



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 26 February 2019 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 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 (Robert Alexander), Director Corporate Services (Mr David Hol) and Senior Administration Officer Corporate Services (Ms Rachael Fellows).

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Cr Alistair McDonald.

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 22 January 2019, as circulated, be confirmed.

MOTION**MOVED Cr Stephens**

That the minutes of the Ordinary Council Meeting held on Tuesday 22 January 2019, as circulated, be confirmed.

SECONDED Cr Halliday**CARRIED**

SUSPENSION OF STANDING ORDERS**MOTION**

MOVED Cr Wilson

That standing orders be suspended at 7.03pm to hear Mr Ken Adams address the Councillors.

SECONDED Cr Stephens

CARRIED

RESUMPTION OF STANDING ORDERS**MOTION**

MOVED Cr Wilson

That Council resume standing orders at 7.06pm.

SECONDED Cr White

CARRIED

Cr Stephens left the meeting at 7.07pm.

Chief Executive Officer, Mr Burgoyne left the meeting at 7.07pm to accompany Mr Adams from the chamber.

DECLARATIONS OF CONFLICT OF INTEREST:

Cr Halliday declared an Indirect Conflict of Interest in item F5. Alexandra Park Master Plan.

Cr Halliday 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.

Declaration of Interest

In accordance with Section 77A of the Local Government Act 1989, there is an obligation for Councillors and Officers to declare a conflict of interest in a matter that could come before Council.

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

Chief Executive Officer, Mr Burgoyne returned to the meeting at 7.13pm.

QUESTION TIME:

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

QUESTIONS FROM THE GALLERY:

Mr Steve Rogers of Portland asked the following question;

Considering the volume of heavy vehicles, is there anything that can be done about the intersections of Wyatt Street and Henty Highway (Ring road)?

Chief Executive Officer, Mr Greg Burgoyne advised that he will be meeting with the Chief Executive Officer of Rural Roads of Victoria in Ballarat and will be raising this issue specifically.

Cr Stephens returned to the meeting 7.09pm.

PRESENTATIONS:

Nil.

A. NOTICES OF MOTION:

Nil.

B. DEPUTATIONS:

Nil.

C. PETITIONS:

Nil.

D. COMMITTEE REPORTS:

Nil.

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 10 JANUARY 2019 – 14 FEBRUARY 2019 (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 10 January 2019 – Thursday 14 February 2019 (inclusive).

MOTION**MOVED Cr Hawker**

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 10 January 2019 – Thursday 14 February 2019 (inclusive).

SECONDED Cr Wilson**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 10 JANUARY 2019 – 14 FEBRUARY 2019 (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 10 January 2019 – Thursday 14 February 2019 (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:

- Assembly of Councillors - Councillor and CEO Briefing session held on 22 January 2019 (DocSetID: 2523736);
- Assembly of Councillors - Councillors Briefing session held on 22 January 2019 (DocSetID: 2522766);
- Volunteering and Wellbeing Advisory Committee meeting notes held on Wednesday 30 January 2019 (DocSetID: 2529503);
- Tourism Advisory Committee meeting notes held on Wednesday 6 February 2019 (DocSetID: 2529678); and
- Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 12 February 2019 (DocSetID: 2530235).
- Assembly of Councillors – Councillors Workshop meeting record held on Tuesday 12 February 2019 (DocSetID: 2529067).

a. Council Plan Linkage and Policy Context

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

E1. ASSEMBLY OF COUNCILLORS RECORDS 10 JANUARY 2019 – 14 FEBRUARY 2019 (INCLUSIVE)

(continued)

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>	<i>ECM</i>
1.	Assembly of Councillors - Councillor and CEO Briefing session held on 22 January 2019	2523736
2.	Assembly of Councillors - Councillors Briefing session held on 22 January 2019	2522766
3.	Volunteering and Wellbeing Advisory Committee meeting held on 30 January 2019	2529503
4.	Tourism Advisory Committee meeting held on 6 February 2019	2529678
5.	Assembly of Councillors – Councillor and CEO meeting held on Tuesday 12 February 2019	2530235
6.	Assembly of Councillors – Councillors Workshop meeting held on 12 February 2019	2529067

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 Wilson**

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):

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)	2529665

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); and
- Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (S14); and
- Instrument of Delegation from Council (as a Committee of Management appointed under section 14 of the Crown Land (Reserves) Act 1978 (Vic)) to Members of Staff.

