



Glenelg Shire Council

Minutes of the Ordinary Council Meeting held on

Tuesday 27 February 2018 at the Portland Municipal Offices

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 and Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Assets (Mr Rob Alexander), Director Community Services (Ms Edith Farrell), Acting Director Corporate Services (Mr David Hol) and Council Support Coordinator (Mrs Kylie Walford).

OPENING PRAYER:

ABORIGINAL ACKNOWLEDGEMENT:

RECEIPT OF APOLOGIES:

Cr Geoff White

CONFIRMATION OF MINUTES:

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 23 January 2018, as circulated, be confirmed.

MOTION

MOVED Cr Wilson

That the minutes of the Ordinary Council Meeting held on Tuesday 23 January 2018, as circulated, be confirmed.

SECONDED Cr McDonald

CARRIED

DECLARATIONS OF CONFLICT OF INTEREST:**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'.

Chief Executive Officer, Mr Greg Burgoyne declared an Indirect Conflict of Interest in Item F6.Glenelg Planning Scheme Amendment C92: Cape Bridgewater Structure Plan.

Mayor Cr Anita Rank declared an Indirect Conflict of Interest by Close Association in Item F15. Portland Coastal Management Plan.

Mayor Rank has advised the Chief Executive Officer in writing prior to the meeting and classified the type of interest that has given rise to the conflict.

QUESTION TIME: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:**SUSPENSION OF STANDING ORDERS****MOTION****MOVED Cr Wilson****That Standing Orders be suspended at 7.04pm to discuss Item F10. Planning Application P16008 – Three Lot Subdivision.****SECONDED Cr Stephens****CARRIED**

- Mr Richard Resson of Bolwarra spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Ms Ruth Graney of Narrawong spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Mr Bob Hodgetts of Gorae spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Mr Robert Wright, of Melbourne (Solicitor on behalf of Loreto Sisters) spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Mr Lou Florakx, President of Friends of the Great South West Walk, spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Mr Marcel Antink of Portland spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.
- Ms Sally Walsh of Narrawong spoke against Item F10. Planning Application P16008 – Three Lot Subdivision.

RESUMPTION OF STANDING ORDER**MOTION****MOVED Cr Wilson****That Standing Orders be resumed at 7.29pm.****SECONDED Cr Stephens****CARRIED****C. PETITIONS:**

Nil.

D. COMMITTEE REPORTS:**D1. RECOMMENDATIONS FROM TOURISM ADVISORY COMMITTEE MEETING
12 DECEMBER 2017**

Director: Edith Farrell, Director Community Services

Author: Liz McKinnon, Marketing and Tourism Manager

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Glenelg Shire Council Meeting Record of the Tourism Advisory Committee held on Tuesday 12 December 2017	2376471

Executive Summary

This report is to provide advice to Council regarding two recommendations made by the Tourism Advisory Committee (TAC) at its meeting held 12 December 2017. The first recommendation being that Council does not renew its membership with the Australian Regional Tourism Network for the 2017/18 year. Further, the second recommendation is that Council accepts an offer from Great Ocean Road Regional Tourism (GORRT) to develop a dedicated WhaleMail website/blog on its Great Ocean Road web module to replace the current WhaleMail platform.

Background

The function of the TAC is to provide information and advice to Council on tourism marketing and promotion; policy relating to development of tourism products; and identification of new ideas.

The TAC currently meet at a minimum each quarter. It reports to the Ordinary Council Meeting (OCM) following each of its meetings by submitting a record of meeting minutes and any recommendations for Council's consideration.

These recommendations are in accordance with the TAC Terms of Reference.

Report

At the TAC meeting held on 12 December, the Committee discussed the renewal of Council's membership with the Australian Regional Tourism Network for the 2017/18 year and is recommending that Council does not renew its membership with the Australian Regional Tourism Network for the 2017/18 year.

The recommendation to cease membership to the Australian Regional Tourism Network was made based on consideration that the network has a strong Queensland and New South Wales focus.

The Committee also considered the opportunity from GORRT to establish a new WhaleMail Webpage and is recommending that council accepts the GORRT offer and takes up the option to lead the whale mail platform.

**D1. RECOMMENDATIONS FROM TOURISM ADVISORY COMMITTEE MEETING
12 DECEMBER 2017**

(continued)

The current WhaleMail website, which was a council initiative, was officially launched in June 2011. This purpose-built whale page provides followers with instant updates on whale sightings, with details on the species and exact location recorded on an email message. This website also provides details on whale species, viewing platforms, tourist information and a whale photo gallery.

The website has been highly successful with almost 5225 followers on the email database. The site was further supported by the launch of a WhaleMail Facebook page in 2014 which also provides up to the minute updates on the latest whale sightings. This page, managed by Portland Visitor Information Centre staff, has almost 2500 followers and includes other posts and photographs of local wildlife sightings, such as the popular gannets.

Each whale season, council's tourism unit undertakes an extensive marketing campaign, including television commercials, promoting the WhaleMail website and promoting Portland's title as Victoria's whale capital further encouraging visitors to the region.

Whilst popular with the public, the WhaleMail website is outdated and plagued with technical issues. In the 2017 season it failed to keep up with demand, with members of the public complaining that posts were not issued instantly, arriving in inboxes hours after the initial posting. During the season, from 14 May to 9 November, 33 separate confirmed whale sightings were logged and emailed to members. Of the 5225 email list only 33 per cent of members were viewing WhaleMail emails. It is of note that some Mac computer applications do not register as being read on the database so this figure may be higher.

GORRT have proposed that a new dedicated WhaleMail site is developed on the shire's new tourism website, www.iamportland.com.au which is part of the visit Great Ocean Road web modules.

A dedicated whale blog would sit on the www.iamportland.com.au page which would include:

- A map detailing the specific location of all whale sightings;
- Details of whale sightings including the date, time, location, type of whale, photographs and further comments if available;
- Details on local whale viewing platforms with detailed directions, maps and photographs;
- A subscriber inbox providing opportunities for people to join the database; a submission form for individuals to post their own whale sightings;
- Opportunities for businesses to advertise a "whale season" deal at the base of the email; and

**D1. RECOMMENDATIONS FROM TOURISM ADVISORY COMMITTEE MEETING
12 DECEMBER 2017**

(continued)

- Direct links to all social media channels.

It is proposed that the new Whale Mail page is managed by council's tourism unit, with Portland Visitor Information Centre (VIC) staff managing the posting and approval of all whale sightings.

This interactive site will also allow members of the public to record their own whale sightings, uploading images and video of the sighting which can stay on the website as a promotional tool to encourage tourist visitation throughout the whale season.

This dedicated whale blog would have the same design as the current www.visitgreatoceanroad.org.au blog, providing direct links to the nine other Great Ocean Road websites, including the neighbouring localities of Warrnambool and Port Fairy (www.visitwarrnambool.com.au and www.iamportfairy.com.au). The current GORRT whale page has 3600 followers and is used by Portland VIC staff to promote all whale sightings, in addition to the WhaleMail postings.

It is proposed that the Portland VIC managed WhaleMail Facebook page is maintained, with posts linked to Great Ocean Road social media channels, in addition to the new WhaleMail page.

This process would ensure instantaneous feeds to followers, unlike the current WhaleMail email system. The social media links and email options ensure followers have two points of direct and immediate contact alerting sightings.

Furthermore, the Great Ocean Road webpage following, which targets 5.2 million travelers annually and is the most searched tourist attraction in Australia, provides unlimited marketing opportunities for the region, further promoting Portland's title as Victoria's whale capital.

a. Council Plan Linkage and Policy Context

The following link with the following council plan themes:

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

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

b. Legislative and Legal Considerations

Legislative and legal matters have been considered in the preparation of this report.

**D1. RECOMMENDATIONS FROM TOURISM ADVISORY COMMITTEE MEETING
12 DECEMBER 2017**

(continued)

c. Consultation and/or communication processes implemented or proposed

Any changes approved by Council are to be advertised.

d. Risk Management

Nil.

e. Resource Implications

Nil.

f. Charter of Human Rights and Responsibilities

The charter of Human Rights and Responsibilities has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

There are no specific sustainability and environmental considerations that need to be addressed in this report.

h. Budget Implication

Costs would be covered within the operational budget.

Conclusion

It is envisioned that non-renewal of a membership to the Australian Regional Tourism Network will have no detrimental effect on Council's tourism efforts given the focus of the network is predominately in other states. There will be a saving of \$625 per annum which can be redirected to other activities within the budget of the Tourism and Events Team.

The replacement of council's outdated WhaleMail website with a new modern Great Ocean Road module will provide Council with a more transparent, detailed and professional marketing of all whale sightings, providing a one-stop-shop for all travelers to the region.

This new proposed promotion will further highlight Portland's position and profile on the Great Ocean Road and provide unlimited access to GORRT's global marketing branding. It is envisaged that this branding will further assist in building Portland's profile as the whale capital of Victoria.

**D1. RECOMMENDATIONS FROM TOURISM ADVISORY COMMITTEE MEETING
12 DECEMBER 2017**

(continued)

Furthermore this new web module will provide a seamlessly integrated platform for Glenelg Shire to promote its whale profile, providing instant updates on whale sightings and assisting to attract an audience to explore other things in Portland and the broader shire.

Officer Recommendation

1. That Council supports the recommendation of the Tourism Advisory Committee and formally withdraws its membership to the Australian Regional Tourism Network.
2. That Council endorse the recommendation of the TAC to develop a dedicated Whale Mail website/blog on its Great Ocean Road web module, replacing the WhaleMail email system.

MOTION**MOVED Cr Stephens**

1. That Council supports the recommendation of the Tourism Advisory Committee and formally withdraws its membership to the Australian Regional Tourism Network.
2. That Council endorse the recommendation of the Tourism Advisory Committee to develop a dedicated Whale Mail website/blog on its Great Ocean Road web module, replacing the WhaleMail email system.

SECONDED Cr McDonald**CARRIED**

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 11 JANUARY 2018 – 15 FEBRUARY 2018 (INCLUSIVE)**

Director: David Hol, Acting 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.	Local Port of Portland Bay Advisory Committee meeting record 15 January 2018	2390230
2.	Assembly of Councillors - Councillors Planning Session 23 January 2018	2388000
3.	Assembly of Councillors - Councillor and CEO Meeting 23 January 2018	2389279
4.	Assembly of Councillors - Councillor Briefing session 23 January 2018	2387922
5.	Tourism Advisory Committee Meeting Notes 30 January 2018	2396033
6.	Casterton Railway Precinct Advisory Committee Meeting Notes 8 February 2018	2396818
7.	Assembly of Councillors – Onsite Deputation by Vern McCallum – Tuesday 13 February 2018	2396536
8.	Assembly of Councillors - Councillors Workshop Tuesday 13 February 2018	2396146
9.	Assembly of Councillors – Councillors and CEO Meeting Tuesday 13 February 2018	2397292

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.*

E1. ASSEMBLY OF COUNCILLORS RECORDS 11 JANUARY 2018 – 15 FEBRUARY 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 11 January 2018 – Thursday 15 February 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:

- Local Port of Portland Bay Advisory Committee meeting record 15 January 2018 (DocSetID: 2390230);
- Assembly of Councillors - Councillors Planning Session 23 January 2018 (DocSetID: 2388000);
- Assembly of Councillors - Councillor and CEO Meeting 23 January 2018 (DocSetID: 2389279);
- Assembly of Councillors - Councillor Briefing session 23 January 2018 (DocSetID: 2387922);
- Tourism Advisory Committee Meeting Notes 30 January 2018 (DocSetID: 2396033);
- Casterton Railway Precinct Advisory Committee Meeting Notes 8 February 2018 (DocSetID: 2396818);
- Assembly of Councillors – Onsite Deputation by Vern McCallum – Tuesday 13 February 2018 (DocSetID:2396536);

E1. ASSEMBLY OF COUNCILLORS RECORDS 11 JANUARY 2018 – 15 FEBRUARY 2018 (INCLUSIVE)

(continued)

- Assembly of Councillors - Councillors Workshop Tuesday 13 February 2018(DocSetID:2396146);and
- Assembly of Councillors – Councillors and CEO Meeting Tuesday 13 February 2018 (DocSetID: 2397292).

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.

e. Risk Management

Nil.

f. Resource Implications

Nil.

g. Charter of Human Rights and Responsibilities

Nil.

E1. ASSEMBLY OF COUNCILLORS RECORDS 11 JANUARY 2018 – 15 FEBRUARY 2018 (INCLUSIVE)

(continued)

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 11 January 2018 – Thursday 15 February (inclusive).

Officer Recommendation

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 11 January 2018 – Thursday 15 February (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 11 January 2018 – Thursday 15 February (inclusive).

SECONDED Cr Halliday

CARRIED

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

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 – January 2018 - Dashboard	2392453

Executive Summary

The finance report up to 31 January 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 31 January 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 – JANUARY 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 31 January 2018 be received.

