \$5,000 for repainting the walls and re-patching render on the former Star Cinema building at 40 Julia St, Portland, with estimated cost of works at \$13,000.

The building is listed under Heritage Overlay HO165 – Portland Heritage Precinct. Under Amendment C89 it is proposed for individual listing due to the iconic significance of the building.

The proposed works are part of a larger development to utilize the building as a place of assembly. Planning permit P17094 has been issued for works to modernize the front entrance and includes the painting of the exterior. The grant is to assist conserving the exterior painting of the building. Works not part of the grant application under the permit provide a new design to the front entrance of the building.

As per the policy the grant application was referred to Council's appointed heritage advisor. Clarification was requested on the extent of the painting and details. The heritage advice attached supports the proposal.

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

Liveable Glenelg – Livability & quality of life.

b. **Legislative and Legal Considerations**

There are no specific legislative or legal considerations.

F4. HERITAGE GRANT APPLICATION 40 JULIA ST, PORTLAND

(continued)

c. Consultation and/or communication processes

The Heritage Advisory Committee was consulted with three comments of support received. The applicant will be advised of the Council meeting outcome.

d. Risk Management

Not applicable to this paper.

e. Resource Implications

Not applicable to this paper.

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 approval of the grant application supports sustaining heritage assets in the Shire.

h. Budget Implication

There are sufficient funds for the grant application which comes from the heritage grants and loans restoration fund.

Conclusion

In summary the grant application will make a positive contribution to the restoration of this heritage listed building in the Shire. The application meets all the eligibility requirements of the Heritage Loan and Grant Scheme policy.

Officer Recommendation

That Council approve the grant application of \$5000 from the heritage grants/loans restoration fund for repainting and repatching of render of the building at 40 Julia St, Portland in accordance with Planning Permit P17094.

F4. HERITAGE GRANT APPLICATION 40 JULIA ST, PORTLAND

(continued)

MOTION

MOVED Cr Wilson

That Council approve the grant application of \$5000 from the heritage grants/loans restoration fund for repainting and repatching of render of the building at 40 Julia St, Portland in accordance with Planning Permit P17094.

SECONDED Cr White

CARRIED

F5. CONTRACT 2017-18-19 CASTERTON TENNIS AND NETBALL COURTS FLOOD DAMAGE RE-INSTATEMENT

Director: Edith Farrell, Acting Chief Executive Officer
 Author: Paul Healy, Group Manager Special Projects

Separate Circulation – Confidential

The separate circulation listed in the table below has been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulations	Relevant Grounds Under Section 89(2) of the Act	ECM
1.	Contract No. 2017-18-19 Casterton Tennis and Netball Courts Flood Damage Re-Instatement, Tender Evaluation Matrix	Contains Contractual Matters - Section 89 (2) (d) of the Local Government Act 1989	2371264

Executive Summary

This report outlines the tender evaluation process for the reinstatement of the Casterton tennis and netball courts under Contract 2017-18-19 and recommends the awarding of the contract.

Background

This contract is to undertake the rectification works to the Tennis and Netball courts following the Casterton flood event in 2016.

Report

Public Tenders were called on Monday 6 November 2017 and closed at 3pm on Monday 4 December 2017. A total of one (1) submission was received for evaluation from Gambier Earthmovers Pty Ltd, Mount Gambier, South Australia.

The Tender Evaluation Panel have considered the tender submission taking into account the selection criteria and weighting which covers price, resource capability, quality, reliability and past performance, risk management, economic contribution to Glenelg Shire region and sustainability standards and environmental effect on the region.

**F5. CONTRACT 2017-18-19 CASTERTON TENNIS AND NETBALL COURTS
FLOOD DAMAGE RE-INSTATEMENT**

(continued)

a. Council Plan Linkage and Policy Context

This contract has a strong link to the Council Plan 2017-21, particularly the theme 'Growing Glenelg'.

b. Legislative and Legal Considerations

All legal and legislative requirements have been considered.

c. Consultation and/or communication processes implemented or proposed

Tenders were invited in accordance with Council's procurement policy and communications with prospective tenderers were via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

Notification to the successful tender will also be provided following Council's resolution to award the contract.

d. Risk Management

Once the Contractor has been engaged, the Contract Supervisor will review the risk assessment for the works.

In addition to the above, any appointed Contractor will be bound by Council's guidelines, policies and procedures for dealing with risk management and occupational health and safety.