Officer Recommendation

1. That Council adopt the following:
 - Instrument of Delegation from Council to Chief Executive Officer dated Tuesday 26 February 2019 (S5);
 - Instrument of Delegation from Council to Members of Staff dated Tuesday 26 February 2019 (S6); and
 - Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*.
 - a. That the Instruments referred to above come into force immediately the common seal of Council is affixed, and previous Instruments are revoked.
 - b. The duties and functions set out in the Instrument referred to 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. That Council note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 27 February 2019.
 - Instrument of Sub-Delegation from the Chief Executive Officer to Council (S7);
 - Instrument of Delegation of CEO powers, duties and functions (S13); and
 - Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (S14).
- a. The duties and functions set out in the Instruments referred to in 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 Hawker

1. That Council adopt the following:
 - **Instrument of Delegation from Council to Chief Executive Officer dated Tuesday 26 February 2019 (S5);**
 - **Instrument of Delegation from Council to Members of Staff dated Tuesday 26 February 2019 (S6); and**
 - **Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*.**
- c. **That the Instruments referred to above come into force immediately the common seal of Council is affixed, and previous Instruments are revoked.**
- d. **The duties and functions set out in the Instrument referred to 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. That Council note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 27 February 2019.
- Instrument of Sub-Delegation from the Chief Executive Officer to Council (S7);
 - Instrument of Delegation of CEO powers, duties and functions (S13); and
 - Instrument of Delegation by Chief Executive Officer for VicSmart applications under the Planning and Environment Act 1987 (S14).
- b. The duties and functions set out in the Instruments referred to in 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 White

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 Maddock's Lawyers Delegations and Authorisations update service. This review is based on the Maddock's 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.

F2. DELEGATIONS REVIEW

(continued)

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

- Section 46AS of the *Planning and Environment Act 1987* (Vic) (P&E Act) was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (Vic). The new section 46AS does not contain a council power, duty or function and, therefore, has been removed from our S6 template.

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

- Section 138(5) of the Building Act 1993 (Vic) (Building Act) has been inserted in relation to process for Building Appeals Board, as has sch 2 cl 4A(2)(b);
- A number of powers, duties and functions have been included under the *Child Wellbeing and Safety Act 2005* (Vic) (CWS Act) because of the Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic) (CWS Regulations). Regulation 5 of the CWS Regulations prescribes 'a council to the extent that it provides maternal and child health programs' as being an information sharing entity under the CWS Act;
- Section 108(1)(d)(ii) of the Electoral Act 2002 (Vic) (Electoral Act) has been included because of an amendment to regulation 27(2) of the Electoral Regulations 2012 (Vic) (attached), which now prescribes councils to be service providers for the purposes of section 108(1)(d)(ii) of the Electoral Act;
- The Family Violence Protection Act 2008 (Vic) (FVP Act) has been inserted because of the Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018 (Vic) (FVP Risk Management Regulations). Regulation 9 of the FVP Risk Management Regulations amends r 5 of the Family Violence Protection (Information Sharing) Regulations 2018 (Vic) (FVP Info Sharing Regulations) to prescribe 'a Council to the extent it provides maternal and child health programs' as an 'information sharing entity' under the FVP Act. The FVP Risk Management Regulations also insert a new regulation 17 into the FVP Info Sharing Regulations which prescribes 'a Council to the extent that it provides maternal and child health programs' as a 'framework organisation' under the FVP Act;
- Included are powers of a Council as an agency under the FOI Act. These relate to powers under Parts II, VI and VIA of the FOI Act;
- Some powers, duties and functions have been included under the LGA regarding cladding rectification agreements. We note that, under s 185L of the LGA, the duty to declare a cladding rectification charge can be delegated to a council's CEO. However, this has not been included in our S7 because it cannot be sub-delegated; and

F2. DELEGATIONS REVIEW

(continued)

- Five functions have been added under the *Marine and Coastal Act 2018 (Vic)*.

