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**Glenelg Shire Council**  
**Minutes of the Ordinary Council Meeting held on**  
**Tuesday 28 August 2018 at 7.00pm at**  
**Portland Customer Service Centre**  
**Cliff Street, Portland**

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TIME:

7:00pm

PRESENT:

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

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

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Nil.

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 24 July 2018, as circulated, be confirmed.

MOTION**MOVED Cr McDonald**

**That the minutes of the Ordinary Council Meeting held on Tuesday 24 July 2018, as circulated, be confirmed.**

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

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](http://www.localgovernment.vic.gov.au) select – legislation. Alternatively, a printed copy is available for Councillors upon request'.*

Cr Stephens declared an Indirect Conflict of Interest in item G1. Independent Audit Committee Member Appointment.

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

Mayor Cr Rank declared a Conflict of Interest in Item D1. Recommendation from Community Grants Advisory Committee – 23 July 2018 Community Grants (Round 1) 2018-2019 Program Allocations.

Mayor Cr Rank has advised that 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:QUESTIONS FROM THE GALLERY:1. Boat Jetty Restoration

Mr George Dowden of Portland asked the following question:

- a. *Can you please advise on the status of the "boat jetty" restorations. I believe it was muted that a grant had been offered to replace the jetty. This was around 5 years ago. The old jetty was removed at least 2 years ago. Will this be done in my lifetime?*
- b. *There have been feasibility studies done where the public have been invited to comment and come up with suggestion, I am sure at considerable cost. This fishing jetty has been sorely missed by local people. They have been promised so much. What is that status of this?*

QUESTIONS FROM THE GALLERY:

Mr Burgoyne, Chief Executive Officer requested clarification on which structure Mr Dowden was referring in question 1A. The town jetty was confirmed.

Mr Burgoyne advised that this is subject to a funding application. Council was unsuccessful in the most recent round of funding, but continues to look for funding sources. When funding becomes available the facility will be reconstructed. Council does have money in the budget to act as co-funding for those funding applications.

Mr Burgoyne advised that in order to attract funding we need a strategic view as to what the foreshore looks like. The town jetty is an integral part of that formula.

There are different funding streams for different aspects of the foreshore. There are boating funds, fishing funds and other funds for land-based investment.

Mr Burgoyne advised that he is confident that we will get some government attention on this in the not too distant future.

2. Haines Lane Heywood

Mr Bill Meldrum of the Portland Observer asked the following question:

*I refer to the roadside vegetation clearing incident at Haines Lane, Heywood, which happened in late April-early May.*

*Is the Council in a position to provide an update on its investigations into the incident?*

Mr Burgoyne, Chief Executive Officer advised that he would take this question on notice.

A. NOTICES OF MOTION:**A1. NOTICE OF MOTION 1 – 2018-19 – RESCISSION OF MOTION AND NOTICE OF MOTION**

In accordance with Section 4.7 of Council's Governance Local Law and associated Meeting Procedure, I give notice of my intention to rescind the following motion moved at the Ordinary Council Meeting held on Tuesday, 24 July 2018:

*MOTION*

*MOVED Cr Stephens*

*That Council require onsite parking with a partial waiver of parking requirements and Issue a Notice of Decision to grant a permit at 12 McPherson Street, Casterton in accordance with conditions contained in Attachment 5.*

*SECONDED Cr Wilson*

*CARRIED*

**MOTION**

**MOVED Cr Stephens**

**That Council rescind the following motion moved at the Ordinary Council Meeting held on Tuesday, 24 July 2018:**

***That Council require onsite parking with a partial waiver of parking requirements and Issue a Notice of Decision to grant a permit at 12 McPherson Street, Casterton in accordance with conditions contained in Attachment 5.***

**SECONDED Cr Wilson**

**CARRIED**

In accordance with Section 4.13 of Council's Governance Local Law and associated Meeting Procedure, I give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on Tuesday, 28 August 2018.

*That Council approve a full waiver of parking requirements and Issue a Notice of Decision to grant a permit at 12 McPherson Street, Casterton in accordance with conditions contained in Attachment 4 (as attached).*

Signed: Cr Karen Stephens

Date: 31 July 2018

**A1. NOTICE OF MOTION 1 – 2018-19 – RESCISSION OF MOTION AND NOTICE OF MOTION****MOTION**

**MOVED Cr Stephens**

**That Council approve a full waiver of parking requirements and Issue a Notice of Decision to grant a permit at 12 McPherson Street, Casterton in accordance with conditions contained in Attachment 4 (as attached).**

**SECONDED Cr Wilson**

**CARRIED**

**Separate Circulations – Non Confidential**

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Notice of Motion 1 -2018-19 – Rescission of Motion and Notice of Motion	2457080
2.	Attachment 4 Notice of Decision P17135 Conditions	2450868



B. DEPUTATIONS:

Nil.

C. PETITIONS:

Nil.

Urgent Business:

The following urgent business items were determined at this point in the meeting, on direction of the Mayor.

1. Criminal Records Discrimination Project

**MOTION**

**MOVED Cr Wilson**

**That Council determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 4.15 of the Glenelg Shire Council Meeting Procedure adopted 17 December 2013.**

**SECONDED Cr Stephens**

**CARRIED**

2. Presentation - Bill Meldrum, Portland Observer

**MOTION**

**MOVED Cr Wilson**

**That Council determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 4.15 of the Glenelg Shire Council Meeting Procedure adopted 17 December 2013.**

**SECONDED Cr Stephens**

**CARRIED**

Mayor Cr Rank re-declared an Indirect Conflict of Interest in item D1. Recommendation from Community Grants Advisory Committee 23 July 2018 - Community Grants (Round 1) 2018-2019 Program Allocations and left the meeting at 7.19pm.

## **MOTION**

**MOVED Cr Stephens**

**That Cr Halliday be appointed as temporary Chairperson.**

**SECONDED Cr Wilson**

**CARRIED**

## **D. COMMITTEE REPORTS:**

### **D1. RECOMMENDATION FROM COMMUNITY GRANTS ADVISORY COMMITTEE 23 JULY 2018 - COMMUNITY GRANTS (ROUND 1) 2018-2019 PROGRAM ALLOCATIONS**

Director: Edith Farrell, Director Community Services

#### **Executive Summary**

The first round of the Community Grants Program for 2018-2019 was advertised over a three week period from 25 June 2018 until 16 July 2018. A total of 45 eligible applications were received seeking an overall funding allocation of \$98,183.94.

The Community Grants Advisory Committee met on Monday 23 July 2018 to evaluate the applications according to the criteria adopted by Council. This report presents the recommendations made by the Advisory Committee.

The Community Grants Advisory Committee was established when Council adopted the revised Community Grants Program Policy at the Ordinary Council Meeting held in July 2013, with Councillors elected to the Committee following the Council elections in 2016. This report is prepared in that policy context.