The appointed Contractor will be required to develop (but not be limited to developing), to Council's satisfaction, the following plans once appointed:

- Health and Safety Plan;
- Quality Plan;
- Risk Management Plan;
- Incident Management Plan;
- Job Safety Analysis;
- Safe Work Method Statements; and
- Construction Environmental Management Plan (CEMP).

**F5. CONTRACT 2017-18-19 CASTERTON TENNIS AND NETBALL COURTS
FLOOD DAMAGE RE-INSTATEMENT**

(continued)

e. Resource Implications

The contract will be managed by current resources within the organisation.

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 tender evaluation matrix contains sustainability and environmental considerations as selection criteria and this forms part of the evaluation.

h. Budget Implication

The cost for the recommended tender is within the flood recovery budget allocation.

Conclusion

Based on the overall assessment undertaken by the Tender Evaluation Panel, it is recommended that Contract 2017-18-19 be awarded to Gambier Earthmovers Pty Ltd.

Officer Recommendation

1. That Gambier Earthmovers Pty Ltd be awarded Contract 2017-18-19 for the Casterton Tennis and Netball Courts flood damage re-instatement.
2. That the Group Manager Special Projects be authorised to negotiate contractual terms and conditions with the preferred tenderer.
3. That, subject to successful negotiation with the preferred tenderer, the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Group Manager Special Projects be authorised to complete all financial payments relating to this contract.

**F5. CONTRACT 2017-18-19 CASTERTON TENNIS AND NETBALL COURTS
FLOOD DAMAGE RE-INSTATEMENT**

(continued)

MOTION

MOVED Cr Stephens

That Gambier Earthmovers Pty Ltd be awarded Contract 2017-18-19 for the Casterton Tennis and Netball Courts flood damage re-instatement.

- 1. That the Group Manager Special Projects be authorised to negotiate contractual terms and conditions with the preferred tenderer.**
- 2. That, subject to successful negotiation with the preferred tenderer, the Chief Executive Officer be authorised to execute all documents relating to this contract.**
- 3. That the Group Manager Special Projects be authorised to complete all financial payments relating to this contract.**

SECONDED Cr Wilson

CARRIED

F6. PROCUREMENT AUSTRALIA ENERGY SUPPLY CONTRACT RENEWAL

Director: Robert Alexander, Director Assets
Author: Adam Smith, Environmental Sustainability Coordinator

Executive Summary

Glenelg Shire Council currently participates through Procurement Australia for the supply of both electrical and natural gas. The current contract expires on 30 June 2018 with Procurement Australia offering a two year extension on the current contract for electrical small market and gas. Large electrical sites have two options, either fixed price for a fixed term or progressive procurement with a further option to explore a long term renewable Power Purchase Agreement (solar or wind).

Background

Glenelg Shire Council currently receives both electrical and natural gas energy from AGL Ltd under a two year procurement contract for retail Electricity, Natural Gas and associated services with Procurement Australia. This contract locked in the electricity price at around \$40 per megawatt hour and expires on 30 June 2018. Procurement Australia undertakes this process on behalf of all participating Councils so as to gain the benefits of a bulk purchasing arrangement and at the same time meeting Council's obligations under Section 186 of the *Local Government Act 1989*.

Report

Procurement Australia will be offering several options for electricity procurement for the next two years. Electricity small sites (which currently consume around 600,000kWh per year) and gas will be offered at a fixed price for a fixed term contract which will be market tested in early 2018. Gas sites will be market tested during February and March 2018.

Large electrical sites (of which Council have 7 that consume around 1,875,000kWh per year) will have two options, either fixed price for a fixed term or progressive procurement. Procurement Australia have also tabled the opportunity to explore a long term renewable Power Purchase Agreement (solar or wind). The sites can be split amongst these options.

Fixed price for a fixed term contract gives a security that the price paid is likely to be at a premium as current pricing is high. Progressive procurement allows the purchase of blocks of energy over time, and is more volatile in pricing but could potentially be less over the period if more renewable power comes online bringing the overall price down. A long term renewable Power Purchase Agreement gives security over pricing for a long period of time (over 10 years) but may limit the ability to implement back of meter energy supply projects.

a. Council Plan Linkage and Policy Context

Growing Glenelg – Sustaining and growing a diverse economy and social prosperity.

