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**Glenelg Shire Council**  
**Minutes of the Council Meeting held on**  
**Tuesday 22 March 2022 at 7:00 pm at**  
**Glenelg Shire Council Casterton Customer Service Centre**  
**67 Henty Street, Casterton**

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1. Present.....	3
2. Opening Prayer .....	3
3. Acknowledgement to Country .....	3
4. Recording of Meetings .....	3
5. Receipt of Apologies .....	3
6. Question Time .....	3
6.1. Questions from the Gallery .....	3
6.2. Questions Taken on Notice at Previous meeting .....	6
7. Declarations of Conflict of Interest .....	7
8. Confirmation of Minutes .....	7
9. Presentations .....	7
10. Deputations .....	7
11. Notices of Motion.....	8
12. Petitions.....	8
13. Committee Reports .....	8
14. Management Reports.....	9
14.1. Councillor and Chief Executive Officer Leave of Absence Register.....	9
14.2. Glenelg Shire Council Financial Report February 2022 .....	11
14.3. Delegation Update February 2022 .....	13
14.4. Domestic Animal Management Plan 2021-2025 .....	17
14.5. Cape Bridgewater Wind Energy Facility Nuisance Investigation.....	20
14.6. Licence Agreement with Portland Family History Group Inc. ....	23
14.7. Strathdownie Drainage Scheme - Request to Raise a Special Charge for 2022/2023.....	26
14.8. Recreational Reserves and Recreational Facilities Access Policy CPO- COM-REC-004 and Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005.....	30
14.9. Round 2 Community Grants 2021/2022 .....	32
15. Confidential Reports.....	35
16. Urgent Business .....	35
17. Separately Circulated Attachments .....	35
18. Closure of Council Meeting .....	36

**1. PRESENT**

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

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Corporate Services (Mr David Hol), Director Community Services (Mr Paul Phelan), Acting Director Assets (Mr Chris Saunders), Executive Assistant CEO Department (Ms Paige Kliese), and Administration Support Officer CEO Department (Ms Hanna Outtram).

**2. OPENING PRAYER**

The Mayor opened the meeting with the Council Prayer.

**3. ACKNOWLEDGEMENT TO COUNTRY**

The Mayor 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**

Nil.

**6. QUESTION TIME****6.1. QUESTIONS FROM THE GALLERY****1. Vacant Retail Premises Casterton and Shire**

Mr Malcolm Cash of Casterton asked the following question:

*Should the Shire impose a differential rating system on Commercial properties?*

Mr Greg Burgoyne, Chief Executive Officer advised that the opportunity to make a submission on the rating strategy has closed, but will take this into consideration when the draft budget is considered and this will be treated as a budget submission.

**2. Rating Strategy**

Mr Garry Everett of Heywood asking the following questions:

- a. *Given Primary producers receive a "70% rebate", could Council explain the "Maths" used to suggest that Primary Producers actually receive 55% rebate?*

- b. *Given that we have had differential rate system up to the year 2010/11 then a rebate until now with no claim on the so called missed income (this year 3.42 million) in past, why does Council think that are entitled to it now?*
- c. *Can Council have a forum with all sectors of the Shire and hold these across the Shire early enough, around October, for each sector to have opportunity to ask questions and discuss submissions to provide a more moral, ethical and fairer system to raise funds to operate Local Government in the long-term?*

Mr Greg Burgoyne, Chief Executive Officer, advised given the complexities raised within these three questions he will take these questions on notice and follow up with the Chief Finance Officer to explain in more detail, as this is a complex issue that cannot be explained within a short timeframe.

### 3. Rating Strategy

Mr Kevin Stark of Lake Mundi asked the following questions:

- a. *Having recently read the Mayor's enthusiastic remarks on agriculture in the Glenelg Shire on the Food and Fibre website, how can Council justify the proposed large rate increase for Primary Producers in Glenelg Shire?*

Mayor Anita Rank, advised that Council are deliberating on this as part of the rating process and that this would be taken as a comment not a question.

- b. *Does Council agree that increases in valuation leads to increase in Rates payable contrary to what is stated in the Draft Rating document?*

Mr David Hol, Director Corporate Services advised that the situation around valuations is that if a valuation on a property goes up that does not automatically mean an increase to the rates as it depends on what the average valuation is across the sectors, in turn then your individual rates would go up greater than 1.75%.

- c. *Does the Mayor understand that in 99% of cases increase in valuation lead to increase in Rates payable by the rate payer?*

Mayor Anita Rank, advised she did understand this perception.

