



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 13 December 2022 at 7:00 pm at
Portland Arts Centre
Glenelg Street

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1. PRESENT

Cr Scott Martin (Mayor), Cr Jayden Smith (Deputy Mayor), Cr Anita Rank, Cr Michael Carr, Cr Chrissy Hawker, Cr Karen Stephens and Cr Gilbert Wilson.

Also in attendance were the Acting Chief Executive Officer (Mr Paul Phelan), Director Corporate Services (Mr David Hol), Acting Director Community Services (Ms Melanie Bennett), Acting Director Assets (Mr Chris Saunders), Chief Information Officer (Ms Ann Kirkham), Executive Assistant CEO Department (Ms Virginia Bobbitt) and Administration Support Officer CEO Department (Ms Kerry Holmes).

2. OPENING PRAYER

The Mayor passed to Deputy Mayor Cr Smith to open the meeting with the Council Prayer.

3. ACKNOWLEDGEMENT TO COUNTRY

The Mayor passed to Cr Rank to read the Acknowledgement to Country.

4. RECORDING OF MEETINGS

The Chief Executive Officer will enable an audio recording of the meeting conducted and the recording of that meeting may be made available to the public.

5. RECEIPT OF APOLOGIES

Mr Greg Burgoyne (Chief Executive Officer).

6. QUESTION TIME**6.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

Mr David Punton of Portland asked the following questions:

1. Tree removal and Allowances

- a. *Why are the street trees being removed from Council streets and not replaced with suitable trees?*

Mr Chris Saunders Acting Director Assets advised that street trees are typically being removed due to danger to public or infrastructure. Council officers which include a horticulture officer, use suitable species to replace removed trees. Mr Saunders advised he would take the rest of the question on notice and provide further details on what species are used to replace removed trees.

Mr Chris Saunders Acting Director Assets, has since provided Mr Punton with details on tree replacements as outlined in Council's "Urban Street Tree Species List" which is a part of Council's Vegetation Management Guideline.

Mr Gary Humm of Portland asked the following questions:

2. Mayor goals

- b. Would the Mayor provide a detailed synopsis of his proposed Culture, Goals, Priorities and Standards for this Council under your leadership?*

Mayor Martin advised he would take this question on notice and has since provided a response direct to Mr Humm outlining his goals, priorities and collaborative approach.

Mr Mike Noske from Portland asked the following question:

3. Differential Rebate

- b. Does Mayor Martin stand by his response provided by Council to Mrs Munro and can he explain to ratepayers why he voted to adopted two different documents at the same Council meeting that apparently contained such dramatically different rate revenue figures for 2022/23 especially when the PRIMARY document, the Glenelg Shire Council Plan 2021-25 did not include the disputed \$3.429 million?*

Mayor Martin advised that this question would be taken on notice and has since provided a response direct to Mr Noske indicating that he stands by his comments and outlined the circumstances surrounding the Council Plan and the 10 Year Financial differences.

6.2. QUESTIONS FROM THE GALLERY

Mr Gary Humm from Portland asked the following question/s:

- a. I am wondering if the Mayor understands that this blurring of the lines of integrity is unacceptable for a Civic Leader where honesty and integrity are standards that cannot be manipulated by convenience and that you have a responsibility to set and demand higher standards?*

The Mayor advised that Councillors have a code of conduct to follow and if an individual has an issue with a Councillor they can discuss with that particular Councillor.

- b. Last month you were asked to provide insight into your leadership vision and aspirations for Council under your leadership. I am yet to receive any response; can I therefore receive a summation now and a hard copy showing date and time stamp when that email was sent?*

The Mayor advised a copy of the email sent 2 December 2022 would be provided with a time stamp.

- c. Reflecting on Cr Wilson apologising at the last Council meeting, will the Mayor please confirm to the gallery that you also have resolved all previously outstanding matters with apologies given?*

The Mayor advised the question breached section 2.13.5 of the Glenelg Shire Council Governance Rules.

Mr David Punton from Portland asked the following question/s:

- a. *Can you Mr Mayor confirm for anyone in public office it is critical they can be trusted and not seen to be demonstrating any level dishonesty of impropriety?*

The Mayor advised that trust and integrity is key which is why every four years residents have the option to vote and have their say via the democratic election process.

