



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 26 July 2022 at 7:00 pm at
Civic Hall
Bentinck Street Portland

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1. PRESENT

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

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne joined via Microsoft Teams online), Director Community Services (Mr Paul Phelan), Director Corporate Services (Mr David Hol), Acting Director Assets (Mr Chris Saunders) and Executive Assistant CEO Department (Ms Virginia Bobbitt) and Executive Assistant Corporate Services (Ms Rachael Fellows).

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

Cr Gilbert Wilson and Cr Jayden Smith.

6. QUESTION TIME**6.1. QUESTIONS FROM THE GALLERY****1. Conduct of Councillors**

Mr Gary Humm of Portland asked the following questions:

- a. *Will the Mayor confirm that Glenelg Shire Council commits that all Councillors are bound by the Local Government Act 2020 and if fail to adhere to the Act constitutes misconduct, and this equals residents to loose confidence in Glenelg Shire Council?*

Mayor Rank agreed that all Councillors are committed and bound to the Local Government Act.

- b. *What is the position of Glenelg Shire Council on ensuring Council meetings demonstrate free debate and maintain the principles enshrined within the democratic process of our constitution?*

Mayor Rank advised that the Glenelg Shire Council's position that it is supported.

- c. *Can Cr Martin clarify a statement he made on social media on 12 July, where he stated that the 2022 Budget had been ticked off by the Internal Audit Committee?*

Mayor Rank advised that all questions from the gallery are to be directed to the Chairperson. Specific questions to Councillors such as Cr Martin can be discussed with Cr Martin outside of this Council Meeting.

2. Rates

Mr John Edgar of Drumborg asked the following questions:

- a. *Will the Council explain why I am blocked by an individual Councillors as a result of my questions which relate to the recent budget decision referred to in my submission?*

Mayor Rank advised that she is not in a position to respond to any specific actions undertaken by an individual Councillor.

- b. *Will Council explain the precise method to set the Rate?*

Mayor Rank advised that the Rates are calculated with the total rates received by valuation, that determines the CIV, that determines the 70% applied to primary production, add the 1.75% rate cap, there is a rate system adhered too, Budget is adhered too, consultation to public and information sessions are held.

- c. *Will the Chief Executive Officer explain the reasons that the Broken Hill Iron Ore company failed to proceed with its project to export iron ore through the Port?*

Cr Carr declared a conflict of interest in this question and left the meeting at 7.16pm.

Mr Greg Burgoyne, Chief Executive Officer advised that this question best be directed to the Chief Executive Officer, Mr Greg Tremewan, of the Port of Portland to answer.

Cr Carr declared a conflict of interest in this question and returned to the meeting at 7.17pm.

3. Live Streaming of Council Meetings

Mr David Punton of Portland asked the following questions:

- a. *At what date is the Glenelg Shire Council going to start live streaming of Council meetings, so that the entire Shire can be informed of our Councillors activities, actions and spending, and at what date will the meetings archive be available as online video file, so as to bring our Shire in line with the rest of Victoria?*

Mr David Hol, Director Corporate Services advised that the timeline that Council expect to have livestreaming available is when Council moves back into Council Chamber in Cliff Street office in a few months' time.

- b. *Can the Chair please reassure the meeting that the democratically, individually and independently elected Councillors are free to express their thoughts and opinions on Shire matters, free from recrimination and fear of litigation?*

Mayor Rank advised yes.

- c. *Can the Ratepayers be provided with the costs to date and voting division details of Councillor Hawkers, Great Roadside Divide that was recently erected at the entrance to Portland?*

Mayor Rank clarified that he was referring to the Portland Entrance Sign. Mr Chris Saunders Acting Director Assets advised that the total of the project is \$150,000 and expected to be finalised by the end of August.

4. Essential Services Commission and Rating System

Mrs Munro of Wando Vale asked the following questions:

- a. *Would the Mayor please explain to ratepayers why the Glenelg Shire Council believes it is currently entitled to claim a 3.4 million dollar rebate from said ratepayers when its 2021 Council outcomes report to the Essential Services Commission clearly states that the Glenelg Shire had a differential rating structure in place during the 2020/2021 financial year?*

Mayor Rank advised that the rating system that was in place in 2020/2021, would have included recreational land, on the basis that in 2020/2021 there wasn't a differential rating system in place. Mr David Hol, Director Corporate Services also advised that there is some confusion on terminology but confirmed there was clearly a rebate system in place outline in the documentation.