### 4. Merino Toilet Block

Mr Johan Elgmann of Merino Progress Association asked the following question:

- Can a timeline be provided for when the toilet facility will be fixed?*

Mr Chris Saunders, Acting Director Assets advised that the toilet facility is going through an environmental health process, where land capabilities assessments are being done to determine what it looks like at the end of it. In terms of a timeline I will take this on notice as this is subject to the initial process.

5. Cape Bridgewater Wind Energy Facility Nuisance Report

Mr Brian Kermond of Cape Bridgewater asked the following questions:

- a. *Can we have an opportunity to see the Officer's report?*
- b. *Can each Councillor please give me a reason for your decision?*
- c. *What material was before the decision makers when they made their decision?*

Mr David Hol, Director Corporate Services advised in response to the first question, the officers report contains Confidential information and won't be released.

Mr David Hol Director Corporate Services advised that there was substantial amount of information, expert information, responses from a number of different parties, including your own appointed lawyers to make their determination which is before Council tonight for their consideration, as the matter is highly litigated it is not appropriate to go into any further detail.

6. Cape Bridgewater Wind Energy Facility Nuisance Report

Ms Joanne Kermond of Cape Bridgewater asked the following questions:

- a. *Who are they authorised officers of the report noted in 14.5 of the Council Meeting agenda?*
- b. *Where is the report now? Can we, the ratepayers/complainants have a copy provided to us?*
- c. *The attachment list on page 16? 62 of the Glenelg Shire Council Meeting Agenda 14.5 states 'separately circulated as Confidential attachment'. To who and what are the attachments circulated and what are the details of the attachments?*

Mr David Hol, Director Corporate Services advised that the authorised officers are members of staff and not appropriate to release who they are and that questions are to come through to Mr Hol as his name is on the report. There are a number of reports, there are 13 attachments including the original complaint, the report analyses all the particular aspects in regards to the matter and then makes a recommendation for Council consideration tonight. All attachments are considered confidential because of the personal nature they contain and again stress that this is a litigated matter and such questions are best directed to your legal advisor.

7. Rating Strategy

Mr David Headlam of Lake Mundi asked the following questions:

- a. *What is the cause of the sudden deficit in the income forecast in the 2019/20 year and the 6 million deficit in the 2018/19 year?*

Mr David Hol, Director Corporate Services advised that he would take this question on notice and also advised that in the recent years Council had 0% rate rise, number of increases costs associated with COVID-19 and froze a number of Fees and Charges, so Council is currently running a \$1.7 million deficit this year to maintain the status quo.

- b. Will the Shire commit to using a differential rate to stabilise the percentage rate taken from the 3 main rate categories in the Shire?*

Mayor Rank advised that all Councillors are taking all these things under consideration, and this has been part of listening to the submissions last week, its part of our workshops and we will continue to discuss this further and also when the Draft Budget is released further discussions will be held prior to adopting the Budget at the end of June.

## 8. Rating Strategy

Ms Kristy McDonald of the Casterton News asked the following questions:

- a. After the unrest in the town last year regarding the rating system there was a press release where the Mayor advised there would be public community consultation sessions for the development of a differential rating system for the Shire. Can you please tell me when those community consultation sessions were advertised and when they were held?*

Mayor Rank advised that the sessions have not been held yet, and yet to set a date. Mayor Rank also advised that we will look to set a date once there is a Draft Budget to put out to the Community to be able to discuss.

- b. Will the sessions be prior to the Council signing off on this years Budget?*

Mayor Rank advised yes they will be held prior.

## 6.2. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

### 1. Update on Council Building

Mr Chalpat Sonti, of the Portland Observer asked the following question:

- a. Can a status update of the damaged Council Buildings from the January storm and a timeline on the return to the offices be provided?

Mr Greg Burgoyne, Chief Executive Officer advised that he would like to give Mr Sonti a guided tour to view the damage and provide a further details on a timeline of return.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

Cr Carr declared a General Conflict of Interest in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and advised this prior to the meeting.

Cr Carr declared a General Conflict of Interest in item 14.9 Round 2 Community Grants 2021/2022 and advised this prior to the meeting.

Deputy Mayor Cr Martin declared a General Conflict of Interest in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and advised this prior to the meeting.

Mr Greg Burgoyne declared a General Conflict of Interest in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and advised this prior to the meeting.

