



Glenelg Shire Council

Minutes of the Ordinary Council Meeting held on

Tuesday 23 January 2018 at 7.00pm at

Portland Customer Service Centre

Cliff Street, Portland

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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 Symonne Robinson), Director Assets (Mr Robert Alexander), Acting Director Corporate Services (Mr David Hol), Senior Administration Officer Corporate Services (Ms Rachael Fellows) and Media and 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 12 December 2017 as circulated, be confirmed.

MOTION**MOVED Cr Stephens**

That the minutes of the Ordinary Council Meeting held on Tuesday 12 December 2017 as circulated, be confirmed.

SECONDED Cr Wilson**CARRIED**

DECLARATIONS OF CONFLICT OF INTEREST:

Nil.

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:**A1. NOTICE OF MOTION 1-2017-18 PLASTIC BAG FREE GLENELG**Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Notice of Motion 1-2017-18 Plastic Bag FREE Glenelg	2383689

In accordance with the Council's Governance Local Law and associated Meeting Procedure, I give notice of my intention to move the following motion at the Council meeting to be held on Tuesday, 23 January 2018:

1. That a report be prepared for council's consideration on the options available to make – Glenelg Plastic Bag FREE in the next 2 months.
2. That the report include 'community awareness' of the effects on the environment that plastic bags have, consideration could be given to including 'education' opportunities through the 28 school within the shire.
3. The report should include working with the Retail sector across the shire and any other businesses/groups deemed suitable.
4. The report should include consideration in the 2018-19 budget for the purchase of Glenelg Shire Council re-useable bags.
5. Any other matter that is considered relevant.

Signed: Cr Karen Stephens

Date: 11 January 2018

A1. NOTICE OF MOTION 1-2017-18 PLASTIC BAG FREE GLENELG

(continued)

MOTION

MOVED Cr Stephens

- 1. That a report be prepared for council's consideration on the options available to make – Glenelg Plastic Bag FREE in the next 2 months.**
- 2. That the report include 'community awareness' of the effects on the environment that plastic bags have, consideration could be given to including 'education' opportunities through the 28 school within the shire.**
- 3. The report should include working with the Retail sector across the shire and any other businesses/groups deemed suitable.**
- 4. The report should include consideration in the 2018-19 budget for the purchase of Glenelg Shire Council re-useable bags.**
- 5. Any other matter that is considered relevant.**

SECONDED Cr Halliday

CARRIED

DIVISION:

Cr Rank, Cr White, Cr Stephens and Cr Halliday voted for the MOTION.

Cr McDonald, Cr Hawker and Cr Wilson voted against the MOTION.

B. DEPUTATIONS:

Nil.

C. PETITIONS:**C1. PETITION RECEIVED – CLARKE STREET TOILETS, CASTERTON**

Director: David Hol, Acting 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.	Petition against the Closure of the Clarke Street toilets, Casterton	2380766

Officer Recommendation

That Council receive the petition in accordance with clause 4.14 of Council's Meeting Procedure and the petition organiser be advised that the petition will be dealt with at the Ordinary Council Meeting to be held on Tuesday 27 February 2018.

MOTION

MOVED Cr Stephens

That Council receive the petition in accordance with clause 4.14 of Council's Meeting Procedure and the petition organiser be advised that the petition will be dealt with at the Ordinary Council Meeting to be held on Tuesday 27 February 2018.

SECONDED Cr Halliday

CARRIED

D. COMMITTEE REPORTS:

Nil.

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 11 JANUARY 2018 (INCLUSIVE)**

Director: David Hol, Acting Director Corporate Services

Author: Rachael Fellows, Senior Administration Officer Corporate Services

Separate Circulations – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>DocSetID</i>
1.	Assembly of Councillors Deputation by Ms. Pam Bourke re; Impact of RV Camping Tuesday 12 December 2017	2380697
2.	Assembly of Councillors Councillor and CEO meeting held on Tuesday 12 December 2017	2375549
3.	Assembly of Councillors Councillor Briefing session held on Tuesday 12 December 2017	2374797
4.	Meeting record of the Tourism Advisory Committee meeting held on Tuesday 12 December 2017	2376471
5.	Special Casterton Railway Precinct Advisory Committee meeting held on Friday 15 December 2017	2367973

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.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>DocSetID</i>
1.	Glenelg Municipal Fire Management Planning Committee meeting held on Thursday 16 November 2017	Any other matter which the Council or Special Committee considers would prejudice the Council or any person – Section 89 (2) (h) of the <i>Local Government Act 1989</i>	2377968
2.	Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 16 November 2017	Any other matter which the Council or Special Committee considers would prejudice the Council or any person – Section 89 (2) (h) of the <i>Local Government Act 1989</i>	2380358

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 11 JANUARY 2018 (INCLUSIVE)

(continued)

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).