- b. *In the 2010/2011 Financial year Cr Stephens and Cr Northcott moved a motion to reduce the primary production differential from 80% to 70%, to do date the Glenelg Shire Council has been unable to explain how that the 70% primary production differential turned into a 30% Primary production rebate. Can the Glenelg Shire provide ratepayers with unequivocal evidence that the primary production rebate came into being a properly constituted process, subsequently approved by ratepayers, and that it was not just the product of a 'back-office change' by a person or persons in the employ of Glenelg Shire?*

Mayor Rank advised that she wasn't a part of the Council at the time of that decision, Councillors make those recommendations decision and not the back office employees

Mayor Rank advised that she would take the question on notice the question on how the differential rate changed from 70% primary production differential turned into a 30% Primary production.

- c. *Given that the origins of the primary production rebate remain a mystery and given that the Glenelg Shire has failed to include 3.4 million that is now claims it is owed by rate payers in its published forward planning. Will the Glenelg Shire Council be prepared to work with rate payers and VFF (Victorian Farmers Federation) to remove this illegitimate, unethical, self-manufactured debt from the Shires books without further impact to ratepayers pockets?*

Mayor Rank advised that the rate revenue is included in the forward planning on the basis that it makes up the total of Rates collected. We are committed to working with rate payers and the farmers federation. Mayor Rank also advised she would take the rest of the question on notice and respond accordingly.

5. Budget

Mr Matthew Jowett of Portland asked the following questions:

- a. *In the Budget item 4.1.7 on page 36, under Employee Costs, please explain in detail the \$2 million other employee costs each year?*

Mr Greg Burgoyne, Chief Executive Officer advised he would take this question on notice.

- b. *On page 17 under Information Technology, please explain the \$5.6 million in expenses in the three listed financial years?*

Mr Greg Burgoyne, Chief Executive Officer advised that this represents software licenses, maintenance contracts for office software systems. The Shire is moving towards more digital platforms and digital application basis, and reduction in manual processes.

- c. *What provisions are you making for the repayment of the \$14.678 million debt, what provisions are being made and how long to pay this off and at what cost to the ratepayers?*

Mr David Hol, Director Corporate Services advised that this question would be taken on notice.

6.2. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Nil.

7. DECLARATIONS OF CONFLICT OF INTEREST

Cr Martin declared a General Conflict of Interest in item 14.4 Bushfire Place of Last Resort - Neighbourhood Safer Place and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 28 June 2022, as circulated, be confirmed.

MOTION

MOVED Cr Carr

That the minutes of the Council Meeting held on Tuesday 28 June 2022, as circulated, be confirmed.

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

9. PRESENTATIONS

Nil.

10. DEPUTATIONS

Nil.

11. NOTICES OF MOTION

Nil.

12. PETITIONS

Nil.

13. COMMITTEE REPORTS**13.1. AUDIT AND RISK COMMITTEE MINUTES 2 JUNE 2022**

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to enable Council to receive the Minutes of the Audit and Risk Committee Meeting held on 2 June 2022.

Recommendation

That Council:

1. Receives the minutes of the Audit and Risk Committee Meeting held on 2 June 2022;
2. Notes the Strategic Internal Audit Plan presented to the Audit and Risk Committee with the amendment as outlined in this report; and
3. In accordance with s54(3) of the *Local Government Act 2020* notes the draft Audit and Risk Draft Annual Work Plan for the period ending 30 June 2023.

MOTION

MOVED Cr Stephens

That Council:

1. **Receives the minutes of the Audit and Risk Committee Meeting held on 2 June 2022;**
2. **Notes the Strategic Internal Audit Plan presented to the Audit and Risk Committee with the amendment as outlined in this report; and**
3. **In accordance with s54(3) of the *Local Government Act 2020* notes the draft Audit and Risk Draft Annual Work Plan for the period ending 30 June 2023.**

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

Background/Key Information:

The role of the Audit and Risk Committee is to monitor, review and advise Council on matters of accountability and internal control affecting the operations of the Council. The Audit and Risk Committee also exists to assist the Council in discharging its responsibilities for monitoring financial management and reporting, maintaining a reliable system of internal controls, compliance with the *Local Government Act 2020* and fostering the organisation's ethical environment.