- b. *Can you please inform the residents of Glenelg Shire Council when the damage to the entrance signage and foreshore centenary monument will be cleaned and those responsible will be dealt with and can you inform us of the cost of this work?*

Mr Chris Saunders Acting Director Assets advised the defacing of the gateway signage was done so with water based paint and were hopeful it would be washed away with the recent rainfall. Should this not occur Council are looking at options for removal without damaging the structure. Mr Saunders advised he believed the centenary monument had been cleaned however Council will re inspect. Investigation is underway to establish proof of who is responsible and will take the question on notice in regard to the cost of the work.

- c. *When will the ongoing disruption of wildlife habitat and safe corridors for wildlife in the Portland area stop?*

Mr Chris Saunders Acting Director Assets advised that the trees removed were from residential streets, not wildlife corridors. Council typically plant native plants which do provide a food source as part of the annual program.

Mr Matthew Jowett from Portland asked the following question/s:

- a. *Could you please update the public on the timeline for when we are going to join the rest of the state in getting green waste bins?*

Mr Chris Saunders Acting Director Assets advised Council is currently mapping out the process for the waste transition as part of the circular economy with two key contracts in the agenda tonight and an additional contract which will go out for tender early in the new year. Next steps will be to provide accurate data to the Shire residents with community consultation and education to then commence. An accurate date is unable to be given at this time as that will be announced following the consultation period.

- b. *What is your opinion on Councillors making pledges here in Council meetings but then refusing to honour them?*

The Mayor advised if an individual has an issue with a Councillor they are to discuss with that particular Councillor.

- c. *Could you please tell us why you feel that you as Mayor and Cr Smith as Deputy Mayor were both the best choices for these positions?*

The Mayor advised the position of Mayor is surrounded by people of experience on which they can lean on for support and advice including the Glenelg Shire Council Chief Executive Officer and the Executive Team; and that the elected officials are responsible for election of the Mayor.

7. DECLARATIONS OF CONFLICT OF INTEREST

Cr Stephens declared a General Conflict of Interest in item 14.2 Australia Day Awards 2023 and advised this prior to the meeting.

Cr Wilson declared a General Conflict of Interest in item 14.2 Australia Day Awards 2023 and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 22 November 2022, as circulated, be confirmed as amended.

MOTION

MOVED Cr Stephens

That the minutes of the Council Meeting held on Tuesday 22 November 2022, as circulated, be confirmed as amended.

SECONDED Cr Hawker

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

9. PRESENTATIONS

Nil. **10. DEPUTATIONS**

Nil.

11. NOTICES OF MOTION

11.1. NOTICES OF MOTION - 4-2022-2023 - SKILLS SHORTAGE OF QUALIFIED EARLY CHILDHOOD EDUCATORS

CEO: Paul Phelan, Acting Chief Executive Officer

In accordance with the Council's Governance rules adopted on 27 September 2022, Section 2.8.1.1. I hereby give notice of my intention to move the following motion at the Council meeting to be held on Tuesday 13 December 2022.

1. That Council writes to Ms Ingrid Stitt, Minister for Early Childhood and Pre-Prep to inform the Minister of the significant challenges concerning the ability of the Council to provide Early Childhood and Pre-Prep services to all families in our community.
2. That Council requests that the Minister urgently address's the significant skills shortage of qualified Early Childhood Educators and Teachers in the Glenelg Shire.

Signed: Cr Michael Carr
Date: 2 December 2022

Attachment List

1. Notice of Motion - 4-2022-2023 Early Childhood waiting lists 2 December 2022
[11.1.1 - 1 page]

MOTION

MOVED Cr Carr

1. That Council writes to Ms Ingrid Stitt, Minister for Early Childhood and Pre-Prep to inform the Minister of the significant challenges concerning the ability of the Council to provide Early Childhood and Pre-Prep services to all families in our community.
2. That Council requests that the Minister urgently address's the significant skills shortage of qualified Early Childhood Educators and Teachers in the Glenelg Shire.

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

12. PETITIONS

Nil.

13. COMMITTEE REPORTS

Nil.

14. MANAGEMENT REPORTS**MOTION TO INCLUDE LATE UNLISTED REPORT**

MOVED Cr Stephens

In accordance with clause 2.6.3 of the Glenelg Shire Council Governance Rules adopted 27 September 2022 that the Confidential item 15.1 Appointment of Chief Executive Officer be included in the Agenda, under section 15 Confidential Reports for Council consideration.

SECONDED Cr Hawker

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

14.1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

Director: Greg Burgoyne, Chief Executive Officer

Executive Summary

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

Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 35 (1) (e) (4) (6) of the *Local Government Act 2020*.

