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**Glenelg Shire Council**  
**Minutes of the Council Meeting held on**  
**Tuesday 26 April 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 (via Microsoft Teams), Cr Chrissy Hawker, Cr Jayden Smith and Cr Karen Stephens.

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Corporate Services (Mr David Hol), Acting Director Assets (Mr Paul Phelan), Acting Director Community Services (Ms Melanie Bennett), Chief Information Officer (Ms Ann Kirkham), Executive Assistant Corporate Services (Ms Rachael Fellows) and Executive Assistant Community Services (Ms Kirby Weber).

**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 Wilson.

**6. QUESTION TIME****6.1. QUESTIONS FROM THE GALLERY**

Mr Kevin Stark, from Lake Mundi asked the following questions:

1. *How long does Council to continue the charade advise that Rates will rise by 1.75% when actually they will rise by 20%?*

The Mayor Rank advised that its Council obligation, commitment and requirement to work within the Rate Capping. Mr David Hol, Director Corporate services also advised that Council is looking at transitioning from the rebate rate scheme to a differential rate and that does have some impact, but Council is within the parameters of the Rate Capping Scheme. What is proposed in tonight's Council agenda is quite appropriate. In comparison from last year to this year, the evidence suggests that rebate equivalent resulted in about a 55% differential after it had that has been applied, under the new model that is proposed a 70% that Council is considering for Primary Producers which is still one of the lowest differential rates in the State. The difference maybe up to 20% in that category but will depend on each valuation.

2. *Has the valuations for this current period been factored into the 2022/2023 Budget?*

Mr David Hol, Director Corporate Services advised that the details for the valuations are included in the 22/23 Budget document, its roughly a 35% valuation increase broadly across the Shire, how that is split up in different areas, varies. In some rural areas its as much as 37% and commercial and industrial its about 20%, overall it is reasonably consistent, where the valuation increases are between the 34 to 37%, however under the rate capping environment what that equates to then is a reduced rate in the dollar for those properties as well.

Mr David Headlam, from Lake Mundi asked the following question:

1. *Why isn't Council using a differential rate to maintain the same distribution across the three main rate groups, rather than have variations in the rate tables?*

Mr David Hol, Director Corporate Services advised that this particular issue Council considered through submissions and a number of factors that would be in play, the total you are referring to is the net figure of the rebate from previous years and what Council is doing is transitioning from that rebate scheme to a differential rate, so there is a quite significant difference in the two.

2. *What is the plan for using a differential rating system in the future, is it to adjust to different categories to eliminate rate shock to a particular category?*

Council put out a Revenue and Rating Plan as a requirement under the Local Government Act for the next four years. Considering that and what the valuations were, Council have put forward the 70% proposal. There hasn't been a decision about what will happen in the next 3 years, as the Chief Executive Officer mentioned there are a number of factors that go into that. The valuations are one thing to look at but nothing has been set that it will be 70% this year and for the next, it will be considered in 12 months time. There is a Draft Budget for this year and next 3 years indicative as per the 10 year plan based on the status quo but hasn't been endorsed for future years.

Mr Mike Noske, from Portland asked the following question:

1. *The 1.75% cap that the Government has, is that on the actual rate of the dollar not on the total rates and charges?*

The Fair Go Rates cap is calculated on the total amount of Rates that Council were charged before any rebates are applied, on this case the 1.75% was put on that, Council can only collect rates with a 1.75% of last years total. There is a calculation printed in the Draft Budget document against the Fair Go rates cap.

2. *How does 1.75% translate into 13.4 in total?*

Mayor Anita Rank advised that this question would be taken on notice.

Following the meeting, the Director Corporate Services met with Mr Noske and outlined the Fair Go Rates calculation in section 4.1.1(j) of the budget document.

## 6.2. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

### 2. Rating Strategy

Mr Garry Everett of Heywood asked the following questions:

- a. *Given Primary producers receive a "70% rebate", could Council explain the "Maths" used to suggest that Primary Producers actually receive 55% rebate?*
- b. *Given that we have had differential rate system up to the year 2010/11 then a rebate until now with no claim on the so called missed income (this year 3.42 million) in past, why does Council think that are entitled to it now?*
- c. *Can Council have a forum with all sectors of the Shire and hold these across the Shire early enough, around October, for each sector to have opportunity to ask questions and discuss submissions to provide a more moral, ethical and fairer system to raise funds to operate Local Government in the long-term?*

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

*Mr David Hol, Director Corporate Services provided the following responses to Mr Everett via email:*

In regard to the first question, I have attached a model used in the calculation process. This model was used based on the current CIV and calculated what the rate in the dollar (RID) would need to be to approximately match the nett figure that primary producers are currently contributing from their rates (just over \$8m). This resulted in the RID 0.00301 compared to the general rate of 0.005457. This equates to an approximate differential of 55%.

The Council budget documents in 2010 note that the rebate at the time was approximately \$1m dollars. Note that the rate increase that year was over 10%. Over the next few years Council could accommodate such a reduction through rates however once rate capping commenced around the 2017 year the ability to Council to raise revenue was significantly impacted. Discussions regarding the rebate scheme have been underway for several years as the Council considers its revenue options in a rate capping environment where expenses and costs are increasing at a rate far greater than the rate capped amount. This has accumulated to such a state that Council can no longer offer the rebate.

Your final question regarding revenue sources for Local Government is noted and would be more appropriate to refer it to the relevant State Government Minister. Most Councils such as Glenelg rely significantly on two major sources of income, being Government grants and Rates income. The issues of Councils to raise income was highlighted in the State Government review of rating systems released a few years ago.

5. Cape Bridgewater Wind Energy Facility Nuisance Report

Mr Brian Kermond of Cape Bridgewater asked the following questions:

- a. *Can we have an opportunity to see the Officer's report?*
- b. *Can each Councillor please give me a reason for your decision?*
- c. *What material was before the decision makers when they made their decision? I believe that I responded to the first and third question on the night as follows.*

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

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

*Mr David Hol, Director Corporate Services provide the following response to Mr Kermond via email.*

It is not appropriate for me to respond to the second matter as it is the resolution of Council not the individual. As you are legally represented in this matter it would be appropriate that any further questions are raised through your legal representative.

6. Cape Bridgewater Wind Energy Facility Nuisance Report

Ms Joanne Kermond of Cape Bridgewater asked the following questions:

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

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

*Mr David Hol, Director Corporate Services provided the following response to Ms Kermond via email.*

The response to the third query is that the confidential documents are provided to the Councillors and the Chief Executive Officer. As you have an appointed legal representative in regards to this matter, it would be appropriate to refer any further questions you may have through them.

## 7. Rating Strategy

Mr David Headlam of Lake Mundi asked the following questions:

- a. *What is the cause of the sudden deficit in the income forecast in the 2019/20 year and the 6 million deficit in the 2018/19 year?*
- b. *Will the Shire commit to using a differential rate to stabilise the percentage rate taken from the 3 main rate categories in the Shire? Mayor Rank advised that all Councillors are taking all these things under consideration, and this has been part of listening to the submissions last week, its part of our workshops and we will continue to discuss this further and also when the Draft Budget is released further discussions will be held prior to adopting the Budget at the end of June.*

*Mr David Hol, Director Corporate Services provided the following responded to Mr Headlam via email.*

Your first question was "What is the cause of the sudden deficit in the income forecast in the 2019/20 year and the 6 million deficit in the 2018/19 year?"

I indicated that I would take this question on notice and also provided an interim response that in recent years Council had 0% rate rise, a number of increases costs associated with COVID-19 and froze a number of Fees and Charges, so Council is currently running a \$1.7 million deficit this year to maintain the status quo.

I have now reviewed the relevant budgets in your question and can advise that the main component of the impact to the 2018/19 year was a significant reduction in grants received. In 2018/19 the Adopted surplus was \$2.4M and the forecast was \$5.8M Deficit. This movement was due to \$600k increase in materials and a \$7.5M reduction in Operating and Capital Grants.

In regards to the 2019/20 year, the reduced income was predominantly due to a number of significant grants that were applied for that were not successful in that particular financial year. Note that many of these grants were deferred and have now been successful and implemented in the following years.