Section 5 (Functions and Responsibilities) of the Audit and Risk Committee Charter requires that the Committee's minutes be presented to the next available Council Meeting. This ensures an effective communication mechanism between the Committee and Council to ensure that the Council is fully informed on the Committee's activities. The minutes of the Audit and Risk Committee meeting from the 2 June are now presented for Council consideration.

Section 4 (Functions and Responsibilities) of the Audit and Risk Committee Charter requires all major changes to the Strategic Internal Audit Plan (SIAP) be adopted by Council. The SIAP was presented to the June meeting of the Audit and Risk Committee with no changes. Since this meeting there has been an amendment to the plan which has been referred to committee members. This amendment outlines that the Cyber Security Penetration Testing and Vulnerability Assessment scheduled for September 2022, be deferred to March 2023 to assist with timing and resource issues.

Section 54(3) of the *Local Government Act 2020* and Section 4 (Functions and Responsibilities) of the Audit and Risk Committee Charter 2021 - 2023 requires the Audit and Risk Committee to adopt an annual work program.

The work plan was considered and adopted by the Audit and Risk Committee on the 2 June and is presented for Council consideration.

The Audit and Risk Committee Meeting held on 2 June 2022 considered the following items:

Item No.	Management Reports (Title)
1.	Internal Audit – Capital Works including Project Management Governance
2.	Internal Audit – Depot Operations
3.	Internal Audit – Child Safe Standards
4.	Interim Management Letter for the Financial Year Ending 30 June 2022
5.	Cyber Security Update Report
6.	Update on Open Office System Upgrade
7.	Status on the Budget 2022/2023 process
8.	Strategic Internal Audit Plan 2021-2024 Review
9.	Draft Annual Work Plan Year Ending 30 June 2023
10.	Audit and Risk Committee Self-Assessment Survey 2021/2022
Item No.	Regular Reports (Title)
1.	Glenelg Shire Council Financial Report April 2022
2.	Audit and Risk Register Review
3.	OHS Management Plan Year 3 Action Plan March 2022 – March 2023
4.	OHS & Risk Quarterly Report 1 January to 31 March 2022
5.	OHS & Risk Quarterly Report 1 January to 31 March 2022 Workcover & Injury Management

6.	Report on compliance with the Local Government Act 2020
7.	CEO & EA Expenditure - Credit Card and Reimbursements
8.	Councillors Quarterly Expenditure Report
Item No.	Confidential Reports (Title)
1.	Council Litigation Matters
Item No	Other Business (Title)
1.	(Verbal update) Attestation Report

a. Council Plan and Policy Linkage

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Audit and Risk Committee Charter 2021 - 2023.

b. Legislative, Legal and Risk Management Considerations

Under section 53 of the “Act” Council is required to establish an Audit and Risk Committee and operate this committee under specific guidelines.

The Audit and Risk Committee’s role also links to and supports a range of Glenelg Shire policies, procedures and guidelines including the Fraud Prevention Policy; Investment Policy; Procurement Policy; Councillor Code of Conduct and Staff Code of Conduct.

A key element of the internal audit function is to assist with the mitigation of risk.

c. Consultation and/or communication processes implemented or proposed

The minutes of each meeting are provided to the Chairperson of the Audit and Risk Committee to review, prior to being presented to the Audit and Risk Committee members for endorsement at the next available meeting.

d. Financial Implications and Collaboration

The 2022-2023 Council budget contains a provision to support the Audit and Risk Committee and to undertake an internal audit program during the financial year. Management and staff time to support the Committee and internal audit projects is an indirect cost.

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.

Collaboration with other Councils (section 109 *Local Government 2020*) and Governments and statutory bodies is to be sought along with Financial and Resource Implications and Opportunities.

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.

Innovation and continuous improvement is to be pursued.

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

Attachment List

1. Public Audit and Risk Committee Minutes 2 June 2022 [**13.1.1** - 51 pages]
2. Glenelg Shire Council Strategic Internal Audit Plan 2021 - 2024 version 1.3 [**13.1.2** - 31 pages]
3. Audit and Risk Committee Annual Work plan 1 July 2022 to 30 June 2023 [**13.1.3** - 4 pages]

14. MANAGEMENT REPORTS**LATE UNLISTED CONFIDENTIAL ITEM****MOTION**

MOVED Cr Stephens

In accordance with clause 2.5.2 of the Glenelg Shire Council Governance Rules adopted 25 August 2020 that item 15.1 Staffing Matters be included in the Agenda, under a new section 15 Confidential Reports for Council consideration.