**8. CONFIRMATION OF MINUTES****Recommendation**

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

**MOTION**

**MOVED Deputy Mayor Cr Martin**

**That the minutes of the Council Meeting held on 22 February 2022, as circulated, be confirmed.**

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

**9. PRESENTATIONS**

Nil.

**10. DEPUTATIONS**

Nil.

**11. NOTICES OF MOTION**

Nil.

**12. PETITIONS**

Nil.

**13. COMMITTEE REPORTS**

Nil.



## **14. MANAGEMENT REPORTS**

### **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 Cr Hawker**

**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 Carr**

### **CARRIED**

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

**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. GLENELG SHIRE COUNCIL FINANCIAL REPORT FEBRUARY 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 February 2022.

**MOTION****MOVED Cr Carr**

**That Council receives the Financial Report for the period ending February 2022.**

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

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

**AGAINST:** Nil

Background/Key Information:

The 2021/2022 Annual Budget was adopted by Council on 22 June 2021.

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 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. 2021-2022 Financial Report - YTD February [**14.2.1** - 7 pages]

### 14.3. DELEGATION UPDATE FEBRUARY 2022

Director: David Hol, Director Corporate Services

#### Executive Summary

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

This review included the following Council Instruments of Delegation:

- S5 Instrument of Delegation from Council to Chief Executive Officer;
- S6 Instrument of Delegation from Council to Members of Staff;
- S7 Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff;
- S11A Instrument of Appointment & Authorisation (Planning and Environment Act 1987 only);
- S13 Instrument of Delegation of CEO powers, duties and functions;
- S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987 (S14);
- S16 Instrument of Delegation for Bushfire Reconstruction Applications under the Planning and Environment Act 1987.

#### Recommendation

That Council exercise the power conferred by s11 of the *Local Government Act 2020* (the Act) and adopt the following Instruments.

1. S5 Instrument of Delegation from Council to Chief Executive Officer, the provisions be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;
2. S6 Instrument of Delegation from Council to Members of Staff;
3. S11A Instruments of Appointment & Authorisation (*Planning and Environment Act 1987* only); and that
  - a. The instruments come into force immediately upon this resolution being made and is signed by the Council's Chief Executive Officer and the Mayor, and previous Instruments are revoked; and

- b. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- 4. Note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 March 2022;
  - a. S7 Instrument of Sub-Delegation from the Chief Executive Officer to Council staff;
  - b. S13 Instrument of Delegation of CEO powers, duties and functions (S13);
  - c. S14 Instrument of Delegation by CEO for VicSmart Applications under the *Planning and Environment Act 1987*; and
  - d. S16 Instrument of Delegation for Bushfire Reconstruction Applications under the *Planning and Environment Act 1987*.

### **MOTION**

#### **MOVED Cr Wilson**

**That Council exercise the power conferred by s11 of the *Local Government Act 2020* (the Act) and adopt the following Instruments.**

- 1. S5 Instrument of Delegation from Council to Chief Executive Officer, the provisions be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;**
- 2. S6 Instrument of Delegation from Council to Members of Staff;**
- 3. S11A Instruments of Appointment & Authorisation (*Planning and Environment Act 1987* only); and that**
  - a. The instruments come into force immediately upon this resolution being made and is signed by the Council's Chief Executive Officer and the Mayor, and previous Instruments are revoked; and**
  - b. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 4. Note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 March 2022;**
  - a. S7 Instrument of Sub-Delegation from the Chief Executive Officer to Council staff;**

- b. **S13 Instrument of Delegation of CEO powers, duties and functions (S13);**
- c. **S14 Instrument of Delegation by CEO for VicSmart Applications under the *Planning and Environment Act 1987*; and**
- d. **S16 Instrument of Delegation for Bushfire Reconstruction Applications under the Planning and Environment Act 1987.**

**SECONDED Deputy Mayor Cr Martin**

**CARRIED**

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

**AGAINST:** Nil

*Background/Key Information:*

Section 11(1) of the *Local Government Act 2020* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities.

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

The duties and functions set out in the Instruments referred to in must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

The objectives of delegation and authorisation reviews are to:

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

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 47 of the *Local Government Act 2020* provides that the Chief Executive Officer a Council may by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act.

c. Consultation and/or communication processes implemented or proposed

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

Documents are available for staff and Councillors to view prior to being adopted at the Council Meeting.

d. Financial Implications and Collaboration

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

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.

**Attachment List**

Copies of delegations can be provided upon request.



