



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 23 August 2022 at 7:00 pm at
Portland Arts Centre
Glenelg Street

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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 Acting Chief Executive Officer (Mr Paul Phelan), Director Corporate Services (Mr David Hol), Acting Director Assets (Mr Chris Saunders), Chief Information Officer (Ms Ann Kirkham) and Executive Assistant CEO Department (Ms Virginia Bobbitt) and Executive Assistant Corporate Services (Ms Rachael Currie).

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

Chief Executive Officer Mr Greg Burgoyne.

6. QUESTION TIME**6.1. QUESTIONS FROM THE GALLERY****1. Budget and July Council Meeting**

Mr Gary Humm of Portland asked the following questions:

- a. *What equivalent measures have been done or planned for the outlining areas around the Shire in Casterton, Dartmoor, Drumborg, Heywood and to upgrade facilities including playground and seating on paths in these areas?*

Mayor Rank advised that in regards to the Playgrounds there is a Strategy for upgrade of these playgrounds. Mr Paul Phelan, Acting Director Chief Executive Officer advised he would take this question on notice and provide more details.

- b. *Would the Mayor clearly explain to the gallery the rationale that surrounds the motion at the 26 July Council Meeting, which resulted in the Mayoral election date being moved forward to 26 October?*

Mayor Rank advised that the rationale was clearly provided in the report in the July Council Meeting Agenda and Councillors made the decision based on that and voted accordingly. The report can be provided to you if required.

- c. *Can the Mayor please confirm that she has full confidence in all Councillors (or NOT) in all other Councillors in terms of their performance, their commitment to the community and their integrity?*

Mayor Rank advised yes she does have full confidence in the Councillors.

2. Land Banking and Council Meeting Minutes

Mr Kevin Stark of Heywood asked the following questions:

- a. *Cr Martin can you advise the rate payers of the extend of land banking in the Shire?*

Mayor Rank advised that the governance around answering questions that Councillors cannot directly answer questions, the Mayor advised she can take the question taken on notice, or you can ask Cr Martin directly after the meeting.

- b. *Where all questions asked at the Budget Council Meeting listed in the Council Minutes accurately minuted? And at the May meeting in 2011 a 70% differential rate was moved by then two Councillors, and the minutes the word differential was replaced with ratio?*

Mr David Hol, Director Corporate Services advised that the governance rules outline what is recorded in the minutes and what is required to be captured, this is a summary of the questions asked at the meeting. The recording of the meeting is replayed and questions noted from this recording, and important to note that the minutes are not a transcript of the meeting. The minutes from 2011 would of been captured under a different regime and unaware of what meeting procedure and what that was in 2011. Mayor Rank advised that she would take this on notice and provide further details.

3. Planning Local Government Structure

Mr John Edgar of Drumborg asked the following questions:

- a. *What is the exact legal structure of Glenelg Shire as Local Government Authority that enables its to collect rates, taxes and other charges given that the Australian Constitution only recognises two tiers of Government, State and Federal?*

Mayor Rank advised that powers invested in Council and under the *Local Government Act 2020* and would take this question on notice. Mr David Hol, Director Corporate Services also advised that its the *Local Government Act 1989 and 2020* that provide powers to the Council to raise and collect.

- b. *Can Council provide statistics on the response time for issue of planning permits upon receipt by the Planning department, minimum time, maximum and average to provide the applicant with a decisions?*

Mr David Hol, Director Corporate Services advised that each month details are provided to Councillors on timelines and statistics on planning applications, a copy of the latest report can be provided to you.

- c. *Why does the Glenelg Shire meet prior to the formal Council meeting, for what is known as a briefing, given that the residents and ratepayers are not able to see due process in action, and consequently not transparency or accountability?*

Mayor Rank advised the purpose of the Councillors briefing for Councillors is to receive more information on matters from officers, and to ask questions about items that may be on the Agenda.