F6. PROCUREMENT AUSTRALIA ENERGY SUPPLY CONTRACT RENEWAL

(continued)

b. Legislative and Legal Considerations

Procurement Australia undertakes this process on behalf of all participating Councils to gain the benefits of a bulk purchasing arrangement whilst also ensuring Council's obligations under Section 186 of the *Local Government Act 1989*. There are no other legislative or legal matters to consider in relation to this matter.

c. Consultation and/or communication processes implemented or proposed

All tender consultation and subsequent consultation with participating Councils has been undertaken by Procurement Australia.

d. Risk Management

There are no risk management issues relating to the subject matter of this report.

e. Resource Implications

There are no resource implications relating to the subject matter 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

Sustainability and environmental criteria were considered during the tender evaluation process undertaken by Procurement Australia.

h. Budget Implication

Electricity use charges currently represent between 40% to 60% of the total electrical bill costs, with the remaining percentage being made up of fixed network charges (transmission supply) which are revised on 1 January each year. This means that fluctuation in the market price for electricity will have a 40% to 60% impact on the overall costs.

Conclusion

Progressive procurement, although being more volatile in pricing, offers potentially the best savings over time as power can be purchased at the lows. The procurement process also has limited time frames for execution of documents to participate in the different streams. It is therefore recommended that the contract extension be endorsed and authority be given to the Chief Executive Officer and Director Assets to negotiate, execute and complete all financial payments and documents in relation to this contract extension.

F6. PROCUREMENT AUSTRALIA ENERGY SUPPLY CONTRACT RENEWAL

(continued)

Officer Recommendation

1. That Council endorse the contract extension for energy supply agreements with AGL Pty Ltd in accordance with the tender awarded by Procurement Australia for progressive procurement for large electrical sites and fixed price for a fixed term for small electrical sites and gas.
2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council decision.
3. That the Director Assets be authorised to negotiate and execute further extensions of the contract in accordance with the contract documentation.
4. That the Director Assets be authorised to complete all financial payments and documents in relation to this contract.

MOTION**MOVED Cr Stephens**

1. That Council endorse the contract extension for energy supply agreements with AGL Pty Ltd in accordance with the tender awarded by Procurement Australia for progressive procurement for large electrical sites and fixed price for a fixed term for small electrical sites and gas.
2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council decision.
3. That the Director Assets be authorised to negotiate and execute further extensions of the contract in accordance with the contract documentation.
4. That the Director Assets be authorised to complete all financial payments and documents in relation to this contract.

SECONDED Cr Halliday**CARRIED**

F7. LEASE AGREEMENT WITH HEYWOOD WOOD WINE & ROSES INC

Director: Robert Alexander, Director Assets
Author: Simone Scott, Contract and Lease Officer

Executive Summary

This report is to brief Council on a lease between the Glenelg Shire Council and Heywood Wood Wine & Roses Inc that expired on 31 October 2017.

Background

The previous lease was for a term of three (3) years from 1 November 2014 to 31 October 2017.

The leased land area is 3.525 ha and is located in Owen Street, Heywood.

Heywood Wood Wine & Roses Inc currently use the land for the festival in February of each year. Currently Heywood Wood Wine & Roses Inc pay \$410.20 (including GST) per annum.

Report

Contact was recently made with Heywood Wood Wine & Roses Inc to advise them that the lease had expired with no further options for extension currently available.

Discussions were held regarding the tenure. The outcome was an in principle agreement to execute a five (5) year lease with a rental figure of \$420.00 (includes GST) per annum, with rent to be adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne and on the commencement of any subsequent further terms the rental shall be reviewed to market.

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

Growing Glenelg – sustaining and growing a diverse economy and social prosperity.

b. **Legislative and Legal Considerations**

This lease is in accordance with *The Local Government Act 1989* and *Retail Leases Act 2003*.

c. **Consultation and/or communication processes implemented or proposed**

Consultation meetings have been held with the lessee.

d. **Risk Management**

The fire risk will be minimised with a long term lease in place.

F7. LEASE AGREEMENT WITH HEYWOOD WOOD WINE & ROSES INC

(continued)

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 Implications

The rental fee income has been estimated for the lease of this land for the 2017/2018 financial year.

Conclusion

As there have been no concerns with this lease arrangement to date it is recommended that a renewal for a five (5) year lease be entered into with Heywood Wood Wine & Roses Inc.

Officer Recommendation

1. That Council enter into a new five (5) year lease with Heywood Wood Wine & Roses Inc.
2. That the rental figure be \$420.00 (including GST) per annum, with rent to be adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne and on the commencement of any subsequent further terms the rental shall be reviewed to market.
3. That the Director Assets be authorised to finalise and execute the new lease documents.

