



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 22 May 2018 at 7.00pm at the
Portland Customer Service Centre
Cliff Street, Portland

<u>Contents</u>	<u>Page</u>
<u>Present:</u>	4
<u>Opening Prayer:</u>	4
<u>Aboriginal Acknowledgement:</u>	4
<u>Receipt of Apologies:</u>	4
<u>Confirmation of Minutes:</u>	4
<u>Conflict of Interest:</u>	5
<u>Question Time:</u>	5
<u>Questions of which due notice has been given in writing or previously taken on notice:</u>	5
<u>Questions from the Gallery:</u>	5
<u>A. Notices of Motion:</u>	5
<u>B. Deputations:</u>	5
<u>C. Petitions:</u>	5
<u>D. Committee Reports:</u>	5
<u>E. Assembly of Councillor Records:</u>	6
E1. Assembly of Councillors Records 12 April 2018 – 10 May 2018 (Inclusive)	6-9
<u>F. Management Reports:</u>	10
F1. Monthly Financial Report – April 2018	10-11
F2. Councillor and Chief Executive Officer Leave of Absence Register	12-14
F3. Protected Disclosure Act 2012 (Vic) Policy and Procedures Review	15-17
F4. Adoption of Planning Scheme Review	18-21
F5. Delegations Update - Instrument of Delegation from Port Manager and Waterway Manager to Members of Staff	22-25
F6. Contract 2017-18-35 Provision of Electric Line Clearance Services	26-28
F7. Casterton P & A Society Request for Financial Assistance	29-30
F8. Extension of Lease Agreement 56 Percy Street, Portland	31-33
<u>Any Other Procedural Matter:</u>	34
<u>Urgent Business:</u>	34

<u>Receipt of Items Submitted for Information:</u>	34
<u>Index – Separate Circulations to Reports:</u>	34
<u>Closure of Council Meeting:</u>	35

TIME:

7.00pm.

PRESENT:

Cr Anita Rank (Mayor), Cr Robert Halliday, Cr Chrissy Hawker, Cr Alistair McDonald, Cr Karen Stephens, Cr Geoff White and Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Acting Director Community Services (Ms Ann Kirkham), Director Assets (Mr Robert Alexander), Director Corporate Services (Mr David Hol), Senior Administration Officer Corporate Services (Ms Rachael Fellows) and Media Communications Officer (Ms Courtney Hoggan).

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Nil.

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 24 April 2018 and Special Council Meeting held on Tuesday 8 May 2018 as circulated, be confirmed.

MOTION**MOVED Cr Stephens**

That the minutes of the Ordinary Council Meeting held on Tuesday 24 April 2018 and Special Council Meeting held on Tuesday 8 May 2018 as circulated, be confirmed.

SECONDED Cr McDonald**CARRIED**

DECLARATIONS OF CONFLICT OF INTEREST:

Acting Director Community Services, Ms Ann Kirkham declared an Indirect Conflict of Interest in item F8.Extension of Lease Agreement 56 Percy Street Portland.

Acting Director Community Services, Ms Ann Kirkham advised the Chief Executive Officer in writing prior to the meeting and classified the type of interest that has given rise to the conflict.

CONFLICT OF INTEREST

'The Local Government Act contains mandatory requirements for both direct and indirect conflict of interest. The objective of the provisions is to enhance good governance in Victorian local government and to improve public confidence in the probity of decision making at Victoria's 79 Councils. Councillors are responsible for ensuring that they comply with the relevant provisions contained in Part 4 – Division 1A of the Act.

An online copy of the Local Government Act is available at www.localgovernment.vic.gov.au select – legislation. Alternatively, a printed copy is available for Councillors upon request'.

QUESTION TIME:

Nil.

QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN WRITING OR PREVIOUSLY TAKEN ON NOTICE:

Nil.

QUESTIONS FROM THE GALLERY:

Nil.

A. NOTICES OF MOTION:

Nil.

B. DEPUTATIONS:

Nil.

C. PETITIONS:

Nil.

D. COMMITTEE REPORTS:

Nil.

