



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 24 September 2019 at 7.00pm at
Surf Life Saving Club, 1669 Bridgewater Road, Cape Bridgewater

<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>	5
<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>	6
<u>Presentations:</u>	6
<u>A. Notices of Motion:</u>	6
<u>B. Deputations:</u>	6
<u>C. Petitions:</u>	7
C1. Petition Received – Heywood Kindergarten	7
C2. Petition Received – Sealing of Humphries Road, Henty	8
<u>D. Committee Reports:</u>	9
D1. Recommendations from the Municipal Fire Management Planning Advisory Committee Meeting 15 August 2019	9-10
<u>E. Assembly of Councillor Records:</u>	11
E1. Assembly of Councillors Records 24 July 2019 – 12 September 2019 (Inclusive)	11-13
<u>F. Management Reports:</u>	14
F1. Councillor and Chief Executive Officer Leave of Absence Register	14-15
F2. Financial Report for Year Ended 30 June 2019	16-18
F3. Amendment C97 – Cutting Red Tape	19-22
F4. Planning Permit Application P19101, P19102, P19103 and P19104 School Road Portland North	23-30
F5. Proposed Sale Of 45 Oswald Street, Portland	31-34
F6. Local Government Performance Report 2018/19	35-39
F7. Glenelg Shire Council Annual Report 2018/19 - Authorisation for Submission to Minister Local Government	40-41

F8. Future of Western Bulldogs Leadership Program	42-47
F9. Dutton Way East Rock Revetment Design	48-51
F10. Local Port of Portland Bay Annual Report 2018-2019	52-53
F11. Glenelg Shire Council Resource Recovery, Waste Minimisation and Management Strategy 2019-2024	54-56
<u>Any Other Procedural Matter:</u>	57
<u>Urgent Business:</u>	57
<u>Receipt of Items Submitted for Information:</u>	57
<u>Index – Separate Circulations to Reports:</u>	57-58
<u>Closure of Meeting to Members of the Public:</u>	59
<u>G. In Camera Reports:</u>	60
G1. Proposed Sale of Council Owned Land - Corner New Street and Henty Highway Portland	60-69
G2. Portland Slipway Proposed Lease Agreement	70-72
<u>Opening of Council Meeting to Members of the Public:</u>	73
<u>Closure of Council Meeting:</u>	73

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), Senior Administration Officer Corporate Services (Ms Rachael Fellows), Council Support Coordinator (Ms Kylie Walford) and Media and Communications Officer (Ms Courtney Hoggan).

OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Nil.

CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019, as circulated, be confirmed.

MOTION**MOVED Cr Wilson**

That the minutes of the Ordinary Council Meeting held on Tuesday 27 August 2019, as circulated, be confirmed.

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

Mayor Cr Rank declared an Indirect of Conflict of Interest in F9. Dutton Way East Rock Revetment Design.

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

DECLARATIONS OF CONFLICT OF INTEREST:

(continued)

MOTION

MOVED Cr Stephens

That Cr Halliday be appointed as Temporary Chairperson.

SECONDED Cr Wilson

CARRIED

QUESTION TIME:

Nil.

QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN WRITING OR PREVIOUSLY TAKEN ON NOTICE:QUESTIONS FROM THE GALLERY:1. Cape Bridgewater Master Plan

Mr Tony Fleming of Cape Bridgewater asked the following question:

1. *As a member of the Cape Bridgewater Community Action Group, the group would like to fund or apply for a grant to provide the Cape Bridgewater foreshore with a BBQ, will a BBQ be included in the Cape Bridgewater Master Plan?*

Chief Executive Officer, Mr Burgoyne advised the question would be taken on notice.

2. *I have viewed a previous report from an engineer that concludes that the front blocks down the hill of Cape Bridgewater should contain reticulated sewerage systems and not septic tanks. Why were the conclusions from this report ignored?*

Chief Executive Officer, Mr Burgoyne advised the question would be taken on notice.