#### **Officer Recommendation**

1. That Council approves the allocation of funds for the Community Grants Program Round 1 2018/2019, as per the recommendations in the attachment Community Grant Round 1 2018/2019 Advisory Committee Recommendations.
2. That the guidelines be altered to reflect the following:
  - a. Allocation of funds must go towards project stated in application.
  - b. All projects from Round 2 2018/2019 forward to be completed within 12 months, with an option to apply for an extension for a further 12 months.

**D1. RECOMMENDATION FROM COMMUNITY GRANTS ADVISORY COMMITTEE 23 JULY 2018 - COMMUNITY GRANTS (ROUND 1) 2018-2019 PROGRAM ALLOCATIONS**

(continued)

- c. Out Of Time Community Grants guidelines be amended to state a limit of \$500 per project per club/group for each financial year.
3. That all successful applicants for Round one 2018/2019 be contacted and invited to a Presentation Night on Wednesday 5 September 2018 be held at the Heywood Council Offices.

**MOTION**

**MOVED Cr Hawker**

1. That Council approves the allocation of \$83,000 of funds for the Community Grants Program Round 1 2018/2019, as per the recommendations in the attachment Community Grant Round 1 2018/2019 Advisory Committee Recommendations.
2. That the guidelines be altered to reflect the following:
  - a. Allocation of funds must go towards project stated in application.
  - b. All projects from Round 2 2018/2019 forward to be completed within 12 months, with an option to apply for an extension for a further 12 months.
  - c. Out Of Time Community Grants guidelines be amended to state a limit of \$500 per project per club/group for each financial year.
3. That all successful applicants for Round one 2018/2019 be contacted and invited to a Presentation Night on Wednesday 5 September 2018 be held at the Heywood Council Offices.
4. That a review of the terms of reference be undertaken

**SECONDED Cr White**

**CARRIED**

**Background/Key Information:**

Glenelg Shire Council allocated \$162,000 in the 2018-2019 budget for the purpose of the Community Grants Program. These grants are offered to the community in two rounds which are usually conducted around August and March each year, with half the total budget (\$81,000) notionally available for distribution in each round.

Round 1 of the Community Grants for the 2018-2019 financial year opened on 25 June 2018 with the closing date for the submission of applications on Monday 16 July 2018.

**D1. RECOMMENDATION FROM COMMUNITY GRANTS ADVISORY COMMITTEE 23 JULY 2018 - COMMUNITY GRANTS (ROUND 1) 2018-2019 PROGRAM ALLOCATIONS**

(continued)

A total of 45 eligible applications were received for Round 1 of the Community Grants Program, with a total amount of \$95,272.94 requested. The funding allocation for this round is \$81,000.00.

Two Councillors and one officer declared Conflict of Interests in relation to 6 applications and took no part in that deliberation.

Grant Category	No of eligible applications received in Round 1	Total value of eligible applications received	Notional funds Round 1	Over / Under subscribed
Recreation	15	\$42,117.00	\$20,000.00	Over \$22,117.50
Public Halls	5	\$6,214.00	\$10,000.00	Under \$3,786.00
Tourism	14	\$28,788.75	\$20,000.00	Over \$8,788.75
Arts, Culture and Heritage	4	\$8,868.00	\$ 5,000.00	Over \$3,868.00
Community Plan Support	0	\$0.00	\$11,000.00	Under \$11,000.00
Community Support	7	\$9,285.19	\$15,000.00	Under \$8,714.81
<b>TOTAL</b>	<b>45</b>	<b>\$95,272.94</b>	<b>\$81,000.00</b>	<b>Over \$14,272.94</b>

Applications were declined from two clubs who were ineligible for Glenelg Shire Community Grants according to the guidelines.

At the meeting of the Community Grants Advisory Committee, held on Monday 23 July 2018, the Advisory Committee allocated the funds in a fair and equitable distribution to ensure an even geographic spread and equitable spread to applicants.

In order to increase the allocation of funds available to applicant's category amounts were re-allocated from the Community Plan Support, Community Support and Public Hall categories to the general pool.

As a result of these re-allocations by the Committee, a total of \$81,000 (the amount notionally available for Round 1 is \$81,000) has been committed to 45 applicants.

The Community Grants Advisory Committee's recommended allocations to Council are in the table provided as a separate attachment to this report.

a. Council Plan Linkage and Policy Context

The Glenelg Shire Community Grants Scheme directly links to the following Council Plan 2017-21 themes:

**D1. RECOMMENDATION FROM COMMUNITY GRANTS ADVISORY COMMITTEE 23 JULY 2018 - COMMUNITY GRANTS (ROUND 1) 2018-2019 PROGRAM ALLOCATIONS**

(continued)

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.

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

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

Management of the Community Grants Program is conducted in accordance with the Community Grants Policy adopted by Council in July 2013.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative or legal considerations associated with the Community Grants Program.

c. Consultation and/or communication processes implemented or proposed

The Community Grants Policy adopted by Council defines how the Grants Program is to be promoted to the community, and what communication processes need to be followed for management of each Round. An event for the awarding of grant allocations is scheduled to take place on 5 September 2018 at the Heywood Council office.

d. Financial and Resource Implications and Opportunities

The Community Grants Program is a recurrent item in the annual budget. Council has allocated \$162,000 in the 2018-2019 budget for the purpose of the Community Grants Program.

\$81,000 has been recommended for Round 1 2018 - 2019 Community Grants Program, with the remainder of the nominal \$81,000 to be held in reserve for Round 2 2018-2019 Community Grants Program.

Separate Circulation – Non Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation	ECM
1	Community Grants Advisory Committee Meeting Record 23 July 2018	2456105

**D1. RECOMMENDATION FROM COMMUNITY GRANTS ADVISORY COMMITTEE 23 JULY 2018 - COMMUNITY GRANTS (ROUND 1) 2018-2019 PROGRAM ALLOCATIONS**

(continued)

**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</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>ECM DocsetID</i>
1.	Advisory Committee Spreadsheet Community Grant Round 1 2018 2019	Any other matter which the council or special committee considers would prejudice the council or any person - section 89 (2) (h) of the local government act 1989	2453935
2.	Community Grant Round 1 2018 2019 Advisory Committee Recommendations	Any other matter which the council or special committee considers would prejudice the council or any person - section 89 (2) (h) of the local government act 1989	2453999

*Mayor Cr Rank returned to the meeting at 7.26pm and assumed the position of Chairperson.*

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 12 JULY 2018 – 16 AUGUST 2018 (INCLUSIVE)**

Director: David Hol, Director Corporate Services

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.

Recommendation

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 12 July 2018 – Thursday 16 August 2018 (inclusive).

**MOTION****MOVED Cr Halliday**

**That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 12 July 2018 – Thursday 16 August 2018 (inclusive).**

**SECONDED Cr Hawker****CARRIED**Background/Key Information:

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

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

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

**E1. ASSEMBLY OF COUNCILLORS RECORDS 12 JULY 2018 – 16 AUGUST 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.”*

The legislative requirement became effective from the 24 September 2010.