Department of Community Development and Planning 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.*

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 16 November 2017 – Thursday 11 January 2018 (inclusive). All Assembly of Councillors records (including records of those titled as committees) held during this period must be included.

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 11 JANUARY 2018 (INCLUSIVE)

(continued)

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:

- Glenelg Municipal Fire Management Planning Committee meeting held on Thursday 16 November 2017 (DocSetID: 2377968)
- Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 16 November 2017 (DocSetID: 2380358)
- Assembly of Councillors Deputation by Ms. Pam Bourke re; Impact of RV Camping Tuesday 12 December 2017 (DocSetID: 2380697);
- Assembly of Councillors Councillor and CEO Briefing session held on Tuesday 12 December 2017 (DocSetID: 2375549);
- Assembly of Councillors Councillor Briefing session held on Tuesday 12 December 2017 (DocSetID: 2374797);
- Meeting record of the Tourism Advisory Committee meeting held on Tuesday 12 December 2017(DocSetID: 2376471); and
- Special Casterton Railway Precinct Advisory Committee meeting held on Friday 15 December 2017(DocSetID: 2367973).

a. Council Plan Linkage and Policy Context

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”

b. Legislative and Legal Considerations

This report links to the Council Plan, particularly key objective: (1) - responsible and responsive governance and decision making.

c. Consultation and/or communication processes implemented or proposed

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

E1. ASSEMBLY OF COUNCILLORS RECORDS 16 NOVEMBER 2017 – 11 JANUARY 2018 (INCLUSIVE)

(continued)

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.

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 16 November 2017 – Thursday 11 January 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 16 November 2017 – Thursday 11 January 2018 (inclusive).

MOTION

MOVED Cr Hawker

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 16 November 2017 – Thursday 11 January 2018 (inclusive).

SECONDED Cr McDonald

CARRIED

F. MANAGEMENT REPORTS:**F1. MONTHLY FINANCIAL REPORT – DECEMBER 2017**

Director: David Hol, Acting 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 – December 2017	2380751

Executive Summary

The finance report up to 31 December 2017 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;
- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Statement of Cash Flows; and
- Statement of Capital Works.

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 31 December 2017.

The finance report provides a high level of financial reporting.

F1. MONTHLY FINANCIAL REPORT – DECEMBER 2017

(continued)

a. Council Plan Linkage and Policy Context

Creative Glenelg – Creative, inspired, forward thinking and action orientated.

b. Legislative and Legal Considerations

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

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.

F1. MONTHLY FINANCIAL REPORT – DECEMBER 2017

(continued)

Officer Recommendation

That the Monthly Financial Report for the period ending 31 December 2017 be received.

MOTION

MOVED Cr Hawker

That the Monthly Financial Report for the period ending 31 December 2017 be received.

SECONDED Cr McDonald

CARRIED

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

CEO: Greg Burgoyne, Chief Executive Officer
Author: Kim Overall, Acting 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)	2381724

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

Connecting Glenelg – Connecting people, places and spaces.

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 of the Victorian Charter of Human Rights and Responsibilities.

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 January 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 McDonald

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 Wilson

CARRIED

F3. MINUTES AND RECOMMENDATIONS OF THE AUDIT COMMITTEE MEETING HELD ON 14 DECEMBER 2017

CEO: Greg Burgoyne, Chief Executive Officer
Author: Ann Kirkham, Acting Director Corporate Services

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	DocSetID
1.	Minutes of the Audit Committee Meeting held on Thursday 14 December 2017	The document contains information that would prejudice the Council or any person - section 89(2) (h) of the Act.	2377968

Executive Summary

The purpose of this report is to enable the Council to receive the Minutes of the Audit Committee Meeting held on 14 December 2017 and to submit the recommendations from the Committee for Council's consideration.