In regards to your second Question "Will the Shire commit to using a differential rate to stabilise the percentage rate taken from the 3 main rate categories in the Shire?", The Mayor responded on the night that all Councillors are taking all these things under consideration, and this has been part of listening to the submissions last week, its part of our workshops and we will continue to discuss this further and also when the Draft Budget is released further discussions will be held prior to adopting the Budget at the end of June.



**7. DECLARATIONS OF CONFLICT OF INTEREST**

Cr Rank declared a General Conflict of Interest in item 11.1.1 Notice of Motion 2-2021-2022 Protect Portland District Health and advised in writing prior to the meeting.

Cr Stephens declared a General Conflict of Interest in item 11.1.1 Notice of Motion 2-2021-2022 Protect Portland District Health and advised in writing prior to the meeting.

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

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

**MOTION**

**MOVED Cr Hawker**

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

**SECONDED Deputy Mayor Cr Martin**

**CARRIED**

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

**AGAINST:** Nil

**9. PRESENTATIONS**

Nil.

**10. DEPUTATIONS**

Nil.

**11. NOTICES OF MOTION****11.1. NOTICE OF MOTION 2-2021-2022 PROTECT PORTLAND DISTRICT HEALTH**

CEO: Greg Burgoyne, Chief Executive Officer

In accordance with the Council's Governance rules Section 2.7.1, I give notice of my intention to move the following motion at the Council meeting to be held on 26 April 2022.

1. Council acknowledges the importance of Portland District Health and its staff in delivering a safe and effective health system that supports the needs of our community. We encourage Portland District Health to engage with the Department of Health to seek further funding to deliver the recommendations of the Hillis Report as adopted by the Board of Management of Portland District Health.

Signed: Cr Carr  
11 April 2022

**Attachments**

1. Notice of Motion Cr Carr Portland District Health 11 April 2022 [**11.1.1** - 1 page]

Mayor Cr Rank re declared a Conflict in item 11.1 Notice of Motion 2-2021-2022 Protect Portland District Health left the meeting at 7:18 pm.

Cr Stephens re declared a Conflict in item 11.1 Notice of Motion 2-2021-2022 Protect Portland District Health left the meeting at 7:18 pm.

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

**Council acknowledges the importance of Portland District Health and its staff in delivering a safe and effective health system that supports the needs of our community. We encourage Portland District Health to engage with the Department of Health to seek further funding to deliver the recommendations of the Hillis Report as adopted by the Board of Management of Portland District Health.**

**SECONDED Cr Hawker****CARRIED**

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

**AGAINST:** Nil

Mayor Cr Rank returned to the meeting at 7:23 pm.  
Cr Stephens returned to the meeting at 7:23 pm.

**MOTION**

**MOVED Cr Hawker**

**That Deputy Mayor Cr Martin assume the Chair.**

**SECONDED Cr Carr**

**CARRIED**

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

**AGAINST:** Nil

**MOTION**

**MOVED Cr Hawker**

**That Mayor Rank assumes the Chair.**

**SECONDED Cr Carr**

**CARRIED**

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

**AGAINST:** Nil

**12. PETITIONS**

Nil.

**13. COMMITTEE REPORTS****13.1. AUDIT AND RISK COMMITTEE MINUTES 3 MARCH 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 3 March 2022.

**Recommendation**

That Council:

1. Receives the minutes of the Audit and Risk Committee Meeting held on 3 March 2022.
2. Adopts the Audit and Risk Biannual Report for the period ending 1 July 2021 to 31 December 2021 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.

**MOTION****MOVED Cr Stephens**

That Council:

1. **Receives the minutes of the Audit and Risk Committee Meeting held on 3 March 2022.**
2. **Adopts the Audit and Risk Biannual Report for the period ending 1 July 2021 to 31 December 2021 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.**

**SECONDED Deputy Mayor Cr Martin****CARRIED**

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

**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 54(5)(b) of the *Local Government Act 2020* and the Audit and Risk Committee Charter requires that the Committee's minutes be presented to Council to ensure that an effective communication mechanism between the Committee and Council occurs and to ensure that the Council is fully informed on the Committee's activities.

Section 54(5)(b) of the *Local Government Act 2020* and the Audit and Risk Committee Charter requires the Audit and Risk Committee to prepare a Biannual Audit and Risk Report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations. It also requires a copy of the Biannual Audit and Risk Report be provided to the Chief Executive Officer for tabling at the next Council Meeting.

The Audit and Risk Committee Meeting held on 3 March 2022 considered the following items:

Item No.	Management Reports (Title)
1.	Internal Audit - Cyber Security
2.	Draft External Audit Strategy
3.	Update on Budget Timetable 2022/23
4.	Review of Councils Procurement Policy 2021-25
5.	OHS Management System Audit Outcome November 2021
6.	Business Continuity Plan & Organisational Strategic Risk Register Update
7.	Review of Council's Fraud Prevention Framework
8.	Audit and Risk Committee Biannual Report for the period 1 July 2021 to 31 December 2021
9	Glenelg Shire Council Plan 2021 - 2025 - Year One Action Plan 2021-2022
11.	Review Processes for Communicating Council's Staff Code of Conduct and for Monitoring Compliance
12.	Gender Equality Act 2020
13.	Regulatory and Integrity Agencies Report - VAGO Results of 2020-21 Local Government Audits
Item No.	Regular Reports (Title)
1.	Glenelg Shire Council Financial Report January 2022
2.	Audit and Risk Register Review
3.	OHS Management Plan March 2021 to March 2022 Third Quarter Report
4.	OHS Quarterly Report
5.	Quarterly Work Cover report
6.	Report on compliance with the Local Government Act 2020
7.	CEO & EA Expenditure - Credit Card and Reimbursements
9.	Councillors Quarterly Expenditure Report
10.	Annual Work Plan Year Ending 30 June 2022 - Standing Item
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 Executive Team, before Council endorsement. The minutes are also provided to Audit and Risk Committee members for endorsement at the next available meeting.

d. Financial Implications and Collaboration

The 2021-2022 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 Meeting Thursday 3 March 2022 Minutes [13.1.1 - 72 pages]
2. Audit and Risk Committee Biannual Report for the period 1 July 2021 to 31 December 2021 [13.1.2 - 9 pages]



**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 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 Hawker****CARRIED**

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

**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.*

## 14.2. 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 January 2022 to 31 March 2022.

### Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 January 2022 to 31 March 2022.

### MOTION

**MOVED Cr Hawker**

**That Council receives the Councillors quarterly expenditure report for the period 1 January 2022 to 31 March 2022.**

**SECONDED Cr Smith**

**CARRIED**

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

**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 January 2022 to 31 March 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				\$ 234			\$ 234
Hawker				\$ 348			\$ 348
Martin				\$ 276			\$ 276
Rank	\$ 182			\$ 546			\$ 728
Smith				\$ 235			\$ 235
Stephens				\$ 524			\$ 524
Wilson	\$ 154			\$ 334			\$ 488
Grand Total	\$ 336			\$ 2497			\$ 2833

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 January 2022 to 31 March 2022:

Councillor	Amount
Carr	\$ 7,217
Hawker	\$ 7,217
Martin	\$ 7,217
Rank	\$ 22,331
Smith	\$ 7,217

Stephens	\$ 7,217
Wilson	\$ 7,217
Grand Total	\$ 65,635

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

14.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT MARCH 2022

Director: David Hol, Director Corporate Services

Executive Summary

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

Recommendation

That Council receives the Financial Report for the period ending 31 March 2022.

**MOTION****MOVED Cr Stephens**

**That Council receives the Financial Report for the period ending 31 March 2022.**

**SECONDED Cr Carr****CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

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

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

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

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

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

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

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

- d. Financial Implications and Collaboration

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

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

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

- e. Governance Principles

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

### **Attachment List**

1. Financial Statements 2021 2022 for March - Council Meeting April [14.3.1 - 7 pages]

14.4. GLENELG SHIRE COUNCIL DRAFT FEES AND CHARGES 2022-2023

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to provide the Draft 2022/2023 Fees and Charges Schedule to be released for community consultation.

Recommendation

That Council:

1. Give public notice of the preparation of the Draft Fees and Charges 2022/2023;
2. Release the Draft Fees and Charge for public consultation in accordance with Council's Community Engagement Policy from Friday 29 April to Wednesday 1 June 2022.