15.1 Staffing Matters

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR:	Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr
AGAINST:	Nil

14.1. COUNCILLORS QUARTERLY EXPENDITURE REPORT

Director: Greg Burgoyne, Chief Executive Officer

Executive Summary

This Quarterly Expenditure Report is presented to the Council Meeting on a quarterly basis in the interests of accountability and transparency.

This report is for Councillor expenditure that has been incurred during the period 1 April 2022 to 30 June 2022.

Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 April 2022 to 30 June 2022.

MOTION

MOVED Cr Hawker

That Council receives the Councillors quarterly expenditure report for the period 1 April 2022 to 30 June 2022.

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR:	Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr
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AGAINST: Nil**Background/Key Information:**

In accordance with Section 40 of the *Local Government Act 2020*:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied-
- (a) Are bona fide expenses; and
 - (b) Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
 - (c) Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Regulation 14 (db) of the *Local Government (Planning and Reporting) Regulations 2014* requires that expenses, including reimbursements of expenses for each Councillor and member of a Council Committee paid by the Council are to be categorised separately as:

- Travel expenses (Includes remote allowance) – TR;
- Car mileage expenses – CM;
- Childcare expenses – CC;
- Information and communication technology – IC; and
- Conference and training expenses – CT.

Under Section 41(2)(d) of the *Local Government Act 2020*, Council must have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*. This is a new requirement under the *Local Government Act 2020*, therefore is not addressed in *Regulation 14 (db)* of the *Local Government (Planning and Reporting) Regulations 2014*.

Documentation is required to provide evidence of the expense specifying the business purpose for each claim.

Councillors are also required to maintain a logbook with each entry providing a clear description of the business purpose.

Following is a table of expenditure that has been incurred by Councillors during the period 1 April 2022 to 30 June 2022.

Note: In some instances, journaling of some items may not necessarily appear in the month that they were expended and will appear in the next quarterly report.

Councillor	TR	CM	CC	IC	CT	Carer	Grand Total
Carr				\$ 288			\$ 288
Hawker				\$ 407			\$ 407

Martin	\$ 158			\$ 400			\$ 558
Rank	\$ 503			\$ 676			\$ 1179
Smith				\$ 294			\$ 294
Stephens	\$ 3762			\$ 729	\$ 60		\$ 4551
Wilson	\$ 483			\$ 252	\$ 121		\$ 856
Grand Total	\$ 4906			\$ 3046	\$ 181		\$ 8133

In accordance with Section 39 of the *Local Government Act 2020*, Councillors are entitled to receive an allowance whilst performing their duty as a Councillor. The Mayor or a Deputy Mayor are also entitled to receive a higher allowance with the Mayor being provided full use of a vehicle.

Following is a table of Councillor allowances paid for the period 1 April 2022 to 30 June 2022:

Councillor	Amount
Carr	\$ 7,217
Hawker	\$ 7,934
Martin	\$ 19,240
Rank	\$ 26,767
Smith	\$ 7,934
Stephens	\$ 7,934
Wilson	\$ 6,934
Grand Total	\$ 83,960

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

- *Local Government Act 2020* – Section 39 Allowances for Mayors, Deputy Mayors and Councillors.
- *Local Government Act 2020* – Section 40 Reimbursement of Expenses of Councillors and members of a delegated committee.
- Regulation 14 (db) of the *Local Government (Planning and Reporting Regulations 2014)*.
- *Carers Recognition Act 2012*.

c. Consultation and/or communication processes implemented or proposed

Councillor Expenditure is reported on a quarterly basis to the Council Meeting and Audit and Risk Committee and the quarterly expenditure is accessible via Council's website.

Councillor Expenditure is also reported annually in Council's Annual Report.

d. Financial Implications and Collaboration

Councillor Allowances and Councillor Expenditure are accounted for in the 2021-2022 Annual Council Budget.

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 ongoing financial viability of the Council is to be ensured.

Attachment List

Nil

14.2. 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 Martin

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

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

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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

14.3. AMENDMENT TO THE 2022 STATUTORY COUNCIL MEETING

Director: David Hol, Director Corporate Services

Executive Summary

This report seeks Council resolution to bring forward the Statutory Council meeting originally scheduled for the 9 November 2022, to the new date of 27 October 2022 to ensure that the election of Mayor can be undertaken prior to the State Government caretaker period commencing.

Recommendation

That Council amend the schedule for the Statutory Council Meeting 2022, to be undertaken on Thursday 27 October 2022.

