



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 27 August 2019 at 7.00pm at
Portland Customer Service Centre
Cliff Street, Portland

<u>Contents</u>	<u>Page</u>
<u>Present:</u>	4
<u>Opening Prayer:</u>	4
<u>Aboriginal Acknowledgement:</u>	4
<u>Receipt of Apologies:</u>	4
<u>Confirmation of Minutes:</u>	4
<u>Conflict of Interest:</u>	4
<u>Question Time:</u>	5
<u>Questions of which due notice has been given in writing or previously taken on notice:</u>	5
<u>Questions from the Gallery:</u>	5
<u>Presentations:</u>	5
<u>A. Notices of Motion:</u>	5
<u>B. Deputations:</u>	5
<u>C. Petitions:</u>	5
<u>D. Committee Reports:</u>	5
<u>E. Assembly of Councillor Records:</u>	6
E1. Assembly of Councillors Records 11 July 2019 – 15 August 2019 (Inclusive)	6-8
<u>F. Management Reports:</u>	9
F1. Councillor and Chief Executive Officer Leave of Absence Register	9-10
F2. Planning Permit Application P19083 - 21 Wapling Avenue, Dartmoor	11-13
F3. Strathdownie Drainage Area – Adoption Special Charge 2019-2020	14-16
F4. Delegations Review	17-20
F5. Cultural Collection Significance Assessment	21-22
F6. Request to Borrow Painting from Cultural Collection	23-24
F7. Heywood Early Learning Centre	25-26
F8. Over Dimensional Windfarm Components Travel on Local Roads in Portland	27-29

Any Other Procedural Matter:

Urgent Business: 30

Receipt of Items Submitted for Information: 30

Index – Separate Circulations to Reports: 30-31

Closure of Council Meeting: 32

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 Robert Alexander), Director Corporate Services (Ms Joan Lewis) and Council Support Coordinator (Ms Kylie Walford).

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 23 July 2019, as circulated, be confirmed.

MOTION**MOVED Cr McDonald**

That the minutes of the Ordinary Council Meeting held on Tuesday 23 July 2019, as circulated, be confirmed.

SECONDED Cr Halliday**CARRIED****DECLARATIONS OF CONFLICT OF INTEREST:**

Nil.

QUESTION TIME:

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

Nil.

QUESTIONS FROM THE GALLERY:

Nil.

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 11 JULY 2019 – 15 AUGUST 2019 (INCLUSIVE)**

Director: Joan Lewis, 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 11 July 2019 – Thursday 15 August 2019 (inclusive).

MOTION

MOVED Cr McDonald

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 11 July 2019 – Thursday 15 August 2019 (inclusive).

SECONDED Cr Stephens

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 11 JULY 2019 – 15 AUGUST 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 11 July 2019 – Thursday 15 August 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 – Deputation by Mr Stuart Grimley MP held on Tuesday 23 July 2019 (DocSetID: 2584211);
- Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 23 July 2019 (DocSetID: 2586645);
- Assembly of Councillors – Councillors Briefing session meeting held on Tuesday 23 July 2019 (DocSetID: 2581601);
- Assembly of Councillors – Councillors Workshop meeting record held on Tuesday 13 August 2019 (DocSetID: 2589079); and
- Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 13 August 2019 (DocSetID: 2589619).

a. Council Plan Linkage and Policy Context

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

E1. ASSEMBLY OF COUNCILLORS RECORDS 11 JULY 2019 – 15 AUGUST 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 – Deputation by Mr Stuart Grimley MP on Tuesday 23 July 2019	2584211
2.	Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 23 July 2019	2586645
3.	Assembly of Councillors – Councillors Briefing session meeting held on Tuesday 23 July 2019	2581601
4.	Assembly of Councillors – Councillors Workshop meeting record held on Tuesday 13 August 2019	2589079
5.	Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 13 August 2019	2589619

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 McDonald**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
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) <i>The Local Government Act 1989.</i>	2589720

F2. PLANNING PERMIT APPLICATION P19083 - 21 WAPLING AVENUE, DARTMOOR

Director: Joan Lewis, Director Corporate Services

Executive Summary

This paper is to brief the Councillors on a planning application for buildings and works to demolish and remove the former Dartmoor police residence and attached office.