MOTION**MOVED Cr Stephens****That the Monthly Financial Report for the period ending 31 January 2018 be received.****SECONDED Cr Hawker****CARRIED**

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

CEO: Greg Burgoyne, Chief Executive Officer
Author: Kylie Walford, 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)	2396768

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.

g. Sustainability and Environmental Considerations

Not applicable.

F2. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

h. Budget Implication

Nil.

Conclusion

It is recommended that Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented to the February 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. ADOPTION OF AMENDMENTS TO GENERAL LOCAL LAW 2018-SCHEDULE 29 (DOG CONTROL ORDER 1)

Director: David Hol, Acting Director Corporate Services

Author: Liz Regent, Acting Manager Compliance and Corporate Information

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Attachment 1- Amended Schedule 29 (General Local Law 2018)	2391338

Executive Summary

The purpose of this Report is to recommend Council adopt an amendment to Schedule 29 of the General Local Law 2018 to define a new prohibited area for dogs at Yarraman Park and insert a map to clearly define the existing area identified as prohibited (Portland Foreshore)

Background

At the Ordinary Council Meeting of 12 December 2017, Council adopted a new General Local Law to replace the previous General Local Law 2008. The General Local Law adopted in December 2017 was then notified according to legislative requirements and is effective from 1 February 2018. Council resolved at its meeting of 12 December 2017 to consider a separate report regarding prohibiting dogs at Yarraman Park. This report responds directly to that requirement.

Report

During the preparation of the new General Local Law, Council considered defining areas within the shire where dogs are prohibited. The Portland Foreshore was included in schedule 29 as the only area where dogs are prohibited. The amendment proposed will show this area more clearly by inserting a map as shown in Attachment 1.

This proposed amendment to schedule 29 also includes an additional area as prohibited, Yarraman Park (shown in Attachment 1) This area is currently used by seven (7) user groups. This site supports groups including the Go Karting club, Poultry Club, equestrian facility, Pony club and Portland Gymnastics club. Prohibiting dogs at this site would reduce the potential for conflict between the existing user groups and dogs visiting the site. Conflicts between horses and dogs has been reported by users and recorded by council staff in the past.

Council considered submissions at the time the General Local Law was adopted in 2017. Prohibiting dogs at Yarraman Park was suggested by a submitter at that time due to their experience with dog and horse conflicts. Council resolved at the time to consider a separate report to Council on this matter.

**F3. ADOPTION OF AMENDMENTS TO GENERAL LOCAL LAW 2018-
SCHEDULE 29 (DOG CONTROL ORDER 1)**

(continued)

This report presents the option of including Yarraman Park as a prohibited area for dogs to allow existing user groups to operate free from this conflict.

a. Council Plan Linkage and Policy Context

This report supports the following objective of the Council Plan:

Connecting Glenelg - Liveability and quality of life: Promote a welcoming, caring and participative community.

b. Legislative and Legal Considerations

The General Local Law 2018 is a local Law made under part 5 of the *Local Government Act 1989* and part 3 Divisions 4 of the *Domestic Animal Act 1994*. Schedule 29 may be amended by resolution of Council in accordance with clause 3.08 (a) (3) of the General Local Law 2018. The declaration of prohibition areas for dogs is made in accordance with the provisions of section 26(2) of the *Domestic Animal Act 1994*.

c. Consultation and/or communication processes implemented or proposed

Council consulted with the community during 2017 on draft Local Law provisions and considered feedback including a submission regarding the issue of dogs at Yarraman Park and resolved to reconsider this matter separately.

d. Risk Management

A Local Law can be established in accordance with the objectives included in the regulations. Council have the ability to provide for the 'protection and enhancement of the amenity and environment of the municipality' when creating a local law. Prohibiting dogs at Yarraman Park will reduce the potential for conflict in this location and hence reduce risks to users of this site and provide for protection and enhancement of the amenity.

e. Resource Implications

The Local Law is enforced by the Local Laws Unit within Council. Enforcing the provisions of this Local Law will therefore make use of existing resources within Council.

f. Charter of Human Rights and Responsibilities

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

F3. ADOPTION OF AMENDMENTS TO GENERAL LOCAL LAW 2018-SCHEDULE 29 (DOG CONTROL ORDER 1)

(continued)

g. Sustainability and Environmental Considerations

The Local Law has been reviewed in its entirety and this review provides for sustainable outcomes in the community.

h. Budget Implication

Application of the Local Law is funded through existing operational budgets.

Conclusion

By creating an order under section 26 of the *Domestic Animal Act 1994* that prohibits dogs at Yarraman Park, Council will reduce the potential for conflict between users of this site.

Officer Recommendation

1. That Council make an order under section 26 of the *Domestic Animal Act 1994* prohibiting the presence of dogs at Yarraman Park, within the area show in attachment 1;
2. That the order made by the Council be published in the Government Gazette and in the Portland Observer.
3. Council amend schedule 29 of the General Local Law 2018 to clarify the order made under item 1 and include a map of the existing prohibited area (Portland Foreshore).
4. That Council place signs at all of the entrances to the Yarraman Park to identify the prohibition of dogs on the site.

**F3. ADOPTION OF AMENDMENTS TO GENERAL LOCAL LAW 2018-
SCHEDULE 29 (DOG CONTROL ORDER 1)**

(continued)

MOTION

MOVED Cr Hawker

1. That Council make an order under section 26 of the *Domestic Animal Act 1994* prohibiting the presence of dogs at Yarraman Park, within the area show in attachment 1;
2. That the order made by the Council be published in the Government Gazette and in the Portland Observer.
3. Council amend schedule 29 of the General Local Law 2018 to clarify the order made under item 1 and include a map of the existing prohibited area (Portland Foreshore).
4. That Council place signs at all of the entrances to the Yarraman Park to identify the prohibition of dogs on the site.

SECONDED Cr Halliday

CARRIED

F4. CERTIFICATION OF THE GLENELG SHIRE COUNCIL GENERAL LOCAL LAW 2018

Director: David Hol, Acting Director Corporate Services

Author: Liz Regent, Acting Manager Compliance and Corporate Information

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Adopted Glenelg Shire Council General Local Law 2018	2377982

Executive Summary

The purpose of this report is to certify the adopted General Local Law by signing and sealing of the document by Council.

Background

At its meeting held 12 December 2017, Council resolved to adopt the Glenelg Shire Council General Local Law 2018 and its accompanying documents. The *Local Government Act 1989* requires that General Local Law to be advertised in the Victorian Government Gazette before the Law is considered made, and can be enforced. Once the notice appears in the Gazette, the Law can be certified, by signing and sealing at an Ordinary Council Meeting.

Report

The Glenelg Shire Council General Local Law appeared in the Government Gazette on 4 January 2018, and became enforceable 1 February 2018. Council's procedure for sealing documents requires a resolution of Council to affix the Common Seal.

a. Council Plan Linkage and Policy Context

Connecting Glenelg – Liveability and quality of life: Promote a welcoming, caring and participative community.

b. Legislative and Legal Considerations

The General Local Law 2018 is a local Law made under part 5 of the *Local Government Act 1989* and part 3 Divisions 4 of the *Domestic Animal Act 1994*.

c. Consultation and/or communication processes implemented or proposed

Notice of adoption of the Glenelg Shire Council General Local Law was published in the Local newspapers, along with the Victorian Government Gazette on 4 January 2018.

F4. CERTIFICATION OF THE GLENELG SHIRE COUNCIL GENERAL LOCAL LAW 2018

(continued)

d. Risk Management

Nil.

e. Resource Implications

The Local Law is enforced by the Local Laws Unit within Council. Enforcing the provisions of this Local Law will therefore make use of existing resources within Council.

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

The Local Law has been reviewed in its entirety and this review provides for sustainable outcomes in the community.

h. Budget Implication

Operation of the General Local Law is funded through the Local Laws operational budget.

Conclusion

The certification of the Glenelg Shire Council General Local Law 2018 will complete the final step in the process of the General Local Law 2018 being made.

Officer Recommendation

1. That Council endorse the certification of the General Local Law; and
2. That the Common Seal of the Council be affixed to the Glenelg Shire Council General Local Law 2018.

MOTION

MOVED Cr Stephens

1. That Council endorse the certification of the General Local Law; and
2. That the Common Seal of the Council be affixed to the Glenelg Shire Council General Local Law 2018.

SECONDED Cr Wilson

CARRIED

F5. DELEGATIONS REVIEW

Director: David Hol, Acting 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, the review of the Delegations and Authorisations review has been undertaken in accordance with Section 98(6) of *Local Government Act 1989*.

This review included the following Council Instruments of Delegation have been reviewed including:

- Instrument of Delegation to Chief Executive Officer (S5);
- Instrument of Delegation from Council to Members of staff (S6);
- Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7);
- Instrument of Delegation of CEO powers, duties and functions (S13);

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.

F5. DELEGATIONS REVIEW

(continued)

Report

The changes to Delegations and Authorisations, relating to the current updates include:

Changes to the S5 Instrument of Delegation to Chief Executive Officer

No specific provision changes, updated each time provision updates are received from Maddocks to keep delegation to Chief Executive Officer current.

Changes to the S6 Instrument of Delegation from Council to Staff

1. A power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing has also been introduced, pursuant to the *Planning Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017*. Again, this power is not yet in force and will commence on 1 June 2018, if not proclaimed earlier.

Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff

1. The *Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017* reinforced that councils can only enforce summary offences under the *Building Act 1993*;
2. Function of receiving notices of the birth of a child have been inserted under the *Child Wellbeing and Safety Act 2005*;
3. The *Climate Change Act 2017* came into force on 1 November 2017, replacing the *Climate Change Act 2010*;
4. The *Domestic Animals Amendment (Restricted Breed Dogs) Act 2017* has removed ss17(1AA), 17(1B) and 17 (1C) and amended their registration of restricted dogs, payments to be made to the Treasurer, payable amounts where dogs are seized and retained in custody, and powers to destroy dogs seized under Part 7A;
5. The *Fines Reform Amendment Act 2017* has introduced a number of new powers, duties and functions for councils as enforcement agencies under the *Fines reform Act 2014*. The commencement date for the *Fines Reform Act 2014* has also changed, and it will now commence operation on 31 December 2017;
6. s 3.4.19 of the *Gambling Regulation Act 2003* has been broadened to include 'a venue whose approval under Part 3 is suspended' as well as a 'approved venue';
7. The *Heritage Act 2017* came into effect on 1 November 2017, replacing the *Heritage Act 1995*;

F5. DELEGATIONS REVIEW

(continued)

8. The *Infringements Act 2006* has been amended by the *Fines Reform Amendment Act 2017*, which replaces most references to 'prescribed costs' with 'penalty reminder notice fees'. The commencement dates for some provisions of the *Infringement Act 2006* have also been updated;
9. Councils have further powers to provide written consent under ss 38, 38A(1), 38B and 38C of the *Subdivision Act 1988*, and all duties and functions under s 44 have been removed;
10. Councils now have a duty under the *Summary Offences Act 1966* to consult with Victoria Police before granting an application for a permit for the use of council land, a road closure of anything else that council believes will facilitate a public protest being held by the applicant;
11. The land *Legislation Amendment Act 2017* has introduced a number of new powers and functions for councils under the *Transfer of Land Act 1958*, as well as amending the section giving councils power to consent to the creation or surrender of a right of carriageway;
12. The *Victorian Data Sharing Act 2017* commenced on 6 December 2017, introducing a number of powers, duties and functions in relation to data sharing with the Chief Data Officer;
13. The *Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017* commenced on 1 September 2017, bringing with it a new office – the Office of the Victoria Information Commissioner. Amendments have been made to the Freedom of Information Act 1982 and *Privacy and Data Protection Act 2014* to reflect the change.

Changes made to the S13 Instrument of Delegation of CEO powers, duties and functions

1. A power, duty and function have now commenced under the *Child and Wellbeing Safety Act 2005*;
2. The commencement date for the power under s 175(1)(b) of the *Fines Reform Act 2014* has been updated;
3. The power to be or to appoint a person to be the returning officer for a council election has been removed from the *Local Government Act 1989*;
4. The *Rooming House Operators Act 2016* has commenced, which means that respective functions and duties now apply; and
5. The Victorian Data Sharing Act 2017 has introduced a number of powers, duties and functions, some of which include for the CEO to receive request for data from the Chief Data Officer and to disclose identifiable data to a data analytics body.

F5. DELEGATIONS REVIEW

(continued)

a. Council Plan linkage and policy context

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

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.

Section 86 of the *Local Government Act 1989* provides that a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee. However, there are six statutory limitations.

c. Consultation and/or Communication Processes Implemented or Proposed

All Council staff listed in the schedule contained in the various Instruments of Delegation were provided with a copy of the draft delegations and authorisations and invited to provide comment prior to finalisation.

d. Risk Management

The completion of this delegation and authorisation review for 2017 ensures 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.