**MOTION**

**MOVED Cr Stephens**

**That Council:**

1. **Give public notice of the preparation of the Draft Fees and Charges 2022/2023;**
2. **Release the Draft Fees and Charges for public consultation in accordance with Council's Community Engagement Policy from Friday 29 April to Wednesday 1 June 2022.**

**SECONDED Cr Smith**

**CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

Glenelg Shire Council provides a wide range of services to our community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to compulsory or discretionary services.

Some of these, such as statutory planning fees, are set by state government statute and are commonly known as 'regulatory fees'. In these cases councils usually have no control over service pricing, and these fees have been excluded from this report.



User fees and charges are a significant source of income for Glenelg Shire Council and in accordance with Section 94 of the *Local Government Act 2020*, Glenelg Shire Council is required to prepare and adopt a budget for each financial year and the subsequent 3 financial years by the 30 June. Included in this process is the setting of the fees and charges for the coming financial year 2022/2023.

Budget responsible officers and finance unit staff have reviewed the current fees and charges proposed in this document. In the 2022/2023 financial year Council have utilised the Essential Services Commission rate cap increase of 1.75%. This increase has been applied to most areas except where rounding proved difficult and in that case the increase was rounded down.

The only fees and charges that have increased greater than the rate cap figure of 1.75% are those that include regulatory fees where increases were mandated through legislative elements such as the increase in the government levy for waste charges.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

Under 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 managers 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.

The draft fees and charges document will be available for public inspection alongside the draft Budget after the April Council Meeting.

d. Financial Implications and Collaboration

Fees and charges (excluding annual waste charges) accounts for approximately 7%, or \$3.4M of Council's total revenue. Waste charges make up 5% of total revenue, or \$2.38M.

The fees and charges schedule is a key document that forms part of Council's budget for 2022/2023. The information in this report contributes to various strategic planning documents under Council's strategic planning framework, including the Annual Budget, Financial Plan and Revenue and Rating Plan.

e. Governance Principles

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

**Attachment List**

1. DRAFT 2022 2023 Fees and Charges for April Council Meeting [**14.4.1** - 29 pages]
2. 2022 2023 Fees Charges Exception Report - April Council Meeting [**14.4.2** - 7 pages]

#### 14.5. GLENELG SHIRE COUNCIL DECLARATION OF RATES AND SERVICE CHARGE FOR 2022-2023

Director: David Hol, Director Corporate Services

##### Executive Summary

The purpose of this report is to enable Council to declare rates and an annual service charge for waste for the 2022/23 financial year.

This declaration of rates and annual service charge is in accordance with the requirements of the *Local Government Act 1989* Section 158 and aligns with the information required to be reported in the 2022/23 Budget Document in accordance with requirements of the *Local Government Act 2020* Section 94.

##### Recommendation

That Council:

1. Receive and acknowledge the written and verbal submissions received to the Differential Rate Discussion paper which were considered in the preparation of the declaration of rates and draft budget 2022/23.
2. Raise an amount of \$31,242,309 and this amount be declared as the amount which Council intends to raise by general rates and the annual kerbside collection charge, which amount is calculated as follows:

Category	No. of Assessments	RATE INCOME Proposed 2022/23
General	10098	\$ 12,509,924
Primary Production	2765	\$ 9,785,316
Commercial & Industrial	1024	\$ 1,580,180
Cultural & Recreational Land	30	\$ 26,681
Rate Agreements	6	\$ 4,858,526
Annual kerbside waste charge		\$ 2,481,682
	<b>13923</b>	<b>\$ 31,242,309</b>

3. This general rate amount will be raised by applying a differential rate of 100% to General land, 100% to Commercial and Industrial land and 70% for Primary Production land.
4. Declare this general rate in respect of the period 1 July 2022 to 30 June 2023 and be included in the Draft budget for 22/23.

**MOTION****MOVED Cr Carr****That Council:**

1. Receive and acknowledge the written and verbal submissions received to the Differential Rate Discussion paper which were considered in the preparation of the declaration of rates and draft budget 2022/23.
2. Raise an amount of \$31,242,309 and this amount be declared as the amount which Council intends to raise by general rates and the annual kerbside collection charge, which amount is calculated as follows:

Category	No. of Assessments	RATE INCOME Proposed 2022/23
General	10098	\$ 12,509,924
Primary Production	2765	\$ 9,785,316
Commercial & Industrial	1024	\$ 1,580,180
Cultural & Recreational Land	30	\$ 26,681
Rate Agreements	6	\$ 4,858,526
Annual kerbside waste charge		\$ 2,481,682
	<b>13923</b>	<b>\$ 31,242,309</b>

3. This general rate amount will be raised by applying a differential rate of 100% to General land, 100% to Commercial and Industrial land and 70% for Primary Production land.
4. Declare this general rate in respect of the period 1 July 2022 to 30 June 2023 and be included in the Draft budget for 22/23.

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

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

**AGAINST:** Nil

**Background/Key Information:**

As part of the budget process Council's draft budget allows for a 1.75% increase on the rate base of Council, in line with the rate cap.

This increase will provide general rate revenue of approximately \$23.875M. Rate agreements, Cultural and Recreational Land assessments and annual kerbside waste charge are outside of this amount.

Additional supplementary valuations are undertaken for a range of reasons, including new and renovated buildings, subdivisions, demolitions, land use changes and other types of property improvements. It is estimated that an additional \$90,000 will be raised during 2022/23. This estimate has been included in the total estimated rate revenue.

Valuation data has been received for Glenelg Shire assessments by independent valuers, Preston Rowe Patterson (PRP), and has seen an overall increase in Capital Improved Value (CIV) of 34%.

Category	CIV 2021/22	CIV 2022/23	% change
General Land	2,516,026,000	3,355,713,000	33.37%
Commercial Land	354,633,000	423,874,000	19.52%
Primary Production	2,729,388,000	3,749,790,000	37.39%
<b>Capital Improved Value</b>	<b>5,600,047,000</b>	<b>7,529,377,000</b>	<b>34.45%</b>

As outlined in the Revenue and Rating Plan, Council resolved to transition away from a rebate scheme to a differential rate.

The following table summarizes the proposed differential rating structure compared to the rebate structure in 2021/22. It also includes a comparison of the rates (cents) in the dollar, which are calculated on Capital Improved Value.

Category	RATE INCOME Adopted Budget	Rate in the dollar	RATE INCOME Proposed Budget	Rate in the dollar (70% Differential for PP )
	2021/22	2021/22	2022/2023	2022/2023
General Land	\$ 10,537,117	0.004188	\$ 12,509,924	0.003728
Commercial Land	\$ 1,485,203	0.004188	\$ 1,580,180	0.003728
Primary Production Land	\$ 11,430,677		\$ 9,785,316	
Rebate	(\$3,429,203)		\$0.00	
<b>Total Primary Production</b>	<b>\$ 8,001,474</b>	<b>0.004188</b>	<b>\$ 9,785,316</b>	<b>0.002610</b>
Recreational Land	\$ 11,906		\$ -	
Rebate	(\$5,953)		\$0.00	
<b>Total Recreational Land</b>	<b>\$ 5,953</b>	<b>0.004188</b>	<b>\$ -</b>	<b>N/A</b>
<b>General Rate Income</b>	<b>\$ 23,464,903</b>		<b>\$ 23,875,421</b>	
Cultural and Recreational Land	\$ 17,774	0.002094	\$ 26,681	0.001864
Rate Agreements	\$ 5,176,000	N/A	\$ 4,858,526	N/A
User Garbage Collection Income	\$ 2,439,000	N/A	\$ 2,481,682	N/A
<b>Total Rate &amp; Charge Revenue</b>	<b>\$ 31,097,677</b>		<b>\$ 31,242,309</b>	

In February 2022, Council sought public submissions on a number of aspects regarding its rating structure including;

- The criteria for classifying a Primary Producer
- The rate for Commercial and Industrial Properties
- The rate for vacant land
- The benefit of services for Recreational and Cultural land
- A proposed differential rate for Primary Production Land

There were 46 submissions received and a number of submitters took the opportunity to speak to their submissions directly with Councillors.

After consideration of the submissions, no changes are recommended for the classification of a Primary Producer or change to the rate for commercial and Industrial or vacant land.