MOTION

MOVED Cr Stephens

That this item lay on the table until the next Council meeting.

SECONDED Cr Carr

LOST

DIVISION

Cr Stephens and Cr Carr voted FOR the MOTION.

Cr Hawker, Cr Martin and Cr Rank voted AGAINST the MOTION

MOTION

MOVED Deputy Mayor Cr Martin

That Council amend the schedule for the Statutory Council Meeting 2022, to be undertaken on Wednesday 26 October 2022.

SECONDED Cr Hawker

CARRIED

DIVISION:

Cr Carr and Cr Stephens voted AGAINST the MOTION.

Cr Rank, Cr Hawker and Cr Martin voted for the MOTION.

Background/Key Information:

On the 10 November 2021, Council scheduled the dates for all Council meetings for the Mayoral year. This included the date of the 9 November 2022 for the Statutory Council meeting which includes the election of the Mayor and the Deputy Mayor.

As the Victorian State election will be held on Saturday 26 November 2022, the Victorian Government will assume a caretaker role from 6.00pm on 1 November 2022. It is preferable that Council's have Mayors elected prior to caretaker period with regard to representation.

Section 26 of the *Local Government Act 2020* outlines that the election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the current term as is reasonably practicable.

Given the circumstances outlined in this report, Thursday 27 October 2022 is recommended as the most practicable date that is as close to the end of the current Mayoral term.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

Section 26 of the *Local Government Act 2020* outlines the legislative obligations surrounding the election of the Mayor and Deputy Mayor whilst the Governance Rules permit Council to amend that date of a scheduled meeting by resolution.

c. Consultation and/or communication processes implemented or proposed

Details of the amended scheduled date will be publicly advertised if supported

d. Financial Implications and Collaboration

There are no financial implications

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

14.4. BUSHFIRE PLACE OF LAST RESORT - NEIGHBOURHOOD SAFER PLACE

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to advise Council on the outcome of investigations into identifying a potential suitable location in Cape Bridgewater for the designation of a Proposed Bushfire Place of Last Resort - Neighbourhood Safer Place (BFPLR).

Recommendation

That Council:

1. Advise the community that it is unable at this time to designate a Bushfire Place of Last Resort – Neighbourhood Safer Place at Cape Bridgewater for the reasons outlined in this report.
2. Officers continue to pursue fire prevention works in the area by conducting proposed vegetation management as recommended by the Country Fire Authority and acknowledge their financial contribution.
3. Officers assist the relevant emergency fire services where they can in the provision of emergency information to Cape Bridgewater residents due to not being able to designate a suitable Place of Last Resort – Neighborhood Safer Place in the area.

Deputy Mayor Cr Martin re declared a Conflict in item 14.4 Bushfire Place of Last - Neighbourhood Safer Place and left the meeting at 7:44 pm.

MOTION

MOVED Cr Stephens

That Council:

1. Advise the community that it is unable at this time to designate a Bushfire Place of Last Resort – Neighbourhood Safer Place at Cape Bridgewater for the reasons outlined in this report.
2. Officers continue to pursue fire prevention works in the area by conducting proposed vegetation management as recommended by the Country Fire Authority and acknowledge their financial contribution.
3. Officers assist the relevant emergency fire services where they can in the provision of emergency information to Cape Bridgewater residents due to not being able to designate a suitable Place of Last Resort – Neighborhood Safer Place in the area.

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Cr Hawker, Cr Stephens, Cr Carr, Cr Smith
AGAINST: Nil

Deputy Mayor Cr Martin returned to the meeting at 7:46 pm.

Background/Key Information:

At the request of the Cape Bridgewater Action Group and the Portland Surf Life Saving Club, Council officers have been liaison with the Country Fire Authority (CFA) representatives to identify a potential BFPLR at Cape Bridgewater.

In accordance with section 50G of the Country Fire Authority Act 1958 Municipalities in Victoria have the power to identify and designate BFPLR-NSP locations. In the same Act under section 50G (5) the Country Fire authority (CFA) is responsible for assessing and certification of the potential BFPLR locations against the CFA Fire Rating Guidelines.

This is a two-step process where potential sites must meet the radiant heat requirements under the CFA rating Guidelines as well as the Municipal BFPLR site guidelines for availability, suitability and accessibility provided by the Municipal Association of Victoria (MAV).