F5. DELEGATIONS REVIEW

(continued)

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.

Conclusion

It is recommended that Council approve the updates made to S5. Instrument of Delegation to Chief Executive Officer, S6. Instrument of Delegation from Council to Members of Staff, S7. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff and S13. Instrument of Delegation of CEO powers, duties and functions.

Officer Recommendation

1. **Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff (S6)**
 - a. That Council adopt the Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff dated Tuesday 27 February 2018 (S5).
 - b. That the Instruments referred to in 1 (a) come into force immediately the common seal of Council is affixed to the Instruments.
 - c. On the coming into force of the Instruments referred to in 1 (a) the previous Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff (S6) be revoked.
 - d. The duties and functions set out in the Instrument referred to in 1 (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. **Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7) and Instrument of Delegation of CEO powers, duties and functions (S13).**

That Council note that the Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7) and Instrument of Delegation of CEO powers, duties and functions (S13) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 28 February 2018.

F5. DELEGATIONS REVIEW

(continued)

MOTION

MOVED Cr Wilson

1. **Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff (S6)**
 - a. That Council adopt the Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff dated Tuesday 27 February 2018 (S5).
 - b. That the Instruments referred to in 1 (a) come into force immediately the common seal of Council is affixed to the Instruments.
 - c. On the coming into force of the Instruments referred to in 1 (a) the previous Instrument of Delegation to Chief Executive Officer (S5) and Instrument of Delegation from Council to Members of Staff (S6) be revoked.
 - d. The duties and functions set out in the Instrument referred to in 1 (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. **Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7) and Instrument of Delegation of CEO powers, duties and functions (S13).**

That Council note that the Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7) and Instrument of Delegation of CEO powers, duties and functions (S13) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 28 February 2018.

SECONDED Cr McDonald

CARRIED

Chief Executive Officer, Mr Burgoyne re-declared an Indirect Conflict of Interest in item F6. Glenelg Planning Scheme Amendment C92: Cape Bridgewater Structure Plan and left the meeting at 7.38pm. Acting Director Corporate Services, Mr Hol assumed the chair of the Chief Executive Officer.

F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER STRUCTURE PLAN

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

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Attachment 1 - Submissions to C92	2390016
2.	Attachment 2 - Summary of Submissions and response	2390015
3.	Attachment 3 - Planning scheme amendment documents	2390058

Executive Summary

The purpose of this paper is to brief Council on Glenelg Planning Scheme Amendment C92. This report:

1. Considers the submissions received from the exhibition of Amendment C92 and provides commentary on key issues raised;
2. Recommends Council request the Minister for Planning appoint an independent Planning Panel to review submissions received in response to Amendment C92 in accordance with the requirements of the *Planning and Environment Act 1987*.

Background

The *Cape Bridgewater Structure Plan* was adopted by Council on 27 June 2017.

Primarily it seeks to rezone the defined settlement area from the Rural Conservation Zone 1 into the Rural Living and Rural Activity Zone. A new local policy in Clause 22.03 is proposed provide design guidelines for new development in this area.

The implementation of structure plan also foreshadows potential area for a tourism accommodation proposal directly south of the settlement area. This is not included in the Amendment C92 rezoning as it would be subject to a detailed proposal that needs to meet pre-conditions set out in the structure plan.

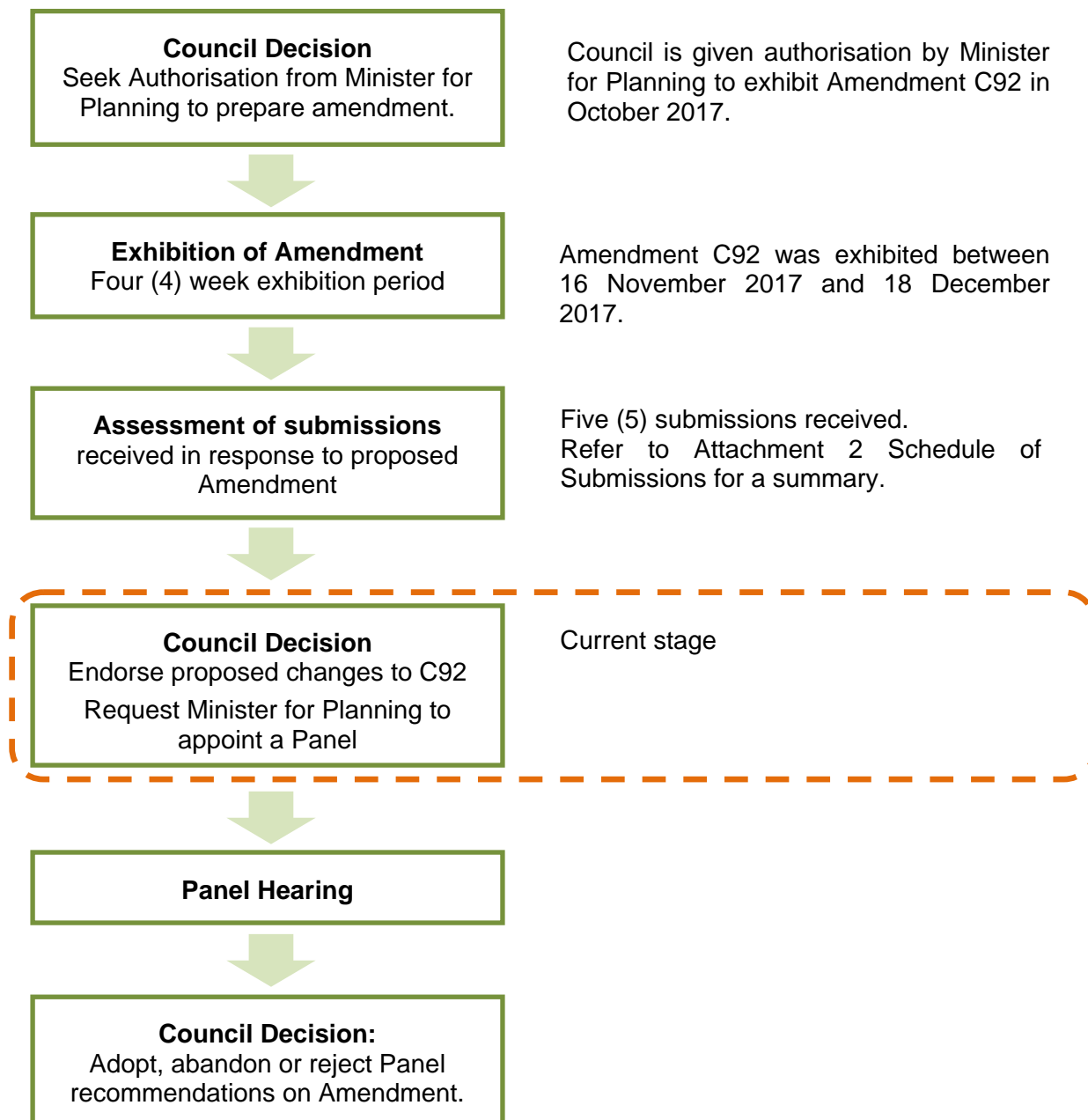
Council resolved to request authorisation from the Minister for Planning at the 26 September 2017 Ordinary Council Meeting to prepare and exhibit Glenelg Planning Scheme Amendment C92. Authorisation was then granted in October 2017.

The amendment has been exhibited from the 16 November 2017 until the 18 December 2017. During this time five (5) submissions have been received.

**F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER
STRUCTURE PLAN**

(continued)

FIGURE 1. C92 PLANNING SCHEME AMENDMENT FLOWCHART



F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER STRUCTURE PLAN

(continued)

Report

A total of five (5) written submissions were received and accepted for consideration. Refer to Attachment 1 for a copy of each submission.

One submission provides support for the Amendment.

Four (4) submissions make recommendations for consideration and object to certain elements of the Amendment.

A summary of the issues raised in submissions that either request changes or objections include:

- Consistency of terms used in diagrams and planning scheme amendment documentation;
- Concern about the application of Rural Activity Zone – both the Stage 1 rezoning and Stage 2 area referenced in policy;
- Objection to extension of settlement boundary east of Peacock's Road;
- Objection over deletion of Significant landscape Overlay 3 (SLO3) from areas being rezoned;
- Concern that the application of character and design guidelines through local policy is too weak;
- Objection about a new road reserve being added to the property at 1703 Cape Bridgewater Road, Cape Bridgewater.

Outside of the issues listed above overall support has been provided in these submissions for the application of the Rural Living Zone in Cape Bridgewater.

Minor revisions and restructure have been made to Clause 21.02 in response to submissions and the recent adoption of Amendment C75. Consistent diagrams are now utilized. Substantial changes requested such as removal of the Rural Activity Zone or reinstatement of the SLO3 have been recommended for referral to a Planning Panel.

Refer to Attachment 2 for a summary of submissions and Council's response.

An additional change to C92 documentation relate to the insertion of local policy into the scheme at Clause 21.02 (not Clause 22.07, as exhibited). This change has been made to conform to Amendment C75 (Local Planning Policy Framework Review), recently gazetted.

F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER STRUCTURE PLAN

(continued)

There were also six verbal enquiries recorded about the Amendment whom did not lodge a written submission.

It is recommended that submissions be referred to a Panel for further consideration and to give independent recommendations back to Council on Amendment C92.

a. Council Plan Linkage and Policy Context

Growing Glenelg - Sustain and grow a diverse economy and social prosperity: Ensure the resilience and sustainability of our economy into the future.

Liveable Glenelg - Liveability and quality of life: Improve the appearance of public spaces and streetscapes within townships.

b. Legislative and Legal Considerations

Amendment C92 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 (1)(c) *“to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria”*; and
- 4 (1)(g) *“to balance the present and future interests of all Victorians”*.

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 and landowners were notified. Notices of Amendment C92 were placed in the Portland Observer and the Victoria Government Gazette.

Submitters to the amendment will be updated of the progress 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.

F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER STRUCTURE PLAN

(continued)

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 Cape Bridgewater Structure Plan balances investment in tourism with care providing for sensitive development in this significant landscape. New policy is applied to achieve this as part of rezoning.

h. Budget Implication

Council has already spent over \$120,000 on the Cape Bridgewater Structure Plan 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 operational budget.

Conclusion

Amendment C92 has been the result of significant work by Council to identify appropriate investment into Cape Bridgewater. It has undergone robust consultation prior to the amendment and review of submissions.

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

F6. GLENELG PLANNING SCHEME AMENDMENT C92: CAPE BRIDGEWATER STRUCTURE PLAN

(continued)

Officer Recommendation

That Council, having considered the submissions received in response to Amendment C92, pursuant to Section 23 of the *Planning and Environment Act 1987*, resolves to:

1. Endorse proposed changes to Glenelg Planning Scheme documents - Clause 21.02 (MSS) and the Schedule to Clause 35.08 (Rural Activity Zone) contained in Attachment 3;
2. 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 C92 to the Glenelg Planning Scheme; and
3. Refer Amendment C92 and submissions to the Panel for consideration and recommendation, pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*.

MOTION**MOVED Cr McDonald**

That Council, having considered the submissions received in response to Amendment C92, pursuant to Section 23 of the *Planning and Environment Act 1987*, resolves to:

- 1. Endorse proposed changes to Glenelg Planning Scheme documents - Clause 21.02 (MSS) and the Schedule to Clause 35.08 (Rural Activity Zone) contained in Attachment 3;**
- 2. 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 C92 to the Glenelg Planning Scheme; and**
- 3. Refer Amendment C92 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**

Chief Executive Officer, Mr Burgoyne returned to the meeting at 7.41pm.

F7. GLENELG PLANNING SCHEME AMENDMENT C82: ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 3 – RED-TAILED BLACK COCKATOO HABITAT

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

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Attachment 1 – C82 Panel Report	2385347
2.	Attachment 2 - Amendment C82 Planning Scheme Explanatory Report	2390091

Executive Summary

The purpose of this paper is to brief Council on Glenelg Planning Scheme Amendment C82. This report:

1. Recommends that Council adopt Amendment C82.
2. Recommends Council resolve to submit Amendment C82 to the Minister for Planning for final approval.

Background

Glenelg Planning Scheme Amendment C82 was prepared by Council at the request of BirdLife Australia.

The Amendment seeks to revise and expand the existing Schedule 3 to the Environmental Significance Overlay (ESO3) in the Glenelg Planning Scheme and extend coverage of the ESO3 to include additional South-eastern Red-tailed Black Cockatoo habitat.

Council resolved to request authorisation from the Minister for Planning to prepare and exhibit Amendment C82 at its meeting on 24 January 2017.

The Amendment was authorised on 17 February 2017 and placed on public exhibition between 23 March 2017 and 26 April 2017.