2. Rain Water tank for Cape Bridgewater visitors

Ms Naomi Fleming of Cape Bridgewater asked the following question:

- Great South West walkers have requested a fresh rain water tank to be installed at Cape Bridgewater. Is this a possibility of happening?*

Mayor Cr Rank advised that the question would be taken on notice.

QUESTIONS FROM THE GALLERY:

(continued)

3. Jet skiers at Cape Bridgewater

Ms Fran Lovell from Cape Bridgewater asked the following question:

Is it possible to move Jet Skiers further up the beach away from the main part of the beach?

Cr Mayor Rank advised that Council would be willing to advocate on behalf of the residents, as it's in a State Government jurisdiction. Ms Lovell advised she would take this information back to the next meeting.

PRESENTATIONS:

Nil.

A. NOTICES OF MOTION:

Nil.

B. DEPUTATIONS:

Nil.

C. PETITIONS:**C1. PETITION RECEIVED – HEYWOOD KINDERGARTEN**

Director: Joan Lewis, Director Corporate Services

Recommendation

That Council receive the petition in accordance with clause 4.14 of Council's Meeting Procedure and the petition organiser be advised that the petition will be dealt with at the Ordinary Council Meeting to be held on Tuesday 22 October 2019.

MOTION**MOVED Cr Stephens**

That Council receive the petition in accordance with clause 4.14 of Council's Meeting Procedure.

SECONDED Cr McDonald**CARRIED****Separate Circulation – Non-Confidential**

<i>No.</i>	<i>Separate Circulation Title, Date and Author</i>	<i>ECM</i>
1.	Petition Heywood Kindergarten. Decision to cease in house kindergarten provision Heywood Kindergarten 27 August 2019 Heywood Kinder Committee	2595267

C2. PETITION RECEIVED – SEALING OF HUMPRIES ROAD, HENTY

Director: Robert Alexander, Director Assets

MOTION

MOVED Cr Stephens

That Council receive the petition in accordance with clause 4.14 of Council's Meeting Procedure and the petition organiser be advised that the petition will be dealt with at the Ordinary Council Meeting to be held on Tuesday 22 October 2019.

SECONDED Cr McDonald

CARRIED

D. COMMITTEE REPORTS:**D1. RECOMMENDATIONS FROM THE MUNICIPAL FIRE MANAGEMENT PLANNING ADVISORY COMMITTEE MEETING 15 AUGUST 2019**

Director: Joan Lewis, Director Corporate Services

Executive Summary

The purpose of this report is to enable Council to consider recommendations made by the Municipal Fire Management Planning Advisory Committee (MFMPAC) at a meeting held on 15 August 2019.

Recommendations

That Council:

1. Receive the Meeting Record of the Municipal Fire Management Planning Advisory Committee held on Thursday 15 August 2019.
2. Endorse the recommendations contained within the Meeting Record of the Municipal Fire Management Planning Advisory Committee held on Thursday 15 August 2019 that the 2020-21 Fire Access Road Subsidy Scheme (FARSS) priorities for this round are No. 2 and No. 4 as costings are within the budget allocation.

MOTION

MOVED Cr Stephens

That Council:

1. **Receive the Meeting Record of the Municipal Fire Management Planning Advisory Committee held on Thursday 15 August 2019.**
2. **Endorse the recommendations contained within the Meeting Record of the Municipal Fire Management Planning Advisory Committee held on Thursday 15 August 2019 that the 2020-21 Fire Access Road Subsidy Scheme (FARSS) priorities for this round are No. 2 and No. 4 as costings are within the budget allocation.**

SECONDED Cr Halliday

CARRIED

Background/Key Information

The MFMPAC met on 15 August 2019 and resolved that the following be recommended to Council at its Ordinary Council Meeting to be held on the 24 September 2019.

Item 4.4 the MFMPAC had discussions in relation to the Fire Access Road Subsidy Scheme (FARSS) and prioritised the areas being considered.