4. Council Meetings and Budget

Mr David Punton of Portland asked the following questions:

- a. *Can the Chair give a breakdown of the Information Technology Budget amount and the reasons what seem to be an extraordinary high cost (and licensing is not a major cost) for the supply of this service?*

Mayor Rank advised that she would provide a breakdown of this costing.

- b. *Why haven't the Council Meeting gone to livestreaming so that the community can be better informed of Council business and to provide transparency?*

Mayor Rank advised that this is being worked through to provide this to the community. Mr David Hol, Director Corporate Services advised that there is currently a procurement process to provide livestreaming and hoping to have this set up when staff can be back in the Cliff St office.

- c. *Can the Chair supply a breakdown of the \$480,000 Mayoral office expenses allocated in the Budget?*

Mayor Rank advised she would take the question on notice and will provide the breakdown.

5. Local Port of Portland Bay mooring costs

Mr Tim Walls of Portland, asked the following questions:

- a. *Could the mooring insurance be rolled into the mooring fees, this will help keep boats at the marina due to increasing costs of this insurance?*

Mayor Rank advised that Councillors have been informed of this issue and Council will provide information back to all boat users. Mr Chris Saunders, Acting Director Assets public liability its a standard requirement on all marinas, the Port Manager has been working through some options with Local boat users to find a solution.

- b. *Will future wind towers boats potentially come through the Port, will Council please consider local jobs before issuing road permits?*

Mayor Rank advised that there is an obligation to certain sectors, yes making these permits affects local business. Thank you for making me aware of this and Council will take this on board when deliberating these decisions.

6. Budget

Mr Matthew Jowett of Portland asked the following questions:

- a. *Can you provide more details as to what economic benefit the rate payers of this Shire will expect to receive for the 7 million dollar debt that has been taken on?*

Mayor Rank advised that this information will be provided to you. Mr David Hol, Director Corporate Services advised that this debt is for Capital projects that is spread across the Capital works budget over 2 years.

- b. *The Information Technology budget of \$5.6 million is this cost effective and worth this massive expense can you please provide a more comprehensive breakdown?*

Mayor Rank advised that more detailed report on this budget item will be provided to you.

- c. *The cost for the Access and Inclusion Officer of \$98,000 in the budget, is this for just one part time employee?*

Mayor Rank advised that this is continually advocated for funding of this role, as the funding has been cut over the previous years.

Mr Paul Phelan, Acting Chief Executive Officer advised that this item would have other costings included in the amount, not just the permanent part time position. This budget also provides for other items including items like the disability beach access wheel chair. A detailed report can be provided to you.

7. Environmental Factors in the Glenelg Shire

Ms Trudi Steff of Portland asked the following question:

- a. *What is happening with the water and the air condition of Portland, and when will Alcoa get fixed up?*

Mayor Rank advised that as these are broad topics, and will take this question on notice and provide further details on these topics.

6.2. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

4. Essential Services Commission and Rating System

Mrs Munro of Wando Vale asked the following questions:

- a. *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?*

The following response is provided:

Only Council has the power to approve the rating structure not Council employees. Council staff have reviewed the minutes and associated documents surrounding the change to the rating structure in 2011. These documents do not detail the specifics of the change from a differential rating structure to a rebate.

- 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 farmers federation. Mayor Rank also advised she would take the rest of the question on notice and respond accordingly

A review of the question taken on notice has concluded that the response provided on the night detailed above addressed the question and that no further response is required.

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?*

The following response is provided:

This budget amount recognises the cost of leave entitlements, including annual and long service leave.

- 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?*

The following response is provided:

The borrowings amount is expected to be paid over a 15-year term with a financial institution to be determined. The principal repayments and borrowing costs are factored into the financial figures presented in this Budget.

7. DECLARATIONS OF CONFLICT OF INTEREST

Ms Ann Kirkham, Chief Information Officer declared a General Conflict of Interest in item 14.6 Lease Agreement between McIntyre Clan Investments Pty Ltd and Glenelg Shire Council and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 26 July 2022, as circulated, be confirmed.