Eleven (11) submissions were received and accepted for consideration. Three submissions opposed the amendment. Eight submissions supported the amendment, subject to changes.

At its meeting of 26 September 2017, Council resolved to request the Minister appoint an independent Planning Panel to consider all submissions.

F7. GLENELG PLANNING SCHEME AMENDMENT C82: ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 3 – RED-TAILED BLACK COCKATOO HABITAT

(continued)

Report

The Planning Panel hearing was held on 6 and 7 December 2017. The Planning Report was issued on 9 January 2018 (refer to Attachment 1).

The Panel recommended that Amendment C82 be adopted, as exhibited, subject to the following:

Amend the proposed Environmental Significance Overlay Schedule 3 as shown in the Panel Preferred Version at Appendix C of the Panel Report

The Panel preferred version of ESO3 (refer to pages 37-39 of Attachment 1) comprises a number of minor changes to the version exhibited by Council. These include:

- Inclusion of 'South-eastern Red-tailed Black Cockatoo' in the schedule title;
- Clearer permit requirements and decision guidelines for Stringybark trees and scattered, mature paddock trees;
- Inclusion of vegetation offset metrics to assist in the preparation and determination of permit applications; and
- Clearer exemptions for fence maintenance and personal use.

The changes recommended by the Planning Panel have been incorporated into Amendment C82 (refer to Attachment 2).

a. **Council Plan Linkage and Policy Context**

Growing Glenelg – Sustain and grow a diverse economy and social prosperity.

Liveable Glenelg – Environmental sustainability.

b. **Legislative and Legal Considerations**

The Panel appointed by the Minister for Planning has recommended that Amendment C82 be adopted subject to minor changes.

c. **Consultation and/or communication processes implemented or proposed**

Consultation has been undertaken through the Amendment process. As noted in the Panel Report, Council will consult with DELWP to prepare an *Environmental Significance Overlay 3 Supporting Information Checklist* to support permit applicants.

F7. GLENELG PLANNING SCHEME AMENDMENT C82: ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 3 – RED-TAILED BLACK COCKATOO HABITAT

(continued)

d. Risk Management

The Amendment process is set out in such a way as to manage risks.

e. Resource Implications

The Planning Unit will manage the submission of Amendment C82 to the Minister for Planning for final approval.

f. Charter of Human Rights and Responsibilities

The *Charter of Human Rights and Responsibilities Act 2006* has been considered. The project has considered section 15 and 18 to allow public feedback.

g. Sustainability and Environmental Considerations

Amendment C82 will provide up to date information on habitat requirements for the South-eastern Red-Tailed Back Cockatoo into the Glenelg Planning Scheme.

h. Budget Implication

The costs associated with Amendment C82 for Council have amounted to about \$4300. These have been covered the Planning Unit's operation budget.

Conclusion

Consistent with the recommendation of the Planning Panel, it is recommended that Council adopt Amendment C82 and resolve to submit the amendment documentation to the Minister for Planning for approval.

Officer Recommendation

1. That Council adopts Amendment C82 (Attachment 2) to the Glenelg Planning Scheme pursuant to Section 29 of the *Planning and Environment Act 1987*.
2. That Council submits Amendment C82, as adopted, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

F7. GLENELG PLANNING SCHEME AMENDMENT C82: ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 3 – RED-TAILED BLACK COCKATOO HABITAT

(continued)

MOTION

MOVED Cr Stephens

- 1. That Council adopts Amendment C82 (Attachment 2) to the Glenelg Planning Scheme pursuant to Section 29 of the *Planning and Environment Act 1987*.**
- 2. That Council submits Amendment C82, as adopted, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.**

SECONDED Cr Wilson

CARRIED

F8. CASTERTON STRUCTURE PLAN

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

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Casterton Structure Plan	2389667

Executive Summary

This report recommends that Council adopt the Casterton Structure Plan as per the attached circulation.

Background

Council commenced the preparation of a Structure Plan for Casterton in March 2017.

The purpose of the Structure Plan is to coordinate land use, urban design and development planning for the town centre and surrounding residential and agricultural land. To achieve this, the plan provides the strategic basis for public realm improvements, planning scheme directions (zones and overlays) and other non-statutory objectives and actions.

The Structure Plan was conducted over five stages. Casterton residents, landowners and stakeholders have participated in the development and review of the plan. Survey forms were distributed to gather feedback as the study progressed. 'My place' consultation sessions were held in May and November 2017.

The final plan was exhibited in December 2017, with feedback received in support of the plan and its recommendations.

Report

The Casterton Structure Plan provides a strategic framework to support appropriate growth and development in Casterton. It sets out a suite of themed directions focused on six areas:

- Land use;
- Streetscape and Urban Design;
- Housing;
- Recreation and Open Space;
- Movement Network; and
- Tourism Infrastructure.

F8. CASTERTON STRUCTURE PLAN

(continued)

The key strategic directions of the plan include:

- Urban Design Guidelines for the town centre and Jackson / McPherson Street precinct to direct future development & streetscape improvements;
- Design concept for a 'village square' to activate the former railway precinct;
- Improved pedestrian links and movement networks;
- An enhanced Kelpie Trail experience;
- Preconditions for industrial land expansion and heavy vehicle service centre;
- Promoting infill development and compact housing in appropriate locations; and
- Local policy content for insertion into the Glenelg Planning Scheme to inform future development planning through new zones (MUZ, UFZ) and an overlay (DDO).

A Strategic Framework Map (Figure 1. below) articulates the key themes and strategic directions in a simple diagram.

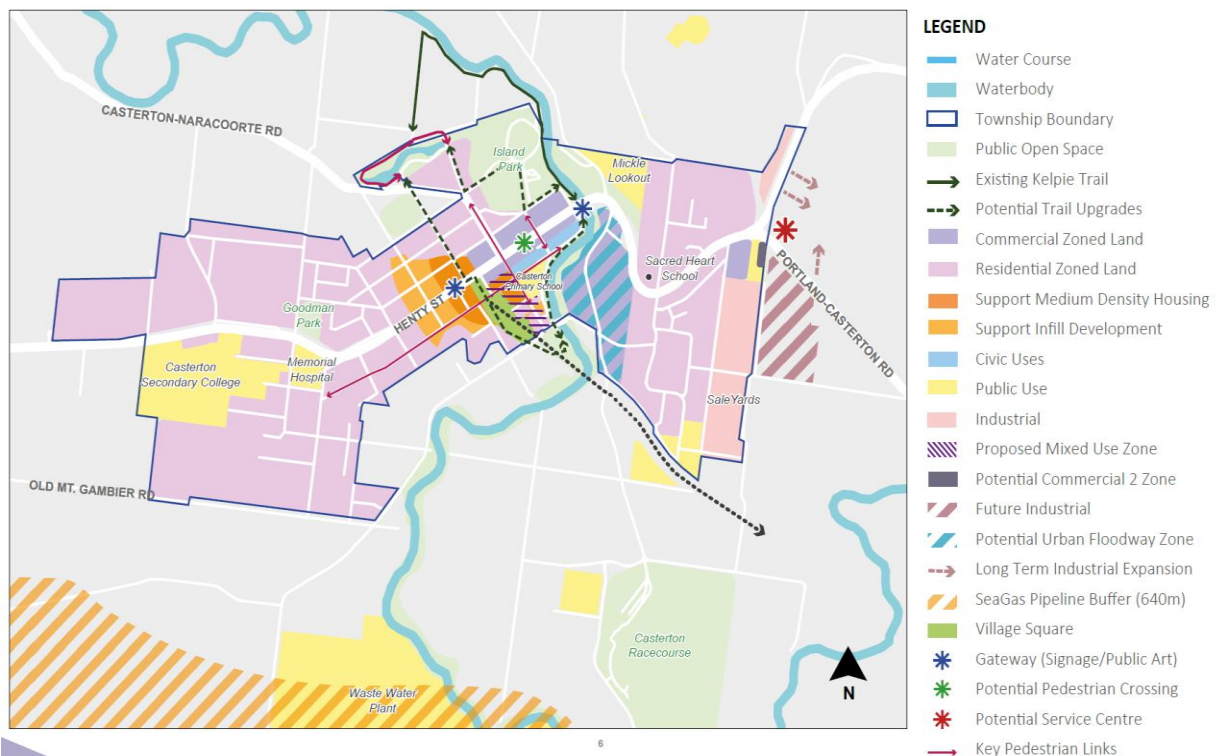


Figure 1. Casterton Structure Plan – Strategic Framework Plan

If the Structure Plan is adopted a further report will be submitted to Council to commence a planning scheme amendment.

F8. CASTERTON STRUCTURE PLAN

(continued)

a. Council Plan Linkage and Policy Context

Growing Glenelg - Sustain and grow a diverse economy and social prosperity: Ensure the resilience and sustainability of our economy into the future.

Connecting Glenelg - Connecting places and spaces: Create places that enhance active engagement of people within community.

Liveable Glenelg - Liveability and quality of life: Improve the appearance of public spaces and streetscapes within townships.

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

b. Legislative and Legal Considerations

The Casterton Structure Plan was developed in accordance with the requirements and objectives of the *Planning and Environment Act 1987*. It complies with directions issued by the Minister for Planning (Ministerial Directions) and relevant practice notes / guidelines issued by the Department of Environment, Land, Water and Planning.

c. Consultation and/or communication processes implemented or proposed

Consultation activities have included three workshops, project bulletin, surveys, stakeholder discussions and correspondence with affected landowners.

Council has also utilised the Yoursay Glenelg online platform for engagement activities and project promotion. There were over 200 visits to the Yoursay Glenelg project page.

A future planning scheme amendment to implement the Structure Plan will require formal exhibition under the *Planning and Environment Act 1987*. This will allow further public input and, if required, an opportunity for an independent planning panel to review submissions.

d. Risk Management

Consultation of the plan to residents, landowners and stakeholders (both internal and external agencies) has been undertaken to seek advice on all relevant matters. This assists in managing risks to ensure all known issues are considered.

e. Resource Implications

The project has been resourced by the Strategic Planning Unit.

F8. CASTERTON STRUCTURE PLAN

(continued)

f. Charter of Human Rights and Responsibilities

The *Charter of Human Rights and Responsibilities Act 2006* has been considered. The project has considered section 15 and 18 to allow public feedback into its development and review.

g. Sustainability and Environmental Considerations

The Structure Plan addresses sustainability and environmental considerations. The plan seeks to reduce the impact of flooding on Casterton by directing future residential, industrial and commercial land uses away from flood-prone areas.

h. Budget Implication

The Structure Plan has been undertaken under Councils operational budget. Costs of the project have amounted to \$80,000.

Conclusion

In conclusion it is recommended that the Casterton Structure Plan be adopted.

Officer Recommendation

That the Casterton Structure Plan be adopted.

MOTION

MOVED Cr Stephens

- 1. That the Casterton Structure Plan be adopted.**
- 2. That Council investigate appropriate zoning on land identified in the attachment prior to undertaking a planning scheme amendment to implement the Casterton Structure Plan.**

SECONDED Cr Halliday

CARRIED

F9. PORTLAND STRATEGIC FRAMEWORK PLAN PROJECT

Director: David Hol, Acting Director Corporate Services
Author: Jacob Clements, Strategic Planner

Separate Circulations – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Project Brief - PSFP	2352238
2.	Victorian Planning Authority - Project Scope Agreement	2367799

Executive Summary

The purpose of the report is to seek nominations from Council to appoint a Councillor to the Project Control Group for the Portland Strategic Framework Plan project. The nominated Councillor is to be endorsed by Council.

Background

The Planning Unit commenced preparation of a structure plan for the City of Portland earlier this year. The preparation of a structure plan is a key strategic document identifying an urban settlement boundary and sets the framework to guide future growth and development of the urban area. The preparation of a structure plan for Portland is identified as future strategic work in the Local Planning Policy Framework.

In May 2017 an application was submitted for funding under the Victorian Planning Authority (VPA) *Streamlining for Growth Program* to assist in the preparation of the structure plan. On 18 August 2017 the Council was informed by the VPA that the project was successful and agreed to the conditions for funding. Under the Streamlining for Growth Program the VPA have agreed to undertake the preparation of the plan and Council has agreed to provide staff support and some funding, where necessary, within the budget for the project.

The VPA have named the project the Portland Strategic Framework Plan (PSFP).

On the 23 October 2017 the Leadership Team endorsed the outputs for the project and accepted the Project Scope Agreement with the VPA.

Report

The PSFP project will be completed in accordance with the Project Brief (refer to Attachment 1) and the Project Scope Agreement (refer to Attachment 2).

Stage two of the project is currently underway and as such it is important that a project control group is established.