The Recreational and Cultural land determination that the benefit they derive from Council services has been considered and that Council consider that a 50% charge in lieu of rates is appropriate for such properties. A review of the remaining properties in the Recreation category has resulted in these properties now being assessed under the Recreation and Cultural land Act.

The information from the submissions and the comparisons to similar Councils within the State resulted in a recommended Differential Rate of 70% be applied to Primary Producers. Whilst this will represent an increase to the rebated net figure from previous years to this category it will still be one of the lowest Primary Producer differential rates in the region.

Under Section 161 (2) by declaring a differential rate Council must specify the objectives of the differential rate by including a definition, identification of the types of classes and specific characteristics of the land.

Council will have the following rate categories within its rating structure for 2022/23:

#### General Rate

##### Definition:

General land is any rateable land which does not have the characteristics of Primary Producer land and Commercial/ Industrial Rate Land.

##### Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that any differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

##### Types and Classes:

Rateable land having the relevant characteristics described below:

- used primarily for residential purposes; or
- any land that is not defined as Primary Production or Commercial/Industrial Land.

##### Level of Rate:

100% of General Rate.

##### Geographic Location:

Wherever located within the municipal district.

#### Primary Production

##### Definition:

Primary production properties being defined as greater than 40 hectares (with some specified exceptions such as horticulture, viticulture etc.).

**Objectives:**

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the rate in the dollar declared for defined Primary Production land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services with considerations to maintain agriculture as a major industry in the municipal district, to facilitate the longevity of the farm sector and achieve a balance between providing for municipal growth and retaining the important agricultural economic base.

**Types and Classes:**

Primary Production land having the relevant characteristics described below:

- used primarily for primary production purposes; or
- any land that is not defined as General Land or Commercial/Industrial Land.

**Level of Rate:**

70% of the General Rate.

**Geographic Location:**

Wherever located within the municipal district.

**Commercial/Industrial Rate****Definition:**

Commercial/Industrial Land is any land, which is used primarily for carrying out the manufacture or production of, or trade in goods or services

**Objectives:**

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the rate in the dollar declared for defined Commercial/Industrial Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services.

The commercial businesses of Glenelg Shire Council benefit from ongoing significant investment by Council in services and infrastructure. Council also notes the tax deductibility of Council rates for commercial properties which is not available to the residential sector, and the income generating capability of commercial based properties.

The Commercial differential rate is applied to recognise the economic development objectives for the Glenelg Shire Council as outlined in the Council Plan. These objectives include an ongoing significant investment to create a vibrant economy and includes the maintenance and improvement of tourism infrastructure. Construction and maintenance of public infrastructure, development and provision of health and community services and the general provision of support services and promotion of business in the municipality.

**Types and Classes:**

Commercial/Industrial having the relevant characteristics described below:

- used primarily for commercial purposes; or
- any land that is not defined as General Land or Primary Production Land.

Level of Rate:  
100% of the General Rate.

Geographic Location:  
Wherever located within the municipal district.

Council also has the following categories that fall outside of the rate capping environment:

- Cultural and Recreation – Land which falls within the definition of the Cultural and Recreational Lands Act 1963 which has the purpose of providing or promoting cultural or sporting recreational or similar facilities for outdoor use; and
- Specific Rating Agreements

The proposed annual service charge for garbage for 2022/23 is \$291.70, which is a 1.75% increase on the 2021/22 charge of \$286.70, and will raise an amount of approximately \$2.481M.

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 158 (1) of the *Local Government Act 1989* requires that a Council must at least once in respect of each financial year declare its rates and service charges. As the date of declaration must appear on the rate notice, this declaration must be done prior to the 31 August each year and must be completed prior to the issue of the notices.

c. Consultation and/or communication processes implemented or proposed

The information in this report will form part of the Draft Budget 2022/23 engagement process:

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

- Draft Budget 2022/2023 prepared by officers;
- Draft Budget 2022/2023 placed on public exhibition at the April Council Meeting;
- Community engagement through local news outlets and social media, including Your Say; and
- Draft Budget 2022/2023 (with any modifications) presented to June Council meeting for adoption.

In accordance with Section 161 (3) of the Act 1989 Council must ensure that copies of the information in this report are available on its Internet website and for public inspection at the Council office.



d. Financial Implications and Collaboration

The declaration of differential rates and an annual service charge will generate the rate revenue and annual service charge, forming a significant part of Council's revenue source and ensuring compliance with the Essential Services Commission rate cap.

e. Governance Principles

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

**Attachment List**

Nil

14.6. GLENELG SHIRE COUNCIL DRAFT BUDGET 2022-2023

Director: David Hol, Director Corporate Services

Executive Summary

The 2022/2023 Budget and subsequent 3 financial years is submitted to Council for approval as the Draft 2022/2023 Budget prepared for the purposes of section 94 of the *Local Government Act 2020* ("the Act").

Council will meet on Tuesday 21 June 2022 to adopt the Draft Budget 2022/2023 either with or without modification and declare Rates and charges for the 2022/2023 financial year in accordance with Section 4.1.1 of the Budget.

Recommendation

1. That the Draft Budget 2022/2023 prepared in accordance with Section 94 of the *Local Government Act 2020* be the Glenelg Shire Council Draft Budget 2022/2023;
2. That Council give public notice of the preparation of the Draft Budget 2022/23 in accordance with Council's Community Engagement Policy and be available from Friday 29 April to Wednesday 1 June 2022.
3. That Council considers the Motion to adopt the Draft Budget 2022/2023 (either with or without modification) and declare Rates and charges for the 2022/2023 financial year in accordance with Section 4.1.1 of the Budget at the Council Meeting to be held on Tuesday 21 June 2022 at 7.00pm in the Civic Hall Supper Room, Portland.
4. That Council hear and consider any submissions to the Draft Budget at a Special Council Meeting to be held on Tuesday 14 June 2022 at 6.00pm.

**MOTION****MOVED Cr Stephens**

1. That the Draft Budget 2022/2023 prepared in accordance with Section 94 of the *Local Government Act 2020* be the Glenelg Shire Council Draft Budget 2022/2023;
2. That Council give public notice of the preparation of the Draft Budget 2022/23 in accordance with Council's Community Engagement Policy and be available from Friday 29 April to Wednesday 1 June 2022.
3. That Council considers the Motion to adopt the Draft Budget 2022/2023 (either with or without modification) and declare Rates and charges for the 2022/2023 financial year in accordance with Section 4.1.1 of the Budget at the Council Meeting to be held on Tuesday 21 June 2022 at 7.00pm in the Civic Hall Supper Room, Portland.

**4. That Council hear and consider any submissions to the Draft Budget at a Special Council Meeting to be held on Tuesday 14 June 2022 at 6.00pm.**

**SECONDED Cr Carr**

**CARRIED**

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

**AGAINST:** Nil

*Background/Key Information:*

The process for formulating the Draft Budget 2022/2023 has included a series of officer workshops, briefings and Council discussions during the past 6 months.

The Draft Budget has been developed through a rigorous review process by Council and Council staff. Council has placed an emphasis on the continuation of service delivery; the ongoing provision of facilities for our community; support for our residents; and sustainable financial viability for the Shire.

The Draft Budget 2022/2023 documentation includes:

- Budgeted Statements, including the Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows and Capital Works Statement, for the year ended 30 June 2023 and projections for the subsequent 3 financial years;
- Rates & Charges for the year ended 30 June 2023;
- Statement of Human Resources and planned expenditure; and
- Capital Works Program for the year ended 30 June 2023 and projections for the subsequent 3 financial years.

The Draft budget is now presented to Council for consideration and release to the public in accordance with the Community Engagement Policy.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

Under 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.

Supporting this Act, the Local Government (Planning and Reporting) Regulations 2020 detailed the new requirements of Councils in relation to both Financial and performance planning, goal-setting/budgets and reporting. Compliance has been ensured by adopting many of the Victorian Model budget templates and suggested reporting practices.

Financial sustainability is a key consideration for the budget process.

c. Consultation and/or communication processes implemented or proposed

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

- Draft Budget 2022/2023 prepared by officers;
- Draft Budget 2022/2023 placed on public exhibition at the April Council Meeting;
- Community engagement through local news outlets and social media, including Your Say; and
- Draft Budget 2022/2023 (with any modifications) presented to June Council meeting for adoption.

d. Financial Implications and Collaboration

All known current and future budget implications are outlined in the Draft Budget 2022/2023 and are based on assumptions in the document.