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 12 APRIL 2018 – 10 MAY 2018 (INCLUSIVE)**

Director: David Hol, Director Corporate Services

Author: Rachael Fellows, Senior Administration Officer Corporate Services

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Assembly of Councillors - Councillor Briefing session meeting held on Tuesday 24 April 2018	2420768
2.	Glenelg Mara Quorin Aboriginal Advisory Committee meeting held on Tuesday 1 May 2018	2426983
3.	Casterton Railway Precinct Advisory Committee meeting held on Monday 7 May 2018	2427018
4.	Assembly of Councillors - Councillors and CEO meeting held on Tuesday 8 May 2018	2426803
5.	Assembly of Councillors - Councillor Workshop meeting held on Tuesday 8 May 2018	2426800
6.	Assembly of Councillors - Councillors Meeting held on Tuesday 8 May 2018	2427444

Executive Summary

In accordance with the *Local Government Act 1989* Assembly of Councillors records (including records of those titled as committees) must be reported to the next 'practical' Ordinary Council meeting and recorded in the minutes of that meeting. The objective of submitting the Assembly of Councillors (including records of those titled as committees) records to Council meetings is to ensure public transparency in Council decision making processes.

Background

The Chief Executive Officer must ensure that a written record is kept of every Assembly of Councillors records (including records of those titled as committees).

Circular L97 advises that Assembly of Councillors records "*only needs to be a simple document that record:*

- *the names of all Councillors and staff at the meeting;*
- *a list of the matters considered;*
- *any conflict of interest disclosed by a Councillor; and*
- *whether a Councillor who disclosed a conflict left the room.*

E1. ASSEMBLY OF COUNCILLORS RECORDS 12 APRIL 2018 – 10 MAY 2018 (INCLUSIVE)

(continued)

The circular also advises that: *“The record is not required to be in the form of minutes. The recommended approach is to record the “matters” discussed, by listing the headings of the matters. In some cases, meetings may be considering a single matter...”*

The circular further advises that: *“This does not mean that the record cannot be reported to the Council in the form of minutes. In Councils where it is established practice for minutes of advisory committees to be tabled at Council meetings, the minutes will be sufficient for the purpose if they include the required information, including disclosures.”*

Report

The legislative requirement became effective from the 24 September 2010.

This report covers the period from Thursday 12 April 2018 – Thursday 10 May 2018 (inclusive). All Assembly of Councillors records (including records of those titled as committees) held during this period must be included.

The following assembly of Councillors records (including records of those titled as committees) held during the period specified above have been received from the relevant Departments/Units:

- Councillor Briefing session meeting held on Tuesday 24 April 2018 (DocSetID: 2420768);
- Glenelg Mara Quorin Aboriginal Advisory Committee meeting held on Tuesday 1 May 2018 (DocSetID: 2426983);
- Casterton Railway Precinct Advisory Committee meeting held on Monday 7 May 2018 (DocSetID:2427018);
- Assembly of Councillors - Councillors and CEO meeting record held on Tuesday 8 May 2018 (DocSetID: 2426803);
- Assembly of Councillors Councillor Workshop meeting held on Tuesday 8 May 2018 (DocSetID: 2426800);and
- Assembly of Councillors- Councillors Meeting held on Tuesday 8 May 2018 (DocSetID:2427444).

E1. ASSEMBLY OF COUNCILLORS RECORDS 12 APRIL 2018 – 10 MAY 2018 (INCLUSIVE)

(continued)

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative and Legal Considerations

The purpose of this report is to ensure compliance with the *Local Government Act 1989*. References include:

- Section 3(1) – Definition of “Assembly of Councillors”;
- Section 80A – Requirements for an assembly of Councillors; and
- Section 3(1) – Definition of “advisory committee”

c. Consultation and/or communication processes implemented or proposed

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

e. Risk Management

Nil.

f. Resource Implications

Nil.

g. Charter of Human Rights and Responsibilities

Nil.

h. Budget Implication

The cost of preparing the monthly reports on Assembly of Councillors records (including records of those titled as committees) is another compliance cost imposed by the state government and is an indirect cost within the corporate governance unit salaries and on cost budget.

E1. ASSEMBLY OF COUNCILLORS RECORDS 12 APRIL 2018 – 10 MAY 2018 (INCLUSIVE)

(continued)

Preparing Assembly of Councillors records (including records of those titled as committees) is an indirect cost within the salaries and on cost budget for each Department/Unit that is responsible for the specified meeting.

Conclusion

This report is a summary of the Assembly of Councillors records for the period Thursday 12 April 2018 – 10 May 2018 (inclusive)

Officer Recommendation

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 12 April 2018 – Thursday 10 May 2018 (inclusive).

MOTION**MOVED Cr McDonald**

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 12 April 2018 – Thursday 10 May 2018 (inclusive).