MOTION

MOVED Cr Hawker

That the minutes of the Council Meeting held on Tuesday 26 July 2022, as circulated, be confirmed.

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

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 Carr

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 Wilson

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. GOVERNANCE RULES UPDATE

Director: David Hol, Director Corporate Services

Executive Summary

This report seeks to amend the Glenelg Shire Council Governance Rules to allow virtual meetings to be conducted, refine the wording in a number of sections and release the document for community feedback in accordance with the Community Engagement Policy.

Recommendation

That Council Release the amended Governance Rules for public consultation in accordance with Council's Community Engagement Policy from Friday 26 August to Friday 19 September 2022.

MOTION

MOVED Cr Stephens

That Council release the amended Governance Rules for public consultation in accordance with Council's Community Engagement Policy from Friday 26 August to Friday 19 September 2022.

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:

The *Regulatory Legislation Amendment (Reform) Act 2022*, includes reforms relating to virtual Council meetings. From 2 September 2022, Councils will be able to conduct virtual meetings in accordance with their relevant Governance Rules.

These reforms will be incorporated into Division 2, Part 3 of the *Local Government Act 2020* (LG Act), which relates to the procedures for Council decision making, including the holding of Council meetings.

The Minister for Local Government has approved a Good Practice Guideline for Virtual Meetings. This Guideline takes effect from 2 September 2022 to align with the commencement of the new provisions in the LG Act. It is being released to assist Councils to amend their Governance Rules in order to comply with the new provisions.

Whilst the Act does not require community engagement for adopting a Ministerial Good Practice Guideline into the Governance rules, a number of wording refinements are also proposed and hence it is recommended that the amended Governance Rules are released for community feedback.

The implication however for this is that the amended Governance Rules for attendance at virtual meetings will only become effective following adoption at the September Council meeting.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

The Good Practice Guideline is issued under Section 87 of the *Local Government Act 2020* whilst Section 60 of the Act outlines the obligations of Governance Rules.

c. Consultation and/or communication processes implemented or proposed

In accordance with the *Local Government Act 2020* under section 60 (4 and 5), community consultation does not apply developing and adopting or amending a Governance Rules that only adopts a good practice guideline issued by the Minister.

Given that this process is also refining a number of minor wording issues it is recommended that the document be released for community input.

d. Financial Implications and Collaboration

The costs associated with the review of the Governance Rules is contained within operational budgets.

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

1. Ministerial- Good- Practice- Guidelines- MGP G-3-virtual-meetings [14.2.1 - 4 pages]
2. Draft Updated Glenelg Shire Council Governance Rules August 2022 [14.2.2 - 79 pages]

14.3. CONTRACT - PROVISION OF SOFTWARE SYSTEMS TO GLENELG SHIRE COUNCIL

Director: David Hol, Director Corporate Services

Executive Summary

This report seeks Council approval to extend the current contractual arrangements with Open Office Holdings Pty Ltd up to the 31 August 2024.

Recommendation

That Council:

1. Extends the contractual arrangements with Open Office Holdings Pty Ltd until the 31 August 2024; and
2. Authorises the Director Corporate Services to complete all financial payments and documents in relation to this contract.

MOTION

MOVED Cr Carr

That Council:

1. **Extends the contractual arrangements with Open Office Holdings Pty Ltd until the 31 August 2024; and**
2. **Authorises the Director Corporate Services to complete all financial payments and documents in relation to this contract.**

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:

In June 2021, Council approved a 1-year extension of the Software and Maintenance Contract for Open Office Pty Ltd. This follows on from the initial Contract term from 2014 to 2019 with renewal thereafter on an annual basis.

Open Office is Councils corporate office application software suite. It encompasses software covering financials, property, rating, payroll, town planning, building, environmental health, animals, local laws, cash receipting and asset management. The software is used extensively throughout the organisation every day across multiple departments.

The extension was initially requested to enable Council staff to consider any potential benefits from a panel contract being developed by MAV Procurement. In addition, Council staff had been considering an upgrade of the Council finance system through Open Office.