F7. LEASE AGREEMENT WITH HEYWOOD WOOD WINE & ROSES INC
(continued)**MOTION****MOVED Cr Hawker**

1. That Council enter into a new five (5) year lease with Heywood Wood Wine & Roses Inc.
2. That the rental figure be \$420.00 (including GST) per annum, with rent to be adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne and on the commencement of any subsequent further terms the rental shall be reviewed to market.
3. That the Director Assets be authorised to finalise and execute the new lease documents.

SECONDED Cr McDonald**CARRIED**

F8. RESCHEDULING BUSINESS AND TOURISM AWARDS TO BIENNIAL

Director: Yvette Parker, Acting Director Community Services
Author: Liz McKinnon, Tourism and Marketing Manager

Executive Summary

This report seeks Council's endorsement to reschedule the Glenelg Shire Business and Tourism Awards from an annual calendar event to biennial to assist to attract greater business participation.

Background

The Glenelg Shire Business and Tourism Awards were reintroduced in 2016 after a 17-year hiatus to publicly acknowledge and recognise businesses and individuals in the shire who provide excellence in their chosen field. Furthermore, the awards encourage the sector to excel and exceed industry standards.

Over the past two years the awards have included nine business and tourism categories, two individual categories and a heritage category.

These include;

- Manufacturing, Trades or Construction Business;
- Large Retail or Service Business;
- Primary Industry;
- Innovative Business;
- Tourism – Accommodation;
- Tourism – Food & Beverage;
- Tourism – Event, Festival or Attraction;
- Micro Retail or Service Business;
- Heritage Practice;
- Inclusive Practice;
- Employee of the Year;
- Young Achiever of the Year; and
- Business of the Year.

F8. RESCHEDULING BUSINESS AND TOURISM AWARDS TO BIENNIAL

(continued)

The awards are presented at a gala dinner at the Portland Golf Club, which has historically been held in Autumn.

Independent judges were sourced for 2017 from SBMS consultancy, a Geelong-based firm. The judges included a career banker, a retailer with more than 40 years' experience; and business consultant.

The judges were impressed with the standard of entrants, noting there was "huge potential for the shire to harness the enthusiasm" building the shire's profile as a great region to invest and do business.

The 2016 awards were judged by local business leaders, sourced in consultation with the Committee for Portland.

A highlight of the evening is the entertainment on offer which included a performance in 2017 from *X-Factor* finalist Louise Adams who launched her new cross-border music tourism initiative.

The 2016 event was headlined by finance commentator Michael Pascoe who provided an in-depth report on the nation's economy, highlighting strategic opportunities for the Glenelg Shire region.

Report

Despite extensive media promotion, which included an email campaign to the shire's extensive business list and street walk delivering applications shire-wide, the 2017 Business and Tourism Awards attracted lower than anticipated numbers. The business community considered that the events were in too close succession.

Whilst nominations were down in 2017, the event maintained a strong guest list with 143 tickets sold. This was similar to the 2016 event ticket sales.

Given the reduction in nominations, officers propose to make the awards biennial in an effort to generate greater interest in attracting award nominations into the future. A break in years would assist in leveraging the event, generating greater profile with longer media campaigns highlighting the benefits of being a finalist.

For future events it is also proposed that a lucrative prize package is awarded to the overall Business of the Year as a further incentive to attract future nominations. It is proposed such a package could be tailored with 3 prize options offered to the award winning business. The options could include a marketing package with a major regional media network, business mentoring or website design.

A video production highlighting the 2017 Business of the Year was shared on social media and the council's customer service TVs further illustrating the profile and esteem the awards provide local operators. It is envisaged that hosting the awards every two years, starting again in 2019, will deliver businesses with longer profile as award winners, therefore further highlighting the benefits and rewards of entering.

F8. RESCHEDULING BUSINESS AND TOURISM AWARDS TO BIENNIAL

(continued)

Recent meetings between the Tourism Advisory Committee, Promoting Portland and the Portland Tourist Association have highlighted the need to support businesses in teaching good customer service practice, to ensure a memorable and enjoyable customer experience to build return business. The Council is well positioned to partner and support such activities.

Running the Glenelg Shire Business and Tourism Awards biannually will potentially lead to greater uptake of nominations for future events.

a. Council Plan Linkage and Policy Context

The following business events link with the following council plan themes:

- Growing Glenelg – sustaining and growing a diverse economy and social prosperity.
- Creative Glenelg – Creative, inspired, forward thinking and action orientated

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

Officers will develop a communication plan for promotion of changes and future events.

d. Risk Management

Nil

e. Resource implications

Nil

f. Charter of the Human Rights and Responsibilities

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

g. Sustainability and Environment Considerations

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

h. Budget Implication

Costs would be covered within the operational budget.