SECONDED Cr Hawker**CARRIED**

F. MANAGEMENT REPORTS:**F1. MONTHLY FINANCIAL REPORT – APRIL 2018**

Director: David Hol, Director Corporate Services
Author: Paulina Silbernagel, Senior Accountant

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Monthly Financial Report – April 2018 - Dashboard	2426063

Executive Summary

The finance report up to 30 April 2018 has been prepared and has been separately circulated to Councillors, the CEO and Directors with this Council Agenda.

Background

The Monthly Financial Report is a key document in assuring responsible and responsive governance and decision making. This high level report is provided monthly to provide council and residents the ability to monitor Glenelg Shire's financial performance on a regular basis.

Report

The 2017/2018 Annual Budget was adopted by Council on 27 June 2017.

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

- Financial Performance Dashboard;

The report has been prepared on an accrual basis to ensure accurate matching of income and expenditure, both operating and capital items, for the period ending 30 April 2018.

The finance report provides a high level of financial reporting.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community, ensuring agreed outcomes.

b. Legislative and Legal Considerations

This report is being presented in accordance with section 138 of the *Local Government Act 1989*.

F1. MONTHLY FINANCIAL REPORT – APRIL 2018

(continued)

c. Consultation and/or communication processes implemented or proposed

Not applicable.

d. Risk Management

Not applicable.

e. Resource Implications

Not applicable.

f. Charter of Human Rights and Responsibilities

The monthly financial report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

Not applicable.

h. Budget Implication

As outlined in monthly financial report.

Conclusion

The Monthly Financial Report is a key document in assuring responsible and responsive governance and decision making. This high level report is provided monthly to provide council and residents the ability to monitor Glenelg Shire's financial performance on a regular basis.

Officer Recommendation

That the Monthly Financial Report for the period ending 30 April 2018 be received.

MOTION**MOVED Cr Stephens**

That the Monthly Financial Report for the period ending 30 April 2018 be received.

SECONDED Cr Wilson**CARRIED**

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

CEO: Greg Burgoyne, Chief Executive Officer
 Author: Kylie Walford, Council Support Coordinator

Separate Circulation – Confidential

The separate circulation listed in the table below has been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM DocsetID
1.	Councillor and Chief Executive Officer Leave of Absence Register	(Security of Councillor's Property) Any other matter which the council or special committee considers would prejudice the council or any person - section 89 (2) (h)	2426829

Executive Summary

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

Background

In accordance with Section 66B of the *Local Government Act 1989* Councillors are entitled to take Leave of Absence.

Report

Section 66B of the *Local Government Act 1989* states:

- (1) If a Councillor is required to take leave of absence under this Act, the Councillor:
 - a. May continue to be a Councillor but must not perform the duties of functions of a Councillor during the period of leave;
 - b. Remains entitled to receive a Councillor allowance unless this Act otherwise provides;

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

- c. is not entitled to be reimbursed for out-of-pocket expenses during the period of leave;
 - d. must return all Council equipment and materials to the Council for the period of leave if the Council requires.
- (2) If a Mayor is required to take a leave of absence under this Act, the Mayor is, for the duration of the leave, to be considered as incapable of acting under section 73(3) and subsection (1) applies to the Mayor as if the Mayor were a Councillor only.
- a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.
 - b. Legislative and Legal Considerations

Nil.
 - 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. Risk Management

Not applicable.
 - e. Resource Implications

Nil.
 - f. Charter of Human Rights and Responsibilities

This report has considered the requirements with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

g. Sustainability and Environmental Considerations

Not applicable.

h. Budget Implication

Nil.

Conclusion

It is recommended that Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented to the May Ordinary Council Meeting.

Officer Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

MOTION

MOVED Cr Halliday

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

SECONDED Cr Hawker

CARRIED

F3. PROTECTED DISCLOSURE ACT 2012 (VIC) POLICY AND PROCEDURES REVIEW

CEO: Greg Burgoyne, Chief Executive Officer
Author: David Hol, Director Corporate Services

Separate Circulation – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Protected Disclosure Act 2012 (Vic) Policy and Procedure Draft	1927854

Executive Summary

The purpose of this report is for Council adoption of the reviewed *Protected Disclosure Act 2012 (Vic)* Policy and Procedure. Council's Policy has been reviewed and minor administrative changes are the only recommended updates to the document.

Background

The *Protected Disclosure Act 2012* provides protection for persons who disclose information about improper conduct by public bodies and public officers. It also provides protection from detrimental action in reprisal of a disclosure and provides for confidentiality of the content of the aforementioned disclosures.