The framework surrounding a BFPLR was established following the Black Saturday bushfires where the subsequent Royal Commission noted that some people had survived catastrophic bushfires by going to sites such as a sporting oval and the like. The legislation was then introduced to formalise this approach where existing areas could be considered. This legislation did not require Councils to create locations to meet BFPLR obligations.

In collaboration with the CFA, a number of locations were considered during the investigations including Cape Bridgewater Beach, Portland Surf Life Saving Club Building, Blowhole's Carpark and Cape Bridgewater Beach Carpark.

Unfortunately, due to the various topography, vegetation and specific characteristics of each site, none of the locations meet the minimum requirements of both the CFA radiant heat assessments and the Municipal Association of Victoria BFPLR Guidelines.

Whilst a small section of the beach in the vicinity of the kiosk meets the radiant heat obligations, the site is not suitable due to the requirements surrounding accessibility, availability and delineation of the section where it is compliant. Essentially to meet this obligation, significant infrastructure would need to be constructed on the beach itself.

The Surf Club building is not suitable in its current form as outlined by an independent fire assessment on the building structure. Costs associated with upgrading this building have been costed at approx. \$150k in addition to further vegetation removal surrounding the site.

The carparks area along Cape Bridgewater beach as well as the carpark at the blowholes area do not meet the minimum radiant requirements as assessed by the CFA.

During the investigations regarding the Surf Club building, the CFA have recommended vegetation management to be conducted around the area of the facility on the northwest and south side of the road to mitigate the risk of bushfire. This would then be maintained and included in the Council's roadside slashing program annually. The CFA have advised they will contribute \$12,000 towards the initial vegetation management. Whilst this action will not mean that the site will meet the radiant heat requirements to enable the building to be used as an BFPLR, it is considered a worthwhile activity from a fire prevention perspective and is recommended to proceed.

For the above works to be carried out and for this to progress, Council has engaged an ecologist consultant to undertake a vegetation assessment and then Council will have to apply to the Department of Environment, Land, Water and Planning for a Marine and Coastal Act consent. The vegetation assessment will identify if there are any protected flora and fauna in the proposed area. If so a planning permit would also be required.

As the specific nature of Cape Bridgewater does not support the characteristics required to designate a BFPLR, it is also recommended that Council staff liaise with the relevant emergency services about the advice that the emergency services can provide to residents in the case of a bushfire in the area and Council staff can then assist in the distribution of such advice.

There is nothing to prevent residents going to the beach if available in times of emergency. The site not meeting the characteristics of a BFPLR does not prohibit such activity.

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 legislative provisions of BFPLR are outlined in the *Country Fire Authority Act 1958*.

c. Consultation and/or communication processes implemented or proposed

This report has been prepared after significant consultation with emergency services staff.

It is recommended that Council staff assist the emergency services with the provision of information to the residents of the Cape Bridgewater area following Councillor consideration this item.

d. Financial Implications and Collaboration

In the event that the proposed vegetation management works are permitted there will be on going financial obligations for Council under the road side vegetation management.

e. Governance Principles

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

Attachment List

Nil

14.5. HERITAGE GRANT APPLICATION RECOMMENDATION 30 PERCY ST PORTLAND

Director: David Hol, Director Corporate Services

Executive Summary

One heritage grant application was received for the period to 1 July 2022 seeking \$5,000 for a project totaling \$39,429.50.

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 \$5,000 from the heritage grants and loans restoration fund for the conservation works at 30 Percy Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

MOTION

MOVED Cr Hawker

That Council approve the grant application of \$5,000 from the heritage grants and loans restoration fund for the conservation works at 30 Percy Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

Background/Key Information:

On 27 April 2021 Council adopted the Heritage Support Policy. Recommendations for grants and loans are evaluated by Council officers in consultation with Council's heritage advisor.

The former State Savings Bank and residence, 30 Percy Street, Portland is an individually listed heritage property (HO309). Built in 1940, it is noted that the building is rare in Victoria with limited examples of banks built in the Interwar Moderne style. A heritage grant application was submitted on 9 June 2022 to undertake conservation works to the rendered facade to remediate corrosion. These works totalling \$39,429.50 form stage one.

Council's Heritage Advisor was consulted remotely in August 2021 on the works required. Although unable to visit the property at the time, it was confirmed the works met the grant funding eligibility and an assessment report be prepared to ensure the survival of the building (see Heritage Advisor report dated 29 August 2021). The Heritage Advisor has since visited the property on 6 December 2021. The assessment report by a concrete corrosion specialist has been provided as part of the grant application.