This report covers the period from Thursday 12 July 2018 – Thursday 16 August 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:

- Meeting Record of the Community Grants Advisory Committee held on Monday 23 July 2018 (DocSetID: 2456105);
- Assembly of Councillors Meeting Record Councillors Briefing Session 24 July 2018 (DocSetID: 2461798);
- Assembly of Councillors Meeting Record Councillors and Acting CEO 24 July 2018 (DocSetID: 2457218);
- Assembly of Councillors Meeting Record Deputation by Mr Michael Byrne 24 July 2018 (DocSetID: 2454615);
- Meeting Record of Tourism Advisory Committee held on Tuesday 31 July 2018 (DocSetID: 2463000);
- Meeting Record of Glenelg Mara Quorin Aboriginal Advisory Committee held on Notes Tuesday 31 July 2018 (DocSetID: 2462912);
- Meeting Record of Casterton Railway Precinct Advisory Committee held on Thursday 2 August 2018 (DocSetID: 2462884);
- Assembly of Councillors Meeting Record Deputation by Governance Evaluator Program Tuesday 14 August 2018 (DocSetID: 2461441);
- Assembly of Councillors Meeting Record Deputation Headspace Tuesday 14 August 2018 (DocSetID: 2461442); and



**E1. ASSEMBLY OF COUNCILLORS RECORDS 12 JULY 2018 – 16 AUGUST 2018 (INCLUSIVE)**

(continued)

- Assembly of Councillors Meeting Record Councillors Workshop Tuesday 14 August 2018 (DocSetID: 2461689).

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

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

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial and Resource Implications and Opportunities

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.

Separate Circulations – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	ECM
1.	Meeting Record Community Grants Advisory Committee Meeting Notes 23 July 2018	2456105
2.	Assembly of Councillors - Councillors Briefing Session held on Tuesday 24 July 2018	2461798
3.	Assembly of Councillors - Councillor and CEO Meeting held 24 July 2018	2457218
4.	Assembly of Councillors - Deputation by Mr Michael Byrne held on 24 July 2018	2454615
5.	Meeting Record Tourism Advisory Committee held on Tuesday 31 July 2018	2463000
6.	Meeting Record Glenelg Mara Quorin Aboriginal Advisory Committee held on Tuesday 31 July 2018	2462912

**E1. ASSEMBLY OF COUNCILLORS RECORDS 12 JULY 2018 – 16 AUGUST 2018 (INCLUSIVE)**

(continued)

7.	Meeting Record Casterton Railway Precinct Advisory Committee held on Thursday 2 August 2018	2462884
8.	Assembly of Councillors Deputation by Governance Evaluator Program held on Tuesday 14 August 2018	2461441
9.	Assembly of Councillors Deputation Headspace held on Tuesday 14 August 2018	2461442
10.	Assembly of Councillors - Councillors Workshop held on Tuesday 14 August 2018	2461689

F. MANAGEMENT REPORTS:**F1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER**

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

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

Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 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 Halliday****CARRIED**Background/Key Information:

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

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;
  - 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.

## **F1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER**

(continued)

- (2) If a Mayor is required to take a leave of absence under this Act, the Mayor is, for the duration of the leave, to be considered as incapable of acting under section 73(3) and subsection (1) applies to the Mayor as if the Mayor were a Councillor only.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management 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. Financial and Resource Implications and Opportunities

Nil.

### 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):*

<i>No.</i>	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>ECM DocsetID</i>
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)	2461814

**F2. DELEGATIONS REVIEW**

Director: David Hol, Director 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);
- Instrument of Delegation by Chief Executive Officer for VicSmart applications under the *Planning and Environment Act 1987* (S14); and
- Committee of Management under the *Crown Land (Reserves) Act*.

**Officer Recommendation**

1. **Instrument of Delegation from Council to Members of Staff (S5)**
  - a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 28 August 2018 (S5).
  - b. That the Instrument referred to in (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 (a) the previous Instrument of Delegation from Council to designated members of Council staff (S5) be revoked.
  - d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**F2. DELEGATIONS REVIEW**

(continued)

2. Instrument of Delegation from Council to Members of Staff (S6)

- a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 28 August 2018 (S6).
- b. That the Instrument referred to in (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 (a) the previous Instrument of Delegation from Council to designated members of Council staff (S6) be revoked.
- d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

3. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7)

That Council note that the Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 29 August 2018.

4. Instrument of Delegation of CEO powers, duties and functions (S13)

That Council note that the Instrument of Delegation of CEO powers, duties and functions has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 29 August 2018.

5. Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (S14)

That Council note that the Instrument of Delegation by Chief Executive Officer for Vic Smart Applications has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 29 August 2018.

6. Committee of Management under the *Crown Land (Reserves) Act*

- a. That Council adopt the Instrument of Delegation to enable Council to delegate its powers, duties and functions, as a Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*;
- b. That the Instrument referred to in (a) come into force immediately the common seal of Council is affixed to the Instruments; and

**F2. DELEGATIONS REVIEW**

(continued)

- c. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**MOTION****MOVED Cr Wilson****1. Instrument of Delegation from Council to Members of Staff (S5)**

- a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 28 August 2018 (S5).
- b. That the Instrument referred to in (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 (a) the previous Instrument of Delegation from Council to designated members of Council staff (S5) be revoked.
- d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**2. Instrument of Delegation from Council to Members of Staff (S6)**

- a. That Council adopt the Instrument of Delegation from Council to Members of Staff dated Tuesday 28 August 2018 (S6).
- b. That the Instrument referred to in (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 (a) the previous Instrument of Delegation from Council to designated members of Council staff (S6) be revoked.
- d. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**3. Instrument of Sub-Delegation by the Chief Executive Officer to Council Staff (S7)**

That Council note that the Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7) has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 29 August 2018.

**F2. DELEGATIONS REVIEW**

(continued)

**4. Instrument of Delegation of CEO powers, duties and functions (S13)**

That Council note that the Instrument of Delegation of CEO powers, duties and functions has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 29 August 2018.

**5. Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (S14)**

That Council note that the Instrument of Delegation by Chief Executive Officer for Vic Smart Applications has been amended and will come into force when signed by the Chief Executive Officer on Wednesday 29 August 2018.

**6. Committee of Management under the *Crown Land (Reserves) Act***

- a. That Council adopt the Instrument of Delegation to enable Council to delegate its powers, duties and functions, as a Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*;
- b. That the Instrument referred to in (a) come into force immediately the common seal of Council is affixed to the Instruments; and
- c. The duties and functions set out in the Instrument referred to in (a) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**SECONDED Cr Stephens****CARRIED****Background/Key Information:**

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;



**F2. DELEGATIONS REVIEW**

(continued)

- Deliver continuous improvement in service delivery and decision making; and
- Make minor wording enhancements, where necessary, to improve the quality of the documents.

**Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)**

- The conditions and limitations column for s 41A(1) in the *Domestic Animals Act 1994* (DA Act) has been updated to reflect the new language of the *Domestic Animals Act* ;
- The *Heritage Act 1995* has been replaced by the *Heritage Act 2017* and the relevant provision for Councils has now changed from s 84(2) to s 116;
- There have been extensive changes to the *Planning and Environment Act 1987* (P&E Act) prompted by the *Planning and Environment Amendment (Public Land Contributions) Act 2018* (*Public Land Contributions Amendment Act*).
- Further changes to the P&E Act have been made by the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (*Distinctive Areas and Landscapes Amendment Act*), which include the insertion of sub section 46AW – 46AZK . These provisions have already commenced and apply where Council is a 'responsible public entity'.

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

- That the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* (*Puppy Farms and Pet Shops Amendment Act*) has introduced significant changes to the DA Act, which include the insertion of a number of new powers, duties and functions in relation to applications and registrations;
- That the 'power to offer [a] payment plan' under s 46 of the *Fines Reform Act 2014* has been removed and sub section 174 and 175 have been clarified to indicate the capacity in which Council is acting when exercising the function and duty (respectively);
- Amendments to the *Infringements Act 2006*, specifically the removal of sub section 27D(3), 27F(3) and 54(1) – 164(3);
- The amendment of s 411 of the *Land Act 1958*, which will commence on 1 November 2018, unless proclaimed earlier;
- The insertion of new duties under sub section 3H(1)(a) – 3H(1)(c) of the *Local Government Act 1989* (LGA) following the commencement of the *Distinctive Areas and Landscapes Amendment Act*;

**F2. DELEGATIONS REVIEW**

(continued)

- The amendment of s 27(1) of the *National Parks Act 1975* to reflect assent being given to the *Parks Victoria Act 2018* which will commence on 1 November 2018, unless proclaimed earlier;
- The repeal of sub section 147 and 148 of the *Public Health and Wellbeing Act 2008* due to the *Health and Child Wellbeing Legislation Amendment Act 2018*;
- The insertion of the *Service Victoria Act 2018* (SV Act), which will commence on 1 July 2018;
- That there have been consequential amendments to the *Subdivision Act 1988* caused by the Public Land Contributions Amendment Act, which affects s 21(1) and introduces s 21(2CA). These changes are not yet in force and will commence on 2 July 2018;
- That significant changes have been made to the *Valuation of Land Act 1960* (VLA) by virtue of the *State Taxation Acts Further Amendment Act 2017*;
- Regulations 155(7) and 155(8) of the *Building Regulations 2018* (Building Regulations) will be revoked on 1 July 2018; and
- Regulations 32 and 35 of the *Infringements Regulations 2016* have been revoked by the *Infringements Act Regulations*.

**Changes to the 13 Instrument of Delegation of CEO powers, duties and functions to Members of Council Staff (S13)**

- The insertion of two new powers under sub section 46K(1)(g) and 46K(1)(h) of the *Child Wellbeing and Safety Act 2005* which will commence on 31 December 2019, unless proclaimed earlier;
- Clarification has been provided under s 175(1)(b) to indicate the capacity in which Council's CEO is conferred the power;
- The introduction of the SV Act which will commence on 1 July 2018; and
- The removal of the duty under s 13DJ(1) of the VLA and insertion of the 'power to request valuations of land' under s 3(5)(ba).

**Changes to the 514 Instrument of Delegation from CEO to Members of Council Staff (Vicsmart)**

- There have been changes in our S14 template to reflect the following under the P&E Act:
- Section 59(1) is now a 'power to decide an application without delay';

**F2. DELEGATIONS REVIEW**

(continued)

- Sections 62(5)(a) and 62(6)(a) have been amended by the Distinctive Areas and Landscapes Amendment Act). These amendments will commence on 2 July 2018; and
- Section 84AB has been inserted, which is a 'power to agree to confining a review by the Tribunal' where Council is a party to an application for review.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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. Financial and Resource Implications and Opportunities

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

**F3. GLENELG SHIRE COUNCIL PLAN 2017-2021 - YEAR 2 ACTION PLAN 2018/19**

Director: David Hol, Director Corporate Services

**Executive Summary**

The purpose of this report is to present to Council, and seek endorsement of the Year 2 Action Plan for the Council Plan 2017-2021.

**Recommendation**

That Council endorse the Action Plan for Year 2 of the Glenelg Shire Council Plan 2017-2021.

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

**That Council endorse the Action Plan for Year 2 of the Glenelg Shire Council Plan 2017-2021.**

**SECONDED Cr McDonald****CARRIED****Background/Key Information:**

At its meeting held on Tuesday 24 July 2018, Council resolved to endorse the fourth quarter performance report 2017/18, which concluded the first year of the 2017-2021 Council Plan. A second year Action Plan is now required for the 2018/19 financial year, to ensure Council's achievement the commitments set out in the Council Plan.

Consultation has been undertaken with staff across the organisation to identify these actions, and a 2018/19 Action Plan has been developed. These actions are also in line with advice and suggestions received from the community through the engagement period during the development of the Council Plan 2017-2021.

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

This report links to each of the themes identified in 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.

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

### **F3. GLENELG SHIRE COUNCIL PLAN 2017-2021 - YEAR 2 ACTION PLAN 2018/19**

(continued)

b. Legislative, Legal and Risk Management Considerations

Nil.

c. Consultation and/or communication processes implemented or proposed

The actions and measures identified in the Year 2 Action Plan are as a result of community consultation.

d. Financial and Resource Implications and Opportunities

The resource implications of this document are the time commitments of the staff members involved in the development.

The actions identified in this report relate to operational and capital budgets, and also opportunities to seek funding.

Separate Circulation – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>ECM</i>
1.	Draft Glenelg Shire Council Plan 2017-2021 - Year 2 Action Plan 2018-2019	2457213

**F4. MAV STATE COUNCIL MOTION**

Director: David Hol, Director Corporate Services

**Executive Summary**

This report seeks Council endorsement to submit a motion at the MAV State Council in regards to the timing of the annual valuation program to enable Council to engage further with the community on issues that may arise from valuation changes.

**Recommendation**

That Council submit a motion relating to Valuations for consideration by the MAV State Council to be held on Friday 19 October 2018.

**MOTION****MOVED Cr Hawker**

**That Council submit a motion relating to Valuations for consideration by the MAV State Council to be held on Friday 19 October 2018.**

**SECONDED Cr Stephens****CARRIED****Background/Key Information:**

The Glenelg Shire Council is concerned on the timing relating to the provision of valuation data during each valuation period.

This issue was exacerbated recently with a change in methodology for timber plantation valuations which resulted in a significant rating increase for property owners within this sector.

Whilst the recently commenced annual valuation process is likely to minimise significant change, it would not have impacted the circumstances which occurred early 2018 and caused significant community angst.

The current timing of the valuation process does not allow Council to undertake a robust community consultation process to consider the effects of such changes on Councils rating strategy prior to adopting the budget which is due by the 30 June.