Report

Key points from the policy are as follows:

- Protected disclosures only apply to improper conduct or detrimental conduct;
- The Independent Broad-based Anti-corruption Commission (IBAC) is the central agency for protected disclosures;
- Where IBAC believes that a disclosure satisfies the protected disclosure criteria, IBAC will either investigate the matter themselves or refer to another entity such as the Victorian Ombudsman. Council are removed from the investigation process;
- Disclosures can be made by individuals or a group of individuals;
- Disclosures must be made in private; and
- Disclosures relating to a Councillor must be made to IBAC or the Victorian Ombudsman. Disclosures relating to the Chief Executive Officer should be made to IBAC.

F3. PROTECTED DISCLOSURE ACT 2012 (VIC) POLICY AND PROCEDURES REVIEW

(continued)

a. Council Plan Linkage and Policy Context

Leading Glenelg – Creating shared visions within the community, ensuring agreed outcomes.

b. Legislative and Legal Considerations

Protected Disclosure Act 2012, Independent Broad-based Anti-Corruption Commission Act 2011, Code of Conduct Policy, Freedom of Information Act 1982

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Risk Management

The role of whistleblowing may expose systemic corruption within an Organisation.

e. Resource Implications

Nil.

f. Charter of Human Rights and Responsibilities

Nil.

g. Sustainability and Environmental Considerations

Nil.

h. Budget Implication

Nil.

Conclusion

In response to a review of the Policy and Procedures document, the title of positions and the names associated with them have been updated.

Officer Recommendation

That the revised Protected Disclosure Act 2012 (Vic) Policy and Procedures document be adopted by Council.

F3. PROTECTED DISCLOSURE ACT 2012 (VIC) POLICY AND PROCEDURES REVIEW

(continued)

MOTION

MOVED Cr White

That the revised Protected Disclosure Act 2012 (Vic) Policy and Procedures document be adopted by Council.

SECONDED Cr McDonald

CARRIED

F4. ADOPTION OF PLANNING SCHEME REVIEW

Director: David Hol, Director Corporate Services
Author: Matt Berry, Planning Manager

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author	ECM
1.	Glenelg Planning Scheme Review 2018	2413041

Executive Summary

This report is to brief Council on the Glenelg Planning Scheme Review. This paper recommends that it be adopted by Council and be submitted to the Minister for Planning for approval.

Background

Under Section 12B of the *Planning and Environment Act 1987* Council must review its planning scheme no later than one year by which it is required to approve the Council Plan.

The Council Plan was adopted on 27 June 2017. This was in compliance with Section 125 of the *Local Government Act 1989* which required approval by 30 June 2017. Accordingly the Planning Scheme Review must be approved by 30 June 2018.

In summary the Planning Scheme Review is required every four years.

Report

The Planning Scheme Review forms Attachment 1 to this report. The review evaluates the Glenelg Planning Scheme's entire functionality. The review:

- Identifies policy initiatives since the last review of the Glenelg Planning Scheme;
- Determine whether the existing Municipal Strategic Statement and Local Planning Policies are current and relevant;
- Determine whether new policies need to be prepared to implement adopted plans, strategies or to fill identified policy gaps;
- Reviews current Zone, Overlay, Particular Provisions and General Provisions requirements and identify whether provisions are current and relevant; and
- Update Council's strategic planning work program.

F4. ADOPTION OF PLANNING SCHEME REVIEW

(continued)

The review provides a series of recommendations for implementation. Most build on implementation and completion of existing projects such as:

- Portland Industrial Land Strategy;
- Portland Structure Plan;
- Glenelg Open Space Strategy; and
- Rural Land Strategy.

In addition to this are a number of new initiatives including:

- Cutting red tape initiatives to increase permit exemptions and VicSmart applications;
- Corrections to the planning scheme for ease of use and comply with the latest Ministerial Direction on Form and Content; and
- Grouping small town structure plans into two projects – instead of separate projects for each town.

Full details of the recommendations are contained in pages 38 and 39 of report.

With Amendment C75 being approved and gazetted late last year, Council's local planning policy framework is now set. This now enables smooth implementation of projects listed.

The Planning Scheme Review ensure that Council has a clear plan of its land-use planning objective over the next four year period.

a. Council Plan Linkage and Policy Context

Growing Glenelg – Sustaining and growing a diverse economy and social prosperity.

Liveable Glenelg – Livability & quality of life.