MOTION

MOVED Deputy Mayor Cr Smith

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 35 (1) (e) (4) (6) of the *Local Government Act 2020*.

SECONDED Cr Rank

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

In accordance with Section 35 (1) (e), (4), and (6) of the *Local Government Act 2020* Councillors are entitled to take Leave of Absence.

Section 35 (1) (e), (4) and (6) of the *Local Government Act 2020* states:

35 Councillor ceasing to hold office

- (1) A Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor:
 - (e) subject to this section, is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council.
- (4) The Council must grant any reasonable request for leave for the purposes of subsection (1)(e).
- (6) A Councillor is not to be taken to be absent from Council meetings during the period of 6 months after the Councillor or their spouse or domestic partner:
 - (a) becomes the natural parent of a child; or
 - (b) adopts a child under the age of 16 years

and the Councillor has responsibilities for the care of the child during that period.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Section 35 of the *Local Government Act 2020*.

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. Financial Implications and Collaboration

Nil.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Separately circulated as Confidential attachment.

14.2. AUSTRALIA DAY AWARDS 2023

Director: Paul Phelan, Acting Chief Executive Officer

Executive Summary

The purpose of this report is to provide a summary of the nominations received for the 2023 Australia Day Awards and provide recommendations regarding award winners and Australia Day events.

Recommendation

That Council:

1. Award the Citizen of the Year, Senior Citizen of the Year and Community Group of the Year to the nominated recipients in accordance with confidential attachment 2, and recipients remain confidential until the announcement of Award winners at the 2023 Australia Day events
2. That Council provide financial assistance of \$400 each to both the Nelson Tennis Club and the Merino Digby Lions Club to assist with their 2023 Australia Day events, subject to these events proceeding.

Cr Stephens re declared a Conflict in item 14.2 left the meeting at 7:30 pm.

Cr Wilson re declared a Conflict in item 14.2 left the meeting at 7:31 pm.

MOTION

MOVED Deputy Mayor Cr Smith

That Council:

1. **Award the Citizen of the Year, Senior Citizen of the Year and Community Group of the Year to the nominated recipients in accordance with confidential attachment 2, and recipients remain confidential until the announcement of Award winners at the 2023 Australia Day events**
2. **That Council provide financial assistance of \$400 each to both the Nelson Tennis Club and the Merino Digby Lions Club to assist with their 2023 Australia Day events, subject to these events proceeding.**

SECONDED Cr Hawker

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank and Cr Carr

AGAINST: Nil

Cr Wilson returned to the meeting at 7:34 pm.

Cr Stephens returned to the meeting at 7:34 pm.

Background/Key Information:

Following an extensive advertising campaign throughout 2022, all nominations received were presented to Council at the 8 November workshop to consider the sections and complete the nomination matrix to determine the winners of each category.

There are four categories that invite nominations for the Australia Day Awards annually:

- Citizen of the Year
- Young Citizen of the Year
- Senior Citizen of the Year
- Community Group of the Year

The Australia Day Awards nominations by flyers, posters and online methods used to promote nominations.

Nominations for the Australia Day Awards closed on Friday 7 October 2022.

To be eligible for an Award, nominated individuals must be an Australian citizen and reside in the Glenelg Shire at the time of the nomination.

Glenelg Shire Citizen of the Year is awarded to a shire resident aged over 25 years as at 26 January the year the award is presented, who has achieved the most distinguished performance and/or made the most outstanding contribution to the Shire community in the current year, or over a number of years.

Glenelg Shire Young Citizen of the Year is awarded to a shire resident aged under 25 as at 26 January the year the award is presented, who has achieved the most distinguished performance and/or made the most outstanding contribution to the Shire community in the current year, or over a number of years.

Glenelg Shire Senior Citizen of the Year is awarded to a shire resident aged 60 or over as at 26 January the year the award is presented, who has achieved the most distinguished performance and/or made the most outstanding contribution to the Shire community in the current year, or over a number of years.

Glenelg Shire Community Group of the Year is awarded to an organised community group based in the Glenelg Shire which has made a significant contribution and exceptional service to the local community in the current year, or over a number of years.

Outstanding achievement and demonstration of these key attributes is the basis of these awards.

Previous award winners are ineligible to win an award in the same category again.