The compilation and delivery of the annual budget process is provided for within Council recurrent budgets. The release of new regulations has required significant reworking of Council budget templates and going forward will require significant resourcing to ensure effective reporting for both financial and performance measures which are subject to external audit.

The Draft Budget 2022/2023 is a key component of Council's strategic planning framework, and links closely with the Financial Plan and Revenue and Rating Plan.

Projections in the Draft Budget 2022/2023 for the subsequent 3 financial years provides a high level, medium term view on how Council intends to utilise its resources to achieve the strategic objectives and strategies adopted in the Council Plan.

e. Governance Principles

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

**Attachment List**

1. Glenelg Shire Council DRAFT Budget 2022-2023 [**14.6.1** - 46 pages]

#### 14.7. MAYORS AND COUNCILLORS ALLOWANCES

Director: David Hol, Director Corporate Services

##### Executive Summary

This report outlines the recent Determination by the Victorian Independent Remuneration Tribunal regarding allowances payable to Mayors, Deputy Mayors and Councillors.

##### Recommendation

That Council receives the Victorian Independent Remuneration Tribunal Determination regarding allowances payable to Mayors, Deputy Mayors and Councillors.

##### MOTION

**MOVED Cr Smith**

**That Council receives the Victorian Independent Remuneration Tribunal Determination regarding allowances payable to Mayors, Deputy Mayors and Councillors.**

**SECONDED Cr Hawker**

**CARRIED**

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

**AGAINST:** Cr Carr

##### Background/Key Information:

Under Section 39 of the *Local Government Act 2020*, Mayors, Deputy Mayors and Councillors are entitled to receive an allowance in accordance with a determination from the Victorian Independent Remuneration Tribunal.

This process was introduced as part of the *Local Government Act 2020* reform and replaces the previous arrangements under the *Local Government Act 1989* which required Councils to review Councillor allowances within a predetermined range, no later than 6 months following a general election with annual adjustments by the Minister of Local Government thereafter. This process also included a public submission process.

On 17 June 2021, the Minister for Local Government requested that the Victorian Independent Remuneration Tribunal make the first Determination of allowances payable to Mayors, Deputy Mayors and Councillors.

On 7 March 2022, in accordance with section 23A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic) (VIRTIPS Act), the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022. The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian Councils and takes effect retrospectively from 18 December 2021.

The Determination sets a base allowance for each Council member.

The value of the base allowance payable to a Council member varies depending on the role (Mayor, Deputy Mayor or Councillor) and the Council allowance category assigned to the Council as specified in the Determination.

The value of the allowance payable to a Council member is also now inclusive of any Superannuation Guarantee Contribution amount, or equivalent, that may be payable to the Council member.

A Council is not permitted to pay an allowance that exceeds this determination. The Tribunal has assigned each Council to one of four Council allowance categories. The Glenelg Shire Council is in category 2.

	Category 1	Category 2	Category 3	Category 4
Mayors	\$74,706	\$96,470	\$119,316	\$238,634
Deputy Mayors	\$37,353	\$48,235	\$59,659	\$119,317
Councillors	\$24,080	\$30,024	\$35,972	\$53,957

The Determination provides for further scheduled annual increases to allowance values until 18 December 2025. The next increase will take effect on 18 December 2022.

The Determination also sets a remote area travel allowance for Council members and provides eligibility criteria for claiming it. The Tribunal has set a remote area travel allowance equal to \$44 per day, up to a maximum of \$5,500 per annum for each Council member. Eligibility criteria are outlined in the Determination.

The *Local Government act 2020* Section 39(5) outlines that a Mayor, Deputy Mayor or Councillor may elect to:

- (a) to receive the entire allowance to which they are entitled; or
- (b) to receive a specified part of the allowance to which they are entitled; or
- (c) to receive no allowance.

Upon Council resolution of this report Council officers will update the relevant allowances in accordance with the Determination and process the amounts payable to the retrospective date of 18 December 2021. These new amounts will be included in the future reporting of Councillor allowances.

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

The Determination by the Victorian Independent Remuneration Tribunal regarding allowances payable to Mayors, Deputy Mayors and Councillors is legislated under Section 39 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

The Determination by the Victorian Independent Remuneration Tribunal regarding allowances payable to Mayors, Deputy Mayors and Councillors no longer requires a public engagement or consultation process.

d. Financial Implications and Collaboration

The current allowances for the Mayor and Councillors total \$286,411.60 p.a. Whilst the Determination results in an increased amount of \$35,215.70 p.a., it should be noted that no annual increase was provided in 2021 due to the determination being imminent and that there was previously no separate allowance specified for the Deputy Mayor.

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.

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

**Attachment List**

1. Remuneration Tribunal Determination Allowance payable to Mayors Deputy Mayors and Councillors ( Victoria) [**14.7.1** - 153 pages]



#### 14.8. HERITAGE GRANT APPLICATION RECOMMENDATION 34 GAWLER ST PORTLAND

Director: David Hol, Director Corporate Services

##### Executive Summary

The heritage grants and loan program was temporarily suspended for a period of 3 months from 1 December 2021 to 28 February 2022. Upon the program reopening in Smartygrants, one heritage grant application was received seeking \$6,800 for a project totaling \$13,600.

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

##### Recommendation

That Council approve the grant application of \$6,000 from the heritage grants and loans restoration fund for the conservation works at 34 Gawler Street, Portland in accordance with the recommendations in Council's heritage advisor report and relevant permits.

##### MOTION

**MOVED Cr Smith**

**That Council approve the grant application of \$6,000 from the heritage grants and loans restoration fund for the conservation works at 34 Gawler 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 and Cr Smith

**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 Stables, 34 Gawler Street, Portland is an individually listed heritage property (HO291). Built directly behind the former Benjamin's Store at 23 Percy St Portland, the stables were built in 1854. The property is now a residence.

A heritage grant application was submitted on 16 March 2022 to undertake conservation works to the north bluestone boundary wall to avoid water ingress and stabilise the wall.

Council's Heritage Advisor inspected the property on 6 December 2021 and confirmed the works met the grant funding eligibility and are urgently required to ensure the survival of the of the building (see Heritage Advisor report dated 8 December 2021).

The application meets all the eligibility requirements of the Heritage Support Policy. The recommendation is for the amount of \$6,000.

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 \$36,000 once all grants approved to date are paid. Given the urgency of the proposal it is recommended that \$6,000 be granted.

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. Former Stables Heritage Grant Application Redacted [**14.8.1** - 13 pages]

14.9. AMENDMENT C106GELG - OMNIBUS

Director: David Hol, Director Corporate Services

Executive Summary

Amendment C106gelg (the amendment) has received authorisation from the Minister for Planning to prepare and exhibit the amendment. Public exhibition of the amendment has now taken place. This report considers the submissions received from the exhibition of the amendment and provides commentary in response to those submissions. The report recommends that Council proceed with the amendment to receive a recommendation on the submissions from an independent planning panel prior to resolving to adopt or abandon the amendment.

Recommendation

That Council:

1. Request the Minister for Planning appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions received in response to amendment C106gelg to the Glenelg Planning Scheme; and
2. Refer amendment C106gelg and submissions to the Panel for consideration and recommendation, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.

MOTION

**MOVED Cr Stephens**

That Council:

1. **Request the Minister for Planning appoint an independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions received in response to amendment C106gelg to the Glenelg Planning Scheme; and**
2. **Refer amendment C106gelg and submissions to the Panel for consideration and recommendation, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.**

**SECONDED Cr Carr**

**CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

Council adopted the Rural Land Strategy 2019, The Portland Strategic Framework Plan 2020, and the Portland Rural Living Assessment 2020 at the Council Meeting held 26 October 2021.

This follows a significant amount of strategic work that has been undertaken by Council over the past decade to research the potential for additional land to be designated for rural residential purposes including: *Glenelg Land Use Study 2010*; *Glenelg Sustainable Settlement Strategy 2012*; *Glenelg Land Use Study – Rural Living Areas 2013*; and *Rural Residential Supply and Demand Assessment 2015*. The past assessments, studies, and strategies (reports) have been unsuccessful to date in gaining the support required from State Government to rezone additional areas of land for rural residential purposes.