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

- Included powers of the CEO as 'principal officers' under the FOI Act; and
- Section 181H of the LGA is a power that can only be delegated to Council's CEO. Therefore, it is accurately reflected in the S6 template (see the footnote which relates to s 181H). The reference to s 181H of the LGA in the S13 template was included in error in the previous update and has now been removed.

Changes to the S14 Instrument of Delegation from CEO to Members of Council Staff (Vicsmart)

- There have been changes to our S14 template to reflect Amendment VC148, which was gazetted on 31 July 2018. Amendment VC148 has implemented changes to the Victoria Planning Provisions and planning schemes.

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. HIGH VOLUME CAT DE-SEXING SCHEME

Director: David Hol, Director Corporate Services

Executive Summary

This report provides Councillors with an overview of the proposed high-volume cat de-sexing scheme as an initiative to address escalating cat numbers within the Glenelg Shire and seeks Council approval to waive the initial registration fees for participants in the scheme.

Recommendation

That under Section 15 (3) of the *Domestic Animals Act 1994* Council waives the initial animal registration fee for owners (first twelve months only) participating in the high-volume cat de-sexing scheme.

MOTION

MOVED Cr Halliday

That under Section 15 (3) of the *Domestic Animals Act 1994* Council waives the initial animal registration fee for owners (first twelve months only) participating in the high-volume cat de-sexing scheme.

SECONDED Cr Stephens

CARRIED

Background/Key Information:

The project to be undertaken in conjunction with the RSPCA is an initiative which aims to work with the community to develop a sustainable model for managing stray cat populations and optimising responsible cat ownership with a focus on de-sexing.

This initiative involves piloting a behaviour change and high-volume de-sexing program in a community with a recognised stray cat problem. Statistics provided to Glenelg Shire Council from the RSPCA highlight a growing trend regarding issues associated with responsible pet ownership for cats. In the 17/18 year over 30% (285) of animals presented at the RSPCA animal shelter in Portland were kittens with an average stay of over 30 days (compared to dogs at 12 days). When referred against a total of 1534 cats registered within the entire Glenelg Shire, these statistics highlight a significant cat reproduction rate which has impacts for animal welfare and increasing pound operating costs which are borne by ratepayers. Only 1 kitten was reclaimed during this period and 65 adopted.

In 2018 a research company was engaged on behalf of the RSPCA to research community attitudes and behaviours. The aim was to understand the issues, knowledge, attitudes and behaviours in relation to cat ownership within the Glenelg Shire. Over 200 phone surveys were undertaken with cat owners and feeders of stray cats and two 90-minute focus groups conducted with Portland residents.

F3. HIGH VOLUME CAT DE-SEXING SCHEME

(continued)

A few of the key outcomes of this research identified the following:

- The most immediate barrier to de-sexing and registration is cost;
- 76% were in favour of compulsory de-sexing to reduce stray cats;
- 41% of those surveyed believed the Shire has a moderate to high stray cat issue;
- Many roaming cats are owned and not de-sexed;
- It is still common for kittens to be given to neighbours and friends through backyard breeding;
- Many feeders feed a stray cat to feel as though they are helping but do not want the commitment of looking after its welfare;
- Vaccination, registration, vet bills and feeding costs can be seen as problematic; and
- Much of the community have not accepted that microchipping, vaccination and registration are important elements in caring for cats.

The initiative of a high-volume de-sexing scheme, overseen by the RSPCA chief Veterinarian, has the ability of providing a low-cost option for cat owners to de-sex their animals, which in turn should result in fewer kittens born through unwanted litters and then handed in to the pound facility. It is expected that a program of high-volume de-sexing will take some years before any significant tangible evidence of the results can be concluded in reducing the unwanted cat population.

Current costs for de-sexing will range with different veterinarians. An approximate cost of \$85 for male cats and \$120-\$140 for females provides an indication. The MAV de-sexing scheme enables participants to claim a 25% reduction which is paid for by Council. The economies of scale indicated through a high-volume de-sexing scheme anticipates that costs will be approximately half of that which are currently achieved through the MAV de-sexing scheme, making this initiative more financially attractive than current de-sexing options.