The application meets all the eligibility requirements of the Heritage Support Policy. The Heritage Support Policy guidelines allows a maximum of \$10,000 per financial year. The applicant is eligible and has applied for a Retail Façade Improvement Program grant of \$5,000. Therefore the recommendation is for the requested amount of \$5,000.

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 \$25,000 once all grants approved to date are paid.

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. Heritage Grant Application 30 Percy St Portland Redacted [**14.5.1** - 21 pages]

14.6. DOMESTIC WASTEWATER MANAGEMENT PLAN 2022-2027

Director: David Hol, Director Corporate Services

Executive Summary

Council is required to develop a Domestic Wastewater Management Plan (DWMP) in accordance with the *Environment Protection Transitional Regulations 2021* and *State Environment Protection Policy (Waters)*. This report outlines the consultation process undertaken to date and seeks adoption of the Domestic Wastewater Management Plan 2022-2027.

Recommendation

That Council adopt the Glenelg Shire Council Domestic Wastewater Management Plan 2022-2027.

MOTION**MOVED Cr Carr**

That Council adopt the Glenelg Shire Council Domestic Wastewater Management Plan 2022-2027.

SECONDED Cr Stephens**CARRIED**

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

Background/Key Information:

The Domestic Wastewater Management Plan (DWMP) 2022-2027 has been prepared for Council consideration by RMCG Consulting to provide a strategic framework and policy direction for the management of domestic wastewater within the Glenelg Shire Council for the five-year period between 2022 and 2027.

The plan provides a number of actions to be undertaken by Council to further develop wastewater management data within the municipality and introduces relevant risk reduction strategies based on findings.

The plan has been set out based on a thorough spatial risk assessment of the Glenelg Shire Council and in consultation with relevant external stakeholders including Wannon Water, Southern Rural Water, Environment Protection Authority (EPA) and the Department of Health.

Public consultation has been undertaken from Friday 29 April 2022 to Friday 20 May 2022 via the Yoursay Glenelg platform. The draft plan was also advertised via media and social media channels. There were no public submissions lodged during this period.

The Final Plan is now presented for Council consideration and adoption.

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 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

Environment Protection Transitional Regulations 2021 and *State Environment Protection Policy (Waters)* require Councils to develop and implement a Domestic Wastewater Management Plan every 5 years.

c. Consultation and/or communication processes implemented or proposed

An online stakeholder engagement session was held with relevant external parties on February 15, 2022. Attendees at this session included Wannon Water, Southern Rural Water, Environment Protection Authority (EPA) and the Department of Health. Internal Glenelg Shire Council stakeholders have been consulted at regular intervals throughout the preparation of this plan.

A period of public consultation was undertaken from Friday 29 April 2022 to Friday 20 May 2022 via the Yoursay Glenelg platform. The draft plan was also advertised via media and social media channels. There were no public submissions lodged during this period.

As a result of further consultation with the Environment Protection Authority (EPA) a minor amendment was made to the Draft Plan to include specific information pertaining to powers of entry for Council Officers undertaking proactive inspections as per the action plan items.

d. Financial Implications and Collaboration

The majority of actions outlined in the plan are included in the existing Environmental Health operational budget. The action plan outlines a recommendation to implement a proactive inspection program of onsite wastewater systems within 'high risk' areas of the municipality which attracts a cost of \$10,000 to \$20,000 per year across the 5-year life of the plan.

e. Governance Principles

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

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

Attachment List

1. Glenelg DWMP v 4-0 [**14.6.1** - 52 pages]
2. Community Engagement Report - Domestic Wastewater Management Plan 2022-2027 - Yoursay Glenelg [**14.6.2** - 4 pages]

14.7. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND FORMFLOW PTY LTD

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new three (3) year lease with two (2) x two (2) year extensions for an airport hangar at the Portland Airport, between the Glenelg Shire Council and FormFlow Pty Ltd.

Recommendation

That Council:

1. Approves a new three (3) year lease with two (2) x two (2) year extensions to be entered into with FormFlow Pty Ltd for the use of an aircraft hangar located at 1260 Bridgewater Lakes Road, Cashmore.
2. Authorises the Chief Executive Officer to negotiate the lease terms and conditions.
3. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.