Background

The role of the Audit Committee is to monitor and advise Council on the corporate governance, financial management, and risk management of the Glenelg Shire.

The Audit 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.

F3. MINUTES AND RECOMMENDATIONS OF THE AUDIT COMMITTEE MEETING HELD ON 14 DECEMBER 2017

(continued)

Report

The Audit Committee Meeting held on Thursday 14 December 2017 considered the following items:

Item No.	Item Description
1.	Election of Audit Committee Chairperson
2.	Review of Systems and Processes against Cyber Risk
3.	Final Management Letter – Financial Report 30 June 2017
4.	Monthly Finance Report – October 2017
5.	Municipal Emergency Management Plan Audit
6.	Risk Management Report September 2017
7.	Corporate Risk Register Review as at November 2017
8.	MAV Insurance Liability Mutual Insurance Audit Update
9.	Defined Benefits Superannuation Vested Benefit Position – 30 June 2017
10.	Local Government Performance Reporting – 2016/2017 Full Year Results
11.	Audit Register Review
12.	Meeting Allowances for Independent Members of the Audit Committee
13.	Audit Committee Meeting Dates for 2018
14.	Status of the Council Plan as at 30 September 2017
15.	Receipt of the Glenelg Shire Council's Annual Report for 2016/2017

At this meeting the Audit Committee did not make any recommendations to Council.

a. Council Plan Linkage and Policy Context

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

b. Legislative and Legal Considerations

Under section 139 of the *Local Government Act 1989* (the "Act") Council is required to establish an audit committee and operate this committee under specific guidelines. The Audit 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.

F3. MINUTES AND RECOMMENDATIONS OF THE AUDIT COMMITTEE MEETING HELD ON 14 DECEMBER 2017

(continued)

c. Consultation and/or communication processes implemented or proposed

The minutes from each meeting are provided to Audit Committee members for review.

d. Risk Management

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

e. Resource Implications

Nil.

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 Implication

The 2017/18 Council budget contains a budget to support the Audit 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.

Conclusion

It is recommended that Council receive the Audit Committee Minutes for the Meeting held on Thursday 14 December 2017.

Officer Recommendation

That Council receive the Minutes of the Audit Committee Meeting held on Thursday 14 December 2017.

MOTION

MOVED Cr Stephens

That Council receive the Minutes of the Audit Committee Meeting held on Thursday 14 December 2017.

SECONDED Cr McDonald

CARRIED

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

Director: David Hol, Acting Director Corporate Services
 Author: Kelly Wynne, Strategic Planner

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 DocSetID
1.	Submissions received to C89.	Contains personal hardship of a ratepayer - section 89 (2) (b)	2377602

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
2.	Schedule of Submissions	2377665
3.	Proposed changes to exhibited planning scheme documents	2377675

Executive Summary

The purpose of this paper is to brief Council on Glenelg Planning Scheme Amendment C89. This report:

1. Considers the submissions received from the exhibition of Amendment C89 and provides commentary on key issues raised;
2. Recommends Council endorse the proposed changes to Glenelg Planning Scheme documents: Clause 22.02 *Heritage* and Schedule to Clause 43.01 *Heritage Overlay*;
3. Recommends Council request the Minister for Planning appoint an independent Planning Panel to review submissions received in response to Amendment C89 in accordance with the requirements of the *Planning and Environment Act 1987*.