After detailed assessment of the proposal against the Glenelg Planning Scheme it is recommended that a notice of decision to refuse to grant a permit be issued.

Recommendation

That Council issue a Notice of Decision to refuse to grant a permit for buildings and works to demolish and remove the former police residence and attached office at 21 Wapling Avenue, Dartmoor.

MOTION**MOVED Cr Wilson**

That Council issue a Notice of Decision to refuse to grant a permit for buildings and works to demolish and remove the former police residence and attached office at 21 Wapling Avenue, Dartmoor.

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

The Dartmoor Police Station complex is of local heritage significance to the Glenelg Shire and is identified in the schedule to the Heritage Overlay of the Glenelg Planning Scheme as HO203.

The heritage place comprises a weatherboard police residence, portable timber lockup and timber stable and forage store, dating from the 1890s. It is set within a large police reserve at Wapling Avenue, Dartmoor.

A planning permit is required to undertake works or develop land affected by the Heritage Overlay in accordance with the Glenelg Planning Scheme.

On 6 June 2019 Council was informed that the former police residence and attached office was part demolished in preparation for off-site removal. This was done without prior planning and building approval and in contravention of the requirements of the Planning and Environment Act 1987 and Building Act 1993.

In consultation with Victoria Police, a retrospective permit application was submitted for buildings and works to demolish and remove the former police residence and attached office.

F2. PLANNING PERMIT APPLICATION P19083 - 21 WAPLING AVENUE, DARTMOOR

(continued)

The application stated that the building was in poor condition and its removal was to facilitate the future sale of the subject site by the Department of Treasury and Finance.

Notice of the application was given to owners and occupiers of adjoining land and a sign was placed on site.

Council received five (5) objections to the application – refer to Attachment 2. The key issues that were raised in the objections include:

- The former police residence is of local heritage significance and is valued by the Dartmoor community;
- Lack of consultation with the Dartmoor community regarding the proposal to remove the building;
- Failure to obtain planning permission prior to removal of the former police residence in accordance with the Planning and Environment Act 1987;
- Failure to adhere to the instructions of the Glenelg Shire Council Building Inspector in accordance with the Building Act 1993;
- Failure to justify demolition and removal of the heritage place and provide adequate supporting documentation including Heritage Impact Statement;
- The retrospective application is limited to the removal of the former police building and does not address the remaining contributory elements comprising the heritage place (the stables and lockup);
- Future enforcement action against Victoria Police including the repatriation of the building to its original location;
- On-site retention of the stables and lockup and future conservation measures remain unresolved.

A response to the issues raised in the submissions and the full assessment of the scheme provisions are outlined in the delegate report at Attachment 3.

It is recommended that a notice of decision to refuse to grant a permit be issued based on the following grounds:

1. The demolition and removal of the former police residence is contrary to Clauses 22.02 and 22.02-3 of the Glenelg Planning Scheme.
2. The proposal does not meet the purpose and decision guidelines of the Heritage Overlay under Clause 43.01.

F2. PLANNING PERMIT APPLICATION P19083 - 21 WAPLING AVENUE, DARTMOOR

(continued)

3. That the removal of the police building will adversely impact the significance of the heritage place, its setting and the relationship and interpretation of the remaining contributory elements.
4. That the poor condition of the internal heritage fabric cannot be supported to justify demolition and relocation of the building and that the application fails to provide adequate supporting documentation to substantiate this claim.

a. Council Plan Linkage and Policy Context

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

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

b. Legislative, Legal and Risk Management Considerations

An application to review the decision can be made to the Victorian Civil and Administrative Tribunal. This right to review is available to the applicant within 60 days of the notice of decision and to objectors within 28 days of notice of decision.

c. Consultation and/or communication processes implemented or proposed

Notice of the application was given to owners and occupiers of adjoining land and a sign was placed on site as required by the *Planning and Environment Act 1987*.