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

F4. ADOPTION OF PLANNING SCHEME REVIEW

(continued)

b. Legislative and Legal Considerations

Section 12 B(1) of the *Planning and Environment Act 1987* (the Act) states:

- A planning authority which is a municipal council must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act 1989*.

The required approval of the Council Plan (2017-2021) was 30 June 2017, so the Planning Scheme Review must be done by 30 June 2018.

Under the *Planning and Environment Act 1987* the review must evaluate the Planning Scheme Review to ensure that it:

- Is consistent in form and content with any directions or guidelines issued by the Minister for Planning under section 7(5) of the Act;
- Effectively sets out the policy objectives for use and development of land within the municipality; and
- Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The attached review seeks to address all these requirements

c. Consultation and/or communication processes

The Planning Scheme Review has not undergone consultation. However the projects listed in the recommendations have or will undergo consultative processes.

d. Risk Management

Undertaking the review reduces risks to Council as it identifies gaps in planning processes. This in turn allows them to be addressed to reduce the risk of poor land use planning decisions to Council. It sets out a framework to effectively implement strategic planning program from Council adopted strategies.

e. Resource Implications

The recommendations in the review outline a draft strategic work plan over the next 3-4 years. The recommendations were drafted in line with current provisions of resourcing to the Planning Unit. This is to ensure the work program is manageable by Council.

F4. ADOPTION OF PLANNING SCHEME REVIEW

(continued)

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

Environmental and sustainability matters will be addressed in any recommendation that is to be actioned by the review.

h. Budget Implication

The Planning Scheme Review has been undertaken from current the operational budget. The recommendations have been drafted in keeping with current operational budgets and adopted Council strategies.

Conclusion

The adoption of the Planning Scheme Review is a legislative requirement under the *Planning and Environment Act 1987*. It sets out goals and indicative work plan over the next four years for land use planning objectives.

In conclusion it is recommended that Council adopt the Planning Scheme review and submit to the Minister for Planning.

Officer Recommendation

That Council adopt the Planning Scheme review and submit it to the Minister for Planning.

MOTION**MOVED Cr Stephens**

That Council adopt the Planning Scheme review and submit it to the Minister for Planning.

SECONDED Cr Halliday**CARRIED**

F5. DELEGATIONS UPDATE - INSTRUMENT OF DELEGATION FROM PORT MANAGER AND WATERWAY MANAGER TO MEMBERS OF STAFF

Director: David Hol, Director Corporate Services
Author: Rachael Fellows, Senior Administration Corporate Services

Executive Summary

In accordance with the principles of good governance, continuous improvement and statutory compliance, requirements and legislative changes, the following Council Instruments of Delegation have been reviewed including:

- Instrument of Sub-Delegation from Local Port of Portland Manager to Members of staff for Council's role as Local Port Manager; and
- Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager.

Background

Section 98 of the *Local Government Act 1989* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities.

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

The objectives of delegation and authorisation reviews are to:

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

Report

The changes to Delegations and Authorisations relating to the current update includes:

Updates made relating to the *Marine Safety Act 2010* prompted specifically by the insertion of Part 5.5 of the Act, which is dedicated to waterway management, this affects both Instruments.

F5. DELEGATIONS UPDATE - INSTRUMENT OF DELEGATION FROM PORT MANAGER AND WATERWAY MANAGER TO MEMBERS OF STAFF

(continued)

a. Council Plan linkage and policy context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

Creative Glenelg - Creative, inspired, forward-thinking and action-oriented.

b. Legislative and Legal Considerations

Section 98 of the *Local Government Act 1989* provides that a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act. However, there are six statutory limitations.

c. Consultation and/or Communication Processes Implemented or Proposed

Nil.

d. Risk Management

The paper is provided to ensure that Council's delegations and authorisations comply with current legislative and organisational requirements and will enable those staff with delegations and authorisations to legally continue to undertake their duties and to deliver Council services.

e. Resource Implications

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

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities was considered in the preparation of this report and associated documents.

g. Sustainability and Environmental Considerations

Not Applicable.

h. Budget Implications

The cost of the Maddocks Lawyers subscription service is a direct cost and the cost of undertaking the Delegation and Authorisation review is an indirect cost, both allowed for in allocated budgets.