As an additional incentive for participation, it is recommended that Council waives the initial registration costs of animals de-sexed under this scheme. There is currently a cost of \$105 for a full registration and \$35 for de-sexed animals. A waiver of the initial fee may increase participation and therefore impact future unwanted litters and also provide the Council with an improved database of animals within the Shire as registrations are renewed.

F3. HIGH VOLUME CAT DE-SEXING SCHEME

(continued)

The participation in this scheme demonstrates the Glenelg Shire Council's commitment and support to the community surrounding responsible pet ownership. Council staff are also assisting with identifying a suitable accessible Council facility in Portland to deliver the program which is expected to occur in the cat breeding season in late April 2019. Assistance options for transportation to the facility for anyone without a means of transport or accessibility issues are also being explored.

The participation of the high-volume cat de-sexing program is a commitment of the Glenelg Shire Council in partnership with the RSPCA to jointly address the unwanted cat population issues within the Shire. The waiver of the initial registration fee combined with reduced de-sexing costs available through such a scheme provide an incentive for participation by pet owners and can result in reduced costs in the longer term.

a. Council Plan Linkage and Policy Context

This initiative aligns with the following theme from the Council Plan 2017-21;

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

b. Legislative, Legal and Risk Management Considerations

Registration of animals within the Municipal district is outlined in the *Domestic Animal Act 1994* and the power to waive a fee for registration requires Council resolution under the *Domestic Animal Act 1994*.

c. Consultation and/or communication processes implemented or proposed

This project was a commitment of Council in accordance with the contract for the provision of pound services awarded to the RSPCA. The RSPCA then engaged a third party to undertake research of community expectations and understanding of cat population issues.

d. Financial and Resource Implications and Opportunities

Costs for the participation in this scheme are included in the current operational budget. The waiver of initial registration fees is unlikely to affect current income budgets.

F4. MAV CONTRACT MS4333-2014 PROVISION FOR VICTORIAN LOCAL GOVERNMENT MICROSOFT LICENSING SOLUTION PARTNER

Director: David Hol, Director Corporate Services

Executive Summary

This report is to brief Council on the MAV Vendor Panel Contract number: MS4333-2014 Provision for Victorian Local Government Microsoft Licencing Solution Partner Panel for the procurement of software licencing.

Recommendation

1. That Council endorse continued access through the MAV Vendor Panel Contract MS4333-2014 for the procurement of software licencing.
2. That the Director Corporate Services by authorised to execute documentation and payments relating to contract MS4333-2014.

MOTION**MOVED Cr White**

1. That Council endorse continued access through the MAV Vendor Panel Contract MS4333-2014 for the procurement of software licencing.
2. That the Director Corporate Services by authorised to execute documentation and payments relating to contract MS4333-2014.

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

Microsoft software applications are extensively used throughout Councils computer network. This software is used on servers, personal computers, laptops and mobile devices. It is the backbone of Councils computer network.

Council engaged with MAV (Municipal Association of Victoria) through a vendor panel for the provision of Microsoft licencing solutions MS4333-2014. The panel was created following an MAV tender process and provides Councils with access to a purchasing scheme with greater buying power and value for money for such services. The contract commenced 1 July 2017 and expires 22 June 2020.

The aggregate spend for these services under this contract is now approaching the procurement thresholds as outlined in the Local Government Act 1989 and accordingly Council authorisation is required for continued purchases under this arrangement.

F4. MAV CONTRACT MS4333-2014 PROVISION FOR VICTORIAN LOCAL GOVERNMENT MICROSOFT LICENSING SOLUTION PARTNER

(continued)

a. Council Plan Linkage and Policy Context

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

Connecting Glenelg – Connecting people, places and spaces.

b. Legislative, Legal and Risk Management Considerations

The MAV executed the tender and evaluation process aligning with *section 186* of the *Local Government Act 1989*. The aggregate spend now requires Council resolution to continue the formal panel contract arrangements for the supply Microsoft Licences.

c. Consultation and/or communication processes implemented or proposed

Councils IT and Contracts units have been consulted as part of the contract review process.

d. Financial and Resource Implications and Opportunities

Whilst the aggregate spend on Microsoft licences will increase, there are several savings from superseded systems and equipment as a result of the Microsoft integration that will offset the total expenditure.