It is proposed that the annual valuation process include more appropriate timelines that enable Councils to review the rating data and consider the need for any further community consultation prior to the adoption of the budget and the subsequent release of rate notices each year.

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

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

**F4. MAV STATE COUNCIL MOTION**

(continued)

b. Legislative, Legal and Risk Management Considerations

The adoption of the budget is subject to the requirements of the *Local Government Act 1989* and the *Valuation of Land Act 1960*

c. Consultation and/or communication processes implemented or proposed

The purpose of this report is to enable a window of time to undertake further community consultation where required.

d. Financial and Resource Implications and Opportunities

The report calls for a change in process for the annual valuation process which is now managed by the State Government and therefore should not directly impact Council.

Separate Circulation – Non Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>ECM</i>
1.	MAV State Council Meeting Motion Form	2461794

**F5. CASTERTON RAILWAY PRECINCT**

Director: Edith Farrell, Director Community Services

**Executive Summary**

The purpose of this report is to seek Council endorsement to submit an application to VicTrack under the “Community Use of Vacant Rail Buildings” funding program to enable refurbishment of the Casterton Railway building for community use.

In addition this report seeks Council’s endorsement to re-enter into a lease with VicTrack for the whole of the Casterton Railway Precinct site including the Lot 43 (which is the land related to the Railway building site – Appendix 1.), Lot 51, Lot 54 and Lot 56 (refer attachment).

**Recommendation**

1. That Council support submitting an application for funding through the VicTrack Community Use of Vacant Rail Buildings program for refurbishment of the Railway building.
2. That Council endorse ‘in-principle’ agreement to enter into a lease for Lot 43 with VicTrack based on the outcome of the funding submission.
3. That Council enter into a new lease, including Lot 51, Lot 54 and Lot 56 subject to ‘in-principle’ agreement to enter into a lease being obtained for Lot 43.
4. Pending the outcome of the funding application officers progress discussions with VicTrack to finalise a Lease for Lot 43.
5. That pending the outcome of the funding submission officers develop a Memorandum of Understanding with the community partnership group proposed to manage and program activity at the refurbished Railway building site.
6. That pending the outcome of the funding submission an operational governance model is established, including formal sub lease arrangements, to ensure that ongoing maintenance and operational costs are adequately managed by a third party incorporated association comprised of the community partnership group.
7. That the Director Community Services be authorised to finalise and execute the new lease documents.

Mr Burgoyne, Chief Executive Officer advised at this point that advice was received this afternoon that Vic Track’s Community Use of Vacant Rail Buildings Program funding has been withdrawn. This proposal (F5) is continued upon a funding stream that no longer exists.



**F5. CASTERTON RAILWAY PRECINCT**

(continued)

**MOTION**

**MOVED Cr Wilson**

**That the item lay on the table.**

**SECONDED Cr Halliday**

**CARRIED**

**Background/Key Information:**

In 1996 Council entered into a lease agreement with VicTrack for the Railway Precinct and the Casterton Railway Precinct Advisory Committee (CRPAC) was established to assist Council with the preservation, maintenance and enhancement of the Railway Precinct.

Over the 2005-2006 period, a range of risk issues were identified with Lot 43 and reported to Council. Maintenance issues were raised with VicTrack; who were advised that Council would not be entering into a further lease (which expired in 2006), until maintenance risk mitigation works were completed by VicTrack. The lease for Lot 51, Lot 54 and Lot 56 expired 30 June 2017 and since this time monthly over holding arrangements have been in place with VicTrack.

The minutes of the May 2012 Ordinary Council Meeting endorsed "That Council agree to enter into a ten (10) year lease with VicTrack for Lot 43 of the Casterton Railway Precinct on the basis that a Memorandum of Understanding is established with a separate legal entity for the care and maintenance of the area. This lease renewal has not been actioned based on an inability to get agreement from VicTrack on outstanding maintenance issues. VicTrack have been allowing the Historical Society to occupy the site under a Community Access arrangement in the absence of a formal lease. The Community Access arrangement is intended for short term occupation only and VicTrack are seeking an indication of Council's longer intent for use of the site and to formalise tenancy.

The funding application to the Community Use of Vacant Rail Buildings requires an indication of tenancy arrangements for intending groups with Council (or other entity) prior to commencement of refurbishment works.

VicTrack have indicated a preference for Council to take on the lease associated with the Railway station (Lot 43) and subsequently sub-let to community partnership organisation that would be responsible for the ongoing care and maintenance of the site and associated running costs of the Railway Building facility.

The purpose of the Community Use of Vacant Rail Buildings funding program is to restore the states historic railway buildings and open them up for community activation. VicTrack fully fund the capital works required, inclusive of project management, DDA requirements and access.

**F5. CASTERTON RAILWAY PRECINCT**

(continued)

The program has so far restored 13 vacant buildings and transformed them into multi-use facilities. Examples of uses post-transformation are Museum space; Arts hub; Exhibition/display space; Library; Tourism hub; Cultural hub; Community Meeting Spaces; and Health centre/business incubator.

A refurbishment of the current Railway Site would enable a whole of precinct approach to unlocking the site as a destination particularly given the recent opening of the Australian Kelpie Centre at the other end of the site.

The Old Courthouse Committee of Management operates the Old Courthouse Community Centre, which is an accredited Neighbourhood House and Learn Local organisation, with funding provided by the Victorian State Government's Adult Community Further Education (ACFE) program. It has pledged in principal support to the upgrade and sees opportunities to expand their program offering into the new multi-purpose spaces.

The Casterton and District Historical Society are keen to reinvigorate their museum in the renovated build and leverage off the proximity of the station building to the new Australian Kelpie Centre to encourage tourists to visit the railway precinct.

The activities proposed for the station building will make an important contribution to the achievement of strategic objectives established under the Glenelg Shire Council Plan 2017-2021, which recognises the need to support opportunities for life-long learning; foster social connectedness; support creative expression; and grow visitations to the region. The project also supports Council's commitment to provide multifunctional public spaces that are accessible and inclusive.

Recently, the Great Ocean Regional Road Tourism Board worked with Glenelg Shire Council, local businesses, and community representatives to develop the Casterton Destination Action Plan 2018-2021. Launched in March 2018, the plan establishes a vision for Casterton to be '...a town where visitors are embraced and encouraged to share with the vibrant community in celebrating the living culture, natural assets and rich heritage.'

The document identifies the challenges and opportunities facing the Casterton region and establishes five key priorities to increase the competitiveness of Casterton as a visitor destination:

1. Destination development – Grow Casterton's tourism product offering;
2. Destination marketing – Celebrate Casterton's tourism product offering;
3. Develop leadership and collaboration – Build a connected, engaged and collaborative visitor economy industry for Casterton;
4. Visitor servicing; and
5. Foster strategic partnerships/alliances.