Consultation has been undertaken between the applicant, Dartmoor community representatives and Glenelg Shire Council Planning Unit both prior and following application lodgement.

d. Financial and Resource Implications and Opportunities

N/A.

Separate Circulations – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Planning Permit Application P19083	2566822
2.	Submissions received P19083	2584938
3.	Applicant response to submissions received P19083	2586721
4.	Delegate report P19083	2584930
5.	Notice of Decision to Refuse to Grant a Permit P19083	2584921

F3. STRATHDOWNIE DRAINAGE AREA – ADOPTION SPECIAL CHARGE 2019-2020

Director: Joan Lewis, Director Corporate Services

Executive Summary

The purpose of this report is to report on the submissions received for the proposed Strathdownie Drainage area Special Charge for 2019/2020 and to recommend that the Special Charge be declared.

Recommendation

That Council declare a Special Charge for the properties located in the constituted Strathdownie Drainage Area for the 2019/2020 Financial Year:

- a. That the Special Charge be declared for defraying any expenses incurred in relation to the operation, maintenance, improvement, and administration of the Strathdownie Drainage Area which Council considers is of special benefit to those persons required to pay the Special Charge.
- b. That the total estimated revenue in 2019/2020 Financial Year from the Special Charge be \$16,000.00
- c. That the Special Charge be due and payable by the 30 September 2019.
- d. That the rate of ten per cent (10.0%) be specified as the rate of interest set by Council for the purposes of Section 172(2) of the *Local Government Act 1989* and further, that this rate be effective and so set until a new rate of interest is set in accordance with Section 172(2) of the *Local Government Act 1989*.

F3. STRATHDOWNIE DRAINAGE AREA – ADOPTION SPECIAL CHARGE 2019-2020

(continued)

MOTION

MOVED Cr Stephens

That Council declare a Special Charge for the properties located in the constituted Strathdownie Drainage Area for the 2019/2020 Financial Year:

- a. That the Special Charge be declared for defraying any expenses incurred in relation to the operation, maintenance, improvement, and administration of the Strathdownie Drainage Area which Council considers is of special benefit to those persons required to pay the Special Charge.**
- b. That the total estimated revenue in 2019/2020 Financial Year from the Special Charge be \$16,000.00**
- c. That the Special Charge be due and payable by the 30 September 2019.**
- d. That the rate of ten per cent (10.0%) be specified as the rate of interest set by Council for the purposes of Section 172(2) of the *Local Government Act 1989* and further, that this rate be effective and so set until a new rate of interest is set in accordance with Section 172(2) of the *Local Government Act 1989*.**

SECONDED Cr Halliday

CARRIED

Background/Key Information:

The Strathdownie Drainage Area Advisory Committee was established by the Council on 22 November 2016. The Strathdownie Drainage Area Advisory Committee is responsible for providing advice to Council on the setting of annual drainage charges and the operation, maintenance and development of the Strathdownie drainage area.

The drainage area contains 173 assessments and covers an area of approximately 51,620 hectares.

At the Council meeting held on Tuesday 25 June 2019, Council resolved to give notice of its intention to consider the declaration of a Special Charge for the properties located in the constituted Strathdownie Drainage area for the 2019/2020 financial year. The Proposed Special Charge will raise \$16,000.00.

F3. STRATHDOWNIE DRAINAGE AREA – ADOPTION SPECIAL CHARGE 2019-2020

(continued)

The Special Charge will be calculated by averaging the special charge over the combined Capital Improved Values (CIV) of properties in the Strathdownie Drainage Area. The CIV of an individual assessment is adjusted to reflect the % ownership of the area that falls within the Strathdownie Drainage Area.