Cr Halliday re-declared an Indirect Conflict of Interest in item F5. Alexandra Park Master Plan and left the meeting at 7.14pm.

F5. ALEXANDRA PARK MASTER PLAN

Director: Edith Farrell, Director Community Services

Executive Summary

This paper is to seek Council endorsement for the draft Alexandra Park Master Plan.

Recommendation

1. That Council endorse the draft Alexandra Park Master Plan.
2. That officers pursue funding sources for implementation of the Plan and provide a further report to Council outlining the implementation plan and funding options.
3. That activities of the Portland Greyhound Club currently located at Alexandra Park cease operations by the 31 March 2019.
4. That officers inform Portland Greyhound club members of this decision.
5. That officers oversee the removal of club assets to ensure that the site is left in safe and reasonable condition by the 31 March 2019.

MOTION

MOVED Cr White

1. **That Council endorse the draft Alexandra Park Master Plan.**
2. **That officers pursue funding sources for implementation of the Plan and provide a further report to Council outlining the implementation plan and funding options.**
3. **That activities of the Portland Greyhound Club currently located at Alexandra Park cease operations by the 31 March 2019.**
4. **That officers inform Portland Greyhound club members of this decision.**
5. **That officers oversee the removal of club assets to ensure that the site is left in safe and reasonable condition by the 31 March 2019.**

SECONDED Cr Hawker

CARRIED

F5. ALEXANDRA PARK MASTER PLAN

(continued)

Background/Key Information:

The Glenelg Shire Council engaged Tredwell Management to develop a Master Plan for Alexandra Park (the Reserve). The Alexandra Park Master Plan (the Plan) will assist Council to take a whole of sport, leisure and recreation approach to planning across the reserve and ensure future development of facilities that supports the vision for increasing participation and meeting current and future needs at the Reserve.

At the November 2018 Ordinary Council Meeting Council endorsed the final draft of the Alexandra Park Master Plan Design and Development to go out for targeted consultation.

Officers met individually with Gorae Portland Cricket Club, Portland BMX Club, Portland Greyhound Club, and Westerns Football Netball Club to seek their feedback on the Plan. The following is an outline of the feedback provided by the User Groups, which has been considered in the development of final draft Plan.

Westerns Football Netball Club:

Westerns Football Netball Club requested the staging of the netball court redevelopment be revised as this is the highest priority for the Club. To ensure the least amount of disruption to Club functions and season and the successful staging of the overall Plan, the netball courts and cricket practice nets should be redeveloped in the new location, please see pages 41- 42 of the attached Plan for further details. The club is fully supportive of the proposed master plan.

Portland BMX Club:

Consultation with the BMX Club highlighted that the plan met their needs; particularly the power upgrade and identified future works to address safety concerns regarding current traffic flow and activity cross over with the Greyhound Club.

Gorae Portland Cricket Club:

During the meeting with the Cricket Club the committee members provided positive feedback about the Plan particularly the multipurpose facility. The current proposed location of the cricket nets, please see pages 41- 42 of the Plan attached, would require the power supply to be extended and a shed be erected for the bowling machine. The Cricket Club requested for Council to consider locating the practice cricket nets alongside of the new netball courts or on the western side of the oval. Council is undertaking further investigations, including site surveys, to determine the most appropriate location for the practice cricket nets at the Reserve. Therefore the final location of the cricket practice nets may not be as represented in the Plan.

F5. ALEXANDRA PARK MASTER PLAN

(continued)

Portland Greyhound Club:

As outlined in the previous Council report, the Plan recommends the cessation of Greyhound training activities at the Reserve. Officers met with the Greyhound Club on multiple occasions, where a number of concerns were discussed including the road safety, non-approved training methods, lack of incorporation and registration with Greyhound Racing Victoria (GRV). The Greyhound Club expressed concern over the removal of their slipping track at the Reserve and have suggested Council support the reestablishment of a slipping track in a more suitable location.