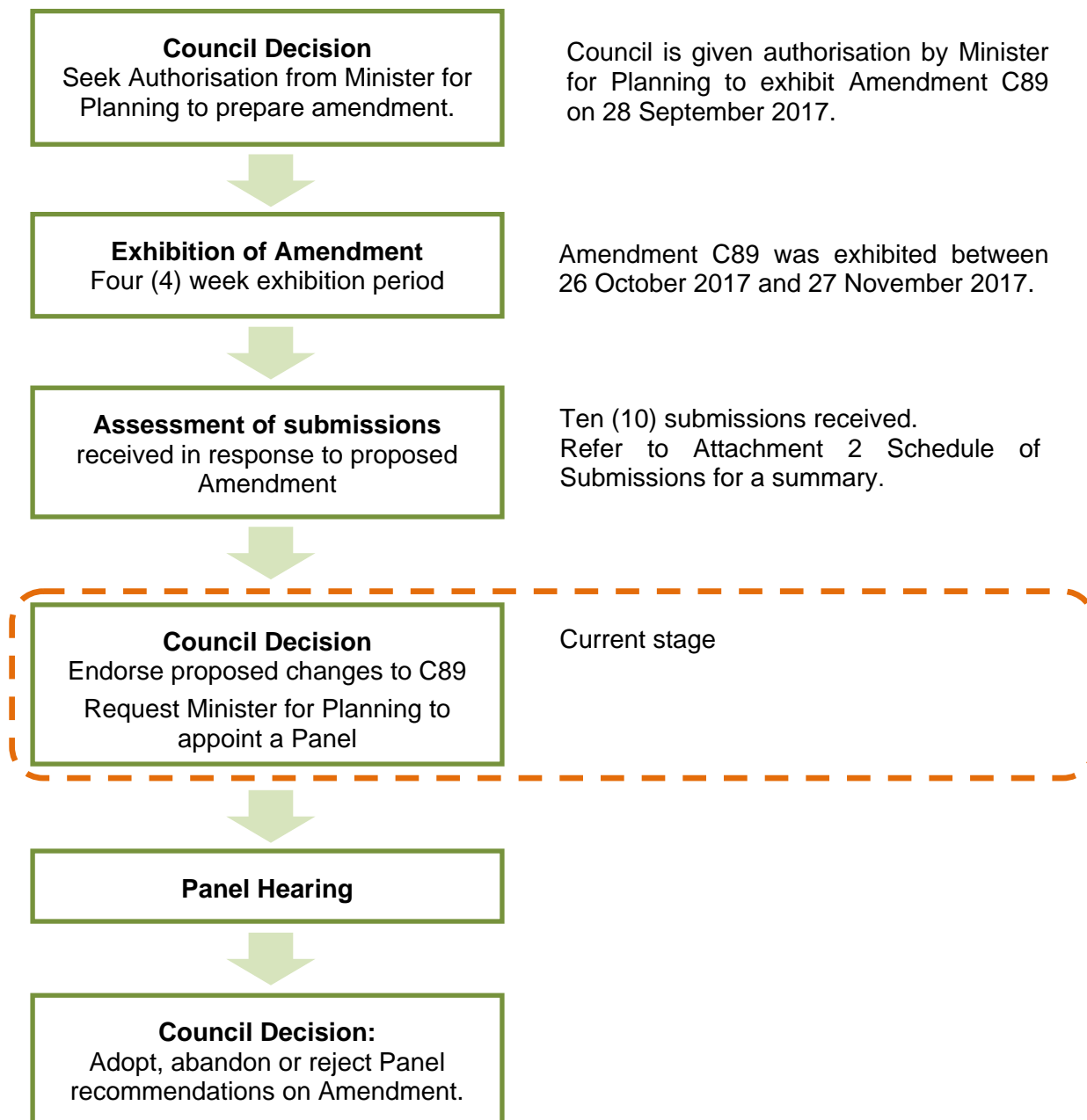
Background

The *Portland Heritage Gap Study* was adopted by Council on 23 August 2016. The study involved a review of existing Heritage Overlays in the city of Portland (and environs). It identified additional places and precincts of potential local heritage significance.

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

FIGURE 1. C89 PLANNING SCHEME AMENDMENT FLOWCHART



Amendment C89, as exhibited implements the findings of the *Portland Heritage Gap Study* by:

- Adding 45 individual heritage places, six heritage precincts and one group of heritage places to the Schedule to the Heritage Overlay;
- Amending the boundary of the Portland Heritage Precinct (HO165) by extending it to cover an additional 46 properties;
- Introducing Local Planning Policy at Clause 22.02; and

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

- Amending the Schedule to the Heritage Overlay at Clause 42.01 to correct errors and specify tree, outbuilding and fence controls for a number of heritage places.

Council resolved to request authorisation from the Minister for Planning at the 27 June 2017 Ordinary Council Meeting to prepare and exhibit Glenelg Planning Scheme Amendment C89.