F5. DELEGATIONS UPDATE - INSTRUMENT OF DELEGATION FROM PORT MANAGER AND WATERWAY MANAGER TO MEMBERS OF STAFF

(continued)

Conclusion

It is recommended that Council approve the updates made to Instrument of Sub-Delegation from Local Port of Portland Manager to Members of staff for Council's role as Local Port Manager; and Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager

Officer Recommendation

1. Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager;
 - a. That Council adopt the Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager;
 - b. That the Instrument referred to in (a) come into force immediately the common seal of Council is affixed to the Instruments; and
 - c. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. That Council note that the Instrument of Sub-Delegation from Local Port of Portland Manager to Members of staff for Council's role as Local Port Manager has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 May 2018.

F5. DELEGATIONS UPDATE - INSTRUMENT OF DELEGATION FROM PORT MANAGER AND WATERWAY MANAGER TO MEMBERS OF STAFF

(continued)

MOTION

MOVED Cr Hawker

- 1. Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager;**
 - a. That Council adopt the Instrument of Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager;**
 - b. That the Instrument referred to in (a) come into force immediately when the common seal of Council is affixed to the Instruments; and**
 - c. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 2. That Council note that the Instrument of Sub-Delegation from Local Port of Portland Manager to Members of staff for Council's role as Local Port Manager has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 23 May 2018.**

SECONDED Cr Wilson

CARRIED

F6. CONTRACT 2017-18-35 PROVISION OF ELECTRIC LINE CLEARANCE SERVICES

Director: Robert Alexander, Direct Assets
 Author: David Owen, Works Manager

Separate Circulation – Confidential

The separate circulation listed in the table below have been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM
1.	Glenelg Shire Council Tender Evaluation Matrix, Provision of Electric Line Clearance Services Contract No 2017-18-35 dated 6 April 2018	Contains Contractual Matters - Section 89 (2) (d)	2942140

Executive Summary

This paper is to brief Council on Contract 2017-18-35 for the provision of electric line clearance services and recommends award of the Contract.

Background

The current contract for the provision of electric line clearance expires on 30 June 2018 and no further options to extend the current contract are available. As such Council required a new contract to be entered into to cover future electric line works. The previous contract has served Council well and was deemed a suitable format for advertising for the supply of electric line works under a new contract.

Report

Public Tenders were called via Tenderlink on Thursday 8 March 2018 and closed at 3:00pm on Thursday 29 March 2018.

At the closure of the tender submission period a total of four (4) submissions were received. Tender submissions were received via were received via Tenderlink from:

- Asplundh Tree Expert (Australia) Pty Ltd;
- Batt Brothers Vegetation Management ATF the Batt Family Trust;
- Carters Tree Service ATF Carter Family Trust; and
- PGab Pty Ltd TA Gab Group – Trees Traffic & Power.

F6. CONTRACT 2017-18-35 PROVISION OF ELECTRIC LINE CLEARANCE SERVICES

(continued)

A tender evaluation panel formed to evaluate the submissions. Each of the tender submissions were assessed against the tender specifications taking into account 'price'; the tenderers demonstrated experience; resources to provide the service; OHS; the economic contribution to the Glenelg Shire and the environmental sustainability considerations.

At the conclusion of the tender evaluation process for Contract 2017-18-35 for the provision of electric line clearance services it has been recommended that Asplundh Tree Expert (Australia) Pty Ltd be awarded the contract.

a. Council Plan Linkage and Policy Context

This contract aligns with the Council Plan theme Growing Glenelg which highlights sustaining and growing a diverse economy and social prosperity.

b. Legislative and Legal Considerations

The tender process was undertaken in accordance with procurement requirement of the *Local Government Act 1989*.

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 conducted via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

Notification of the successful and unsuccessful tenders will also be provided to tenderers following resolution of this contract.

d. Risk Management

The invitation to tender via the MAV Vendor Panel E-portal, mitigates the risks in procurement and engaging suppliers.

e. Resource Implications

There are no resource implications relating to this contract.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered.

g. Sustainability and Environmental Considerations

As noted within the report, when selecting the preferred tenderer, a mandatory 10% weighting on environmental sustainability was considered as part of the tender evaluation process.

F6. CONTRACT 2017-18-35 PROVISION OF ELECTRIC LINE CLEARANCE SERVICES

(continued)

h. Budget Implication

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

Conclusion

Based on the overall assessment undertaken by the tender evaluation panel, it is recommended that Council award Contract 2017-18-35 for the provision of electric line clearance services to Asplundh Tree Expert (Australia) Pty Ltd.

Officer Recommendation

1. That Council award Contract 2017-18-35 for the provision of electric line clearance services to Asplundh Tree Expert (Australia) Pty Ltd.
2. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
3. That the Director Assets be authorised to negotiate and execute further extensions of the contract in accordance with the contract documentation.
4. That the Director Assets be authorised to complete all financial payments relating to this contract.