#### 14.4. DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025

Director: David Hol, Director Corporate Services

##### Executive Summary

This report outlines the requirement for the Council to produce a Domestic Animal Management Plan (DAMP) in accordance with the *The Domestic Animals Act 1994* (the Act), outlines the consultation undertaken to date, and seeks adoption of the Domestic Animal Management Plan 2021-2025.

##### Recommendation

That Council adopt the Glenelg Shire Council Domestic Animal Management Plan 2021-2025.

##### **MOTION**

##### **MOVED Cr Carr**

**That Council adopt the Glenelg Shire Council Domestic Animal Management Plan 2021-2025.**

##### **SECONDED Cr Smith**

##### **CARRIED**

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

**AGAINST:** Nil

##### Background/Key Information:

This DAMP has been prepared to provide a strategic framework for Glenelg Shire Council for policy direction and action plans related to animal management during the four-year period between 2021-2025.

In developing this Plan, a robust community consultation process was undertaken which resulted in 306 YourSay survey responses being received, 298 via online and eight (8) hardcopy submissions.

In addition to the initial consultation process, the Draft DAMP was made available to the community and further feedback was invited via a second online survey which received 22 responses.

The feedback received from the second survey highlighted the following insights which are consistent with the strategic direction of the DAMP:

- Concerns regarding dogs not under effective control in off and on leash areas.
- Calls for more education around collecting dog faeces and additional dog waste bags in popular areas, including biodegradable bag options.
- Strengthened approach to Local Laws patrols in popular public areas such as Nuns beach and Fawthrop Lagoon.
- More signage and communication for dog zones and dog prohibited areas.
- Support for ongoing reduced cost desexing programs in the shire.

These considerations, and others, have been included in the DAMP where applicable.

The DAMP 2021-2025 has now been prepared for Council consideration and is recommended for final adoption and implementation.

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

The *Domestic Animals Act 1994* (the Act) requires Council to prepare a Domestic Animal Management plan every four years.

c. Consultation and/or communication processes implemented or proposed

An online survey through YourSay Glenelg was conducted in July 2021. A total of 306 YourSay survey responses were received, 298 online and eight (8) hardcopy submissions.

In addition to the initial consultation process, the Draft DAMP was made available to the community and further feedback was invited via a second online survey which received 22 responses.

d. Financial Implications and Collaboration

The majority of the actions outlined in the plan are included in the existing Local Laws operational budget. Further additions to any related infrastructure, such as additional dog waste stations or bins, and further allocation to a low-cost desexing scheme may require additional budget allocation.

e. Governance Principles

The municipal community is to be engaged in strategic planning and strategic decision making.

**Attachment List**

1. Glenelg Shire Council DAMP 2021-2025 [**14.4.1** - 39 pages]

#### 14.5. CAPE BRIDGEWATER WIND ENERGY FACILITY NUISANCE INVESTIGATION

Director: David Hol, Director Corporate Services

##### Executive Summary

The briefing has been prepared in response to three nuisance allegations lodged against the Cape Bridgewater Wind Energy Facility (CBWF). The attachments to this report contain the detailed investigations of authorised Officers under the *Public Health and Wellbeing Act 2008* s 62 (2). The investigation concludes that the view of the authorised officers is that the allegations made do not reach the threshold to constitute a nuisance as defined by that Act.

##### Recommendation

That Council:

1. Resolves that there is no nuisance constituted under the *Public Health and Well Being Act 2008* in relation to each of the allegations.
2. That the complainant's legal representative be advised of this outcome and of the concluding remarks in the attached investigation report.

Deputy Mayor Cr Martin re declared a Conflict in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and left the meeting at 7:34 pm.

Cr Carr re declared a Conflict in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and left the meeting at 7:34 pm.

Mr Burgoyne re declared a Conflict in item 14.5 Cape Bridgewater Wind Energy Facility Nuisance Investigation and left the meeting at 7:34 pm.

##### MOTION

##### **MOVED Cr Stephens**

That Council:

1. **Resolves that there is no nuisance constituted under the *Public Health and Well Being Act 2008* in relation to each of the allegations.**
2. **That the complainant's legal representative be advised of this outcome and of the concluding remarks in the attached investigation report.**

##### **SECONDED Cr Hawker**

##### **CARRIED**

**FOR:** Mayor Cr Rank, Cr Hawker, Cr Stephens, Cr Smith and Cr Wilson

**AGAINST:** Nil

Background/Key Information:

A detailed investigation has been undertaken in response to three nuisance allegations lodged in mid 2018 and 2019 by three complainants. They allege that Cape Bridgewater Wind Energy Facility poses nuisance to them at their respective properties.