Under Sections 163(1A) and 223 of the *Local Government Act 1989* (the Act), any person wishing to make a written submission in relation to Council's proposal to make a declaration of a Special Charge had until 5.00 pm on Wednesday 31 July 2019 to do so, no written submissions were received.

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

Nil.

d. Financial and Resource Implications and Opportunities

The indirect cost of staff time to administer the special charge is included in the salary budgets for the Corporate Services Department – Finance Unit. Any internal engineering advice provided is an indirect cost and is funded by salary budgets within the Assets Department.

F4. DELEGATIONS REVIEW

Director: Joan Lewis, 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 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 from Council (as a Committee of Management appointed under section 14 of the *Crown Land (Reserves) Act 1978 (Vic)*) to Members of Staff; and
- S11A Instrument of Appointment under the *Planning and Environment Act 1987* only.

Recommendation

1. That Council adopt the following:

- The Instrument of Delegation from Council to Members of Staff dated Tuesday 27 August 2019 (S6);
 - Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*; and
 - S11A Instruments of Authorisation and Appointments under the *Planning and Environment Act 1987* only.
- 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.

F4. 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 28 August 2019:
 - Instrument of Sub-Delegation from the Chief Executive Officer to Council (S7); and
 - Instrument of Delegation of CEO powers, duties and functions (S13).
 - 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:
 - **The Instrument of Delegation from Council to Members of Staff dated Tuesday 27 August 2019 (S6);**
 - **Committee of Management under the *Crown Land (Reserves) Act 1978 (Vic)(Act)*; and**
 - **S11A Instruments of Authorisation and Appointments under the *Planning and Environment Act 1987* only.**
 - 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.
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 28 August 2019:
 - Instrument of Sub-Delegation from the Chief Executive Officer to Council (S7); and
 - Instrument of Delegation of CEO powers, duties and functions (S13).

F4. DELEGATIONS REVIEW

(continued)

- 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.**

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.

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

Section 185L of the *Local Government Act 1989* (Vic) (LGA) has been added to the S6 template to provide clarification about the ability of a Council's Chief Executive Officer to declare and levy a cladding rectification charge.

F4. DELEGATIONS REVIEW

(continued)

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

- Further amendments to the *Domestic Animals Act 1994 (Vic)*, made by the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 (Vic)*, have commenced, resulting in the insertion of ss 68N – 68Z into the S7 template;
- the *Metropolitan Fire Brigades Act 1958 (Vic)* has been re-inserted into the S7 template; and
- the Local Government (*Planning and Reporting*) *Amendment Regulations 2019 (Vic)* inserted rr 28, 29 and 30 into the *Local Government (Planning and Reporting) Regulations 2014 (Vic)*, which have been added to the S7 template.

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

- Section 38A of the *Freedom of Information Act 1982 (Vic)* has been reworded to more accurately describe the delegated power; and
- the condition and limitation imposed on s 231 of the LGA has been amended to reflect the most current Regulations, being the *Local Government (General) Regulations 2015 (Vic)*.

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.

Documents are available for staff and Councillors to view prior to being adopted at the Ordinary Council Meeting.

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

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

F5. CULTURAL COLLECTION SIGNIFICANCE ASSESSMENT

Director: Edith Farrell, Community Services

Executive Summary

This report is to brief Councillors on the Cultural Collection Significance Assessment and seek Council approval to apply to the National Library of Australia Community Heritage Grant scheme in the next available round of funding to undertake a Preservation Needs Assessment of the Cultural Collection.

Recommendation

That Council approve an application to the next round of the National Library of Australia Community Heritage Grant scheme for funding to undertake a Preservation Needs Assessment of the Glenelg Shire Council Cultural Collection.