**F5. CASTERTON RAILWAY PRECINCT**

(continued)

The Casterton Railway Station upgrade proposal responds to several of these priority areas by strengthening Casterton's position as a tourist destination and celebrating the town's history and heritage; and realises opportunities to revitalise the railway precinct as a key tourist destination and community hub, as outlined in Council's 2018 Casterton Structure Plan. Importantly, the proposal would bring several stakeholder groups together, thereby strengthening networks and creating partnerships to deliver additional services and activities to the local community.

Council's Arts and Culture team could utilise the refurbished facility to run an annual program of activities, including exhibitions, 'pop-up' cinema, youth programs and live performances, as well as using meeting rooms and multi-purpose spaces. Council will also investigate opportunities to utilise the refurbished spaces to compliment Casterton's calendar of local events.

It is proposed that the multi-purpose spaces within the refurbished station building will also be available for use by community groups, schools, clubs and individuals to showcase local talent through art exhibitions, small live performances, and other events.

Should Council proceed with a lease for the site officers will need to work with the local organisation's to determine a partnership arrangement to form as an incorporated association which will become the sub tenant and assume the overall responsibility for maintenance and ongoing management of operational costs.

a. Council Plan Linkage and Policy Context

The activities proposed for the station building will make an important contribution to the achievement of strategic objectives established under the Glenelg Shire Council Plan 2017-2021, which recognises the need to support opportunities for life-long learning; foster social connectedness; support creative expression; and grow visitations to the region. The project also supports Council's commitment to provide multifunctional public spaces that are accessible and inclusive.

Specifically, the proposed use for the station building links to Council plan themes of;

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

Connecting Glenelg – Connecting people, places and spaces; and

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

b. Legislative, Legal and Risk Management Considerations

Legislative and Legal requirements will be considered.

**F5. CASTERTON RAILWAY PRECINCT**

(continued)

c. Consultation and/or communication processes implemented or proposed

Consultation with the local stakeholder groups and broader community consultation will be undertaken in due course dependent on the Council's decision.

d. Financial and Resource Implications and Opportunities

VicTrack fully fund and manage the refurbishment costs. There is no co-contribution required from Council required. An approximation of costs, given by VicTrack, is proposed to be within the \$300,000 to \$500,000 dependent upon the final proposed activity intended for the site. Victrack have indicated that if successful the planning would be undertaken in the 2019/20 financial year with works occurring in the 2020/21 financial year.

Separate Circulation – Confidential

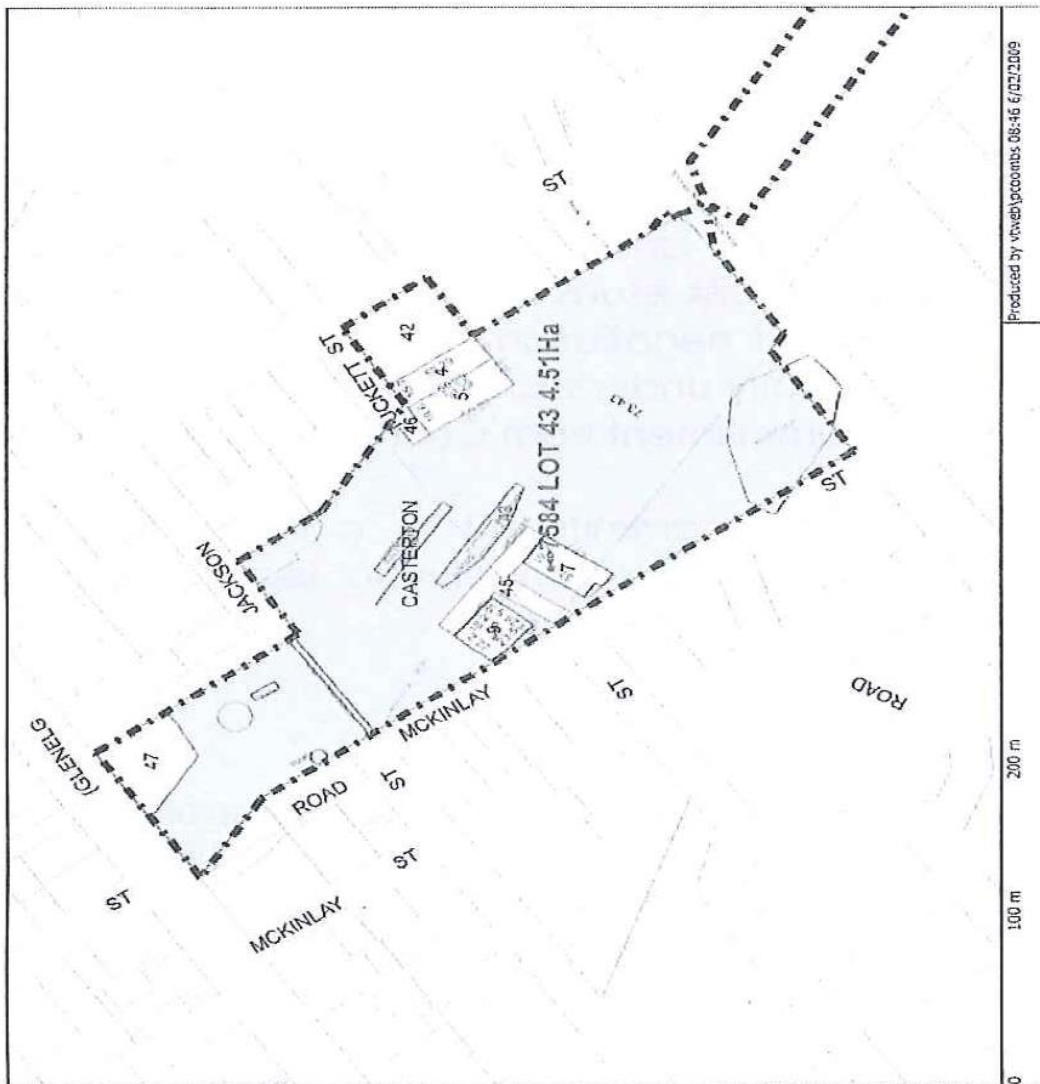
The separate circulation listed in the table below have been designated as confidential by the Chief Executive Officer under sections 77(2)(c) of the Local Government Act 1989 (the Act):

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 89(2) of the Act	ECM
1.	Victorian Rail Track Casterton Lots 51, 54 & 56	Any other matter which the Council or Special Committee considers would prejudice the Council or any person - Section 89 (2) (H) of the Local Government Act 1989	1900514

**F5. CASTERTON RAILWAY PRECINCT**

(continued)

Appendix 1.



**F6. VARIATION REQUEST FOR CONTRACT 2012-13-51 WASTE SERVICES – RECYCLABLES ACCEPTANCE AND PROCESSING**

Director: Robert Alexander, Director Assets

**Executive Summary**

This report is to brief Council on the current state of Council's Recycling and Kerbside Collection following China's withdrawal of processing and the financial implications at a Local Government level on contract agreements relating to this matter. This report recommends a variation for the costs for the future management of the current contract for the collection and processing of kerbside recycling to ensure the continued satisfactory service from our provider to the Glenelg Shire community.