The attached investigation report provides a detailed investigation of this matter and all the relevant attachments of submissions provided by all parties during this investigation.

The investigation has been thoroughly conducted over many years involving specialist practitioners. The conclusion to this investigation has found that the allegations do not meet the threshold to constitute a nuisance as defined by the *Public Health and Well Being Act 2008*.

a. Council Plan and Policy Linkage

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well.

b. Legislative, Legal and Risk Management Considerations

The investigation has been conducted in accordance with the *Public Health and Well Being Act 2008*.

The complainants legal representative in the submission dated 8 November 2021 attached in this briefing also alleges that some Councilors may have a conflict of interest in determining this matter. Each Councilor should review their obligations under the *Local Government Act* in relation to this when considering this matter.

c. Consultation and/or communication processes implemented or proposed

The investigation has consulted with all relevant parties including CBWF operator throughout the process.

d. Financial Implications and Collaboration

As part of the investigation the Council received a \$40,000 grant to conduct the noise investigation report. However, the investigation costs have exceeded \$120,000 in addition to officer time reviewing the matter.

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.

**Attachment List**

Separately circulated as Confidential attachment.

Deputy Mayor Cr Martin returned to the meeting at 7:37 pm.

Cr Carr returned to the meeting at 7:37 pm.

Mr Burgoyne returned to the meeting at 7:37 pm.

14.6. LICENCE AGREEMENT WITH PORTLAND FAMILY HISTORY GROUP INC.

Director: David Hol, Director Corporate Services

Executive Summary

This report is to brief Council on the current arrangements between the Glenelg Shire Council and Portland Family History Group Inc. and to propose that Council enter into a new Licence Agreement for the non-exclusive use of History House, Cliff St Portland, for a five (5) year term expiring on 31 December 2026.

Recommendation

That Council:

1. That Council enter into a new Licence Agreement with Portland Family History Group Inc for the non-exclusive use of History House, Cliff St Portland, for a five (5) year term expiring on 31 December 2026.
2. That the annual licence fee be set at \$1.00 (inc GST) per annum.
3. That the Director Corporate Services be authorised to negotiate final terms and conditions and execute the new Licence Agreement.

**MOTION**

**MOVED Cr Wilson**

**That Council:**

1. **That Council enter into a new Licence Agreement with Portland Family History Group Inc for the non-exclusive use of History House, Cliff St Portland, for a five (5) year term expiring on 31 December 2026.**
2. **That the annual licence fee be set at \$1.00 (inc GST) per annum.**
3. **That the Director Corporate Services be authorised to negotiate final terms and conditions and execute the new Licence Agreement.**

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

The Portland Family History Group (PFHG) has been based in History House (old Portland Town Hall) since the mid-1980s when Council's then "honorary historian" vacated the building.

Following a major renovation of History House in 2007-2008 a formal Service Agreement and Licence Agreement was established between PFHG and the Glenelg Shire Council.

The Service Agreement clearly sets out the roles and responsibilities of both parties and a good working arrangement between the two parties has been maintained.

Under the Service Agreement and Licence Agreement PFHG provides access to the displays in History House on Council's behalf. Under the agreements, Council provides a premises and specified utilities for the PFHG to undertake the provision of their research services.

Council provides and maintains the museum display which comprises mainly objects from Council's cultural collection, with some items on loan from PFHG and Portland Historical Society.

Under the Service Agreement Council makes an annual contribution to PFHG in return for their provision of access to the displays from Council's cultural collection in History House. The prior payment to PFHG is \$3,166.00 and is indexed annually.

PFHG retain the door takings from museum admission fees. The admission fees are set annually by Council.

PFHG currently pay an annual peppercorn rent to Council of \$1.00 under the current Licence Agreement.

The current Licence Agreement expired on 31 December 2021 and it is now proposed that Council enters a new five (5) year Licence Agreement.

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

Ensuring a formal Licence Agreement is executed provides Council with a legally binding agreement relating to the occupancy.



If Council was not to renew the Licence Agreement with PFHG, the group would be required to find alternative premises to conduct their research service. In this circumstance, Council would be required to source “front of house” staff or volunteers to keep the cultural collection museum display and rocket shed open to the public.

c. Consultation and/or communication processes implemented or proposed

Consultation with the PFHG and Council’s Arts and Culture Manager has occurred.

d. Financial Implications and Collaboration

The annual payment made to the PFHG is included within the 2021/22 budget.

e. Governance Principles

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.