Authorisation under delegation was received on 28 September 2017 from the Minister for Planning for Council to proceed with the preparation and exhibition of Amendment C89.

Amendment C89 was placed on public exhibition from 25 October until 27 November 2017.

Report

A total of ten (10) submissions were received and accepted for consideration. Refer to Attachment 1 for a copy of each submission.

Four (4) submissions make recommendations for consideration and inclusion into exhibited planning scheme documentation and Heritage Citation Reports.

Six (6) submissions object to the amendment and raise various concerns regarding the proposed inclusion of properties in the Heritage Overlay.

A summary of the issues raised in objecting submissions include:

- Security risk posed by identifying properties on the Schedule to the Heritage Overlay;
- Concern about the potential impacts of the overlay on future use, development or management of place;
- Disputed local and State policy support for inclusion of property on Heritage Overlay;
- Disputed heritage value of property due to condition, intactness or age;
- Disputed contributory significance of property to Portland Heritage Precinct (HO165) due to age, condition or intactness;
- Identification of errors or omissions in the exhibited Heritage Citation Report and/or planning scheme documentation.

The issues set out in submissions were subject to an internal review process involving site inspections and expert advice from Council's Heritage Advisor. Refer to Attachment 2 for a summary of submissions and Council's response.

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

Revisions have been made to Clause 22.02 *Heritage* and Schedule to Clause 43.01 *Heritage Overlay* in response to submissions. Refer to Attachment 3 for details of amended documentation.

Proposed changes include the removal of two heritage places identified in the *Portland Heritage Gap Study 2016* and exhibited as part of C89, being:

- Fisherman's Wharf (HO316) from the Schedule to Clause 43.01 and planning scheme map HO42;
- 26 Blair Street, Portland from the Portland Heritage Precinct (HO165).

An additional change to C89 documentation relates to the insertion of local heritage policy into the scheme at Clause 22.02 (not Clause 22.06, as exhibited). This change has been made to conform to Amendment C75 (Local Planning Policy Framework Review), recently gazetted.

Four submissions requested changes to individual and precinct Heritage Citation Reports to correct minor typographical and chronological errors, or review heritage fabric descriptions. The requested changes have been addressed in the Schedule of Submissions (refer to Attachment 2).

In summary it is recommended that submissions be referred to a Panel for further consideration and to give independent unbiased recommendations back to Council on Amendment C89.

a. Council Plan Linkage and Policy Context

Creative Glenelg – Creative communities, places and people: Recognise and promote cultural heritage

b. Legislative and Legal Considerations

Amendment C89 seeks to implement the objectives of Section 4 of the *Planning and Environment Act 1987*:

- 4 (1)(a) *“to provide for the fair, orderly, economic and sustainable use, and development of land”*;
- 4 (d) *“to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”*;
- 4 (1)(e) *“to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community”*; and
- 4 (1) (g) *“to balance the present and future interests of all Victorians”*.

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

The Amendment helps implement recommendations from the recent Tribunal Case P693/2016 to recognise trees, fences and outbuildings in the appropriate columns to the schedule of the heritage overlay.

In response to submissions received during the exhibition period, Council's next step is to request the Minister for Planning appoint a Panel under section 153 of the *Planning and Environment Act 1987*.

c. Consultation and/or communication processes implemented or proposed

Prescribed Ministers were notified and notices of Amendment C89 were placed in the Portland Observer and the Victoria Government Gazette.

One-on-one consultation was conducted with affected parties during the exhibition period to discuss the statutory requirements of the Heritage Overlay.

Submitters to the amendment will be updated of the progress of each remaining step in the process (as outlined in figure 1) and have a chance to present to the Planning Panel.

d. Risk Management

The amendment process will manage the risks in undertaking the project. Independent Panel members can review all submissions and examine the merits against the proposal.

e. Resource Implications

The Planning Unit will represent Council at any Planning Panel hearing.

f. Charter of Human Rights and Responsibilities

The *Charter of Human Rights and Responsibilities Act 2006* has been considered. The public exhibition process allows people to exercise their human rights under Section 15 and 18 to the freedom of expression and to take part in public life.

g. Sustainability and Environmental Considerations

The Heritage Overlay encourages the long-term conservation and sustainability of significant heritage places, including landscapes, gardens and specimen trees, in the Glenelg Shire.