Following an extensive advertising campaign, a total of 9 eligible nominations were received across three Award categories (confidential attachment 1)

Citizen of the Year 2023

5 nominations

Young Citizen of the Year 2023	0 nominations
Senior Citizen of the Year 2023	2 nominations
Community Group of the Year 2023	2 nominations

Nominees were assessed on the following criteria:

- Significance and impact of contributions made
- Demonstrated level of commitment to the betterment of the Glenelg community
- Nature and length of activity or service
- Previous awards and recognition received
- Personal attributes of the nominee such as being an inspirational/positive role model for their peers, showing vision, leadership, innovation and creativity
- Personal, academic, and professional achievements
- Community groups must demonstrate that they meet a community need or priority and have provided exceptional service to the local community.

Australia Day Awards will be publicly announced at the Australia Day Celebrations in Portland and Casterton on Thursday 26 January 2023, with all nominees to be invited to either of these events.

To assist with facilitation of community-based Australia Day events, financial assistance is provided annually to the Nelson Tennis Club and Merino/Digby Lions Club to assist with events in their respective townships. Financial assistance will only be provided should either of these community groups proceed with an Australia Day event for Thursday 26 January 2023.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Not applicable.

c. Consultation and/or communication processes implemented or proposed

Communications were undertaken from 19 August 2022 until the nomination period closing date 7 October 2022. Nomination forms were available electronically via the Your Say Glenelg website and hard copies via Customer Service locations across the Shire.

Invitation to nominate was promoted via radio, print media, social media and direct marketing to subscription groups.

d. Financial Implications and Collaboration

The estimated costs associated with the Australia Day celebrations are included within the 2022-2023 Council Budget.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Separately circulated as Confidential attachment.

14.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT NOVEMBER 2022

Director: David Hol, Director Corporate Services

Executive Summary

The Financial Report is a key document in assuring responsible and responsive governance and decision making. This high-level report is provided to give Council the ability to monitor Glenelg Shire's financial performance.

Recommendation

That Council receives the Financial report for the period ending November 2022.

MOTION**MOVED Cr Carr**

That Council receives the Financial report for the period ending November 2022.

SECONDED Cr Stephens**CARRIED**

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

The 2022/2023 Annual Budget was adopted by Council on 28 June 2022.

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

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Cash Flows; and
- Statement of Capital Works.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

This report is prepared monthly and is in addition to the requirements set out in the Local Government Act 2020 Division 2, Section 97 where Council is required to prepare a quarterly budget report to be submitted to Council.

Also, in accordance with Division 4, Section 101 Council is required to consider the following Financial Management Principles:

- (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances.
- c. Consultation and/or communication processes implemented or proposed

The finance report is prepared monthly for Council and submitted to the Audit and Risk Committee quarterly.

- d. Financial Implications and Collaboration

The resourcing of the preparation of the financial report and year-end audit of the financial statements is provided for in the adopted budget.

The financial report is a key document that is required to monitor Council's budget and financial result.

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2022/2023 budget.

The information in this report contributes to various strategic planning documents under Council's strategic planning framework, including the Annual Budget, Financial Plan and Revenue and Rating Plan.

- e. Governance Principles

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Financial Statements 2022 2023 - November 2022 [**14.3.1** - 7 pages]

14.4. HERITAGE GRANT APPLICATION RECOMMENDATION 16 GLENELG STREET PORTLAND

Director: David Hol, Director Corporate Services

Executive Summary

A total of three heritage grant applications were received for the period to 22 November 2022 seeking \$11,825 for projects totaling \$35,875.

An individual report and recommendation have been created for each grant application.

Council's Heritage Advisor has provided a report confirming the eligibility of these works as per the Heritage Support Policy. Council officers have evaluated the application and this report presents the recommendation to support the application.

Recommendation

That Council approve the grant application of \$3,000 from the heritage grants and loans restoration fund for the conservation works at 16 Glenelg Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

MOTION

MOVED Cr Wilson

That Council approve the grant application of \$3,000 from the heritage grants and loans restoration fund for the conservation works at 16 Glenelg Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

SECONDED Cr Rank

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

On 25 October 2022 Council updated the Heritage Support Policy. Recommendations for grants are evaluated by Council officers in consultation with Council's heritage advisor.

The residence, 16 Glenelg Street, Portland is an individually listed heritage property (HO45) that was erected pre 1853 and may have been pre-fabricated in Van Dieman's Land. It is of paramount importance as an example of early timber construction in Victoria.

A heritage grant application was submitted on 5 November 2022 for the replacement of zincalume gutters and PVC downpipes with galvanized gutters and downpipes, with an estimated cost of works totalling \$8,056. The application has requested \$4,028 in funding.