MOTION

MOVED Deputy Mayor Cr Martin

That Council:

1. **Approves a new three (3) year lease with two (2) x two (2) year extensions to be entered into with FormFlow Pty Ltd for the use of an aircraft hangar located at 1260 Bridgewater Lakes Road, Cashmore.**
2. **Authorises the Chief Executive Officer to negotiate the lease terms and conditions.**
3. **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 Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

Background/Key Information:

The aircraft hangar is situated at the Portland Airport, 1260 Bridgewater Lakes Road, Cashmore (see below image).



The hangar is currently an unused facility at the Portland Airport. As part of an investment attraction opportunity, negotiations with a new industry to set up operations in the hangar with a peppercorn rent have been proposed. An agreement with the State Government has been reached which will provide Council with funding that will offset the lost rental income as part of the arrangement with attracting the new industry. Following discussions with the tenant an in-principle agreement has been reached for a three (3) year term with two (2) x two (2) year extensions.

The starting date of the lease to be negotiated with the tenant.

a. Council Plan and Policy Linkage

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

Consultation with funding partners and the Tenant relating to the new lease has occurred.

d. Financial Implications and Collaboration

The funding income received from the arrangements with the stakeholders will be in-lieu of market rental.

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

Nil

14.8. GENDER EQUALITY ACT 2020

Director: Greg Burgoyne, Chief Executive Officer

Executive Summary

This report provides an update on the implementation of the Gender Equality Action Plan in accordance with the *Gender Equality Act 2020*.

Recommendation

That Council note the Glenelg Shire Council Gender Equality Action Plan.

MOTION

MOVED Cr Carr

That Council note the Glenelg Shire Council Gender Equality Action Plan with modifications.

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

Background/Key Information:

In 2020, the Victorian Government introduced new reforms through the *Gender Equality Act* (*'the Act'*). From 31 March 2021, public sector organisations, including Local Government must begin reporting on what they are doing to meaningfully progress gender equality in their workplace.

The Act requires defined entities to promote gender equality, conduct gender impact assessments (GIA's), undertake a workplace gender audit, and develop a Gender Equality Action Plan (GEAP).

The first workplace gender audit was based on data obtained through the People Matters Survey, which was provided to all staff in June 2021, and workplace data as of 30 June 2021. Results of the workplace gender audit have been submitted to the Public Sector Gender Equality Commissioner and used to inform the development of the Gender Equality Action Plan.

Council's Gender Equality Action Plan 2021-2025 has been developed in consultation with employees and employee representatives and reviewed by the Executive Team.

The GEAP must include:

- Results of a workplace gender audit;

- Strategies and measures for promoting gender equality in the workplace; and
- The GEAP must also consider the gender equality principles, including intersectional gender inequality.

The completed GEAP was submitted to the Public Sector Gender Equality Commissioner for review and determined compliant on 30 June 2022. The GEAP will now be published on Council's website.

Under *the Act*, adequate resources must be allocated to implementing the GEAP and reporting on progress relating to the strategies and measures.

a. Council Plan and Policy Linkage

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

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 deals with specific legislative considerations in accordance with the *Gender Equality Act 2020*.

c. Consultation and/or communication processes implemented or proposed

Consultation on the Gender Equality Action Plan, Workplace Audit and Gender Impact Assessments has been undertaken with the Executive Team, Gender Equality Working Group, employees and employee representatives.

d. Financial Implications and Collaboration

It is expected that the implementation of the *Gender Equality Act 2020* will be undertaken without impact to budget or resources.

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.

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

Attachment List

1. Glenelg Shire Council Gender Equality Plan 2021-2025 [14.8.1 - 29 pages]

15. CONFIDENTIAL REPORTS**Recommendation**

That the Council Meeting be closed to members of the public pursuant to Section 66(2) (f) and Section 3(1)(f) of the *Local Government Act 2020*, excluding:

Director Corporate Services

Acting Director Assets

Director Community Services

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15. Staffing Matters

MOTION

MOVED Cr Stephens

That the Council Meeting be closed to members of the public pursuant to Section 66(2) (f) and Section 3(1)(f) of the *Local Government Act 2020*, excluding:

Director Corporate Services

Acting Director Assets

Director Community Services

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15.1 Staffing Matters

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

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 Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

16. SEPARATELY CIRCULATED ATTACHMENTS

Recommendation

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

MOTION

MOVED Deputy Mayor Cr Martin

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

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Stephens, Cr Carr

AGAINST: Nil

17. URGENT BUSINESS

Nil.

18. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8:01 pm.

I HEREBY CERTIFY THAT PAGES 1 TO 37 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

23 AUGUST 2022

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