MOTION**MOVED Cr McDonald**

That Council approve an application to the next round of the National Library of Australia Community Heritage Grant scheme for funding to undertake a Preservation Needs Assessment of the Glenelg Shire Council Cultural Collection.

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

In 2018 Council was successful in securing funding from the National Library of Australia Community Heritage Grant scheme to undertake a Significance Assessment of the Cultural Collection. A Significance Assessment is the process of studying and understanding the meanings and values of objects and collections against a set of identified criteria.

The Cultural Collection Significance Assessment was undertaken by Emma Russell of History at Work between February and June 2019 and is attached to this report for noting by Council. The Significance Assessment identifies the GSC Cultural Collection as historically significant at the local state and national threshold and includes a series of recommendations for the future management, display and promotion of the collection.

The development of Significance Assessment is the first stage of three part process in accessing funding from the National Library's Community Heritage Grant scheme. As the Cultural Collection has been identified as being historically significant at the national threshold, Glenelg Shire Council is now eligible to apply for funding to undertake a Preservation Needs Assessment. A Preservation Needs Assessment evaluates the policies, practices and environmental conditions of a collection, with the aim of identifying factors which may have an adverse effect on the future preservation of a collection.

F5. CULTURAL COLLECTION SIGNIFICANCE ASSESSMENT

(continued)

Glenelg Shire Council is eligible to apply for funding in the next round of National Library due in March 2020.

The final stage of the National Library's Community Heritage Grant scheme is access to funding to undertake the recommendations of the Preservation Needs Assessment. Grants of up to \$15,000 are available annually.

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

Not applicable.

d. Financial and Resource Implications and Opportunities

There are no financial or resource implications other than an officer's time in applying for funding for a Preservation Needs Assessment. If successful with the Preservation Needs Assessment funding, there are opportunities for future project-based funding from the National Library's Community Heritage Grant scheme.

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.	Final Report – Cultural Collection Significance Assessment June 2019	2570221

F6. REQUEST TO BORROW PAINTING FROM CULTURAL COLLECTION

Director: Edith Farrell, Community Services

Executive Summary

This paper is to brief Councillors on a request received from the National Gallery of Australia to borrow the painting “Cherry” by Agnes Goodsir from the Cultural Collection for inclusion in the exhibition “Know My Name: Australian Women Artists” in Canberra in 2020

Recommendation

That Council approve the loan of the painting “Cherry” by Agnes Goodsir to the National Gallery of Australia for the exhibition “Know My Name: Australian Women Artists” in Canberra from 30 May to 31 October 2020.

MOTION**MOVED Cr Stephens**

That Council approve the loan of the painting “Cherry” by Agnes Goodsir to the National Gallery of Australia for the exhibition “Know My Name: Australian Women Artists” in Canberra from 30 May to 31 October 2020.

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

Council has received a request from the National Gallery of Australia to borrow the painting “Cherry” by Agnes Goodsir from the Glenelg Shire Council Cultural Collection for inclusion in the exhibition “Know My Name: Australian Women Artists” in Canberra from 30 May to 31 October 2020.

“Know My Name” is a recently launched campaign of the National Gallery of Australia which recognises the contribution of women artists in Australian art and broader communities.

In line with the Cultural Collection Policy and Procedure, outgoing loans of objects from the Cultural Collection valued in excess of \$5,000 require Council approval.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

The painting will be travelling with a dedicated art courier and will be fully covered for insurance by the National Gallery of Australia whilst in transit, storage and on exhibition.

F6. REQUEST TO BORROW PAINTING FROM CULTURAL COLLECTIONc. Consultation and/or communication processes implemented or proposed

The Cultural Collection Officer will be dealing directly with the curatorial staff at the National Gallery of Australia.

d. Financial and Resource Implications and Opportunities

There are no financial or resource implications for Glenelg Shire Council in loaning this painting.