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

h. Budget Implication

Council has already spent over \$150,000 on the heritage gap study and associated work with the current amendment.

A Planning Panel is expected to cost an additional \$30,000 including expert witness representation. All statutory fees to undertake the Planning Scheme Amendment are covered by the Planning Unit's operation budget.

Conclusion

Amendment C89 has been the result of significant investment by Council to identify and protect places of heritage significance. It has undergone robust consultation and review of submissions.

In summary it is recommended that Council resolve to continue with the amendment process as recommended below.

Officer Recommendation

That Council, having considered the submissions received in response to Amendment C89, pursuant to Section 23 of the *Planning and Environment Act 1987*, resolves to:

1. Endorse proposed changes to Glenelg Planning Scheme documents - Clause 22.02 (Heritage) and Schedule to Clause 43.01 (Heritage Overlay);
2. Endorse the deletion of the Fisherman's Wharf HO316 from the Schedule to Clause 43.01 (Heritage Overlay) and planning scheme map HO42;
3. Endorse the deletion of 26 Blair Street Portland from the Portland Heritage Precinct (HO165);
4. 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 C89 to the Glenelg Planning Scheme; and
5. Refer Amendment C89 and submissions to the Panel for consideration and recommendation, pursuant to Section 23(1) (b) of the *Planning and Environment Act 1987*.

F4. GLENELG PLANNING SCHEME AMENDMENT C89: PORTLAND HERITAGE GAP STUDY

(continued)

MOTION

MOVED Cr Wilson

That Council, having considered the submissions received in response to Amendment C89, pursuant to Section 23 of the *Planning and Environment Act 1987*, resolves to:

1. Endorse proposed changes to Glenelg Planning Scheme documents - Clause 22.02 (Heritage) and Schedule to Clause 43.01 (Heritage Overlay);
2. Endorse the deletion of the Fisherman's Wharf HO316 from the Schedule to Clause 43.01 (Heritage Overlay) and planning scheme map HO42;
3. Endorse the deletion of 26 Blair Street Portland from the Portland Heritage Precinct (HO165);
4. 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 C89 to the Glenelg Planning Scheme; and
5. Refer Amendment C89 and submissions to the Panel for consideration and recommendation, pursuant to Section 23(1) (b) of the *Planning and Environment Act 1987*.

SECONDED Cr Stephens

CARRIED

F5. PLANNING APPLICATION P17123 – RESIDENTIAL AGED CARE FACILITY

Director: Ann Kirkham, Acting Director Corporate Services
Author: Matt Berry, Planning Manager

Separate Circulations– Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	P17123 Delegate Report	2377238
2.	P17123 Application Plans	2363576 2363570
3.	P17123 Planning Permit	2377226

Executive Summary

This paper is to brief Councillors on the planning application P17123, which seeks planning approval for buildings and works to construct a residential aged care facility at 79-87 Jackson Street, Casterton. The application has been referred to Council for determination in line with Council's Planning Delegation and Decision Guidelines Policy.

This report recommends that a planning permit be approved subject to conditions.

Background

The application has been submitted by 'Fastnet Consulting' on behalf of Edgarley Homes Incorporated. The site is made up of four parcels of land known 73, 75, 77 and 79-87 Jackson Street, Casterton. The site is within the General Residential Zone, and is approximately 13 800m² in area.

Report

The proposed development consists of a 60 bed residential aged care facility. There are 20 new car spaces to be constructed on site. To enable this to occur, the east wing of the Edgarley Homes building and dwellings at 73-77 Jackson Street will be demolished. The details of the proposed development are contained in the attached application plans.

The key issues for assessment of the application include:

- Whether the proposed buildings and works of a residential aged care facility responds appropriately to the relevant provisions of the State and Local Planning Policy Framework.
- Whether the proposed buildings and works of a residential aged care facility is consistent with the General Residential Zone and the provisions of Clause 55.
- Whether the proposed buildings and works of a residential aged care facility will have an impact on the amenity of the surrounding area.