**Recommendation**

1. That Council endorse the variation request with Greta Group Pty Ltd trading as Wimmera Mallee Waste for Contract 2012-13-51 Waste Services for Recyclables Acceptance and Processing.
2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council Decision.

**MOTION****MOVED Cr Halliday**

1. That Council endorse the variation request with Greta Group Pty Ltd trading as Wimmera Mallee Waste for Contract 2012-13-51 Waste Services for Recyclables Acceptance and Processing.
2. That the Chief Executive Officer be authorised to sign all documents to give effect to this Council Decision.

**SECONDED Cr McDonald****CARRIED****Background/Key Information:**

At the Ordinary Council Meeting held on 22 October 2013 Council awarded contract 2012-13-51 wastes services for recyclables acceptance and processing to Wimmera Mallee Waste.

On 1 July 2017 China announced its highly publicised ban on its importing of waste products from Australia, which in turn increased the holding levels at our processing sites. This brought the beginning of rising costs of our processing agreements. By 31 July 2017 an increased stockpiling of recyclable products was experienced at processing facilities around Australia, forcing insurers to increase premiums at higher rates.

**F6. VARIATION REQUEST FOR CONTRACT 2012-13-51 WASTE SERVICES – RECYCLABLES ACCEPTANCE AND PROCESSING**

(continued)

The costs of the instability of the entire recycling network has impacted all contractual arrangements previously in place resulting in the Victorian State Government offering support through \$13 million worth of funding to support Local Government throughout Victoria in undertaking contract negotiations and implementing variations. Glenelg Shire Council (GSC) applied, and was successful in obtaining \$40,000 in funding from the Victorian State Governments' Recycling Industry Transition Support Fund.

Glenelg Shire Council (GSC) has undertaken discussions on contract variations with the current contractor to mediate the increasing processing and insurance costs in the volatile market for the remaining seven months of the contract. These discussions have considered not only GSC's acceptance that the costs of recyclables processing will continue to rise but also that GSC need to ensure the community continues to receive a high level of service without the costs of volatility being handed onto our ratepayers.

The consultation with the current contractors has resulted in a proposed variation for the remainder of the contract period.

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, Legal and Risk Management Considerations

There are no legal and/or legislative considerations to consider. However, there are risks associated with unacceptance of the variation, which may result in the current contractor's inability to provide the service or operate at a high standard due to being financially deficit.

c. Consultation and/or communication processes implemented or proposed

As outlined within the report consultation with the current contractor has occurred and a proposed variation developed. Following Councils consideration of the variation request, Council Officers will notify the contractor of the outcome.

d. Financial and Resource Implications and Opportunities

Consultation with the contractor has seen a variation to the contract price for collection and processing of recyclables being negotiated. Outcome of the negotiated price has seen an increase of \$150,000 for the remaining seven months of the contract. State Government funding will contribute \$40,000 to the variation with impact of the variation to cost Council the remaining \$110,000. Variation costs not included in the 2018-2019 budget, however increased costs from the contract variation will be absorbed through operational resources.

**F7. MAV NPN CONTRACT 1.17 SUPPLY AND DELIVERY OF FUEL AND LUBRICANTS**

Director: Robert Alexander, Director Assets

**Executive Summary**

This report is to brief Council on the MAV Vendor Panel Contract NPN 1.17 for the supply and delivery of fuels and lubricants through a fuel card purchasing scheme and recommends awarding WEX Motorpass as the preferred supplier for this scheme. The recommendation is based upon Councils current fuel usage rates and annual financial impact, and to propose a smarter fuel purchase and distribution system that reduces financial resources. Introducing a smarter and more efficient system will align with Councils Fraud Prevention Policy and also reduce administration deficiencies parallel with delivering a total fleet framework.

**Recommendation**

1. That Council continue with the current MAV Vendor Panel NPN Contract 1.17 for the Supply and Delivery of Fuels and Lubricants.
2. That Council award WEX Motorpass as the preferred fuel card supplier under MAV Vendor Panel NPN Contract 1.17 for Councils light fleet and specialist motorised equipment.

**MOTION****MOVED Cr Wilson**

1. **That Council continue with the current MAV Vendor Panel NPN Contract 1.17 for the Supply and Delivery of Fuels and Lubricants.**
2. **That Council award WEX Motorpass as the preferred fuel card supplier under MAV Vendor Panel NPN Contract 1.17 for Councils light fleet and specialist motorised equipment.**

**SECONDED Cr Stephens****CARRIED****Background/Key Information:**

Council operates and maintains various light fleet, plant and specialist machinery to deliver services within the Shire. This machinery relies on petroleum, distillate and lubricants for overall functionality.

Council engaged with MAV (Municipal Association of Victoria) through Vendor Panel for the supply and delivery of Fuels and Lubricants under National Procurement Network (NPN) Contract 1.17. The contract has an end date of 1 January 2021, with an option to extend for an additional two (2) years.

MAV issued a Request for Tender (RFT) for the provision of Bulk Fuel, Fuel Card Services, Oils, Lubricants and Vehicle Care Products on 29 July 2017, with tenders closing at 2pm on 29 August 2017 Australian Eastern Standard Time.



## **F7. MAV NPN CONTRACT 1.17 SUPPLY AND DELIVERY OF FUEL AND LUBRICANTS**

(continued)

The purpose of this panel contract was to renew a Preferred Supplier Arrangement (PSA) for the purchase of Bulk Fuel, Fuel Cards Services, and Oils, Lubricants and Vehicle Care Products by councils throughout New South Wales, Northern Territory, Queensland, South Australia, Tasmania, Western Australia and Victoria. This PSA replaces the existing Bulk Petroleum Products, Fuel Card Services, and Oils and Lubricants PSA.

The RFT requested that contractors provide the NPN with a contract price to include discounts off the pump price for listed fuel products, fixed for the duration of the arrangement. A total of 26 suppliers tendered for the panel contract and were evaluated in accordance to NPN's tender evaluation criteria.

Council currently contract access the MAV Vendor Panel NPN 1.17 for the supply of fuel purchase cards. A total of 14 of the 26 tenderers offered a fuel card purchasing scheme. Two of these suppliers, Shell Australia, trading as Viva Energy and British Petroleum, trading as BP plus1 were engaged to supply fuel to Council via this fuel card purchasing scheme, due to the complexities of limited fuel retailers within the Glenelg Shire.

Further efficiencies for Council to utilise this contract have been identified, and it is therefore recommended to amend our current fuel purchase system to WEX Motorpass which will reduce administration and increase efficiencies of fuel reporting. A cost comparison has been undertaken on the 2017-2018 financial year, which itemises use in volume, the financial resources required and measures current discounts and associated card fees relevant to the current contract.

The cost comparison identifies savings measured on contract discounts and a reduction in fees on the reduced volume of active cards, from 248 cards to 140 cards should Council change to the WEX Motorpass fuel card system.