Council's Heritage Advisor inspected the property on 21 February 2022 and noted the proposed works represent good, caring conservation actions.

The application meets all eligibility requirements of the Heritage Support Policy. Whilst this is a worthwhile restoration project, to allow the continuation of the fund, it is recommended to approve the co-contribution amount of \$3,000, consistent with recent applications.

a. Council Plan and Policy Linkage

Our Lifestyle, Neighbourhood and Culture - Creating enriched and vibrant lives through experiences, safe and well planned neighbourhoods.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative, legal or risk management considerations.

c. Consultation and/or communication processes implemented or proposed

The applicant will be advised of the outcome following the Council Meeting.

d. Financial Implications and Collaboration

The Heritage Grants and Loans restoration fund has an estimated balance of \$21,000 once all grants approved to date are paid. This will reduce to approximately \$12,000 if all three grants are approved.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Smartygrants application 16 Glenelg St Portland Redacted [**14.4.1** - 11 pages]

14.5. HERITAGE GRANT APPLICATION RECOMMENDATION 16 FERN STREET PORTLAND

Director: David Hol, Director Corporate Services

Executive Summary

A total of three heritage grant applications were received for the period to 22 November 2022 seeking \$11,825 for projects totaling \$35,875.

An individual report and recommendation have been created for each grant application.

Council's Heritage Advisor has provided a report confirming the eligibility of these works as per the Heritage Support Policy. Council officers have evaluated the application and this report presents the recommendation to support the application.

Recommendation

That Council approve the grant application of \$2,888 from the heritage grants and loans restoration fund for the conservation works at 16 Fern Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

MOTION

MOVED Cr Rank

That Council approve the grant application of \$2,888 from the heritage grants and loans restoration fund for the conservation works at 16 Fern Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

On 25 October 2022 Council updated the Heritage Support Policy. Recommendations for grants are evaluated by Council officers in consultation with Council's heritage advisor.

The former Clergy Residence, 16 Fern Street, Portland is an individually listed heritage property (HO107) built in 1894 that is currently used as a private residence.

A heritage grant application was submitted on 12 October 2022 for the reconstruction of tiling to the front verandah including a new base, with an estimated cost of works totalling \$18,000. This estimate includes labour but as the applicant was unable to provide a quote for works, the requested grant amount is for tiles only (quote of \$5,776 provided) down from the original \$9,000 sought.

Council's Heritage Advisor inspected the property on 16 September 2022 and his report noted the works are urgently required to avoid further deterioration of a heritage asset and will facilitate the ongoing conservation and use of the historic dwelling.

The application meets all eligibility requirements of the Heritage Support Policy and therefore it is recommended to approve the co-contribution amount of \$2,888.

a. Council Plan and Policy Linkage

Our Lifestyle, Neighbourhood and Culture - Creating enriched and vibrant lives through experiences, safe and well planned neighbourhoods.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative, legal or risk management considerations.

c. Consultation and/or communication processes implemented or proposed

The applicant will be advised of the outcome following the Council Meeting.

d. Financial Implications and Collaboration

The Heritage Grants and Loans restoration fund has an estimated balance of \$21,000 once all grants approved to date are paid. This will reduce to approximately \$12,000 if all three grants are approved.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Smartygrants application 16 Fern St Portland Redacted [**14.5.1** - 18 pages]

14.6. HERITAGE GRANT APPLICATION RECOMMENDATION 58 HENTY STREET CASTERTON

Director: David Hol, Director Corporate Services

Executive Summary

A total of three heritage grant applications were received for the period to 22 November 2022 seeking \$11,825 for projects totaling \$35,875.

An individual report and recommendation have been created for each grant application.

Council's Heritage Advisor has provided a report confirming the eligibility of these works as per the Heritage Support Policy. Council officers have evaluated the application and this report presents the recommendation to support the application.

Recommendation

That Council approve the grant application of \$2,300 from the heritage grants and loans restoration fund for the conservation works at 58 Henty Street, Casterton in accordance with the recommendations in Council's heritage advisor report and relevant permits.

MOTION

MOVED Cr Stephens

That Council approve the grant application of \$2,300 from the heritage grants and loans restoration fund for the conservation works at 58 Henty Street, Casterton in accordance with the recommendations in Council's heritage advisor report and relevant permits.