MOTION**MOVED Cr Stephens**

1. That Council award Contract 2017-18-35 for the provision of electric line clearance services to Asplundh Tree Expert (Australia) Pty Ltd.
2. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
3. That the Director Assets be authorised to negotiate and execute further extensions of the contract in accordance with the contract documentation.
4. That the Director Assets be authorised to complete all financial payments relating to this contract.

SECONDED Cr Halliday**CARRIED**

F7. CASTERTON P & A SOCIETY REQUEST FOR FINANCIAL ASSISTANCE

Director: Edith Farrell, Director Community Services
Author: Sharon Bridgewater, Community Liaison Officer

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Casterton P & A Society 150 Years Re: Support for our 150 th Show, 20 March 2018	2416518

Executive Summary

To seek approval from Council for a financial donation of \$10,000 to the Casterton Pastoral and Agriculture Society (P&A) for assistance with its 150th annual show.

Background

The Casterton P&A Show is in its 150th year and has planned additional entertainment and activities to celebrate the milestone event, to be held on Saturday 10 November 2018.

In 2016 \$10,000 was donated to the Tyrendarra Show Society to assist the coordination of its 100th Tyrendarra P & A Show which stands as a precedent for this request.

Report

A letter has been received by Council requesting financial assistance from the Glenelg Shire to support the 150th Annual Casterton Show which will be held at Island Park Casterton.

Financial support will be used to assist with costs for advertising and to attract high quality entertainment. The committee has booked Rooftop Express, a comedic, thrilling stunt show and Elijay Freestyle Entertainment, a BMX and motorbike stunt show. Various other activities have also been secured. A total of \$19,000 is estimated to be spent on entertainment for the show, and a donation of \$10,000 has been requested.

a. Council Plan Linkage and Policy Context

The project is in accordance with the Council Plan 2017-2021 themes of:

- Growing Glenelg – Sustaining and growing a diverse economy and social prosperity; and
- Connecting Glenelg – Connecting people, places and spaces.

The Glenelg Shire Health and Wellbeing Plan includes the goal 'Our community will feel safe, connected and able to access and participate in community life'.

F7. CASTERTON P & A SOCIETY REQUEST FOR FINANCIAL ASSISTANCE

(continued)

b. Legislative and Legal Considerations

There are no legislative or legal requirements.

c. Consultation and/or communication processes implemented or proposed

No consultation has been carried out or is required.

d. Risk Management

There is no formal procedure in place for applying for financial assistance of this type of one off funding.

e. Resource Implications

There will be no resource implications as it is a community run event.

f. Charter of Human Rights and Responsibilities

This application is within the requirements of the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

g. Sustainability and Environmental Considerations

This has been considered.

h. Budget Implications

It is proposed that a new initiative is approved by Council to support this request in the 2018/19 financial year.

Officer Recommendation

That Council allocate \$10,000 to support the 150th Annual Casterton P&A Society Show through the current consideration of the 2018/19 new initiative program.

MOTION

MOVED Cr Stephens

That Council allocate \$10,000 to support the 150th Annual Casterton P&A Society Show through the current consideration of the 2018/19 new initiative program.

SECONDED Cr White

CARRIED

Acting Director Community Services, Ms Ann Kirkham re-declared a Conflict of Interest in item F8. Extension of Lease Agreement 56 Percy Street, Portland and left the meeting at 7.10pm.

F8. EXTENSION OF LEASE AGREEMENT 56 PERCY STREET, PORTLAND

Director: Edith Farrell, Director Community Services

Author: Yvette Parker, Library and Information Services Manager

Executive Summary

This report is to seek Council's approval for a two-month extension to the lease entered into with McIntyre Clan Investments through their agent for the building known as 56 Percy Street Portland.

Background

Council entered a (9) month lease for 56 Percy Street to house the Portland Library while the original Library building is undergoing refurbishment. Works are progressing, but initial delays relating to the roof design have led to the completion date being extended to July 2018.

Report

The Portland Library relocated to the property at 56 Percy Street in November 2017 in order to provide uninterrupted services to the community while the redevelopment of the Bentinck Street building was undertaken.

The lease agreement was initially for a six (6) month lease with a rental figure of \$660.00 (includes GST) per week, from 1 September 2017 to 31 May 2018.