Council officers have been in discussion with GRV, seeking advice regarding Council's obligation to provide such facilities. Officers were informed from GRV that there is no expectation that local government provide slipping tracks. GRV further indicated that most slipping tracks are located on private land or at large privately owned greyhound racing facilities. Council officers have investigated other locations within Alexandra

Park and other reserves and have determined that there is no obvious alternate location.

Following feedback from the Greyhound consultation meetings, a traffic management risk assessment has been undertaken to ensure the identified traffic hazards including high speed traffic and pedestrian vehicle mix, are controlled. The following methods have been proposed for incorporation into the future works at Alexandra Park:

- Cessation of greyhound training due to high speed vehicle use as training techniques;
- Speed reduction signage and traffic calming devices at key locations;
- Realignment of road geometry to minimise the crossover of traffic and pedestrians;
- Installation of controlled pedestrian crossing with fencing where required; and
- Utilisation of berms to create natural barriers as part of the overall speed reduction system.

Overall, the Plan provides Council with a robust set of priorities and direction for the provision of facilities, services and funding programs at Alexandra Park.

a. Council Plan Linkage and Policy Context

Connecting Glenelg – Connecting people, places and spaces.

The final draft Plan for the Alexandra Park reserve contributes to community connectedness by supporting the activities of the various clubs operating from this recreation reserve and also across Glenelg Shire.

F5. ALEXANDRA PARK MASTER PLAN

(continued)

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

The redevelopment projects comprised would contribute to community health outcomes by providing opportunities to participate in year-round recreational activities, particularly by aiming to increase female participation.

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

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

b. Legislative, Legal and Risk Management Considerations

The Plan will assist to address the risks associated with the current facilities and activities, in particular the high risks activities associated with the current practices of the Portland Greyhound Club who drive their vehicles at speeds significantly above the restricted speed limits of the reserve.

The risks associated with this speeding are exacerbated given the mix of users, and vehicle and pedestrian cross over at the Reserve, for example the BMX rider's circuit intersects at the top of the roadway that Greyhound Club members speed towards as a practice for training their dogs. Council is currently exposed given the road safety aspect, non-approved training methods, lack of incorporation and registration with Greyhound Racing Victoria (GRV).

Council officers have investigated other locations within Alexandra Park and other reserves through the Draft Open Space Strategy, however no suitable location can be identified.

Implementation of the control methods highlighted in the traffic management risk assessment including the cessation of the Greyhound training activities which pose a significant risk, will reduce the traffic related hazards currently at Alexandra Park.

c. Consultation and/or communication processes implemented or proposed

Extensive consultation has been undertaken to develop the Plan and most recently through targeted consultation the final draft Plan has been refined to ensure that it meets the current and future needs of the User Groups as well as providing a safe and multipurpose facility for broad community enjoyment.

d. Financial and Resource Implications and Opportunities

The development of the Plan has been undertaken within the existing Council budget.

Sports and Recreation Victoria (SRV) encouraged Council to develop the Plan as to attract future funding and provide a framework for future developments at Alexandra Park.

F5. ALEXANDRA PARK MASTER PLAN

(continued)

Further works will be undertaken to develop designs and costings for stage one of the master plan, which will need to be taken into consideration in future council budgets.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Draft Alexandra Park Master Plan design & development	2523043

Cr Halliday returned to the meeting at 7.23pm.

F6. CONTRACT 2018-19-22 SUPPLY AND INSTALLATION OF ONE (1) NEW BACKHOE

Director: Robert Alexander, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the supply and installation of one (1) new backhoe for the Glenelg Shire Council under Contract 2018-19-22 and provides a recommendation to award this contract.

Recommendation

1. That Council award Contract 2018-19-22 for the Supply and Installation of one (1) new Backhoe to JCB Construction Equipment Australia TA JCB Ballarat.
2. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
3. That the Director Assets be authorised to complete all financial payments relating to this contract.