D1. RECOMMENDATIONS FROM THE MUNICIPAL FIRE MANAGEMENT PLANNING ADVISORY COMMITTEE MEETING 15 AUGUST 2019

(continued)

The Fire Access Road Subsidy Scheme (FARSS) is administered by the CFA and is a State Government funded subsidy scheme. Subsidies are available to Municipalities for the construction and maintenance of fire access roads or construction of static water supplies. Funding is provided annually.

The following five FARSS applications for 2020-21 were received:

1. Milltons Road, Heywood
2. Hall Road, Hotspur
3. Kentbruck Settlement Road, Mt Richmond
4. Condah Hotspur Upper Road, Condah
5. Corner North Wallacedale Road and Mc Ervaes Road, Wallacedale

The Committee recommended that Priority is given to No. 2 Hall Road, Hotspur (to provide clear access for fire trucks) and No.4 Condah Hotspur Upper Road, Condah (to provide a static water supply) and that further information be collected on No's.1, 3 and 5.

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

Emergency Management Act 1986, Emergency Management Act 2013, Country Fire Authority Act 1958 and Emergency Management Manual Victoria.

c. Consultation and/or communication processes implemented or proposed

Consultation has been undertaken with the Glenelg Municipal Fire Management Planning Advisory Committee.

d. Financial and Resource Implications and Opportunities

There is forty thousand (\$40,000) dollars available as a co-contribution in the 2019-20 budget for FARSS.

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author	ECM
1.	Glenelg Municipal Fire Management Planning Committee Advisory Committee (AoC) - Meeting Record for 15 August 2019	2597523

E. ASSEMBLY OF COUNCILLOR RECORDS:**E1. ASSEMBLY OF COUNCILLORS RECORDS 24 JULY 2019 – 12 SEPTEMBER 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 Wednesday 24 July 2019 – Thursday 12 September 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 Wednesday 24 July 2019 – Thursday 12 September 2019 (inclusive).

SECONDED Cr McDonald**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.*

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...*"

E1. ASSEMBLY OF COUNCILLORS RECORDS 24 JULY 2019 – 12 SEPTEMBER 2019 (INCLUSIVE)

(continued)

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 Wednesday 24 July 2019 – Thursday 12 September 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 – Volunteering and Wellbeing Advisory Committee meeting record held on Wednesday 24 July 2019 (DocSetID: 2584667);

Assembly of Councillors – Casterton Railway Precinct Advisory Committee meeting record held on Monday 19 August 2019 (DocSetID: 2596814);

Assembly of Councillors – Glenelg Mara Quorin Advisory Committee meeting record held on Tuesday 20 August 2019 (DocSetID: 2596817);

Assembly of Councillors – Heritage Advisory Committee meeting record held on Monday 26 August 2019 (DocSetID: 2598838);

Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 27 August 2019 (DocSetID: 2594004);

Assembly of Councillors – Councillors Briefing meeting record held on Tuesday 27 August 2019 (DocSetID: 2593809);

Assembly of Councillors – Councillors Workshop meeting held Tuesday 10 September 2019 (DocSetID: 2599446);

Assembly of Councillors – Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 15 August 2019 (DocSetID: 2597526); and

Assembly of Councillors – Glenelg Municipal Fire Management Planning Committee meeting held on Thursday 15 August 2019 (DocSetID:2597523).

a. Council Plan Linkage and Policy Context

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

E1. ASSEMBLY OF COUNCILLORS RECORDS 24 JULY 2019 – 12 SEPTEMBER 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</i>	ECM
1.	Assembly of Councillors – Volunteering and Wellbeing Advisory Committee meeting record held on Wednesday 24 July 2019	2584667
2.	Assembly of Councillors – Casterton Railway Precinct Advisory Committee meeting record held on Monday 19 August 2019	2596814
3.	Assembly of Councillors – Glenelg Mara Quorin Advisory Committee meeting record held on Tuesday 20 August 2019	2596817
4.	Assembly of Councillors – Heritage Advisory Committee meeting record held on Monday 26 August 2019	2598838
5.	Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 27 August 2019	2594004
6.	Assembly of Councillors – Councillors Briefing meeting record held on Tuesday 27 August 2019	2593809
7.	Assembly of Councillors – Councillors Workshop meeting held Tuesday 10 September 2019	2599446
8.	Assembly of Councillors – Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 15 August 2019	2597526
9.	Assembly of Councillors – Glenelg Municipal Fire Management Planning Committee meeting held on Thursday 15 August 2019	2597523