F5. PLANNING APPLICATION P17123 – RESIDENTIAL AGED CARE FACILITY

(continued)

The proposal provides a critical community service need to an aging population in Casterton. The well designed facility will also encourage economic growth with both investment from construction jobs and ongoing jobs to operate the facility.

The Delegate Report in Attachment 1 provides a detailed assessment of the proposal. The Planning Unit is able to support the proposal under the decision guidelines of the Glenelg Planning Scheme and approval is recommended.

a. Council Plan Linkage and Policy Context

Council Plan 2013-2017 – Diverse Economic Base – Support economic development.

b. Legislative and Legal Considerations

Planning and Environment Act 1987 gives a legal basis for the Glenelg Planning Scheme.

The Glenelg Planning Scheme sets out policies and provisions for use, development and protection of land. Planning schemes are legal documents prepared by the Council or the Minister and approved by the Minister.

c. Consultation and/or communication processes implemented or proposed

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* by mail to surrounding residents. No submissions were received.

d. Risk Management

The permit application has been assessed in accordance with the Glenelg Planning Scheme – refer to Attachment 1.

e. Resource Implications

The assessment of permit applications is part of normal operations of the Planning Unit.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when preparing this paper.

g. Sustainability and Environmental Considerations

The Delegate Report in Attachment 1 details the considerations, and with appropriate conditions can adequately address them.

F5. PLANNING APPLICATION P17123 – RESIDENTIAL AGED CARE FACILITY

(continued)

h. Budget Implication

Costs associated with assessment of planning permit applications are included in the Planning Unit's operational budget. The applicant paid \$8354.25 in fees to Council to assess the permit application.

Conclusion

The Delegate Report (Attachment 1) recommends that permit application P17123 be approved based on the grounds listed.

Officer Recommendation

That Council grant a planning permit for buildings and works for a residential aged care facility, in accordance with plans contained in Separate Circulation No. 2 and permit description and conditions in the Planning Permit contained in Separate Circulation No. 3.

MOTION

MOVED Cr Stephens

That Council grant a planning permit for buildings and works for a residential aged care facility, in accordance with plans contained in Separate Circulation No. 2 and permit description and conditions in the Planning Permit contained in Separate Circulation No. 3.

SECONDED Cr Halliday

CARRIED

F6. DRAFT ROAD MANAGEMENT PLAN REVIEW 2017

Director: Robert Alexander, Director Assets
Author: Ricky Luke, Asset Management Coordinator

Separate Circulation – Non Confidential

No.	Separate Circulation	ECM
1.	Draft Road Management Plan 2017	2334848

Executive Summary

The *Local Government Act 1989* requires Councils to conduct a review of its Road Management Plan after each General Council Election. Following a review of Councils 2013 Road Management Plan the 2017 Draft Road Management Plan Review was presented to Council at its Ordinary Council Meeting on 26 September 2017, with Council having endorsed the draft plan to be advertised in accordance with the *Local Government Act 1989*. Following advertisement and the closure of the submission period the Road Management Plan 2017 is now presented to Council for consideration.

Background

Council last reviewed the Road Management Plan (RMP) in 2013. Since then the State Government has introduced the Road Management (General) Regulations 2016, which supersedes the 2005 Regulations. As Council is required to review the RMP every four years within 6 months of the general Council election, or by 30 June, whichever is the later, the review took the new regulations into consideration.

A report presented to Council at the Ordinary Council Meeting held on 26 September 2017 outlined that the review timeframe was not met due to a number of organisational changes and the RMP “Force Majeure” relating to the September 2016 flood event. Municipal Association of Victoria (MAV) Insurance advised that the 2013 version of the RMP will remain in force until the revision is complete, and all aspects of that version must be met.

The draft RMP is considered to be a significant improvement over the 2013 version, and is in line with what MAV Insurance considers best practise. Inspection and maintenance targets are not as onerous, but will still require diligence to achieve.

Report

The Draft Road Management Plan Review 2017 as presented to Council at the Ordinary Council meeting held on 26 September 2017 was approved by Council for advertisement in accordance with the *Local Government Act 1989*.

Advertising was undertaken in the Government Gazette on 19 October 2017 and the Portland Observer and Casterton News on 18 October 2017.

At the closing date of 16 November 2017 no submissions had been received. It is now recommended that the plan be adopted by Council as drafted.