In 2019 Council staff commenced on a process to upgrade the finance module within Open Office. This was seen as an appropriate step to address some of the issues associated with the current finesse system which is 20 years old. Due to the nature of a finance system, it impacts many other services and operating systems.

A significant amount of testing was undertaken and several issues identified during this process. These issues would require substantial reconfiguration to align with the new cloud-based finance system. Subsequently Council staff have re-assessed this upgrade to review if it still is appropriate and if it would meet the needs of the organisation over the next few years.

Given that the impacts and resources required for this upgrade are significant, it has been determined that this may not be the most appropriate allocation of resources and commitment going forward. Rather than expending the time, effort and costs into a finance upgrade, Council resources may be better allocated by conducting a full overview of the major software system provided to Glenelg Shire Council.

The scoping process will commence this financial year and will take a considerable period of time to outline, procure and implement any new system. This means that the current status of Council Open Office modules will need to remain in-situ until the future direction is known.

Subsequently Council authority is being sought to extend the contract term for these modules for another 2 years to enable the review of major software systems to be undertaken and then implemented where required. Should Open Office not be the preferred supplier these modules would then be phased out.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

There is a significant reliance on efficient software solutions. These systems support Council's ability to service customers' needs in a number of service areas. There is a major risk to Council reputation and service capabilities if appropriate software systems are not maintained or provided to meet the needs of current and future demands.

c. Consultation and/or communication processes implemented or proposed

The review of the Council software system will be undertaken through a competitive tender process. The Audit and Risk Committee has been advised of the issues with the current software and the rationale for a change in the future direction of such systems.

d. Financial Implications and Collaboration

The cost for Open Office modules in the 2022-2023 financial year is \$185k excluding GST. The cumulative spend with Open Office over the past 5 years is approximately \$830k. As this spend exceeds delegation Council approval is required to proceed with an extension of this contract.

e. Governance Principles

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.

Innovation and continuous improvement is to be pursued.

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

Attachment List

1. 2022-2023 Open Office renewal Invoice [**14.3.1** - 2 pages]
2. Open Office Software Subscription Agreement Glenelg Shire Council [**14.3.2** - 26 pages]

14.4. HERITAGE GRANT APPLICATION RECOMMENDATION 2 MAUD ST MERINO

Director: David Hol, Director Corporate Services

Executive Summary

One heritage grant application was received for the period to 1 August 2022 seeking \$10,000 for a project totaling \$27,959.56.

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 2 Maud Street Merino in accordance with the recommendations in Council's heritage advisor report and relevant permits.

MOTION

MOVED Cr Wilson

That Council approve the grant application of \$5,000 from the heritage grants and loans restoration fund for the conservation works at 2 Maud Street Merino in accordance with the recommendations in Council's heritage advisor report and relevant permits.

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:

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 Flour Mill, 2 Maud Street, Merino is listed as a significant place in the Merino Township Precinct heritage overlay (HO164). Built in 1857, the building is a highly visible landmark within the township that has been converted to a residence.

A heritage grant application was submitted on 28 July 2022 to undertake conservation works to the roof and brickwork.

These works totalling \$27,959.56 include replacement of roof, fascia's, barge boards, guttering and downpipes. The applicant will also undertake repointing while the scaffolding is in place to maximise value for money.

Council's Heritage Advisor viewed the property on 8 June 2022 and 4 July 2022 to advise of grant eligibility and priority of projects. The heritage advisor supports the project as high priority, urgent and eligible (see Heritage Advisor report dated 1 August 2022 and updated notes of 3 August 2022). The grant will be conditioned as per the Heritage Advisor's comments.

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 which is supported by the Heritage Advisor.

If granted the maximum of \$10,000 for this application, it would reduce the fund to approximately \$19,000. The fund has been highly competitive the last two years and is now oversubscribed with the policy in process of being reviewed. Whilst this is a worthwhile restoration project, to allow the continuation of the fund, it is recommended to reduce the grant to \$5000, consistent with recent applications.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

The Heritage Grants and Loans restoration fund has an estimated balance of \$29,161.73 once all grants approved to date are paid. This figure includes the 2022/23 budgeted recurrent amount of \$10,000.