F9. PORTLAND STRATEGIC FRAMEWORK PLAN PROJECT

(continued)

The Project Control Group generally consists of the following members:

- Councillor (to be appointed);
- Project Manager (Planning Manager);
- Project Coordinator (Strategic Planner);
- Director of Corporate Services; and
- Economy & Investment Manager.

Following completion of the project an amendment can be prepared to implement the relevant recommendations into the Glenelg Planning Scheme. The planning scheme amendment will be guided by the implementation program set out in the PSFP.

a. Council Plan Linkage and Policy Context

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

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

b. Legislative and Legal Considerations

The preparation of the plan is to be developed in accordance with requirements and objectives of the *Planning and Environment Act 1987*, directions issued by the Minister for Planning (Ministerial Directions) and relevant practice notes/guidelines.

c. Consultation and/or communication processes implemented or proposed

The preparation of the Portland Strategic Framework Plan will include community consultation. An Engagement Plan is to be prepared to guide the consultation undertaken as part of the preparation of the plan.

A Technical Reference Group will be established that will include officers from Council, DELWP and representatives from service authorities as required.

d. Risk Management

Risks will be managed through the preparation of the Engagement Plan.

e. Resource Implications

The project will be managed by Council's Planning Unit and involve a number of staff across the organisation through involvement on a Project Control Group and Technical Reference Group. The resources allocated for the project are within Council's operating budget.

F9. PORTLAND STRATEGIC FRAMEWORK PLAN PROJECT

(continued)

f. Charter of Human Rights and Responsibilities

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

g. Sustainability and Environmental Considerations

The project will incorporate sustainability and environmental practices.

h. Budget Implication

The project is to be managed within the Planning Unit's operational budget. The successful VPA funding application will provide \$80,000 of VPA staff support reducing the financial burden on Council to fund this project.

Conclusion

The leadership team have endorsed the outputs of the project and it is recommended that a Councillor be appointed to the Project Control Group.

Officer Recommendation

That Council endorse the appointment of Cr. _____ to the Portland Strategic Framework Plan Project Control Group.

MOTION

MOVED Cr Hawker

That Council endorse the appointment of Cr Wilson and Cr McDonald to the Portland Strategic Framework Plan Project Control Group.

SECONDED Cr Halliday

CARRIED

F10. PLANNING APPLICATION P16008 – THREE LOT SUBDIVISION

Director: David Hol, 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.	P16008 Delegate Report	2388699
2.	P16008 Application Plans	2390152
3.	P16008 Refusal Notice	2389858
4.	P16008 Objections	2390262

Executive Summary

This paper is to brief Councillors on the planning application P16008, which seeks planning approval for a three lot subdivision and associated vegetation removal at Caledonian Hill Road, Bolwarra. 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 refused.

Background

The application has been submitted by Ian Bell on land known as Caledonian Hill Road, Bolwarra (the parcel does not have numbered street address). The site is within the Rural Living Zone, Rural Conservation Zone 2, Bushfire Management Overlay, Environment Significance Overlay 2, and is approximately 24.51 hectares in area according to the title.

Report

The application seeks to subdivide the land at Caledonian Hill Road, Bolwarra, into three (3) lots and associated vegetation removal. The Certificate of Title submitted indicates the subject land has an area of 24.51 hectares, whilst all associated reports identify a total land area of 22.8 hectares. Meanwhile the proposed Plan of Subdivision calculates a total area of approximately 26.21 hectares. This assessment has adopted these dimensions 26.21 hectares newly surveyed. The proposal includes the following subdivision into three (3) lots with access to the northern boundary (Caledonian Hill Road) consisting of the following areas:

- Lot 1: 5.113 hectares;
- Lot 2: 4.154 hectares; and
- Lot 3: 16.950 hectares.

F10. PLANNING APPLICATION P16008 – THREE LOT SUBDIVISION

(continued)

The details of the proposed subdivision are contained in the attached application plans.

The key issues for assessment of the application include:

- The Glenelg Planning Scheme generally supports subdivision within the Rural Living Zone with lots required to have a minimum area of 4 hectares, however, the full scope of potential environmental impact upon the biodiversity of the landscape has been insufficiently assessed;
- A portion of remaining vegetation on the land is to be managed by Trust for Nature through a covenant, however, written confirmation of this has not been provided;
- Discrepancies between area calculations for each lot has been identified within submitted reports, the Certificate of Title and Proposed Plan of Subdivision, resulting in inaccurate data throughout the entire application.
- The submitted Biodiversity Assessment Report, is inaccurate and insufficient and does not appropriately address the assumed or consequential losses;
- The submitted Bushfire Management Statement, is inaccurate and insufficient and does not appropriately demonstrate that potential risk to life and property from bushfire can be reduced to an acceptable level;
- The documentation supplied with the application does not fully and accurately detail the potential impacts of the proposal due to the lack of information and conclusive assessment provided;
- Although no external referral authority has formally objected to the proposal, DELWP have made substantial comments in respect to the lack of information and inaccurate assessment of the loss of biodiversity and required offsets to accommodate the proposal.

Further to this the owner of the land has objected to the application. Attempts to resolve this matter via consultation were not successful. Despite this the applicant does not wish to withdraw the application. In context if Council did issue a permit it would be of no value, because the owner can veto it from being actioned.

As outlined above, insufficient and inaccurate information has been included with the proposal to fully assess its accordance with the objectives of the *Rural Living Zone*, *Rural Conservation Zone (Schedule 2)*, *Environmental Significance Overlay (Schedule 2)*, *Bushfire Management Overlay, Clause 52.17 – Native Vegetation and Clause 52.47 – Planning for Bushfire*. It is recommended a Notice of Decision to Refuse to Grant a Permit be issued.

F10. PLANNING APPLICATION P16008 – THREE LOT SUBDIVISION

(continued)

The Delegate Report in Attachment 1 provides a detailed assessment of the proposal.

a. Council Plan Linkage and Policy Context

Liveable Glenelg - *liveability and quality of life*.

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. Nine submissions were received objecting to the application.

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 where it is concluded these have not been adequately addressed.

F10. PLANNING APPLICATION P16008 – THREE LOT SUBDIVISION

(continued)

h. Budget Implication

Costs associated with assessment of planning permit applications are included in the Planning Unit's operational budget. The applicant paid \$781 in fees to Council to assess the permit application.

Conclusion

Normally without prejudice conditions would be provided as per Council's Planning Delegation and Decision Guidelines Policy for an alternative motion. However it has not been done in this case because there is insufficient information to support the proposal. So if the officer recommendation below to refuse is not supported, then an alternative motion would be to defer the application whilst further information is sought on native vegetation assessment and bushfire risk.

The Delegate Report (Attachment 1) recommends that permit application P16008 be refused based on the grounds listed.

Officer Recommendation

That Council refuse to grant a planning permit for a three lot subdivision and associated vegetation removal, in accordance with plans contained in separate circulations marked Attachment 2 and grounds listed in the refusal notice marked in Attachment 3.

MOTION

MOVED Cr Hawker

That Council refuse to grant a planning permit for a three lot subdivision and associated vegetation removal, in accordance with plans contained in separate circulations marked Attachment 2 and grounds listed in the refusal notice marked in Attachment 3.

SECONDED Cr McDonald

CARRIED

F11. PROPOSED SALE OF LAND AT 55 & 57R PERCY STREET, PORTLAND **CONSIDERATION OF SPECIAL COMMITTEE RECOMENDATIONS**

Director: David Hol, Acting Director Corporate Services

Author: David Hol, Acting Director Corporate Services

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.	Submitter One – Proposed Sale of 55 and 57R Percy Street Portland	Proposed Developments – Section 89 (2) of the <i>Local Government Act 1989</i>	2382008
2.	Signed Special Committee Meeting Notes Tuesday 30 November 2018	Any other matters which the Council or Special Committee considers would prejudice the Councillor any person - Section 89(2)(h) of the <i>Local Government Act 1989</i>	2397830

Executive Summary

This report advises Council on the outcome of the S223 process undertaken regarding the Proposed Sale of land at 55 & 57R Percy Street, Portland.

Background

Glenelg Shire Council owns adjoining vacant land at:

- 55 Percy Street Portland (including buildings purchased by Council in 2002 for \$400,000); and
- Rear of 57 Percy Street Portland (purchased by Council in 1996 for \$38,000).

At the Ordinary Council Meeting held on Tuesday 28 November 2017, Council resolved to move ahead with the sale of the land and proceeded with the statutory requirements for public notice of the proposed sale.

Report

Submissions from the community closed on Monday 8 January 2018. Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission.

One written submission was received and elected to speak to their submission in person. A Special Committee was appointed and heard this submission verbally on Tuesday 30 January 2018.

**F11. PROPOSED SALE OF LAND AT 55 & 57R PERCY STREET, PORTLAND
CONSIDERATION OF SPECIAL COMMITTEE RECOMENDATIONS**

(continued)

The Special Committee consisted of five Councillors instated at the Ordinary Council Meeting on Tuesday 28 November 2017.

The submission identified concern from the relevant group that Council should consider additional car parking within the precinct of the properties for sale.

Following the presentation, the Special Committee discussed the matter further and advised the submitter that a report would be presented to the February Ordinary Council meeting.

a. Council Plan Linkage and Policy Context

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

b. Legislative and Legal Considerations

The *Local Government Act 1989*, in particular Sections 189 and 223.

c. Consultation and/or communication processes implemented or proposed

In accordance with s189 of the *Act*, Council must give public notice of intention to sell, at least four (4) weeks prior to selling the land. Only one submission was received in this time.

d. Risk Management

Council's risk will be reduced when the property is sold.

e. Resource Implications

Not applicable.

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

Not Applicable.

h. Budget Implication

The sale of the property will provide additional revenue. The administration of the proposed sale is within the operational budget of the Corporate Services Department.

**F11. PROPOSED SALE OF LAND AT 55 & 57R PERCY STREET, PORTLAND
CONSIDERATION OF SPECIAL COMMITTEE RECOMENDATIONS**

(continued)

Conclusion

The following recommendation is made in accordance with section 189 of the *Local Government Act* and based on the Local Government Better Practice Guide for the Sale, Exchange & Transfer of Land.

Recommendation

1. That Council receive the recommendations of the Special Committee held on Tuesday 30 January 2018.
2. That Council provide a written response to the submitter thanking them for their submission.
3. That Council consider car parking needs within the precinct of the Percy Street properties when evaluating any Expressions of Interest received for the purchase of 55 & 57R Percy Street.

MOTION**MOVED Cr McDonald**

1. That Council receive the recommendations of the Special Committee held on Tuesday 30 January 2018.
2. That Council provide a written response to the submitter thanking them for their submission.
3. That Council consider car parking needs within the precinct of the Percy Street properties when evaluating any Expressions of Interest received for the purchase of 55 & 57R Percy Street.

SECONDED Cr Halliday**CARRIED**

F12. PORTLAND FORESHORE REDEVELOPMENT UPDATE

Director: David Hol, Acting Director Corporate Services

Author: David Hol, Acting Director Corporate Services

Separate Circulations – Confidential

The separate circulations 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.	<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>ECM DocSetID</i>
1.	Consultant Report Portland Foreshore Master Plan	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>	2389181
2.	Consultant Report Portland Foreshore All Abilities	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>	2389182

Executive Summary

This report provides Councillors with the results of the second public consultation phase for the Portland Foreshore Masterplan concept plan incorporating the All-Inclusive playground concept.

Background

In 2016 Council sought public feedback on the proposed redevelopment of the Portland Foreshore. A large number of suggestions, ideas, preferences and concerns were provided and considered by Council. An updated concept plan was then produced and an extensive second phase consultation period was initiated throughout October and November 2017.

Report

Following the initial consultation stage in 2016, Council received an extensive amount of feedback, suggestions, ideas and concerns regarding the proposed redevelopment of the Portland Foreshore. This project also incorporated the replacement of the Town Jetty and the All-Inclusive playground.

The details of the feedback were considered and the concept plan updated to reflect the feedback. At times there were opposing views and subsequently not all suggestions were able to be included at this time, however the feedback clearly indicated a range of popular and consistent trends which were incorporated on the updated plan.

F12. PORTLAND FORESHORE REDEVELOPMENT UPDATE

(continued)

In order to ensure that the feedback had been interpreted correctly, the revised concept plan was then subjected to a second round of extensive consultation throughout October and November in 2017.

Justin Staggard Pty Ltd was engaged and conducted a range of targeted consultation sessions with user groups and stakeholders together with public information sessions at the Portland Library and the Portland Customer Service Centre. Large displays of the plan were provided at various council venues as well as being represented at a number of community events including the Kyeema Fair and the Upwelling Festival.

Council received significant feedback throughout the consultation stage. The 'YourSay Glenelg' website received approximately 2000 hits during the period with over 100 responses provided by the public in addition to the completed surveys provided direct to the consultant.

Overall there was a high level of acceptance with the concept plan. The playground concept was especially well accepted.