It is expected the Library will be able to move back to the Bentinck Street site in late June to early July with a final completion date still to be confirmed.

Confirmation has been received from the agent acting for the landlord for an extension on a month by month basis after the current lease term ends on 31 May 2018.

a. Council Plan Linkage and Policy Context

This report links to the 2017-2021 Council Plan, particularly the key objective: Connecting Glenelg – connecting people, places and spaces.

b. Legislative and Legal Considerations

The Local Government Act 1989, Retail Leases Act.

c. Consultation and/or communication processes implemented or proposed

Regular site and project meetings ensure Council staff are informed of the progress of works being undertaken. Communication with members of the community is regularly updated through Your Say Glenelg and Library newsletters.

F8. EXTENSION OF LEASE AGREEMENT 56 PERCY STREET, PORTLAND

(continued)

d. Risk Management

There are no risk management issues arising from the matters contained in this report.

e. Resource Implications

Not applicable.

f. Charter of Human Rights and Responsibilities

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

g. Sustainability and Environmental Considerations

Not applicable.

h. Budget Implications

The rental fee income for the extension will be \$660.00 (including GST) per week.

Conclusion

The current lease arrangement has been acceptable to all parties it is therefore recommended that an extension on a month-by-month basis be agreed.

Officer Recommendation

1. That an extension of the current lease arrangements for 56 Percy Street be entered into a 12 month lease of one month-by-month basis with McIntyre Clan Investments for 56 Percy Street, Portland commencing on 1 June 2018.
2. That the rental figure be \$660.00 (including GST) per week for the term of the lease extension.
3. That the Director Community Services be authorised to finalise and execute the new lease documents.

F8. EXTENSION OF LEASE AGREEMENT 56 PERCY STREET, PORTLAND

(continued)

MOTION

MOVED Cr Wilson

1. That an extension of the current lease arrangements for 56 Percy Street be entered into a 12 month lease of one month-by-month basis with McIntyre Clan Investments for 56 Percy Street, Portland commencing on 1 June 2018.
2. That the rental figure be \$660.00 (including GST) per week for the term of the lease extension.
3. That the Director Community Services be authorised to finalise and execute the new lease documents.

SECONDED Cr McDonald

CARRIED

Acting Director Community Services, Ms Ann Kirkham returned to the meeting at 7.13pm.

ANY OTHER PROCEDURAL MATTER:URGENT BUSINESS:RECEIPT OF ITEMS SUBMITTED FOR INFORMATION:INDEX – SEPARATE CIRCULATIONS TO REPORTS*Separate Circulation to Councillors, CEO, Director and available to the Public*

- E1. (1) Assembly of Councillors - Councillor Briefing session meeting held on Tuesday 24 April 2018
- E1. (2) Glenelg Mara Quorin Aboriginal Advisory Committee meeting held on Tuesday 1 May 2018
- E1. (3) Casterton Railway Precinct Advisory Committee meeting held on Monday 7 May 2018
- E1. (4) Assembly of Councillors - Councillors and CEO meeting record held on Tuesday 8 May 2018
- E1. (5) Assembly of Councillors - Councillor Workshop meeting held on Tuesday 8 May 2018
- E1. (6) Assembly of Councillors- Councillors Meeting held on Tuesday 8 May 2018
- F1. (1) Monthly Financial Report – April 2018 - Dashboard
- F3. (1) Protected Disclosure Act 2012 (Vic) Policy and Procedure
- F4. (1) Glenelg Planning Scheme Review 2018
- F8. (1) Casterton P & A Society 150 Years Re: Support for our 150th Show, 20 March 2018

Separate Circulation to Councillors, CEO and Directors

- F2. (1) Councillor and Chief Executive Officer Leave of Absence Register
- F6. (1) Glenelg Shire Council Tender Evaluation Matrix, Provision of Electric Line Clearance Services Contract No 2017-18-35 dated 6 April 2018

Recommendation

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

MOTION**MOVED Cr Wilson**

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

SECONDED Cr Stephens**CARRIED****CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.13pm.

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

CR ANITA RANK

MAYOR

26 JUNE 2018

Victorian State Legislation Copyright Acknowledgement

Extracts from legislation of the Parliament of the State of Victoria, Australia, are reproduced with the permission of the Crown in right of the State of Victoria, Australia. The State of Victoria accepts no responsibility for the accuracy and completeness of any legislation contained in this publication.

© State of Victoria, Australia. Copyright of legislation referenced in this publication is owned by the Crown in right of the State of Victoria, Australia.