The Rural Land Strategy 2019 was prepared in response to the recommendations of the Planning Panel Report received by Council for Amendment C78. That amendment unsuccessfully attempted to rezone additional land for rural residential purposes. Once the Rural Land Strategy 2019 was completed it was requested that a new study be undertaken on rural residential land to complement it and the Portland Strategic Framework Plan 2020, with the resultant report the Portland Rural Living Assessment 2020.

The amendment documentation was prepared to include the Rural Land Strategy 2019, Portland Strategic Framework Plan 2020, and Portland Rural Living Assessment 2020 as background documents in the planning scheme and to complete the selected immediate actions from these documents, actions from the Planning Scheme Review 2018, further strategic work noted in the planning scheme, as well as correcting anomalies and matters requested by Department Environment Land Water Planning (DELWP) to appropriately address the Ministerial Form and Content of Planning Schemes.

Authorisation to prepare the amendment was granted under delegation from the Minister for Planning on 30/11/2021 subject to conditions being fulfilled. Exhibition of the amendment C106gelg was held from 27/01/2022 to 4/03/2022 with fourteen (14) submissions being received to date, including four (4) late submissions. One (1) submission was received in support or not requiring changes to the amendment documents. Support was indicated for the proposed Farming Zone schedule 1 and 2 areas but raised some additional unrelated projects for Council to consider/act on. Thirteen (13) submissions object to an aspect or require changes to the amendment documents (refer Attachment 1).

A summary of the submissions, planning unit comments, and recommendations are contained in Attachment 2. In summary the issues raised include the following topics:

- Rural tourism proposals, bushfire risk and road conditions in the area north of the Narrawong Rural Living Precinct.
- Protection of native flora and fauna.
- Flood mapping.
- Discouraging/limiting of lifestyle lots when there is increased demand for them.
- Rezoning additional land to the Rural Living Zone.
- Reduce the minimum lot size of the Rural Living Zone to 2ha.

- Capability of land for agriculture and the current conservation value in schedule 2 to the Rural Conservation Zone.
- Rezoning productive agricultural land in the Rural Living Zone to the Farming Zone.
- Aspects of the consultation process, including the content size and ability of people to understand the amendment.
- The Environment Protection Authority (EPA) requested that additional text be added to the explanatory report regarding the Environmental Audit Overlay (EAO). A revised submission has been provided that requires minor text changes to the amendment.
- Support for farming zones and the correction of private land in the Public Park and Recreation Zone (PPRZ) to the Farming Zone (FZ1).
- Support for the extension of the Commercial 1 Zone in Portland and requested that also be extended over other land not included in the exhibited documents.

The submissions are recommended to be sent to an independent planning panel to give the submitters the opportunity to be heard on the issues raised in an independent forum. The panel will then provide the Council with a recommendation on how to proceed with the amendment.

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 Education, Employment, and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

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

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

The planning scheme amendment process is set out in the *Planning and Environment Act 1987*. Section 23 of the Act requires that the planning authority must:

- (a) *change the amendment in the manner requested; or*
- (b) *refer the submission to a panel appointed under Part 8; or*
- (c) *abandon the amendment or part of the amendment.*

c. Consultation and/or communication processes implemented or proposed

Extensive community consultation was undertaken in accordance with engagement strategy prior to Council adopting each of the background documents.

The exhibition of the amendment is a process set by the *Planning and Environment Act 1987* and has been undertaken in the prescribed manner. Notice of the amendment was in three newspapers and the Victoria Government Gazette. The amendment documents are available on Council's and DELWP's websites and in paper form in the three customer service centres. Individual notification via 841 letters was given to landowners and occupiers affected by material changes in the amendment, in addition to prescribed notice required to Ministers.

Over 60 enquiries about the amendment were recorded during the exhibition period with the majority in support, or neutral, to the proposed amendment. Many others visited customer service centres or viewed the documents online. Those with concerns were invited to write a submission how the amendment should be changed. Half of the submitters made direct enquiry about the amendment during the exhibition period.

Changes to the amendment that cannot be resolved are required to be sent to an independent planning panel within 40 days of the closing date of submissions.

Once appointed by the Minister for Planning the planning panel will consider the submissions received and provide an independent forum for submitters to be heard. After the panel hearing a report will be provided with recommendation for Council to consider prior to a decision being made on the amendment.

Whilst some matters from submissions can be resolved it is recommended that all submitters be given the opportunity to be heard at a planning panel hearing.

d. Financial Implications and Collaboration

The projects have been undertaken within the operational budget of the planning unit. Funding under the Victorian Planning Authority (VPA) Streamlining for Growth Program was received to assist in the preparation of the Framework Plan for approximately \$80,000.

Cumulatively Council has spent over \$260,000 on the preparation of these strategies to date.

The planning panel stage is to be covered by operational budget and additional funding of \$50,000 has been received through the VPA Streamlining for Growth program for this purpose and two actions from the Portland Strategic Framework Plan.

e. Governance Principles

Local, regional, State, and National plans and policies are to be considered in strategic planning and decision making.

**Attachment List**

1. Schedule of Submissions C 106 gelg Redacted [14.9.1 - 16 pages]
2. Submissions C 106 gelg Redacted [14.9.2 - 53 pages]

**14.10. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND  
LAWLEG PTY LTD TRADING AS PORTHAUL**

Director: David Hol, Director Corporate Services

**Executive Summary**

This report seeks Council's approval for the renewal of a lease agreement with Lawleg Pty Ltd trading as Porthaul, for an unmade road known as Ross Court Portland.

**Recommendation**

That Council:

1. Approves a new three (3) year lease, commencing on 1 August 2022, with Lawleg Pty Ltd trading as Porthaul, for the unmade road known as Ross Court Portland.
2. Sets the rental figure at \$1,700.00 (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.

**MOTION**

**MOVED Cr Hawker**

**That Council:**

1. Approves a new three (3) year lease, commencing on 1 August 2022, with Lawleg Pty Ltd trading as Porthaul, for the unmade road known as Ross Court Portland.
2. Sets the rental figure at \$1,700.00 (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 Smith**

**CARRIED**

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

**AGAINST:** Nil



Background/Key Information:

Ross Court Portland is an unmade section of road of approximately 1838m<sup>2</sup> and is located between 60 and 68 Fitzgerald Street Portland.



The current lessee is seeking a further three (3) year lease. An Agreement in Principle has been reached regarding the terms of the proposed lease.

The permitted use of the lease is for industrial storage.

The lessee is currently paying \$1,653.29 pa (incl. GST) it is proposed at the commencement of the new lease the rent figure be set at \$1,700.00 pa (incl. GST) with annual CPI adjustments.

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

Nil.

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

#### 14.11. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND PORTLAND POWERHOUSE CAR CLUB INC

Director: David Hol, Director Corporate Services

##### Executive Summary

This report seeks Council's approval for the renewal of a lease agreement with Portland Powerhouse Club Inc, for the building located at 23 Glenelg Street, Portland.

##### Recommendation

That Council:

1. Approves a new nine (9) year lease, commencing on 1 July 2022, with Portland Powerhouse Club Inc, for the building located at 23 Glenelg Street, Portland.
2. Sets the rental figure at \$1,750.00 (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.

##### MOTION

**MOVED Cr Carr**

That Council:

1. **Approves a new nine (9) year lease, commencing on 1 July 2022, with Portland Powerhouse Club Inc, for the building located at 23 Glenelg Street, Portland.**
2. **Sets the rental figure at \$1,750.00 (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 Smith**

**CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

The Old Powerhouse Museum Building, being part of land known as 23 Glenelg Street, Portland.



The current lessee 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 lease is for storage and display of historic motor vehicles, stationary motors, tram equipment and displays and equipment associated with the history of motor transportation. A facility associated with running a car club and tourism.

The lessee is currently paying \$1,737.64 pa (incl. GST) it is proposed at the commencement of the new lease the rent figure be set at \$1,750.00 pa (incl. GST) with annual CPI adjustments.

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

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

14.12. DOMESTIC WASTEWATER MANAGEMENT PLAN 2022-2027

Director: David Hol, Director Corporate Services

Executive Summary

The Draft Domestic Wastewater Management Plan 2022-2027 has been prepared in consultation with relevant external stakeholders including Wannon Water, the Environment Protection Authority (EPA) and the Department of Health.