A range of common themes did arise with the Foreshore Masterplan with a number of differing views. There was both significant support and concern with regard to some elements with the most contentious being the following:

- views on boat parking demands between fishing and non-fishing users and the use of the southern boat ramp;
- views on the proposed new multi-use pavilion; and
- views on the proposed changes to the traffic flow and the removal of the up-ramp.

A number of elements also generated significant support:

- Inclusive Playground;
- Swimming Area;
- Boardwalks and pathways; and
- Rationalisation of the user group buildings.

F12. PORTLAND FORESHORE REDEVELOPMENT UPDATE

(continued)

Based on the feedback it is suggested that the following amendments be made to the concept plan as a result of the consultation.

1. Review the placement and beachside access from the multi-use pavilion and boat storage;
2. Include pedestrian access to Nuns beach;
3. Include further pedestrian links to pathways;
4. Consider amenities facility near the marina;
5. Undertake a traffic study on the proposed changes to traffic flow;
6. Review fish weighing equipment locations;
7. Consider options for potential additional users at the multi-use pavilion including the Sport Fishing Club and the Coastguard; and
8. Amendment to the plan of various minor aspects such as including the details of designated parking areas and the omission of trees in median strips on roadways.

a. Council Plan Linkage and Policy Context

The Portland Foreshore Masterplan is the major project committed to in the Council Plan 2017-21 and has connection to all themes.

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

Connecting Glenelg – connecting people, places and spaces.

Liveable Glenelg – embracing inclusive, health, sustainable and diverse cultures.

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

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

b. Legislative and Legal Considerations

Not applicable at the concept stage however a number of key legislative obligations are to be considered during final design and implementation.

c. Consultation and/or communication processes implemented or proposed

This reports provides details of the consultation phases

F12. PORTLAND FORESHORE REDEVELOPMENT UPDATE

(continued)

d. Risk Management

The implementation of the concept plan will address a number of identified risks associated with the current foreshore arrangements.

e. Resource Implications

Not applicable at concept stage

f. Charter of Human Rights and Responsibilities

No issues identified.

g. Sustainability and Environmental Considerations

The concept plan addresses a number of environmental issues including erosion along Henty Beach.

h. Budget Implication

The current budget includes funds for the initial stage of the Foreshore Re-development.

Conclusion

It is proposed that Council update the concept plan in accordance with the feedback provided at the consultation sessions as indicated in this report.

A funding application for the first stage of the Foreshore Re-development was submitted to the Building Better Regions Fund (BBRF) in December. At this time it is unclear on when funding announcements will be undertaken.

In the interim, there is also an option for Council to commence the initial stages of the project with the funds it has allocated in the current financial year. The initial stages would include the All-Inclusive playground and immediate surrounds.

Recommendation

1. That the report on the second consultation phase of the Portland Foreshore Masterplan and All- Inclusive Playground from Justin Staggard Pty Ltd be received.
2. That Council staff prepare contract documentation to enable the first stage of the Portland Foreshore Masterplan involving the All-Inclusive Playground, to commence in 2018-19 subject to funding.

F12. PORTLAND FORESHORE REDEVELOPMENT UPDATE

(continued)

MOTION

MOVED Cr McDonald

- 1. That the report on the second consultation phase of the Portland Foreshore Masterplan and All- Inclusive Playground from Justin Staggard Pty Ltd be received.**
- 2. That Council staff prepare contract documentation to enable the first stage of the Portland Foreshore Masterplan involving the All-Inclusive Playground, to commence in 2018-19 subject to funding.**

SECONDED Cr Halliday

CARRIED

F13. GLENELG SHIRE COUNCIL 2014-2017 ACCESS AND INCLUSION (DISABILITY) ACTION PLAN FINAL REPORT

Director: Edith Farrell, Director Community Services
Author: Brad Charman, Community Engagement Officer

Separate Circulation – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM DocSetID</i>
1.	Glenelg Shire Council, Access and Inclusion (Disability) Action Plan Progress Report Template 3 of 3, September 2014 – December 2017	2381098

Executive Summary

Council adopted the Access and Inclusion (Disability) Action Plan (DAP) 2014-2017 on 23 September 2014.

This report and its attachment provide the third and final update on the implementation of the Access and Inclusion (Disability) Action Plan 2014-2017.

Background

The Access and Inclusion (Disability) Action Plan 2014-2017 assists Council to meet its obligations under international, federal and state anti-discrimination legislation, as well as its commitments in the Council Plan.

In accordance with the Victorian Disability Act 2006, the following outcomes are set out in the Plan:

- Reducing barriers that prevent persons with a disability accessing goods, services and facilities;
- Reducing barriers that prevent persons with a disability obtaining and maintaining employment;
- Promoting the social inclusion of persons with a disability and increasing their participation in all aspects of community life; and
- Achieving tangible changes in attitudes and practices which discriminate against persons with a disability.

The Plan is designed to achieve these outcomes over three years. It focuses on the services and facilities provided and owned by Council. It also aims to raise awareness of disability issues among Councillors and staff in regard to Council practices and procedures.

F13. GLENELG SHIRE COUNCIL 2014-2017 ACCESS AND INCLUSION (DISABILITY) ACTION PLAN FINAL REPORT

(continued)

Highlights from September 2016 – December 2017

Over the past year, the following highlighted activities and outcomes were achieved;

- The One & All International Day of People with Disability was held on Friday 24 November 2017. Over 130 participants from throughout the region attended the event. They celebrated and acknowledged the contributions, skills and achievements of people with a disability. This event takes place in partnership with a range of community agencies and organisations.
- The Rural Access Program in partnership with Local Government and Disability Service Providers hosted a series of events over the last twelve months. These events were inclusive and accessible and made it easier for people with a disability to attend.
 - International Day of People with Disability Celebrations 2016 (130+ persons);
 - Dreams and Aspirations Art Exhibition 2017 (Exhibition displayed at Portland Arts Centre from 14 November > 1 January 2018. With 20 artists providing over 30 art pieces in various artistic formats);
 - Passport 2 Employment (12 Persons);
 - Wheeltalk program X 2 (two sessions of Wheeltalk were delivered in Portland approximately 150 people were exposed to the program); and
 - 2017 Reconciliation Day Celebrations (Rural Access provided comments on layout to ensure equitable access for all was considered (Approximately 200 people were invited to attend the event).
- The following works were undertaken to improve accessibility on Council owned premises:
 - Provide updates on physical works;
 - Installation of an Accessible Play Equipment at the Heywood Apex Park; and
 - Concept plans for the Portland All Abilities Playspace and Foreshore Master Plan.

Report

This report is the final report to Council regarding the progress and expected outcomes and strategies in the Access and Inclusion (Disability) Action Plan 2014-2017. Details of the actions and outcomes are included in the attachment to this report.

F13. GLENELG SHIRE COUNCIL 2014-2017 ACCESS AND INCLUSION (DISABILITY) ACTION PLAN FINAL REPORT

(continued)

a. Council Plan Linkage and Policy Context

The Access and Inclusion (Disability) Action Plan 2014-2017 is guided by the commitment made in our Council Plan 2014-2017 to make decisions in the interests of all citizens, and enhance community wellbeing for all residents in this municipality.

With the recently adopted Council Plan being implemented, alignment of actions contained within the current Access and Inclusion (Disability) Action Plan align with all of the below focus outcome areas from the Council Plan;

- Growing Glenelg – sustaining and growing a diverse economy and social prosperity;
- Connecting Glenelg – connecting people, places and spaces;
- Liveable Glenelg – embracing inclusive, health, sustainable and diverse cultures;
- Creative Glenelg – Creative, inspired, forward thinking and action orientated; and
- Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative and Legal Considerations

Section 38 of the Disability Act 2006 makes it a legal requirement for public sector bodies to develop Disability Action Plans and for public sector bodies to report on their plans progress within their annual report.

c. Consultation and/or communication processes implemented or proposed

This progress report was prepared in consultation with Council Staff. The feedback period was opened for a 10 week period opening on the 1 October 2017 and closed on 15 December 2017. An email seeking feedback from Staff was sent out on four occasions. In addition to this, one on one meetings and phone calls also took place with individual Council Staff.

d. Risk Management

When developed, the Access and Inclusion (Disability) Action Plan is registered with the Australian Human Rights Commission. In the event of a complaint, the Commissioner is required by the Disability Discrimination Act to consider our organisation's action plan.

F13. GLENELG SHIRE COUNCIL 2014-2017 ACCESS AND INCLUSION (DISABILITY) ACTION PLAN FINAL REPORT

(continued)

The success of an action plan, in terms of eliminating disability discrimination and in being used as a defence against complaints, will largely depend on the effectiveness of the actions taken within the adopted Access and Inclusion (Disability) Action Plan.

e. Resource Implications

Glenelg Shire Council completed the third year of the plan to the best of its ability with the resources made available.

f. Charter of Human Rights and Responsibilities

The United Nations has adopted a formal convention on the Rights of Persons with Disabilities. This convention affirms that people with all kinds of disabilities are entitled to enjoy all human rights and fundamental freedoms. Australia ratified the convention in July 2008. This means that Australia is legally bound to protect the rights of people with a disability.

g. Sustainability and Environmental Considerations

Sustainability and environmental considerations have taken place. There are no identified sustainability and environmental considerations associated with the Access and Inclusion (Disability) Action Plan Progress Report.

h. Budget Implication

The aim of the Access and Inclusion (Disability) Action Plan 2014-2017 is to assist Council to make decisions in the interests of all citizens, and enhance community wellbeing for all residents in this municipality. Any outcomes that require an additional budget allocation where referred to the Council budget process for consideration and external funding was sought where necessary.

Conclusion

The actions as highlighted in this report are a snap shot of some of the accomplished outcomes over the past eighteen months. Further detailed progress and outcomes are reported in the attachment to this report.

The outcomes within the attached progress report are a completed list of attained progress as from September 2016 – December 2017.

F13. GLENELG SHIRE COUNCIL 2014-2017 ACCESS AND INCLUSION (DISABILITY) ACTION PLAN FINAL REPORT

(continued)

Officer Recommendation

That Council receives the final report on the 2014-2017 Access and Inclusion (Disability) Action Plan (Year 3 Progress, September 2016 – December 2017) in Appendix 1 of this report.

MOTION**MOVED Cr Wilson**

That Council receives the final report on the 2014-2017 Access and Inclusion (Disability) Action Plan (Year 3 Progress, September 2016 – December 2017) in Appendix 1 of this report.

SECONDED Cr McDonald**CARRIED**

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

Director: David Hol, Acting Director Corporate Services

Author: Liz Regent, Acting Manager Compliance and Corporate Information

Executive Summary

This report provides an update on progress of commitments identified in the Glenelg Shire Council Plan 2017-21 for the first half of year one of the plan.

This report also proposes a revised approach for communicating updates on commitments identified in the Glenelg Shire Council Plan 2017-21.

Background

The Glenelg Shire Council Plan 2017-21 was adopted at the Council meeting of 27 June 2017. The plan provides Council's direction for the next four years. It is a medium term strategic document required under section 125 of the *Local Government Act 1989* to be prepared every four years following the election of a new Council. It provides a list of outcomes that Council will work towards over the next four years.

Action plans have been prepared for each department. Progress reporting procedures are in place and will be further refined over the next six months. The intention is to provide regular updates to the public on progress of commitments identified in the Glenelg Shire Council Plan 2017-21.

This report provides an update on progress of Council Plan commitments for the first half of year one of the plan and proposes a new approach to communicating future updates on Council's progress for the life of the plan.

Report

The Glenelg Shire Council Plan 2017-21 identifies major projects and plans that we are committed to complete within the plan period. The following table provides an update on progress of these projects and plans.

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

(continued)

Major Projects and Plans

<i>Project</i>	<i>Update</i>	<i>Status</i>
<i>Australian Kelpie Centre</i>	50% complete	On track
<i>Portland Library Redevelopment</i>	Relocation to Percy Street November 2017 Redevelopment works commenced	On track
<i>Portland Foreshore Masterplan</i>	Consultation feedback considered	On track
<i>Open Space Strategy</i>	Consultation commenced October 2017	On track
<i>Community Plan</i>	Due to commence 2018	
<i>Glenelg Shire Tracks and Trails Strategy</i>	Due to commence 2018	

Council has also made significant progress on a number of measures identified in the Glenelg Shire Council Plan 2017-2021.