F6. DRAFT ROAD MANAGEMENT PLAN REVIEW 2017

(continued)

a. Council Plan Linkage and Policy Context

- Connecting Glenelg – connecting people, places and spaces.
- Liveable Glenelg – embracing inclusive, health, sustainable and diverse cultures.

b. Legislative and Legal Considerations

- *Road Management Act 2004*;
- Road Management (General) Regulations 2016; and
- *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

As part of the review process, Council's OHS and Emergency Officer sent a copy of the 2013 RMP to the MAV Insurance Claims Management Adviser.

Assets unit officers involved in road management, inspections and maintenance were also consulted and observed that some items in the inspection and maintenance schedules needed adjusting as the timeframes were too rigid and too frequent compared with other Councils.

Council gave notice of the changes in the Government Gazette and Portland Observer and Casterton News newspapers as outlined within this report.

d. Risk Management

Compliance with the *Road Management Act 2004* has been considered.

e. Resource Implications

Resources were considered in the review of the inspection and maintenance targets.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in regard to inspection and maintenance targets.

g. Sustainability and Environmental Considerations

Sustainability and environmental considerations were considered in regard to inspection and maintenance targets.

F6. DRAFT ROAD MANAGEMENT PLAN REVIEW 2017

(continued)

h. Budget Implication

There are no adverse budget implications with the proposed inspection and maintenance targets.

Conclusion

The revised plan has been advertised in accordance with the *Local Government Act 1989* and no submissions received.

This revised plan is a significant improvement over the 2013 version and is a more workable document that should be easier to manage and meet all requirements of the *Road Management Act 2004*. It is therefore recommended that Council consider the adoption of the 2017 Road Management Plan.

Officer Recommendation

That Council adopt the Road Management Plan 2017 as drafted in accordance with the review undertaken.

MOTION

MOVED Cr Stephens

That Council adopt the Road Management Plan 2017 as drafted in accordance with the review undertaken.

SECONDED Cr Wilson

CARRIED

ANY OTHER PROCEDURAL MATTER:

Nil.

URGENT BUSINESS:

Nil.

RECEIPT OF ITEMS SUBMITTED FOR INFORMATION:

Nil.

INDEX – SEPARATE CIRCULATIONS TO REPORTS:*Separate Circulation to Councillors, CEO, Director and available to the Public*

- A1. (1) Notice of Motion 1-2017-18 Plastic Bag FREE Glenelg
- C1. (1) Petition against the Closure of the Clarke Street toilets, Casterton
- E1. (1) Assembly of Councillors Deputation by Ms Pam Bourke re; Impact of RV Camping Tuesday 12 December 2017
- E1. (2) Assembly of Councillors Councillor and CEO meeting held on Tuesday 12 December 2017
- E1. (3) Assembly of Councillors Councillor Briefing session held on Tuesday 12 December 2017
- E1. (4) Meeting record of the Tourism Advisory Committee meeting held on Tuesday 12 December 2017
- E1. (5) Special Casterton Railway Precinct Advisory Committee meeting held on Friday 15 December 2017
- F1. (1) Monthly Financial Report – December 2017
- F4. (2) Schedule of Submissions
- F4. (3) Proposed changes to exhibited planning scheme documents
- F5. (1) P17123 Delegate Report
- F5. (2) P17123 Application Plans
- F5. (3) P17123 Planning Permit
- F6. (1) Draft Road Management Plan 2017

Separate Circulation to Councillors, CEO and Directors

- E1. (6) Glenelg Municipal Fire Management Planning Committee meeting held on Thursday 16 November 2017
- E1. (7) Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 16 November 2017
- F2. (1) Councillor and Chief Executive Officer Leave of Absence Register

Confidential Separate Circulation to Councillors, CEO and Directors

- F3. (1) Minutes of the Audit Committee Meeting held on Thursday 14 December 2017
- F4. (1) Submissions received to C89

'IN CAMERA' Separate Circulation to Councillors and Directors

Nil.

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 7.21pm.

I HEREBY CERTIFY THAT PAGES 1 TO 38 INCLUDING PAGES ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

**CR ANITA RANK
MAYOR
27 FEBRUARY 2018**

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