**Attachment List**

Nil

#### 14.7. STRATHDOWNIE DRAINAGE SCHEME - REQUEST TO RAISE A SPECIAL CHARGE FOR 2022/2023

Director: David Hol, Director Corporate Services

##### Executive Summary

This report recommends Council commence a public submission process on the proposal to declare a Special Charge for the Strathdownie Drainage Area for the 2022/2023 financial year.

##### Recommendation

That Council:

1. Propose a special charge be declared for the properties located in the constituted Strathdownie Drainage Scheme Area for the 2022/2023 financial year;
2. That a special charge be declared for defraying any expenses incurred in relation to the operation, maintenance, improvement, and administration of the Strathdownie Drainage Scheme Area which Council considers is of special benefit to those persons required to pay the Special Charge;
3. That the total estimated revenue in 2022/2023 financial year from the Special Charge be \$16,000;
4. That the Special Charge be due and payable by the 30 September 2023;
5. Commence the community engagement process in accordance with Council's Community Engagement Policy commencing Friday 25 March to Friday 22 April 2022;
6. Hear submissions required under section 223 of the *Local Government Act 1989* on the proposed special charge;
7. Fix the meeting to hear any submissions commencing at 7.00 pm on Tuesday 14 June at the Glenelg Shire Council in Portland at a venue to be confirmed, or if required at another day and time to be determined by the Chief Executive Officer; and
8. Receive a report as described in part 7 of this resolution on its proceedings at the Council meeting on the 28 June 2022.

**MOTION****MOVED Cr Stephens****That Council:**

- 1. Propose a special charge be declared for the properties located in the constituted Strathdownie Drainage Scheme Area for the 2022/2023 financial year;**
- 2. That a special charge be declared for defraying any expenses incurred in relation to the operation, maintenance, improvement, and administration of the Strathdownie Drainage Scheme Area which Council considers is of special benefit to those persons required to pay the Special Charge;**
- 3. That the total estimated revenue in 2022/2023 financial year from the Special Charge be \$16,000;**
- 4. That the Special Charge be due and payable by the 30 September 2023;**
- 5. Commence the community engagement process in accordance with Council's Community Engagement Policy commencing Wednesday 30 March to Wednesday 27 April 2022;**
- 6. Hear submissions required under section 223 of the *Local Government Act 1989* on the proposed special charge;**
- 7. Fix the meeting to hear any submissions commencing at 7.00 pm on Tuesday 14 June at the Glenelg Shire Council in Portland at a venue to be confirmed, or if required at another day and time to be determined by the Chief Executive Officer; and**
- 8. Receive a report as described in part 7 of this resolution on its proceedings at the Council meeting on the 28 June 2022.**

**SECONDED Cr Smith****CARRIED**

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

**AGAINST:** Nil

*Background/Key Information:*

The Strathdownie Drainage Scheme Committee is responsible for the operation, maintenance and development of the Strathdownie drainage area scheme.

The drainage area contains 173 assessments and covers an area of approximately 51,620 hectares.

Council provides a financial management service to the Strathdownie Drainage Scheme Committee and coordinates the collection of funds through rate notices via a Special charge when recommended by the Committee. The accumulated funds of the Scheme were \$160,825 as at the 8 February.

Council has been advised that a meeting of the Strathdownie Drainage Scheme Committee was held on 24 February 2022 to consider a recommendation to Council to raise a special charge for the 2022/2023 financial year, and to discuss drainage maintenance requirements.

The Strathdownie Drainage Scheme Committee has recommended to Council that a special charge be set for the 2022/2023 financial year to cover maintenance, emergency works and operational costs, as requested. The proposed special charge will raise \$16,000.00 if approved by resolution.

The Committee has advised that the additional funds are required for ongoing clearance and maintenance works whilst maintaining a minimum financial balance as a contingency.

The special charge will be calculated by averaging the special charge over the combined Capital Improved Values (CIV) of properties in the Strathdownie Drainage Area. The CIV of an individual assessment is adjusted to reflect the % ownership of the area that falls within the Strathdownie Drainage Area.

Where the invoice amount is less than \$5, an invoice requesting payment will not be issued to debtors. For debtors whose current invoice amount is less than \$5, a manual invoice will be created showing \$0 balance payable and the statement advising that payment won't be required until the balance owing is greater than \$5.