The following actions have been undertaken in the first half of year one to implement these measures:

Theme 1- Growing Glenelg	Update
Develop value proposition for population attraction and retention	Glenelg Investment Prospectus published November 2017
Three marketing initiatives per year to promote Growing Glenelg	Summer edition of Growing Glenelg released
Pursue smart cities funding opportunities-	Development of Glenelg Smart Cities Framework commenced
Continue council attendance participate in all GORRT board meetings-	Attended GORRT board meeting
Meet with cruise ship operators annually to promote Portland as a cruise ship destination-	Council represented at Cruise Ship Conference 8-9 September
Improve digital ecommerce uptake-	Small business workshop held in Portland- 5 Sept (Digital Focus)
To develop other townships within the shire under the destination brand as developed by GORRT	Casterton complete, Nelson filming occurred November 2017

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

(continued)

Theme 2- Connecting Glenelg	Update
Continue to pursue funding opportunities for road repair and upgrade-	Meetings held with VicRoads and Federal Infrastructure Minister this quarter
Finalise Open Space Strategy-	In progress

Theme3- Liveable Glenelg	Update
Conduct 1 listening post per quarter-	Nelson listening post held September 2017. Dartmoor listening post held 8 December 2017. Additional listening post held at Upwelling Festival, November 2017.
Develop Health and Wellbeing Plan(HWP)-	Adopted 24 Oct 2017
Support community engagement through volunteering opportunities for youth -	Freeza event held October 2017, organized by youth in volunteering capacity
Maintain above average perception of safety within the community	Laneway lights installed Portland

Theme 4 Creative Glenelg	Update
Continue to promote community events calendar	New iamportland events page launched to promote community events

Theme 5 Leading Glenelg	Update
Planning Scheme Review	In progress
Customer Relationship Management system	Options being reviewed
Update organisational development policies -	Training policy updated
Statutory Planning Permits assessed promptly and continues to be less than state average (assessment time)	95 % within statutory assessment time – state average 75%

The above actions demonstrate a commitment by Council to implement the provisions of the Glenelg Shire Council Plan 2017-21.

In order to provide a progress report to the public on a regular basis, it is proposed that the following reporting framework be adopted

Update Website to:

- Provide result updates on the abovementioned projects and plans; and
- Provide updates on progress of actions relevant to each theme of the Council Plan

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

(continued)

- Introduce Quarterly Performance Report available to the public that addresses the following:
 - Major Projects and plans update;
 - Update for each theme;
 - What's happening across the shire;
 - Listening post updates;
 - Financial Report; and
 - Legislation updates.

The above describes both progress for the first half of year 1 and offers additional updates to the public on progress of commitments made as part of the Glenelg Shire Council Plan 2017-21.

a. Council Plan Linkage and Policy Context

This report provided an updated process report on the new Glenelg Shire Council Plan 2017-21.

b. Legislative and Legal Considerations

The Glenelg Shire Council Plan 2017-21 has been prepared in accordance with the provisions of section 125 of the *Local Government Act 1989*. This report provides an update on implementation of the Glenelg Shire Council Plan adopted on 24 June 2017.

c. Consultation and/or communication processes implemented or proposed

Council undertook extensive consultation with the community throughout 2017 and this feedback has informed the preparation of the Glenelg Shire Council Plan 2017-21. This report provides an update on progress of commitments made under this plan and also proposes additional measure to maintain contact with the community about this progress.

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

(continued)

d. Risk Management

The extensive consultation process minimizes risk and provides for a transparent process when preparing the Council Plan. The additional reporting regime ensures greater transparency related to Council activity and the use of public funds and resources.

e. Resource Implications

Consideration has been given to available resources when preparing the Glenelg Shire Council Plan 2017-21. The Strategic Resource Plan and Council Budget specifically address resource implications for implementation of the Glenelg Shire Council Plan 2017-21.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered. The consultation throughout this project has and will continue to enable participation by residents in public affairs and local democracy.

g. Sustainability and Environmental Considerations

The Glenelg Shire Council Plan 2017-21 addresses Council's direction regarding sustainability and environmental performance improvements over the next four years. Specific attention is given to reducing carbon footprint and using renewable energy.

h. Budget Implication

The Glenelg Shire Council Plan 2017-21 has been prepared within budget. The Strategic Resource Plan will specifically address budget implications associated with implementation of the Council Plan 2017-21.

Conclusion

This report provides an update on the progress of commitments of the Glenelg Shire Council Plan 2017-21. It also proposes a new approach to presenting regular progress updates to the community.

F14. GLENELG SHIRE COUNCIL PLAN 2017-21: HALF YEAR PERFORMANCE REPORT

(continued)

Officer Recommendation

That Council:

1. Council receive the update on progress of actions described in this report to implement the Council Plan 2017-21;
2. Council support the creation of a revised website page for the council plan that provides updates on progress of commitments made in the Glenelg Shire Council Plan 2017-21; and
3. Council supports the creation of a quarterly performance report to be made available to the public to provide updates on progress of commitments made under the Glenelg Shire Council Plan 2017-21.

MOTION

MOVED Cr Hawker

That Council:

1. **Receive the update on progress of actions described in this report to implement the Council Plan 2017-21;**
2. **Support the creation of a revised website page for the council plan that provides updates on progress of commitments made in the Glenelg Shire Council Plan 2017-21; and**
3. **Support the creation of a quarterly performance report to be made available to the public to provide updates on progress of commitments made under the Glenelg Shire Council Plan 2017-21.**

SECONDED Cr Stephens

CARRIED

Mayor Cr Rank re-declared an Indirect Conflict of Interest in Item F15. Portland Coastal Management Plan and left the meeting at 8.04pm.

MOTION

MOVED Cr Stephens

That Cr Halliday be appointed as Temporary Chairperson.

SECONDED Cr Wilson

CARRIED

F15. PORTLAND COASTAL MANAGEMENT PLAN

Director: Robert Alexander, Director Assets

Author: Adam Smith, Environmental Sustainability Coordinator

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM DocSetID
1.	Portland Coastal Management Plan, December 2017 Draft, Fitzgerald Frisby landscape architecture	2366512

Executive Summary

Under the *Coastal Management Act (1995)* Committees of Management are encouraged to develop a Coastal Management Plan for the Crown land that they manage. Council was fortunate to obtain funding from DELWP for the development of a Coastal Management Plan to cover the area from Portland foreshore and Trawler Wharf in the south then north to Henty Bay Beachfront Holiday Park on Dutton Way.

The Portland Coastal Management Plan is now complete and requires adoption by Council before approval, endorsement and gazettal by the Minister (or his/her delegate).

Background

The aim of the Portland Coastal Management Plan (CMP) is to provide strategic direction and policy on current and future use, sustainable management and development of the coastal Crown land to benefit all users and stakeholders. It's guided by *Coastal Management Act (1995)* and state and regional strategies and will act as a guide for coastal land managers in setting a direction for the future of the coastline.

A total of \$60,000 was provided by the Department of Environment, Land, Water and Planning (DELWP) to undertake the development of the Plan with the coordination, management and development being undertaken by Council. Council engaged fitzgerald frisby landscape architecture to develop the CMP. The development of the CMP has been overseen by a Project Control Group consisting of a representative from DELWP, Regional Development Victoria and two Council officers.

F15. PORTLAND COASTAL MANAGEMENT PLAN

(continued)

The CMP has been developed using DELWP 'Guidelines for the Preparation of Coastal Management Plans' and covers all Crown land from the Portland foreshore and Trawler Wharf in the south then north to Henty Bay Beachfront Holiday Park on Dutton Way. Some of the Crown land is under Council's Committee of Management and some under direct management by DELWP.

The State Government's Coastal Management Plan approval process is as follows:

- The final CMP and business plan are endorsed by the Project Control Board;
- The final CMP is endorsed by the local municipality and other key stakeholders; and
- DELWP prepares a brief to the Minister (or their delegate) for the approval of the CMP, business plan and low-impact works.

Report

The Portland Coastal Management Plan has been completed (attached) and endorsed by the Project Control Group. It is now presented to Council for endorsement prior to submission to DELWP for approval, endorsement and gazettal by the Minister (or his/her delegate).

a. Council Plan Linkage and Policy Context

The Portland Coastal Management Plan has strong links to the Council Plan themes including Growing Glenelg, Connecting Glenelg, Liveable Glenelg, Creative Glenelg and Leading Glenelg.

b. Legislative and Legal Considerations

The Plan is guided by *Coastal Management Act (1995)* and state and regional strategies and will act as a guide for coastal land managers in setting a direction for the future of the coastline.

c. Consultation and/or communication processes implemented or proposed

The Portland Coastal Management Plan has been informed by two community consultation periods conducted in May and October 2017.

Both consultation periods included:

- Information and opportunity to provide comments via 'Your Say Glenelg' and in-writing;
- A community drop-in session to allow people to discuss the CMP and provide feedback and comment; and
- Notification to the main user groups development of the CMP and consultation periods via email. This included the opportunity to have individual consultation on the project.

F15. PORTLAND COASTAL MANAGEMENT PLAN

(continued)

d. Risk Management

The CMP has evaluated the major risks within the study area and provides recommendations on their management. Adoption of the CMP will support the ability to obtain external funding to help further evaluate and mitigate these risks.

e. Resource Implications

Once implemented there will be resource implications relating to the improved monitoring and recording of management and maintenance expenses within the study area. There will also be resource implications relating to implementing any works outlined within the business plan with applying for and supplementing grant funding opportunities.

The CMP must also be reviewed no more than three years after the plan has been approved by the Minister (or delegate) or as stated in legislative requirements.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

Sustainability and environmental criteria were taken into consideration during the development of the Portland Coastal Management Plan and are reflected in its outcome.

h. Budget Implication

The Portland Coastal Management Plan lists recommendations for capital works improvement projects, including total indicative costs. Implementation of these major initiatives projects and key actions will be subject to collaborative efforts between Council, DELWP, stakeholders and other levels of government, in order to secure external grants and funding. The availability of external grants and funding will therefore ultimately influence the timing and capacity to deliver key projects.

Conclusion

The Portland Coastal Management Plan is now complete and is presented to Council for adoption before approval, endorsement and gazettal by the Minister (or his/her delegate).

F15. PORTLAND COASTAL MANAGEMENT PLAN

(continued)

Officer Recommendation

1. That Council adopt the Portland Coastal Management Plan.
2. That the Department of Environment, Land, Water and Planning be requested to prepare a brief to the Minister (or their delegate) for the approval of the Portland Coastal Management Plan, business plan and low impact works.

MOTION**MOVED Cr Wilson**

1. That Council adopt the Portland Coastal Management Plan.
2. That the Department of Environment, Land, Water and Planning be requested to prepare a brief to the Minister (or their delegate) for the approval of the Portland Coastal Management Plan, business plan and low impact works.

SECONDED Cr McDonald**CARRIED**

Mayor Rank returned to the meeting at 8.06pm and assumed the position as Chairperson.

F16. CLARKE STREET TOILETS, CASTERTON

Director: David Hol, Acting Director Corporate Services
Author: David Hol, Acting Director Corporate Services

Executive Summary

This report is in response to a petition received in regards to the potential closure of the Clarke Street toilets in Casterton following the opening of the Australian Kelpie Centre.

Background

A petition was received and tabled at the Ordinary Council Meeting on 23 January 2018 that related to the closure of the Clarke Street toilets located in Casterton. Council received this petition in accordance with 4.14.3 of Glenelg Shire Council's Meeting Procedure, a petition must lay on the table until the next ordinary meeting of the Council.

Report

The successful feasibility study for the construction of the Australian Kelpie Centre included a number of aspects including the closure of the Clarke Street toilets and the sale of the current Visitor Information Centre in Casterton. This feasibility study was adopted by Council in principle.

Although the Australian Kelpie Centre includes public amenities, Council has received a petition tabled at the January Ordinary Council meeting expressing concern from the community on the impact that the closure of the Clarke Street toilets may have on the central area of Casterton as the new facilities are located a further distance than the current amenities.

In response to the public concern, it is proposed that the Clarke Street toilets remain open for an additional 12 months following the completion of the Australian Kelpie Centre in order to assess usage demands. Following this 12 month period a further report is to be provided to Council to review the patronage of the facility and the costs associated with ongoing maintenance and cleaning.

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**

The Australian Kelpie Centre included a consultation process through initial design which identified the closure of the Clarke Street toilets within the feasibility study.

F16. CLARKE STREET TOILETS, CASTERTON

(continued)

d. Risk Management

This report addresses potential implications for tourism and public concern.

e. Resource Implications

The operation of both the Clarke Street toilets and the Australian Kelpie Centre toilets simultaneously will require additional cleaning services.

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

Nil.

h. Budget Implication

Council will incur additional cleaning and maintenance costs whilst the usage demands are being assessed.

Conclusion

In response to the petition tabled at the January Ordinary Council meeting, it is recommended that the Clarke Street toilets remain open for 12 months post opening of the Australian Kelpie Centre to enable further analysis on the usage and demand requirements of the facility.

Officer Recommendation

1. That the Clarke Street toilets remain open for twelve months after the opening of the Australian Kelpie Centre whilst a review of the usage and demand of the facility is undertaken.
2. That the submitter of the petition on behalf of the residents of Casterton be advised of this outcome.