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

On 25 October 2022 Council updated the Heritage Support Policy. Recommendations for grants are evaluated by Council officers in consultation with Council's heritage advisor.

A heritage grant application was lodged on 24 October 2022 to undertake improvements to the façade and rear of 58 Henty Street, Casterton with an estimated cost of works at \$9,819. The grant requested was \$4,909 in the application.

The contributory building is within Heritage Overlay HO163 – Casterton Township Precinct. Works to the shop include repairs to the verandah and parapet, replacing missing tiles, painting and replacement of fascia and barge boards to the rear of the building.

Council's Heritage Advisor inspected the property on 18 October 2022 and advised the new owner that the Retail Façade Improvement Program is no longer available and to apply for a heritage grant.

The application does not meet all the eligibility requirements as painting is no longer eligible as per the updated Heritage Support Policy. The Heritage Advisor confirmed works to the verandah frame and roof as the highest priority. Whilst this is a worthwhile restoration project to revitalise the shopfront, it is recommended to reduce the grant to the co-contribution amount of \$2,300 to assist with improvements to the façade only.

a. Council Plan and Policy Linkage

Our Lifestyle, Neighbourhood and Culture - Creating enriched and vibrant lives through experiences, safe and well planned neighbourhoods.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative, legal or risk management considerations.

c. Consultation and/or communication processes implemented or proposed

The applicant will be advised of the outcome following the Council Meeting.

d. Financial Implications and Collaboration

The Heritage Grants and Loans restoration fund has an estimated balance of \$21,000 once all grants approved to date are paid. This will reduce to approximately \$12,000 if all three grants are approved.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Smartygrants application 58 Henty St Casterton Redacted [**14.6.1** - 15 pages]

14.7. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND FAST CITIES AUSTRALIA PTY LTD

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new nine (9) year lease with Fast Cities Australia Pty Ltd for the Roadside Parking located at 73 Greenham Street, Dartmoor.

Recommendation

That Council:

1. Take off the table the report titled Lease agreement between Glenelg Shire Council and Fast Cities Australia Pty Ltd
2. Approves a new nine (9) year lease to be entered into with Fast Cities Australia Pty Ltd for the Roadside Parking located at 73 Greenham Street, Dartmoor.
3. Sets the rental figure at \$1.00 (including GST) per annum.
4. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.

MOTION

MOVED Cr Hawker

That Council:

- 1. Take off the table the report titled Lease agreement between Glenelg Shire Council and Fast Cities Australia Pty Ltd**
- 2. Approves a new nine (9) year lease to be entered into with Fast Cities Australia Pty Ltd for the Roadside Parking located at 73 Greenham Street, Dartmoor.**
- 3. Sets the rental figure at \$1.00 (including GST) per annum.**
- 4. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.**

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

Evie Networks on behalf of Fast Cities Australia Pty Ltd were successful in receiving the contract to install electric vehicle (EV) chargers in Glenelg Shire through the State Government's 2021 "Destination Charging Across Victoria" program which provided \$5 million in grants to establish a public electric vehicle (EV) fast-charging network across Victoria.

Sites were investigated at Dartmoor (as pictured below), Casterton and Portland which have all been identified as key charging locations for the network. Council's engineering team have been consulted and the lease drawn up with assistance from Russell Kennedy law firm for the Dartmoor site. Leases for the Casterton and Portland sites are still under negotiation as these sites require the approval of VicRoads and DELWP.

The proposed annual peppercorn rent of \$1.00 is reflective of Council's commitment to promoting environmental sustainability by providing public access to electric vehicle (EV) charging infrastructure. It is also in recognition of the public service the installation is providing to the Dartmoor community, as Evie Networks is unlikely to see a return on investment at this site due to the low visitation to the town; indeed the installation of the charging point will hopefully have a positive impact on visitation to the town and increase economic activity locally.



a. Council Plan and Policy Linkage

Our Natural Environment – Striving towards a carbon neutral future to protect and enhance the natural environment for future generations.

Our Access, Transport and Technology - Making it easier for people to connect in and around the Glenelg Shire.

b. Legislative, Legal and Risk Management Considerations

Section 115 of the *Local Government Act 2020* restricts Council's power to lease land in specific circumstances. The proposed lease complies with s.115. Ensuring a formal lease is executed provides Council with a legally binding agreement relating to the tenant's occupancy.

c. Consultation and/or communication processes implemented or proposed

Community Consultation with the Dartmoor Community was carried out via an "information & listening post" at the General Store for three hours on Tuesday 6 December. This listening post was advertised via the Dartmoor Progress Association Facebook page, Council's Facebook page and physically on the wall of the General Store. Seven residents attended the listening post and the general consensus was that this installation would be beneficial to the community by enhancing visitation to the town. One resident was concerned the installation might impact on the visual of the commemorative sculptures but also noted that the benefit to the community outweighed that concern. As a result of the listening post it was agreed that the installation of the charging unit would be moved several metres towards the hall to ensure there was no impact on the residents of 71 Greenham Street.