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 2 Maud St Merino Redacted [14.4.1 - 28 pages]

14.5. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND PORTLAND COMMUNITY GARDEN INC

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new nine (9) year lease with Portland Community Garden Incorporated for the land known as part of lot 2 PS424907, Township of Portland approximately 5,416.6m².

Recommendation

That Council:

1. Approves a new nine (9) year lease to be entered into with Portland Community Garden Incorporated for the land known as part of lot 2 PS424907, Township of Portland approximately 5,416.6m².
2. Sets the rental figure at \$500.00 (including GST) per annum.
3. The lessee to pay any outgoings associated with water usage.
4. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.

MOTION

MOVED Cr Carr

That Council:

1. **Approves a new nine (9) year lease to be entered into with Portland Community Garden Incorporated for the land known as part of lot 2 PS424907, Township of Portland approximately 5,416.6m².**
2. **Sets the rental figure at \$500.00 (including GST) per annum.**
3. **The lessee to pay any outgoings associated with water usage.**
4. **Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.**

SECONDED Cr 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:

Portland Community Garden, part of lot 2 PS424907, Township of Portland approximately 5,416.6m² in area.



The Portland Community Garden Group Incorporated is seeking a further nine (9) year lease. An Agreement in Principle has been reached regarding the terms of the proposed lease.

The permitted use of the land is for a community garden.

The lessee is currently paying \$500.00 pa (incl. GST). It is proposed at the commencement of the new lease the rental figure remain unchanged, reflecting the community-based usage of the land.

a. Council Plan and Policy Linkage

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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 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 the Tenant relating to the new lease has occurred.

d. Financial Implications and Collaboration

The income received from the lease is included within the current budget provisions.

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

14.6. LEASE AGREEMENT BETWEEN MCINTYRE CLAN INVESTMENTS PTY LTD AND GLENELG SHIRE COUNCIL

Director: David Hol, Director Corporate Services

Executive Summary

This report seeks Council's approval for the renewal of a lease agreement between McIntyre Clan Investments Pty Ltd and Glenelg Shire Council, for the office located at 56 Percy Street, Portland.

Recommendation

That Council:

1. Approves a new three (3) year lease, commencing on 1 October 2022, with two (2) by one (1) year options to extend the lease.
2. Sets the rental figure at \$36,400.00 (incl. GST) per annum, with rent to be adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne.
3. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.

Ms Ann Kirkham, Chief Information Officer re declared a General Conflict of Interest in item 14.6 and left the meeting at 7.48 pm

MOTION

MOVED Cr Wilson

That Council:

1. **Approves a new three (3) year lease, commencing on 1 October 2022, with two (2) by one (1) year options to extend the lease.**
2. **Sets the rental figure at \$36,400.00 (incl. GST) per annum, with rent to be adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne.**
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 Hawker

CARRIED

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

Ms Ann Kirkham returned to the meeting at 7.52pm.

Background/Key Information:

As a part of the Glenelg Shire Council COVID Planning, it was identified a third-party premise was required to be leased to allow for distribution of staff across various worksites, in accordance with the health advice relating to the COVID-19 pandemic.

56 Percy Street, Portland was identified as a satisfactory office location with a lease being entered into between McIntyre Clan Investments Pty Ltd and Glenelg Shire Council for a term of one (1) year commencing 1 October 2021.

As a result of severe storms in January 2022, the Glenelg Shire Council offices located at 71 Cliff Street, Portland sustained a significant amount of damage, requiring the immediate closure of the building to allow for damage assessment and repairs, of which are still ongoing.

The office located 56 Percy Street, Portland has been advantageous in maintaining public access to Council services during the COVID-19 pandemic and subsequent storm damage to 71 Cliff Street, Portland.