F7. HEYWOOD EARLY LEARNING CENTRE

Director: Edith Farrell, Director Community Services

Executive Summary

This briefing paper is provided to inform Council that the business owner of the Heywood Early Learning Centre (HELC), has formally withdrawn from the commitment to tenant the Heywood Kindergarten building.

Recommendation

That Council receives the report for information.

MOTION

MOVED Cr McDonald

That Council receives the report for information.

SECONDED Cr Stephens

CARRIED

Background/Key Information:

The HELC business owner approached Council in February 2019 to seek Council support to lease the Heywood Kindergarten building for the purposes of delivering early year's education and care, commencing 1 January 2020.

The business owner submitted a formal, more detailed request in April 2019. Following the initial enquiry officers met with the business owner to seek greater understanding of what was being proposed.

A report was prepared for the 25 June 2019 Ordinary Council Meeting (OCM). To allow additional information gathering, that would further inform Council's decision-making process, the report was held over for the 23 July 2019 OCM.

At the 23 July OCM Council authorised officers to proceed with the tenancy arrangement.

In good faith, Council officers commenced the process to cease in-house service delivery and work towards the commencement of the tenancy, to commence 1 January 2020. This process included, and not limited to, consultation with staff, Parents and Friends Committee, primary school principal and other key stakeholders. In addition, lease preparation commenced, which, given the complexity, required expert legal advice.

Throughout the process interaction with the business owner was consistent.

F7. HEYWOOD EARLY LEARNING CENTRE

(continued)

The morning of Wednesday 14 August Council officers became aware that the business owner had informed community members, via social media, that they were not going to proceed with the lease process. Council officers contacted the business owner. Verbal confirmation was received at that time, which was later provided to Council officers in writing later that same day.

At the Community Information Session held on Wednesday 14 August, Council officers informed attendees about the business owner's decision and that 2020 kindergarten service provision would continue to be provided in-house.

Attendees at the Information Session expressed their concern about the Council decision. Primarily concerns included the loss of "choice" for kindergarten services for the Heywood community, provision of perceived quality education and care and the process around the decision being "In Camera" prior to consultation with the community, kindergarten staff and other affected stakeholders. Council officers explained Council's obligations around processes at the community information session.

a. Council Plan Linkage and Policy Context

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

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

b. Legislative, Legal and Risk Management Considerations

Provision of care and education requires compliance with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

Preparation of the lease agreement has ceased.

c. Consultation and/or communication processes implemented or proposed

Communication will be sent to affected parties to inform them of the outcome.

Consultation with Council staff was undertaken in accordance with the Enterprise Agreement provisions.

d. Financial and Resource Implications and Opportunities

As in-house service provision will continue financial and resource implications will be sourced from the 2019-2020 Children's Services budget.

F8. OVER DIMENSIONAL WINDFARM COMPONENTS TRAVEL ON LOCAL ROADS IN PORTLAND

Director: Robert Alexander, Director Assets

Executive Summary

This report is to further inform Council of the future need for the delivery of wind farm components from the Port of Portland to various construction sites using Council roads. Council has received advice from the two current transport companies that they will require National Heavy Vehicle Regulator (NHVR) permits to move items for upcoming projects starting in early October 2019. It is likely that these companies, and other projects, will require local road access until the end of 2021.

Recommendations

1. That Council notes that the upcoming Over Dimensional load project deliveries will require similar access to the previous deliveries until December 2021.
2. Council authorises the issuing of NHVR permits for travel along Cape Nelson Road, Malings Road and Thorns Road subject to previous permit conditions, or as approved by the Director Assets.
3. Council are to be informed of consent requests for deliveries through a Councillor Update when more details become available.
4. That a letter be sent to affected residents notifying them of the future deliveries.
5. That a media release be distributed relating to the new permits as they are received by Council.
6. That Council continues to liaise with Regional Roads Victoria and other Federal and State Government Departments about urgently providing an unrestricted Oversize/Over mass travel path along the Henty Highway (Ring Road) in Portland.