Consultation between the Tenant and GSC Media & Communications (Economic Development) Coordinator relating to the new lease has occurred.

d. Financial Implications and Collaboration

The financial obligations of the lease will be included within budget provisions. The financial impact on Council is negligible, including the modification of parking lines at the site. Evie Networks will pay for the power used at this site and will cover all installation costs.

e. Governance Principles

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Attachment List

Nil

14.8. CONTRACT 2022-23-17 HAULAGE/RECEIPT OF RESIDUAL MATERIAL FROM THE PORTLAND TRANSFER STATION

Director: Chris Saunders, Acting Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Haulage/Receipt of Residual Material from the Portland Transfer Station under Contract 2022-23-17 and provides recommendations regarding the awarding of this contract.

Recommendation

That Council:

1. Award Separable Portions A and B of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust;
2. Award Separable Portions C and D of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Greta Group Pty Ltd TA Wimmera Mallee Waste.
3. Authorise the Chief Executive Officer to execute all documents relating to this contract.
4. Authorise the Director Assets to negotiate and execute further extensions of the contract in accordance with the contract documentation.
5. Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION

MOVED Deputy Mayor Cr Smith

That Council:

1. **Award Separable Portions A and B of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust;**
2. **Award Separable Portions C and D of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Greta Group Pty Ltd TA Wimmera Mallee Waste.**

3. **Authorise the Chief Executive Officer to execute all documents relating to this contract.**
4. **Authorise the Director Assets to negotiate and execute further extensions of the contract in accordance with the contract documentation.**
- 5 **Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.**

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

The current contract for the provision of this service expires on 30 June 2023. As such, Council requires a new contract to cover future supply of this service.

This report covers the tender evaluations relating to the Haulage/Receipt of Residual Material from the Portland Transfer Station.

The term of the contract will be seven (7) years with Council reserving the right to extend the contract, if it so desires, by adding an additional three (3) by one (1) year extension options.

This contract has four (4) separate components, including:

- Separable Part A Residual General Waste;
- Separable Part B Green Organics Waste;
- Separable Part C Kerbside Co-Mingled Recyclables;
- Separable Part D Glass Recyclables.

Separable Part A Residual General Waste and Separable Part C Kerbside Co-Mingled Recyclables are existing services. Separable Part B Green Organics Waste and Separable Part D Glass Recyclables are additional waste services to be implemented as part of the State Governments Circular Economy Waste Transition Plan. Contract commencement dates for these additional services will be negotiated with the successful tenderer.

Public Tenders were called on Friday 19 August 2022 and closed at 3pm on Thursday 27 September 2022. At the closure of the tender submission period a total of five (5) submissions were received from the following:

- Cleanaway Pty Ltd;
- Corangamite Shire Council;
- Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust;
- BKBM Pty Ltd ta Westvic Waste & Recycling; and
- Greta Group Pty Ltd ta Wimmera Mallee Waste.

The Tender Evaluation Panel considered the tender submissions, taking into account the selection criteria and weighting which covers tender price, experience and capability incorporating environmental and operational performance, economic contribution to the Glenelg Shire and environmental sustainability considerations.

The Tender Evaluation Panel has recommended that Council award:

- Separable Portions A and B of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust and;
- Separable Portions C and D of Contract 2022-23-17, Haulage/Receipt of Residual Material from the Portland Transfer Station, to Greta Group Pty Ltd ta Wimmera Mallee Waste.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management 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. Communication with tenderers was via Council's Tender link website to ensure a fair and transparent platform for tendering.

Notification to the preferred tenderers will be undertaken following Council's resolution relating to this contract.

d. Financial Implications and Collaboration

Cost for the provision of the Services for this contract will be incorporated within adopted budgets.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Attachment List

Separately circulated as Confidential attachments.

14.9. 2012-13-51 WASTE COLLECTION SERVICES CONTRACTS

Director: Chris Saunders, Acting Director Assets

Executive Summary

This report is to seek Council approval for a six (6) month extension for contract 2012-13-51 Waste Collection Services to enable a public tender process to be completed to establish a new contract.