MOTION**MOVED Cr Stephens**

1. **That Council award Contract 2018-19-22 for the Supply and Installation of one (1) new Backhoe to JCB Construction Equipment Australia TA JCB Ballarat.**
2. **That the Chief Executive Officer be authorised to execute all documents relating to this contract.**
3. **That the Director Assets be authorised to complete all financial payments relating to this contract.**

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

Council asset 225 JCB 3CX Backhoe was commissioned for use in September 2002 and has now exceeded its nominal industry life cycle. Due to conditional deterioration the asset is returning high levels of plant downtime which impacts on scheduled works programs and financial resources on reactive maintenance and mechanical upkeep.

The procurement of a new Backhoe will assist Council in maintaining culverts through drainage improvements, shifting and loading of various road making material on site and at Council facilities, and is utilised as a multi tasked machinery with the ability to perform excavation, hoe, crusher, tool carrier and road stabilisation.

It is proposed to dispose of Asset 225 JCB 3CX through a public auction process.

F6. CONTRACT 2018-19-22 SUPPLY AND INSTALLATION OF ONE (1) NEW BACKHOE

(continued)

Report

A tender was called via the Municipal Association of Victoria (MAV) Vendor Panel under contract NPN2.15 Plant Machinery and Equipment from pre-qualified suppliers on 14 January 2019. Tenders closed Thursday 31 January 2019 at 3:00pm with tender submissions from:

- JCB Construction Equipment Australia TA JCB Ballarat; and
- William Adams Pty Ltd.

The Tender Evaluation Panel has considered the tender submissions taking into account tendered price; demonstrated performance; warranty and environmental sustainability.

Council's minimum weighting criteria of 25% for economic contribution to the Glenelg Shire was waived for this tender process as it was identified that there was no local manufacturer or supplier who can install, service and or maintain the new backhoe.

Following the tender evaluation process, the Tender Evaluation Panel has recommended that JCB Construction Equipment Australia TA JCB Ballarat be awarded the contract.

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

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

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

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

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

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

The tender was posted in accordance with Council's procurement policy and called through MAV Vendor Panel inviting pre-qualified suppliers registered to MAV.

Notification of the successful and unsuccessful submissions will also be provided to tenderers following Council's resolution.

d. **Financial and Resource Implications and Opportunities**

The procurement of the new Backhoe is within the plant replacement allocation in the 2018-2019 Council budget.

F6. CONTRACT 2018-19-22 SUPPLY AND INSTALLATION OF ONE (1) NEW BACKHOE

(continued)

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 (where applicable)</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>ECM</i>
1.	Glenelg Shire Council Tender Evaluation Matrix, Supply and Installation of one (1) new Backhoe, Contract 2018-19-22 dated 6 February 2019	Contains Contractual Matters - Section 89 (2) (d)	2526565

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

- E1. (1) Assembly of Councillors - Councillor and CEO Briefing session held on 22 January 2019
- E1. (2) Assembly of Councillors - Councillors Briefing session held on 22 January 2019
- E1. (3) Volunteering and Wellbeing Advisory Committee meeting notes held on Wednesday 30 January 2019
- E1. (4) Tourism Advisory Committee meeting notes held on Wednesday 6 February 2019
- E1. (5) Assembly of Councillors – Councillor and CEO Briefing session held on Tuesday 12 February 2019
- E1. (6) Assembly of Councillors – Councillors Workshop meeting record held on Tuesday 12 February 2019
- F5. (1) Draft Alexandra Park Master Plan design & development

Separate Circulation to Councillors, CEO and Directors

- F1. (1) Councillor and Chief Executive Officer Leave of Absence Register
- F6. (1) Glenelg Shire Council Tender Evaluation Matrix, Supply and Installation of one (1) new Backhoe, Contract 2018-19-22 dated 6 February 2019

Recommendation

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

MOTION

MOVED Cr Wilson

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

SECONDED Cr Stephens

CARRIED

CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.23pm

I HEREBY CERTIFY THAT PAGES 1 TO 31 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

26 MARCH 2019

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