F16. CLARKE STREET TOILETS, CASTERTON

(continued)

MOTION

MOVED Cr Stephens

- 1. That the Clarke Street toilets remain open for twelve months after the opening of the Australian Kelpie Centre whilst a review of the usage and demand of the facility is undertaken.**
- 2. That the submitter of the petition on behalf of the residents of Casterton be advised of this outcome.**

SECONDED Cr McDonald

CARRIED

F17. PROCUREMENT AUSTRALIA CONTRACT 2003/0107 SUPPLY AND DELIVERY OF BULK FUELS

Director: Robert Alexander, Director Assets
Author: Chris Saunders, Operations Manager

Executive Summary

The Glenelg Shire Council is a participant in the joint tender process undertaken by Procurement Australia on behalf of stakeholders for the procurement of goods.

Council approval is now sought to award contract 2003/0107 for the Supply and Delivery of Bulk Fuels for a period of two years.

Background

The Glenelg Shire Council's bulk fuel needs primarily relate to diesel fuel with approximately 150,000 litres purchased over the past 12 months for the Portland, Casterton and Heywood Depots.

Council currently participates under a contract through Procurement Australia for the supply of bulk fuels. The existing Contract 1610-0106 for bulk fuels contract term expired on 30 October 2017, however at this time an extension was offered for the period up until 30 March 2018.

Procurement Australia undertakes this process on behalf of all participating members so as to gain the benefits of a bulk purchasing arrangement and at the same time meeting Council's obligations under Section 186 of the *Local Government Act 1989*.

Report

Procurement Australia has concluded the evaluation phase of the new bulk fuel tender. The term of Contract 2003/0107 for the supply and delivery of bulk fuel is for two years commencing on 1 April 2018 and expiring on 31 March 2020, with the option to extend for two (2) twelve (12) month periods.

The core benefits of using Procurement Australia are market strength and competitive pricing through aggregation, security of supply, direct access to suppliers and performance monitoring, greater flexibility in ordering volume and greater control over procurements cost. They operate under the Commonwealth Government's accountability and governance frameworks and must comply with a range of legislation and mandatory requirements with policies and protocols in place to guide the governance, management and integrity of its actions.

Glenelg Shire has an average monthly fuel, namely diesel, requirement of 12,500 litres (150,000 litres per annum) which is currently supplied by Caltex Australia Petroleum Pty Ltd and distributed by Bonney Energy.

F17. PROCUREMENT AUSTRALIA CONTRACT 2003/0107 SUPPLY AND DELIVERY OF BULK FUELS

(continued)

At the conclusion of the tender evaluation process for Contract 2003/0107 it has been recommended that the following suppliers be awarded the contract as outlined within the below table:

	Supplier	Category 1 Bulk Fuel	Category 2 Bulk Metered Deliveries
1	BP Australia Pty Ltd	National	National
2	Caltex Australia Petroleum Pty Ltd	National	National
3	McLennan Bulk Fuel	VIC	VIC
4	Mini-Tankers	ACT, NSW, NT, QLD, SA, VIC WA	ACT, NSW, NT, QLD, SA, VIC WA
5	Ocwen	NSW, QLD, VIC	NSW, QLD, VIC
6	Petrogas Pty Ltd	NSW, SA, VIC	NSW, SA, VIC
7	United Petroleum Pty Ltd	National	National

a. Council Plan Linkage and Policy Context

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

b. Legislative and Legal Considerations

Procurement Australia undertakes this process on behalf of all participating Councils to gain the benefits of a bulk purchasing arrangement whilst also ensuring Council's obligations under Section 186 of the *Local Government Act 1989*. There are no other legislative or legal matters to consider in relation to this matter.

c. Consultation and/or communication processes implemented or proposed

All tender consultation and subsequent consultation with participating Councils has been undertaken by Procurement Australia.

d. Risk Management

There are no risk management issues relating to the subject matter of this report.

e. Resource Implications

Based on the existing suppliers and the proposed suppliers as part of this tender evaluation there are no extra resource implications associated with this contract.

F17. PROCUREMENT AUSTRALIA CONTRACT 2003/0107 SUPPLY AND DELIVERY OF BULK FUELS

(continued)

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

Sustainability and environmental criteria were considered during the tender evaluation process undertaken by Procurement Australia.

h. Budget Implication

Reducing the cost of goods and services is a goal shared by every organisation, regardless of size or scope. Procurement Australia has proven results in delivering savings to Council through the purchase of bulk fuel.

Officer Recommendation

1. That Council endorse Contract 2003/0107 for the Supply and Delivery of Bulk Fuels in accordance with the tender evaluation undertaken by Procurement Australia.
2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council decision.
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 and documents in relation to this contract.

F17. PROCUREMENT AUSTRALIA CONTRACT 2003/0107 SUPPLY AND DELIVERY OF BULK FUELS

(continued)

MOTION

MOVED Cr Halliday

- 1. That Council endorse Contract 2003/0107 for the Supply and Delivery of Bulk Fuels in accordance with the tender evaluation undertaken by Procurement Australia.**
- 2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council decision.**
- 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 and documents in relation to this contract.**

SECONDED Cr Stephens

CARRIED

F18. PLASTIC BAG FREE GLENELG

Director: Robert Alexander, Director Assets
Author: Adam Smith, Environmental Sustainability Coordinator

Executive Summary

This report considers the issue of single-use plastic bags and plastics in general as requested by Council through the notice of motion 1-2017-18 Plastic Bag Free Glenelg.

Single-use plastic bags and the use of plastics is a complex issue that requires a collaborative approach across all levels of government to bring about the behavioural change required for a long term impact.

The State Government has previously announced that they will ban single-use, lightweight plastic shopping bags in Victoria however a date for implementation is yet to be publicised. This report recommends that Council await the State Government's final policy decision on this matter and prior to establishing an effective rollout of the policy requirements.

Background

At the Ordinary Council Meeting held on Tuesday 23 January 2018 the notice of motion 1-2017-18 Plastic Bag Free Glenelg was passed requesting:

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.

On 18 October 2017 the Victorian State Government announced that they will ban single-use, lightweight plastic shopping bags in Victoria although no date for implementation has been announced.

The State Government indicated that they would consult closely with businesses and the community on how best to implement the policy and deliver a workable scheme that doesn't unfairly impact on consumers, retailers, industry or the environment.

F18. PLASTIC BAG FREE GLENELG

(continued)

Consultation was initiated by the State Government through a discussion paper, seeking feedback from the community on banning single-use lightweight plastic shopping bags and future approaches to managing plastic pollution in Victoria. Retailers Coles and Woolworths have also announced that they would stop using single-use plastic bags by July 2018. Woolworths currently hand out 3.2 billion lightweight plastic bags each year.

Report

General evidence and literature has shown that banning single-use plastic bags has a limited effect on shoppers' disposable bag habits and that environmental benefits will only be fully realised if a ban drives a permanent change in shoppers' behavior. Most evidence suggests that actions driven by the community and retailers rather than Government policies have greater affect on shopper's habits.

Council provided input to the Municipal Association of Victoria's submission on the State Governments discussion paper, and during a workshop in October last year Councillors voted to defer any action until the State Government issued an outcome the matter.

In the meantime however, Council has undertaken a number of processes to reduce the use of plastics and single-use plastic bags in the Shire by:

- Implementing a waste minimisation and recycling system within the organization. This has included reduced printed material and the use of certified biodegradable garbage bags where possible;
- Introducing the above mentioned system at Council operated childcare centres to educate and promote waste minimisation, recycling and sustainability including the use of natural material bags, to both children and their families;
- Use of certified biodegradable doggy doo bags in Council dispensers;
- Reduced use of (plastic) disposable products (where possible) at Council events in accordance with Council's Healthy Catering Policy;
- Continued ongoing investigations into the use of alternative products to replace plastics throughout Council services;
- Budget submission made for the introduction of Council 'organic' re-useable bags for Community groups or members to utilise as part of improving community awareness on the matter;
- Developing promotional material encouraging the use of 'organic' re-usable bags and reducing the use of plastic through social media and other media outlets.

F18. PLASTIC BAG FREE GLENELG

(continued)

a. Council Plan Linkage and Policy Context

This matter links to the Council Plan themes Growing Glenelg, Liveable Glenelg, Creative Glenelg, and Leading Glenelg.

b. Legislative and Legal Considerations

Council has no legislative or legal ability to enforce a general ban on plastic bag use within the Shire however Council does have the ability to limit plastic bag use at Council events or events held on Council managed land.

c. Consultation and/or communication processes implemented or proposed

Internal consultation has been undertaken as part of the development of this report. External consultation and further communication would need to be undertaken following Councils decision and also depending on outcome of the State Governments policy on this matter.

d. Risk Management

Not applicable.

e. Resource Implications

There are no resource implications relating to this report.

f. Charter of Human Rights and Responsibilities

The Charter of Human Rights has been considered in the preparation of this report.

g. Sustainability and Environmental Considerations

Sustainability and environmental criteria were taken into consideration during the development of this report.

h. Budget Implication

There are no immediate budget implications due to this matter, however the introduction of Council 'organic' re-usable bags for Community groups would require funding through Councils budget process.

Conclusion

Council has no legislative or legal ability to enforce a general ban on single-use plastic bags within the Shire. The State Government have previously announced they intend to address the issue at a state level.

F18. PLASTIC BAG FREE GLENELG

(continued)

It is therefore recommended that Council await confirmation from the State Government on the direction it wishes to pursue in relation to reducing plastic bags and plastic bag usage, should the proposed ban on plastic bags be implemented.

Officer Recommendation

1. That Council note the Plastic Bag Free Glenelg report.
2. That Council await the outcome of the State Government's proposed ban on plastic bags.

MOTION

MOVED Cr Hawker

1. That Council note the Plastic Bag Free Glenelg report.
2. That Council await the outcome of the State Government's proposed ban on plastic bags.

SECONDED Cr Halliday

CARRIED

DIVISION:

Crs Rank, Hawker, McDonald and Halliday voted for the MOTION.

Crs Wilson and Stephens voted against the MOTION.

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*

- D1. (1) Recommendations from Tourism Advisory Committee Meeting 12 December 2017
- E1. (1) Local Port of Portland Bay Advisory Committee meeting record 15 January 2018
- E1. (2) Assembly of Councillors - Councillors Planning Session 23 January 2018
- E1. (3) Assembly of Councillors - Councillor and CEO Meeting 23 January 2018
- E1. (4) Assembly of Councillors - Councillor Briefing session 23 January 2018
- E1. (5) Tourism Advisory Committee Meeting Notes 30 January 2018
- E1. (6) Casterton Railway Precinct Advisory Committee Meeting Notes 8 February 2018
- E1. (7) Assembly of Councillors – Onsite Deputation by Vern McCallum – Tuesday 13 February 2018
- E1. (8) Assembly of Councillors - Councillors Workshop Tuesday 13 February 2018
- E1. (9) Assembly of Councillors – Councillors and CEO Meeting Tuesday 13 February 2018
- F1. (1) Monthly Financial Report – January 2018 – Dashboard
- F3. (1) Attachment 1 - Amended Schedule 29 (General Local Law 2018)
- F4. (1) Adopted Glenelg Shire Council General Local Law 2018
- F6. (1) Attachment 1 - Submissions to C92
- F6. (2) Attachment 2 - Summary of Submissions and response
- F6. (3) Attachment 3 - Planning scheme amendment documents
- F7. (1) Attachment 1 – C82 Panel Report
- F7. (2) Attachment 2 - Amendment C82 Planning Scheme Explanatory Report

Separate Circulation to Councillors, CEO, Director and available to the Public
(continued)

- F8. (1) Casterton Structure Plan
- F9. (1) Project Brief – PSFP
- F9. (2) Victorian Planning Authority - Project Scope Agreement
- F10. (1) P16008 Delegate Report
- F10. (2) P16008 Application Plans
- F10. (3) P16008 Refusal Notice
- F10. (4) P16008 Objections
- F13. (1) Glenelg Shire Council, Access and Inclusion (Disability) Action Plan Progress Report Template3 of 3, September 2016 – December 2018
- F15. (1) Portland Coastal Management Plan, December 2017 Draft, Fitzgerald Frisby landscape architecture

Separate Circulation to Councillors, CEO and Directors

- F2. (1) Councillor and Chief Executive Officer Leave of Absence Register
- F11. (1) Submitter One – Proposed Sale of 55 and 57R Percy Street Portland
- F11. (2) Signed Special Committee Meeting Notes Tuesday 30 November 2018
- F12. (1) Draft Consultant Report Portland Foreshore Master Plan
- F12 (2) Draft Consultant Report Portland Foreshore All Abilities

Recommendation

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

MOTION

MOVED Cr Halliday

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 8.20pm.

I HEREBY CERTIFY THAT PAGES 1 TO 90 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

**CR ANITA RANK
MAYOR**

27 MARCH 2018

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