In accordance with the requirements of S163 of the Local Government Act 1989, which remains the Act in force for Special Charges, Council must provide public notice and undertake a public submission process on the proposed Special Charge prior to any declaration.

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

Under Sections 163(1A) of the Local Government Act 1989 (the Act), Council is required to give notice of its intention to declare a special charge. This enables the ratepayers within the designated drainage area to make a submission in relation to the proposed charge.

c. Consultation and/or communication processes implemented or proposed

The following public consultation process will be followed in accordance with Council's Community Engagement Policy to ensure due consideration and feedback is received from relevant stakeholders.

- Proposed special charge recommended to Council by the representative group;
- Community engagement through local news outlets and social media, including Your Say for a period of 28 days; and
- Proposed special charge (with any revisions) be presented to June Council meeting for adoption.

d. Financial Implications and Collaboration

The proposed special charge would raise \$16,000.00 for the 2022/23 financial year to cover maintenance, emergency works and operational costs, as requested.

e. Governance Principles

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

**Attachment List**

1. Minutes of Meeting 24 February 2022 [**14.7.1** - 1 page]
2. Signed Letter - Strathdownie Drainage Scheme 2022 Request [**14.7.2** - 1 page]

**14.8. RECREATIONAL RESERVES AND RECREATIONAL FACILITIES ACCESS  
POLICY CPO-COM-REC-004 AND RECREATIONAL RESERVES AND  
RECREATIONAL FACILITIES PRICING POLICY CPO-COM-REC-005**

Director: Paul Phelan, Director Community Services

**Executive Summary**

The purpose of this report is to seek Council adoption of the Recreational Reserves and Recreational Facilities Access Policy CPO-COM-REC-004 and the Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005.

**Recommendation**

That Council adopts the Recreational Reserves and Recreational Facilities Access Policy CPO-COM-REC-004 and the Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005.

**MOTION**

**MOVED Cr Carr**

**That Council adopts the Recreational Reserves and Recreational Facilities Access Policy CPO-COM-REC-004 and the Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005.**

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

**Background/Key Information:**

The *Active Your Way Glenelg* Sport & Active Recreation Plan was endorsed by Council on 25 June 2019 to guide Council's investment in sport and active recreation over the next ten years.

Council's vision for sport and recreational facilities under the Plan is for residents to "...have access to good quality facilities that are well-aligned to community needs." Council has endorsed a set of nine complementary strategies to help achieve this vision, including the need to "*Develop clear, consistent and equitable access arrangements for all Council owned and managed sport and recreational facilities.*"

Current access arrangements for sport and recreation clubs using Council recreational facilities have been identified as inequitable, inconsistent and unclear.

The new Access Policy and Pricing Policy provides clear guidance and structure for Council Officers to determine access and charges. It also increases equitable usage and provides opportunities for fee concession that aligns to the Municipal Public Health and Wellbeing Plan 2021 – 2025 goals and objectives. For example, gender equity, healthy eating, active aging, accessibility and responsible serving of alcohol.

Under the new policy 81% of clubs will have a fee reduction, 16% of clubs will have a fee increase and 3% of clubs will remain on the same fee. These changes reflect the quality of recreational facilities being used.

Without an Access Policy and Pricing Policy there is no justification for the rate of payment for clubs in the Glenelg Shire.

a. Council Plan and Policy Linkage

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well

b. Legislative, Legal and Risk Management Considerations

There is a reputational risk to Council should clubs and user groups continue to be charged at their current rates due to significant inequity and inconsistencies in pricing that doesn't align to the quality of the recreational facilities and type of usage.

c. Consultation and/or communication processes implemented or proposed

Research and consultation with local sports clubs was completed during the development of the *Active Your Way Plan 2019* regarding access and pricing.

d. Financial Implications and Collaboration

There will be a significant reduction in income under this proposed model, however this will be offset through forecasting under the new 2022/23 financial budget.

e. Governance Principles

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.

## **Attachment List**

1. Recreation Reserves and Facilities classification table and proposed fees [14.8.1 - 2 pages]
2. Glenelg Shire Council Recreational Reserves and Facilities Access Policy CPO-COM-REC-004 [14.8.2 - 10 pages]
3. Glenelg Shire Council Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005 [14.8.3 - 7 pages]

14.9. ROUND 2 COMMUNITY GRANTS 2021/2022

Director: Paul Phelan, Director Community Services

Executive Summary

The second round of the Community Grants Program for 2021-2022 was open over a three-week period from 31 January 2022 until 21 February 2022. A total of 38 eligible applications were received, seeking an overall funding allocation of \$72,916.73 for projects valued at \$191,351.63.