Photo: 56 Percy Street, Portland

The outcome of a customer facing Council facility located in the central business district of Portland has been highly successful Council is willing to explore maintaining this presence.

Negotiation with the Landlord has been undertaken with an Agreement in Principle being reached regarding the terms of the proposed lease.

Current rental figure is \$34,320.00 per annum (incl. GST), it is proposed at the commencement of the new lease the rent figure be set at \$36,400.00 per annum (incl. GST) with annual CPI adjustments. All outgoings in relation to this property to be paid by the lessee for the duration of the lease term.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Financial Implications and Collaboration

Lease costs to be included within current budget provisions.

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

**14.7. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND
HEYWOOD WOOD WINE & ROSES INCORPORATED**

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new five (5) year lease with Heywood Wood Wine & Roses Incorporated for the land located at Owen Street, Heywood (Lot 2 LP138522).

Recommendation

That Council:

1. Approves a new five (5) year lease to be entered into with Heywood Wood Wine & Roses Incorporated for the land located at Owen Street, Heywood (Lot 2 LP138522).
2. Sets the rental figure at \$460.00 (including GST) per annum, with rent adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne.
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 Cr Smith

That Council:

1. **Approves a new five (5) year lease to be entered into with Heywood Wood Wine & Roses Incorporated for the land located at Owen Street, Heywood (Lot 2 LP138522).**
2. **Sets the rental figure at \$460.00 (including GST) per annum, with rent adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne.**
3. **Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.**

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:

Heywood Wood Wine & Roses Incorporated is seeking a five (5) year lease for the land located at Owen Street, Heywood (Lot 2 LP138522).



The current lease with Heywood Wood Wine & Roses Incorporated (the tenant) was for a term of five (5) years from 1 November 2017 to 31 October 2022. Current rental amount is \$456.19 inclusive of GST.

The permitted use of the land is for grazing of livestock.

Following discussions with the tenant an in-principle agreement has been reached for a five (5) year term, the rent being \$460.00 (including GST) per annum, with rent adjusted annually in accordance with the March quarter All Groups CPI figure for Melbourne.

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 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 the Tenant relating to the new lease has occurred.

d. Financial Implications and Collaboration

The income received from the lease will be included within budget provisions.

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. COMMUNITY GRANTS (ROUND 1) 2022-2023 PROGRAM ALLOCATIONS

Director: Paul Phelan, Director Community Services

Executive Summary

The first round of the Community Grants Program for 2022-2023 was open for a three-week period from 20 June 2022 to 11 July 2022. A total of 38 applications were received, with 34 applications assessed as eligible seeking an overall funding allocation of \$77,788.37 for projects valued at \$259,511.99.

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 1 2022-2023, as per the recommendations in the attachment Community Grant (Round 1) 2022-2023 Assessment Recommendations.
2. Defers payment for event grants until confirmation that the event will proceed.
3. Invite and contact all successful applicants for Round 1 2022-2023 to a Presentation Night that will be held if current COVID recommendations permit.

MOTION

MOVED Cr Stephens

That Council:

1. **Approves the allocation of funds for the Community Grants Program Round 1 2022-2023, as per the recommendations in the attachment Community Grant (Round 1) 2022-2023 Assessment Recommendations.**
2. **Defers any payment for event grants until confirmation that the event will proceed.**
3. **Invite and contact all successful applicants for Round 1 2022-2023 to a Presentation Night in Heywood Tuesday 6 September 2022 that will be held if current COVID recommendations permit.**

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:

Glenelg Shire Council allocated \$162,000 in the 2022-2023 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.

GRANT CATEGORY	NUMBER OF APPLICATIONS RECOMMENDED IN ROUND ONE	TOTAL VALUE OF APPLICATIONS
Recreation	15	\$27,049.87
Public Halls	8	\$20,271.00
Community Events	5	\$18,860.00
Arts, Culture and Heritage	0	\$0.00
Community Strengthening	6	\$11,607.50
TOTAL		\$77,788.37
ROUND ALLOCATION		\$81,000.00

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 \$77,788.37 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 COVID-19 restrictions permit

d. Financial Implications and Collaboration

The Community Grants Program is a recurrent item in the annual budget. Council has allocated \$162,000 in the 2022-2023 budget for the purpose of the Community Grants Program.