This Plan is the key strategic document required under *Environment Protection Act 2017* for the management of potential risks posed to the communities of Glenelg Shire Council by onsite domestic wastewater management. It provides Council's policy position and actions which may be implemented over the coming five years to improve public health and environmental outcomes within the municipality.

The document has had extensive consultation with relevant stakeholders and is now provided for public comment.

Recommendation

That Council:

1. Give public notice and advertise the Draft Domestic Wastewater Management Plan 2022-2027; and
2. Commence the community engagement process in accordance with Council's Community Engagement Policy from Friday 29 April 2022 to Friday 20 May 2022.

**MOTION**

**MOVED Cr Carr**

**That Council:**

1. **Give public notice and advertise the Draft Domestic Wastewater Management Plan 2022-2027; and**
2. **Commence the community engagement process in accordance with Council's Community Engagement Policy from Friday 29 April 2022 to Friday 20 May 2022.**

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

The Draft 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 for 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.

The Draft Plan is now presented for public comment.

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

Under the *Environment Protection Regulations 2021*, onsite wastewater management systems are a prescribed permission activity (A20), and this is a permit activity that is administered by the council in whose municipal district the onsite wastewater management system is located.

The *EPA Code of practice –Onsite Wastewater Management (2016)* clearly identifies Council's statutory responsibilities in relation to the planning and management of onsite wastewater systems. These include to develop and maintain a Domestic Wastewater Management Plan with review 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.

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.

Creation of water monitoring programs in collaboration with external stakeholders may require additional budget allocations.

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.

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

**Attachment List**

1. Glenelg DWMP v 3-0 - CURRENT [14.12.1 - 58 pages]



14.13. LOCAL LAW AMENDMENT - DOG CONTROL ZONES

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to seek Council adoption to amend Schedule 29 under the General Local Law 2018 identifying dog control areas, to permit designated on-leash areas along the newly developed Portland foreshore pathways and the Portland Botanical Gardens.

Recommendation

1. That Council adopts the amendment to Schedule 29 of the General Local Law 2018, declaring the Portland Botanical Gardens a designated on-leash area for dogs.
2. That Council adopts the amendment to Schedule 29 of the General Local Law 2018, declaring the newly developed pathway along Henty Beach (from the trawler Wharf to the Yacht Club) as a designated on-leash area for dogs, on the pathway only, and maintaining the existing Prohibited designation for dogs on all other areas of Henty Beach.

MOTION**MOVED Cr Hawker**

1. **That Council adopts the amendment to Schedule 29 of the General Local Law 2018, declaring the Portland Botanical Gardens a designated on-leash area for dogs.**
2. **That Council adopts the amendment to Schedule 29 of the General Local Law 2018, declaring the newly developed pathway along Henty Beach (from the Trawler Wharf to the Yacht Club) as a designated on-leash area for dogs, on the pathway only, and maintaining the existing Prohibited designation for dogs on all other areas of Henty Beach.**

**SECONDED Cr Carr****CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

The Glenelg Shire Council Domestic Animal Management Plan 2021-2025 (DAMP) was adopted via Council Resolution on 22 March 2022.

An objective was developed in the DAMP to undertake a comprehensive review of dog control areas in the Shire to ensure an effective balance of existing on leash and off

leash areas, inclusive of any newly developed areas/infrastructure over the four-year period. All changes to the General Local Law List of Schedules 2018 must be made via Council Resolution.

The newly developed pathways on the Portland Foreshore allow for fully integrated and accessible pathways connecting the open space and facilities along the length of the foreshore. The new pathway flows through to the Henty Beach and Portland Foreshore Playground area which is currently classified as a Prohibited Area for all dogs, from the edge of the Trawler Wharf Road (skate park), through to the edge of the Portland Yacht Club building, along the water's edge. To support health and well-being outcomes, it is the view that the new pathway should permit users to walk their dogs on the path whilst on a lead. Dogs will remain prohibited in this area off the path.

Based on community feedback received during the creation of the DAMP, several other areas of the Shire were identified as areas to undertake a review. This review work is still underway; however, the Botanical Gardens in Portland was identified as one area that may require a designated on-lead condition. Additional areas are to be considered in the future.

The Local Laws team will ensure there is appropriate signage updated in the abovementioned areas and will provide appropriate communication and education to the community upon resolution of this recommendation.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

*The Domestic Animals Act 1994*

c. Consultation and/or communication processes implemented or proposed

The DAMP was subject to a significant community consultation process in 2021 and 2022. No further consultation is recommended for this matter to enable changes to the List of Schedules 2018.

d. Financial Implications and Collaboration

Investment in any specific infrastructure, such as additional dog waste stations, signage and footpath artwork will be considered within the operational budget.

e. Governance Principles

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

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

**Attachment List**

Nil

#### 14.14. GLENELG SHIRE COUNCIL PLAN FIRST AND SECOND QUARTER PERFORMANCE REPORT 2021-2022

Director: Melanie Bennett, Acting Director Community Services

##### Executive Summary

The purpose of this report is to present to Council the first and second quarter performance report for year one of the Council Plan 2021-2025.

##### Recommendation

That Council endorse the Glenelg Shire Council Plan First and Second Quarter Performance Report 2021-2022 and approves the document for publication.

##### **MOTION**

##### **MOVED Cr Hawker**

**That Council endorse the Glenelg Shire Council Plan First and Second Quarter Performance Report 2021-2022 and approves the document for publication.**

##### **SECONDED Deputy Mayor Cr Martin**

##### **CARRIED**

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

**AGAINST:** Nil

##### Background/Key Information:

During the development stage of the Council Plan 2021-2025, it was identified as a priority for the ratepayers and general community of the Glenelg Shire, to be kept informed on Council's performance and strategic alignment under the Council Plan.

From this public consultation, it was determined that Council would release a performance report each quarter outlining the progress or status on each of the measures, projects and plans identified within the four year Council Plan.

Due to the required timelines of developing and endorsing the new Council Plan quarter one and two reports are combined to meet the reporting schedule.

##### **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 Education, Employment and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

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

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

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

Nil.

c. Consultation and/or communication processes implemented or proposed

The priority of the release of this report was identified as a result of community consultation.

d. Financial Implications and Collaboration

There are no budget implications as a result of quarterly performance reporting. All resources implications, such as staffing, are delivered within budget.

e. Governance Principles

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

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

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

### **Attachment List**

1. Glenelg Shire Council Plan Quarter 1 & 2 performance report [14.14.1 - 43 pages]

#### 14.15. CULTURAL CENTRE DEVELOPMENT IN PORTLAND

Director: Melanie Bennett, Acting Director Community Services

##### Executive Summary

This report has been prepared in response to urgent business raised at January 2022 Council Meeting to provide information on the potential development for a 'Cultural Centre' in Portland.

This report is prepared with the considerations of the following documents:

- The Glenelg Shire Council Plan 2021 – 2025 (ECM\_2871587)
- Glenelg Shire Council Priority Projects 2021
- The Portland Civic Precinct Masterplan 2014 (ECM\_1689035)
- Glenelg Shire Public Art Masterplan 2014 (ECM\_2127022)
- Cultural Collection Strategy 2016 to 2020 (ECM\_2010961)
- Cultural Collection Significance Assessment 2019 (ECM\_2620490)
- Cultural Collection Preservation Needs Assessment 2021 (ECM\_2842605)
- What it Means: A creative industries strategy for Southwest Victoria 2020 to 2024 (ECM\_2784636)
- Southwest Victoria Creative Industries Strategy – Creative Infrastructure Pipeline 2022-2031 - Draft Final report (to be released)

The Arts and Culture unit is currently gathering a portfolio of evidence to inform the needs of future infrastructure to enable Council officers to seek funding opportunities to undertake feasibility studies to develop creative infrastructure in the Glenelg Shire.

##### Recommendation

That Council receives this report and considers potential funding opportunities to progress the concept and development of cultural and creative infrastructure.