F8. RESCHEDULING BUSINESS AND TOURISM AWARDS TO BIENNIAL

(continued)

Conclusion

The proposed introduction of a biennial Glenelg Shire Business and Tourism Awards program is envisaged to generate greater profile for the awards evening and therefore attract a stronger field of nominations from the business and tourism sectors. The inclusion of an overall prize, will further provide new attraction and reward for nominating in the awards program.

Officer Recommendations

1. That Council endorse the rescheduling of the Glenelg Shire Business and Tourism Awards to a biennial event to be scheduled, at a date to be confirmed, in Autumn 2019.
2. That Officers prepare a further report to Council in the second quarter of 2018 to outline event planning for the 2019 Business and Tourism Awards.

MOTION**MOVED Cr Hawker**

1. That Council endorse the rescheduling of the Glenelg Shire Business and Tourism Awards to a biennial event to be scheduled, at a date to be confirmed, in Autumn 2019.
2. That Officers prepare a further report to Council in the second quarter of 2018 to outline event planning for the 2019 Business and Tourism Awards.

SECONDED Cr White**CARRIED**

ANY OTHER PROCEDURAL MATTER:

Mayor Rank acknowledged this as being the last Ordinary Council Meeting for the previous Director of Assets Mr Paul Healy and thanked him for the 5 years of service and his contribution to the Shire whilst in that role and also passed on Council's good wishes to his wife Moira.

MOTION**MOVED Cr Wilson**

That Council acknowledge, congratulate and thank Mr Healy for his time in the position of Director of Assets and wish him well in his new role as Manager of Special Projects with Council.

SECONDED Cr Halliday**CARRIED**

Mayor Rank also acknowledged and thanked Council staff and the Portland Observer for their assistance throughout the year.

URGENT BUSINESS:

Nil.

RECEIPT OF ITEMS SUBMITTED FOR INFORMATION:INDEX – SEPARATE CIRCULATIONS TO REPORTS*Separate Circulation to Councillors, CEO, Director and available to the Public*

- E1. (1) Meeting Record of the Portland tourist Association and Promoting Portland Annual General meeting held Thursday on 16 November 2017
- E1. (2) Assembly of Councillors - CEO and Councillor Briefing session held on Tuesday 28 November 2017
- E1. (3) Assembly of Councillors - Councillor Briefing session held on Tuesday 28 November 2017
- E1. (4) Assembly of Councillors – CEO and Councillors meeting held on Tuesday 5 December 2017
- E1. (5) Assembly of Councillors – Councillors Workshop held on Tuesday 5 December 2017
- F1. (1) Monthly Financial Report – November 2017
- F4. (1) Heritage Advisor Report, Flightpath dated 11 October 2017
- F4. (2) Heritage Loan/Grant Scheme Application dated 11 Sept 2017

Confidential Separate Circulation to Councillors and Directors

- E1. (6) Meeting Record of the Australia Day Advisory Committee meeting held on Tuesday 21 November 2017
- F2. (1) Councillor and Chief Executive Officer Leave of Absence Register

Recommendation

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

MOTION**MOVED Cr Wilson**

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

SECONDED Cr Stephens**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)(h) of the *Local Government Act 1989*, excluding the Acting Chief Executive Officer, Acting Director Corporate Services, Acting Director Community Services, Director Assets and Acting Council Support Coordinator:

- G1. Recommendations from the Australia Day Advisory Committee Meeting 21 November 2017.

MOTION**MOVED Stephens**

That the Council Meeting be closed to members of the public pursuant to Section 89 (2)(h) of the *Local Government Act 1989*, excluding the Acting Chief Executive Officer, Acting Director Corporate Services, Acting Director Community Services, Director Assets and Acting Council Support Coordinator:

- G1. Recommendations from the Australia Day Advisory Committee Meeting 21 November 2017.**

SECONDED Cr Wilson**CARRIED**

OPENING OF COUNCIL MEETING TO MEMBERS OF THE PUBLIC:Recommendation

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

MOTION

MOVED Cr Wilson

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

SECONDED Cr Stephens

CARRIED

CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.28pm.

I HEREBY CERTIFY THAT PAGES 1 TO 50 INCLUDING PAGES 41 TO 49 (IN CAMERA) ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

**CR ANITA RANK
MAYOR**

23 JANUARY 2018

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