F8. OVER DIMENSIONAL WINDFARM COMPONENTS TRAVEL ON LOCAL ROADS IN PORTLAND

(continued)

MOTION**MOVED Cr Stephens**

1. That Council notes that the upcoming Over Dimensional load project deliveries will require similar access to the previous deliveries until December 2021.
2. Council authorises the issuing of NHVR permits for travel along Cape Nelson Road, Malings Road and Thorns Road subject to previous permit conditions, or as approved by the Director Assets.
3. Council are to be informed of consent requests for deliveries through a Councillor Update when more details become available.
4. That a letter be sent to affected residents notifying them of the future deliveries.
5. That a media release be distributed relating to the new permits as they are received by Council.
6. That Council continues to liaise with Regional Roads Victoria and other Federal and State Government Departments about urgently providing an unrestricted Oversize/Over mass travel path along the Henty Highway (Ring Road) in Portland.

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

Council has previously received applications from two transport companies for the use of Cape Nelson Rd, Malings Rd and Thorns Rd for transporting their over-dimensional loads either to the construction site or to a storage yard on Portland-Nelson Rd. One transport company requires a permit starting at 5am to allow them to comply with other road managers conditions, and the second transport company requires travel to 8pm to fully utilise daylight to unload the ship and move loads to the storage area. The transport companies cannot use Council roads during school bus times, and are jointly responsible for maintaining the roads during and post transport periods.

Both transport companies have advised that they have been engaged to move components for other projects starting in October 2019 and likely to run intermittently until December 2021.

F8. OVER DIMENSIONAL WINDFARM COMPONENTS TRAVEL ON LOCAL ROADS IN PORTLAND

(continued)

For future permit purposes, Council has asked each transport company about future deliveries for any new projects that may impact Council's road network. One transport company has responded advising that they have been engaged to transport items to the Dundonnell project starting in October 2019. The second transport company responded advising that they expect deliveries for Murra Warra Stage Two to commence in January 2020. A separate Councillor update will be distributed if new information for either of these projects or any other new projects is supplied.

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

Council is the Responsible Road Authority under the Heavy Vehicle National Law Application Act 2013, which is administered by the NHVR.

There are two risks to be considered:

1. Community dissatisfaction with the over dimensional vehicles using local roads; and
2. Economic loss to the community if the towers are unable to be transported out on over dimensional vehicles, due to height restrictions.

c. Consultation and/or communication processes implemented or proposed

Council is to notify all affected Shire residents along the route of the extension to the existing permit. Council is to consider issuing a media release when more details about future projects are received.

d. Financial and Resource Implications and Opportunities

There are no financial implications for Council, as any damage on the affected roads is to be repaired by the transport companies.

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 – Deputation by Mr Stuart Grimley MP on Tuesday 23 July 2019
- E1. (2) Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 23 July 2019
- E1. (3) Assembly of Councillors – Councillors Briefing session meeting held on Tuesday 23 July 2019
- E1. (4) Assembly of Councillors – Councillors Workshop meeting record held on Tuesday 13 August 2019
- E1. (5) Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 13 August 2019
- F2. (1) Planning Permit Application P19083
- F2. (2) Submissions received P19083
- F2. (3) Applicant response to submissions received P19083
- F2. (4) Delegate report P19083
- F2. (5) Notice of Decision to Refuse to Grant a Permit P19083
- F5. (1) Final Report – Cultural Collection Significance Assessment June 2019

Separate Circulation to Councillors, CEO and Directors

- F1. (1) Councillor and Chief Executive Officer Leave of Absence Register

Recommendation

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

RECEIPT OF ITEMS SUBMITTED FOR INFORMATION:

MOTION

MOVED Cr Wilson

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

SECONDED Cr Stephens

CARRIED

CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.21pm.

I HEREBY CERTIFY THAT PAGES 1 TO 32 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

24 SEPTEMBER 2019

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