Recommendation

That Council:

1. Endorse a six (6) month extension of contract with Greta Group Pty Ltd trading as Wimmera Mallee Waste for Contract 2012-13-51 Waste Collections Services separable portions for Kerbside collection of Waste and Recyclables and Recyclables Acceptance and Processing Service;
2. Endorse a six (6) month extension of contract with The Trustee for Newton Family Trust Fund No 1 T/A Finwaste South West for Contract 2012-13-51 Waste Collections Services separable portion for Public Area Waste Removal Service; and
3. Endorse a six (6) month extension of contract with Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust for Contract 2012-13-51 Waste Collections Services separable portion for Provision of Waste Transport Services.
4. Authorise the Chief Executive Officer to execute all documents relating to this contract extension.
5. Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this extension.

MOTION

MOVED Cr Hawker

That Council:

1. **Endorse a six (6) month extension of contract with Greta Group Pty Ltd trading as Wimmera Mallee Waste for Contract 2012-13-51 Waste Collections Services separable portions for Kerbside collection of Waste and Recyclables and Recyclables Acceptance and Processing Service;**

2. **Endorse a six (6) month extension of contract with The Trustee for Newton Family Trust Fund No 1 T/A Finwaste South West for Contract 2012-13-51 Waste Collections Services separable portion for Public Area Waste Removal Service; and**
3. **Endorse a six (6) month extension of contract with Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust for Contract 2012-13-51 Waste Collections Services separable portion for Provision of Waste Transport Services.**
4. **Authorise the Chief Executive Officer to execute all documents relating to this contract extension.**
5. **Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this extension.**

SECONDED Deputy Mayor Cr Smith

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

At the Ordinary Council Meeting held on 24 September 2013 Council awarded contract 2012-13-51 Waste Collection Services Contracts to:

- Greta Group Pty Ltd ta Wimmera Mallee Waste – separable portion of Kerbside collection of Waste and Recyclables.
- The Trustee for Newton Family Trust Fund No 1 T/A Finwaste South West – separable portion of Public Area Waste Removal Service -
- Kelcar Materials Management (Vic) Pty Ltd ATF J & B Kelly Family Trust – separable portion of Provision of Waste Transport Services.

At the Ordinary Council Meeting held on 22 October 2013 Council awarded contract 2012-13-51 Waste Collection Services Contracts to:

- Great Group Pty Ltd ta Wimmera Mallee Waste - separable portion of Waste services for recyclables acceptance and processing service.

The current contracts for the provision of this service expire on 16 February 2023, with no further contract extensions available. As such, Council requires a new contract to cover future supply of this service.

To avoid non-compliance of the Procurement Policy and section 109 (1) of the *Local Government Act 2020*, given that the Waste Services are an essential service that must continue to be provided, a Council exemption is sought to establish a six (6) month extension to the contract. This will enable the transition of service providers, if required, following the tender process without disruption to our waste collection services and prepare for transition to the kerbside collection contract.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

c. Consultation and/or communication processes implemented or proposed

Consultation with the current contractors has occurred and a proposed contract extension price developed. Following Councils consideration of the extension request, Council Officers will notify the contractors of the outcome.

d. Financial Implications and Collaboration

Cost for the provision of the Services for this contract are incorporated within adopted budgets.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Attachment List

Nil

15. CONFIDENTIAL REPORTS**Recommendation**

That the Council Meeting be closed to members of the public pursuant to Section 3 (1)(f) of the *Local Government Act 2020*, excluding the Director Corporate Services, Acting Organisational Development Manager and Executive Assistant CEO Department to consider the following report:

15.1 Appointment of Chief Executive Officer**MOTION****MOVED Cr Stephens**

That the Council Meeting be closed to members of the public pursuant to Section 3 (1)(f) of the *Local Government Act 2020*, excluding the Director Corporate Services, Acting Organisational Development Manager and Executive Assistant CEO Department to consider the following report:

15.1 Appointment of Chief Executive Officer**SECONDED Cr Rank****CARRIED**

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Recommendation

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

MOTION

MOVED Cr Stephens

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

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Rank, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

16. URGENT BUSINESS

Nil.

17. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8.03pm.

I HEREBY CERTIFY THAT PAGES 1 TO 38 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR SCOTT MARTIN
MAYOR

24 JANUARY 2023

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