Council officers have evaluated the applications according to the criteria adopted by Council. This report presents the recommendations made by officers.

Recommendation

That Council:

1. Approves the allocation of funds for the Community Grants Program Round 2 2021-2022, as per the recommendations in the attachment Community Grant (Round 2) 2021-2022 Assessment Recommendations.
2. Defers payment for event grants until confirmation is received that the event will proceed.
3. Invite and contact all successful applicants for Round 2 2021-2022 to a Presentation Night that will be held if current COVID-19 restrictions permit.

Cr Carr re declared a Conflict in item 14.9 Round 2 Community Grants 2021/2022 and left the meeting at 7:46 pm.

**MOTION**

**MOVED Cr Smith**

**That Council:**

1. **Approves the allocation of funds for the Community Grants Program Round 2 2021-2022, as per the recommendations in the attachment Community Grant (Round 2) 2021-2022 Assessment Recommendations.**
2. **Defers payment for event grants until confirmation is received that the event will proceed.**
3. **Invite and contact all successful applicants for Round 2 2021-2022 to a Presentation Night that will be held if current COVID-19 restrictions permit.**

**SECONDED Cr Stephens**

**CARRIED**



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

**AGAINST:** Nil

**Background/Key Information:**

Glenelg Shire Council allocated \$162,000 in the 2021-2022 budget for the purpose of the Community Grants Program. These grants are offered to the community in two rounds which are usually conducted around July and February each year, with half the total budget (\$81,000) notionally available for distribution in each round.

Round 1 2021-2022 was undersubscribed by \$3,359.50 with the remainder of the funds reallocated to Minor Community Grants (\$1,500) and Round 2 Community Grants, with a total of \$82,859.50 available for Round 2.

Round 2 of the Community Grants opened on 31 January 2022 with the submission of 38 eligible applications received before closing Monday 21 February 2022. A total amount of \$72,916.73 was requested.

GRANT CATEGORY	NUMBER OF APPLICATIONS RECEIVED IN ROUND 2	TOTAL VALUE OF APPLICATIONS RECEIVED
Recreation	14	\$28,313.18
Public Halls	5	\$7,235.00
Community Events	5	\$10,800.00
Arts, Culture and Heritage	5	\$10,500.00
Community Strengthening	9	\$16,068.55
<b>TOTAL</b>		<b>\$72,916.73</b>
<b>ROUND ALLOCATION</b>		<b>\$82,859.50</b>
<b>ROUND 2 UNDERSUBSCRIBED</b>		<b>\$9,942.77</b>

Officers have evaluated applications according to the criteria adopted by Council and made recommendations to allocate the funds in a fair and equitable distribution.

Council Officers recommended allocations are outlined within the separate attachment to this report, with a total of \$72,916.73 recommended to be allocated to clubs/groups.

a. Council Plan and Policy Linkage

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

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative or legal considerations associated with the Community Grants Program.

c. Consultation and/or communication processes implemented or proposed

The Community Grants Policy adopted by Council defines how the grants program is to be promoted to the community, and what communication processes need to be followed for management of each round.

An event for the awarding of grant allocations is to take place if permitted with COVID restrictions.

d. Financial Implications and Collaboration

The Community Grants Program is a recurrent item in the annual budget. Council has allocated \$162,000 in the 2021-2022 budget for the purpose of the Community Grants Program.

Round 1 was undersubscribed with \$77,640.50 allocated to community groups. The remaining \$3,359.50, less \$1,500 for Minor Community Grants, was reallocated to Round 2 2021-2022 bringing the amount available for this round \$82,859.50.

Round 2 has an allocation of \$82,859.50 with applications totaling \$72,916.73 received. The remaining \$9,942.77 is available for Minor Community Grant applications.

e. Governance Principles

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.

**Attachment List**

Separately circulated as Confidential attachment.

Cr Carr returned to the meeting at 7:52 pm.

**15. CONFIDENTIAL REPORTS**

Nil.

**16. URGENT BUSINESS**

Nil.

**17. SEPARATELY CIRCULATED ATTACHMENTS****Recommendation**

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

**MOTION**

**MOVED Cr Wilson**

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

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

**18. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7:53pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 36 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

CR ANITA RANK  
MAYOR

26 APRIL 2022

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