##### **MOTION**

**MOVED Cr Stephens**

**That Council receives this report and considers potential funding opportunities to progress the concept and development of cultural and creative infrastructure.**

**SECONDED Cr Smith**

**CARRIED**

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

**AGAINST:** Nil

*Background/Key Information:*

Current major Glenelg Shire Council supported creative and cultural infrastructure are:

- Portland Arts Centre – 144 seat proscenium arch theatre
- Julia Street Creative Space, Portland – 5 creative studios, public gallery and retail space leased by Julie Street Creative Space Inc.
- Portland Maritime Discovery Centre – displays items from Cultural Collection
- History House, Portland – displays items from Cultural Collection – Portland Family History Group hold license and service agreement
- Portland Civic Hall – large scale (<600 people) indoor community events and presentations

Creative and cultural activities are programmed in numerous Council buildings around the Shire.

Glenelg Shire Council is a custodian of a Cultural Collection of over 10,000 items valued at over \$6million. Some items are on the threshold of national significance, most tell of our colonial history and are a valuable community and tourism asset.

The Cultural Collection Significance Assessment 2019 and Preservation Needs Assessment 2021 both recommended Council invest in a museum standard facility to display and store the Collection.

Officers recently applied to Creative Victoria's Regional Collections Access Program for funding to *Safeguard Glenelg Shire Council's Collection of Artworks*.

If successful the funding will deliver a museum standard climate-controlled system and a combination of storage systems for 250 artworks in a dedicated, secure, and safe storage room at the Portland Arts Centre.

Officers also intend to apply for a funding grant to engage a staff member on a temporary contract to undertake a Data Migration Project to safeguard Glenelg Shire Council's Cultural Collection into the future.

This project will secure outdated collection catalogue records and move the Collection online to a new system which will be accessible to the public.

The Portland Civic Precinct Masterplan and the Public Art Masterplan were adopted in 2014, however Council's and the Community's notions of placemaking and identity have changed and therefore these Masterplans should be reviewed to reflect current needs and innovative ideas.

One of the recent outcomes of the Southwest Creative Industry Strategy - *What it Means: A creative industries strategy for Southwest Victoria 2020 to 2024* – is an investigation into creative infrastructure needs and opportunities in the Southwest.

The initial findings of the *Southwest Victoria Creative Industries Strategy – Creative Infrastructure Pipeline 2022-2031* will be released soon.

The report identifies potential opportunities for Council to consider, including:

- Redevelopment of the Civic Hall and environs to provide professional presentation spaces of theatre and galleries to be fit for commercial touring opportunities.
- Expansion / redevelopment of the Maritime Discover Centre as an institution for collecting, conserving, and interpreting the regions' histories and heritages.
- Support Julia Street Creative Space to grow as the engine room for development of works and growth of local artists.

Officers are exploring potential funding opportunities to engage consultants to work with Council and the community on foundational visions for cultural infrastructure and help shape these transformative projects and set them up for funding success.

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

Nil.

c. Consultation and/or communication processes implemented or proposed

Projects resulting from initial investigations and with support to progress will follow the Consultation and Communication Processes and will be in line with the Glenelg Shire Council Community Engagement Policy ECM 2739692.

d. Financial Implications and Collaboration

Progression of projects will be funding dependent.

e. Governance Principles

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



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

Innovation and continuous improvement are to be pursued.

**Attachment List**

Nil

14.16. ARTS GLENELG DRAFT ARTS AND CULTURE STRATEGY 2022 TO 2026

Director: Melanie Bennett, Acting Director Community Services

Executive Summary

The purpose of this report is to seek Council endorsement of the Arts Glenelg draft Arts and Culture Strategy 2022 to 2026 for public review.

Recommendation

That Council:

1. Give public notice and advertise the Arts Glenelg draft Arts and Culture Strategy 2022 to 2026; and
2. Commence the community engagement process in accordance with Council's Community Engagement Policy from Wednesday 27 April to Thursday 26 May 2022.

**MOTION****MOVED Cr Stephens**

That Council:

1. Give public notice and advertise the Arts Glenelg draft Arts and Culture Strategy 2022 to 2026; and
2. Commence the community engagement process in accordance with Council's Community Engagement Policy from Wednesday 27 April to Thursday 26 May 2022.

**SECONDED Deputy Mayor Cr Martin****CARRIED**

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

**AGAINST:** Nil

Background/Key Information:

The *Arts Glenelg draft Arts and Culture Strategy 2022 to 2026* is a four-year direction for delivering Glenelg Shire Council's Arts and Culture services.

The Strategy is closely aligned with other local, regional, state, and national strategic creative industries activities.

It is supported by and links to the regional *Southwest Creative Industries Strategy*, launched in December 2020.

Implementing this Strategy is one of the Priority Projects in the *Glenelg Shire Council Plan 2021 to 2025*.

The draft document is now in a format ready for community engagement to seek further feedback on the strategy.

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 development of an Arts and Culture Strategy and the subsequent deliberative engagement activities are recommended by state authorities, i.e., Creative Victoria, and is a prudent and transparent Council action.

c. Consultation and/or communication processes implemented or proposed

*Southwest Creative Industries Strategy 2020 to 2024* undertook significant regional engagement in 2019 and this document draws upon the evidence, learnings, and framework. A subsequent focused approach for local stakeholder engagement was undertaken in line with Council's Community Engagement Policy.

d. Financial Implications and Collaboration

The draft Strategy was developed in-house after initial consultation with key stakeholders and may require minimal Arts and Culture Unit budget allocation for final graphic designs/printing.

e. Governance Principles

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

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

## **Attachment List**

1. Arts Glenelg Draft Arts and Culture Strategy 2022 to 2026 [**14.16.1** - 20 pages]

14.17. CONTRACT 2021-22-19 ALEXANDRA PARK PAVILION

Director: Paul Phelan, Acting Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for Alexandra Park Pavilion under Contract 2021-22-19 and provides recommendations regarding the awarding of this contract.

Recommendation

That Council:

1. Award Contract 2021-22-19 for Alexandra Park Pavilion to Mossop Group Pty Ltd T/A Mossop Construction + Interiors subject to the successful negotiation of contract terms and conditions.
2. Authorise the Director Assets to negotiate terms and conditions to be included in the contract.
3. Authorise the Chief Executive Officer to execute all documents relating to this contract.
4. Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.

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

That Council:

1. **Award Contract 2021-22-19 for Alexandra Park Pavilion to Mossop Group Pty Ltd T/A Mossop Construction + Interiors subject to the successful negotiation of contract terms and conditions.**
2. **Authorise the Director Assets to negotiate terms and conditions to be included in the contract.**
3. **Authorise the Chief Executive Officer to execute all documents relating to this contract.**
4. **Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.**

**SECONDED Cr Hawker****CARRIED**

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

**AGAINST:** NilBackground/Key Information:

On 15 June 2021 Council was successful in securing a grant from the State of Victoria Department of Jobs, Precincts and Regions as part of the Community Sports Infrastructure Stimulus Program. The grant of \$3,220,146.00 is for the construction of a fully accessible, multi-sport facilities at Alexandra Park, Portland.

The scope includes a new multi-purpose pavilion with accessible unisex toilets and changerooms, kitchen and social room, car parking, accessible pathways and sport field lighting.

Public Tenders were called on Friday 21 January 2022 and closed at 3pm on Thursday 3 March 2022. At the closure of the tender submission period a total of two (2) submissions were received from the following:

- Ultrabuild Construction Group Pty Ltd; and
- Mossop Group Pty Ltd T/A Mossop Construction + Interiors.

The Tender Evaluation Panel considered the tender submissions, taking into account the selection criteria and weighting which covers tender price, program, experience in undertaking similar projects, management systems, economic contribution to the Glenelg Shire and environmental sustainability considerations.

The Tender Evaluation Panel has recommended that Council award Contract 2021- 22-19 Alexandra Park Pavilion to Mossop Group Pty Ltd T/A Mossop Construction + Interiors, subject to clarification of contractual items and negotiation regarding terms and conditions.

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.

If this contract is not awarded there is a risk that these fully funded project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

c. Consultation and/or communication processes implemented or proposed

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

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

d. Financial Implications and Collaboration

Expenditure associated with the works has been incorporated into current and future Council budget forecasts.

e. Governance Principles

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

**Attachment List**

*Separately circulated as a Confidential attachment.*

**15. CONFIDENTIAL REPORTS**

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 Cr Hawker**

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

**SECONDED Cr Stephens**

**CARRIED**

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

**AGAINST:** Nil

**17. URGENT BUSINESS**

Nil.

**18. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8:15 pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 72 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

CR ANITA RANK  
MAYOR  
24 MAY 2022

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