The WEX Motorpass fuel card system links with Road Side Assistance programs and various fleet service agents. With access to vehicle maintenance, parts consumables, wash, accommodation and parking.

WEX Motorpass has access to 95% of fuel retailers Australia wide, with the exemption of non-service attendant stations, and small independent fuel retailers. Live reports can be activated sending an electronic report on missing data at transaction, excess fuel consumption, multiple transactions and each card can be activated to transactional limits to volume and service station access, typically interstate.

Furthermore WEX Motorpass offers additional discounts with various service agents, 10% to 20% off manufacturer's handbook servicing, and 10% to 15% off Batteries, 7% off for all Lubemobile onsite servicing and up to 20% discount on windscreen repairs or replacement.

### a. Council Plan Linkage and Policy Context

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

## **F7. MAV NPN CONTRACT 1.17 SUPPLY AND DELIVERY OF FUEL AND LUBRICANTS**

(continued)

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

### b. Legislative, Legal and Risk Management Considerations

The MAV executed the RFT and evaluation process aligning with *section 186a* of the *Local Government Act 1989*. The aggregate spend meets Councils requirements to enter into a formal panel contract for the supply of fuels to fleet and specialist machinery.

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

Internal consultation has been undertaken, particularly with respect to the efficiencies of journaling fuel charges. WEX Motorpass fuel journals can be downloaded and journaled into Councils financial platform, with reference to each transaction, costing each charge directly to the asset without duplication. Should Council agree with the recommendation, the required WEX cards would be implemented throughout Councils light fleet and replace any existing fuel cards.

### d. Financial and Resource Implications and Opportunities

The forecast savings are as identified within the cost comparison as separately circulated, and these figures are based on actual volume and costs within the 2017-2018 financial year.

### 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.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>ECM</i>
1.	National Procurement Network Contract 1.17 Supply and Delivery of Fuel and Lubricants – Municipal Association of Victoria Vendor Panel Supply of Fuel Purchase Cards Cost Comparison, dated August 2018	Contractual Matters – <i>Section 89 (2) (d) of the Local Government Act 1989</i>	2460840

ANY OTHER PROCEDURAL MATTER:URGENT BUSINESS:1. Criminal Records Discrimination

This item is further to an action from the Glenelg Mara Quorin Aboriginal Advisory Committee in relation to a request for support for advocacy on Criminal Records Discrimination.

Council has written to the Attorney General seeking legislative reform to the introduction of a legislated spent convictions scheme in Victoria and an amendment to the *Equal Opportunity Act 2010* to prohibit discrimination against people on the basis of an irrelevant criminal record.

If successful these changes will prevent Aboriginal people in Victoria from continuing to be disproportionately excluded from employment and limited from accessing many other opportunities for improved justice, health, social and economic outcomes.

Council will continue to advocate support on Criminal Records Discrimination.

2. Casterton Railway PrecinctMOTION

**MOVED Cr Stephens**

**That Council determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 4.15 of the Glenelg Shire Council Meeting Procedure adopted 17 December 2013.**

**SECONDED Cr Wilson**

**CARRIED**

MOTION

**MOVED Cr Stephens**

- 1. That Council immediately write to the Minister for Transport and request a review of the budget allocations for disused rail buildings.**
- 2. That Council now exhaust all options in seeking potential funding opportunities for this building on behalf of the community.**

**SECONDED Cr Wilson**

**CARRIED**

DIVISION:

Mayor Rank, Cr Stephens, Cr Wilson and Cr Halliday voted FOR the MOTION.

Cr White, Cr Hawker and Cr McDonald voted AGAINST the MOTION.

URGENT BUSINESS:3. Presentation to Mr Bill Meldrum, Portland Observer

Mayor Rank made a presentation to Mr Bill Meldrum on his retirement from the Portland Observer.

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

- D1. (1) Assembly of Councillors – Community Grants Advisory Committee Meeting
- E1. (1) Assembly of Councillors – Community Grants Advisory Committee Meeting
- E1. (2) Assembly of Councillors - Councillors Briefing Session
- E1. (3) Assembly of Councillors - Councillor and Acting CEO Meeting
- E1. (4) Assembly of Councillors - Deputation by Mr Michael Byrne
- E1. (5) Meeting Record Tourism Advisory Committee
- E1. (6) Meeting Record Glenelg Mara Quorin Aboriginal Advisory Committee
- E1. (7) Meeting Record Casterton Railway Precinct Advisory Committee Meeting
- E1. (8) Assembly of Councillors - Deputation by Governance Evaluator Program
- E1. (9) Assembly of Councillors - Deputation Headspace
- E1. (10) Councillors Workshop
- F3. (1) Draft Glenelg Shire Council Plan 2017-2021 - Year 2 Action Plan 2018-2019
- F4. (1) MAV State Council Meeting 19 October 2018 Form

*Separate Circulation to Councillors, CEO and Directors*

- D1. (1) Advisory Committee Spreadsheet Community Grant Round 1 2018
- D1. (2) Community Grant Round 1 2018-19 Advisory Committee Recommendations
- F1. (1) Councillors and Chief executive Officer Leave of Absence Register
- F5. (1) Victorian Rail Track Casterton Lots 51, 54 & 56
- F7. (1) National Procurement Network Contract 1.17 Supply and Delivery of Fuel and Lubricants – Municipal Association of Victoria Vendor Panel Supply of Fuel Purchase Cards Cost Comparison, dated August 2018

INDEX – SEPARATE CIRCULATIONS TO REPORTSRecommendation

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

**MOTION**

**MOVED Cr Wilson**

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

**SECONDED Cr Stephens**

**CARRIED**

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC:Recommendation

That the Council Meeting be closed to members of the public pursuant to Section 89 (2) (h) of the *Local Government Act 1989*, excluding the Chief Executive Officer, Director Corporate Services, Director Community Services, Director Assets, Council Support Coordinator and Acting Media and Communications Officer to consider the following reports:

G1. Independent Audit Committee Member Appointment

**MOTION**

**MOVED Cr Wilson**

**That the Council Meeting be closed to members of the public pursuant to Section 89 (2) (h) of the *Local Government Act 1989*, excluding the Chief Executive Officer, Director Corporate Services, Director Community Services, Director Assets and Council Support Coordinator to consider the following reports:**

**G1. Independent Audit Committee Member Appointment**

**SECONDED Cr Halliday**

**CARRIED**

*Cr Stephens re-declared an Indirect Conflict of Interest in Item G1. Independent Audit Committee Member Appointment and left the meeting at 7.54pm and did not return.*

**OPENING OF COUNCIL MEETING TO MEMBERS OF THE PUBLIC:**Recommendation

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

**MOTION**

**MOVED Cr Wilson**

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

**SECONDED Cr Hawker**

**CARRIED**

**CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.57pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 49 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

CR ANITA RANK

MAYOR

**TUESDAY 25 SEPTEMBER 2018**

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