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.

Innovation and continuous improvement is to be pursued.

Attachment List

Separately circulated as Confidential attachment.

14.9. CASTERTON SALEYARD AND WASTE 2022-2023 FEES AND CHARGES AMENDMENTS

Director: Chris Saunders, Acting Director Assets

Executive Summary

The purpose of this report is to recommend Council adoption of five amendments to the adopted 2022-2023 Fees and Charges Schedule.

Recommendation

That Council adopt the amendments to the Fees and Charge Schedule 2022-2023 as outlined in this report.

MOTION

MOVED Cr Stephens

That Council adopt the amendments to the Fees and Charge Schedule 2022-2023 as outlined in this report.

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:

The 2022-2023 Fees and Charges schedule was adopted at Council meeting 28 June 2022. The charges for some services were not completed at that time.

Minor alterations have now been recommended incorporating the relevant Environmental Protection Authority levy on the Waste items. The levy is increasing \$10 per tonne per year for three years. This represents an increase of approximately 6%. The 5 items for amendment in the Fees and Charges schedule for 2022-2023 are now presented for Council consideration and adoption.

The charges per kilogram for stock agents charge at the Casterton Saleyards was inadvertently omitted from the original schedule. The new charge of .06% represents a 1.75% increase in accordance with the rate cap.

A summary of the amendments are listed below with the 2021-2022 adopted fees and the updated proposed charge for 2022-2023:

Waste:

- WAS006 - Municipal Waste (EPA Levy inclusive) - Trailer - Municipal Waste (per tonne): \$215.51 2021-2022 amend for 2022-2023 to \$229
- WAS007 - Municipal Waste (EPA Levy inclusive) - Trucks (Bulk) per tonne: \$215.51 2021-2022 amend for 2022-2023 to \$229
- WAS019 - Commercial and Industrial Waste (EPA Levy inclusive) - Trailer - Comm/Ind per tonne: \$255.99 2021-2022 amend for 2022-2023 to \$270
- WAS020 - Commercial and Industrial Waste (EPA Levy inclusive) - Trucks - Comm/Ind per tonne: \$255.99 2021-2022 amend for 2022-2023 to \$270

Casterton Saleyards:

- CSY215 - Stock Agent Charge - Variable Charge (% of GST exc. sale value): .059% 2021-2022 amend to .06% for 2022-2023.

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.

b. Legislative, Legal and Risk Management Considerations

Under the *Local Government Act 2020*, Part 4 Division 2 - Budget Process and specifically section 94, Council is required to prepare and adopt an annual budget and subsequent 3 financial years. The fees and charges for Council operations is part of this process.

c. Consultation and/or communication processes implemented or proposed

Unit manager and budget responsible officers have been engaged to review each fee and charge and compare with neighbouring councils, applying a range of “Best Value” principles including service cost, quality standards, value for money, community expectations and values, as well as balance the affordability and accessibility of the service.

d. Financial Implications and Collaboration

The fees and charges schedule is a key document that forms part of Council’s budget for 2022/2023.

e. Governance Principles

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

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:

Acting Chief Executive Officer

Director Corporate Services

Director Assets

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15.1 Independent Audit and Risk Committee Member Appointment

MOTION

MOVED Cr Wilson

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:

Acting Chief Executive Officer

Director Corporate Services

Director Assets

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15.1 Independent Audit and Risk Committee Member Appointment

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

Recommendation

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

MOTION

MOVED Cr Carr

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, Cr Smith and Cr Wilson

AGAINST: 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 Stephens

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

SECONDED Cr Hawker

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 8:03 pm.

I HEREBY CERTIFY THAT PAGES 1 TO 35 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

27 SEPTEMBER 2022