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

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

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

Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

MOTION**MOVED Cr McDonald**

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

SECONDED Cr Hawker**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)	2600143

F2. FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2019

Director: Joan Lewis, Director Corporate Services

Executive Summary

The audit of Glenelg Shire Council's Annual Financial Report for the year ended 30 June 2019 has been completed by RSD Chartered Accountants (RSD), the Victorian Auditor General's (VAGO) audit contractor.

Recommendation

1. That Council approve the Financial Report for the year ended 30 June 2019.
2. That Councillors _____ and _____ be authorised to certify the Financial Report; for the year ended 30 June 2019, in their final form after any changes recommended or agreed by the auditor have been made.

MOTION**MOVED Cr Stephens**

1. **That Council approve the Financial Report for the year ended 30 June 2019.**
2. **That Councillors Rank and Stephens be authorised to certify the Financial Report; for the year ended 30 June 2019, in their final form after any changes recommended or agreed by the auditor have been made.**

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

The Annual Financial Report is a statutory report and a draft was presented to the Audit Committee for consideration and discussion at its meeting on 10 September 2019.

Section 132 of the *Local Government Act 1989* requires that Council pass resolutions giving approval 'in principle' to the Annual Financial Report and authorise two Councillors to certify them. Once the resolutions have been passed, the Auditor can then forward the Statements to VAGO for audit clearance and certification.

By giving 'in principle' approval to these Statements, Council is acknowledging that 'in principle' the information presented has been reviewed by it and recommended to it by the Audit Committee. Following certification by VAGO these Statements form part of Council's Annual Report which is then formally adopted by Council.

If the Financial Report for the year ended 30 June 2019 is substantially changed after being approved 'in principle' by Council, the amended Statements will be returned to Council for re-approval.

F2. FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2019

(continued)

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

Under section 131 of the *Local Government Act 1989*:

Annual report

- (1) A Council must prepare an annual report in respect of each financial year.
- (2) An annual report must contain the following, in respect of the financial year reported on -
 - (c) audited financial statements for the financial year;
 - (e) a copy of the auditor's report on the financial statements prepared under Part 3 of the *Audit Act 1994*;

Section 132 (5) requires 2 Councillors authorised by Council to certify the financial statements.

Under section 133 of the *Local Government Act 1989*:

- (1) A Council must submit the annual report to the Minister –
 - (a) Within 3 months after the end of the financial year reported; or
 - (b) Within any longer period permitted by the Minister in a particular case.

c. Consultation and/or communication processes implemented or proposed

The draft Financial Report and Performance Statement was presented at the Audit Committee 10 September 2019. The Audit Committee made the following recommendation:

“The Audit Committee recommends to Council that the Draft Financial Report for the year ended 30 June 2019 be approved ‘in principle’.”

d. Financial and Resource Implications and Opportunities

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2018/19 budget.

F2. FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2019

(continued)

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>ECM</i>
1.	Glenelg Shire Council Financial Report for year ended 30 June 2019	2599873

F3. AMENDMENT C97 – CUTTING RED TAPE

Director: Joan Lewis, Director Corporate Services

Executive Summary

This report is to brief Council on Amendment C97 named 'Cutting Red Tape'. The amendment proposes to remove unnecessary permit requirements, consolidate and update the planning scheme ordinance and maps, and to introduce local VicSmart permit requirements. This is anticipated to reduce permit requirements, processing timeframes, and costs to applicants for the affected permit requirements included in the amendment.

Recommendation

1. That Council seek authorisation from the Minister for Planning under Section 8A (3) of the *Planning and Environment Act 1987* to prepare and exhibit Glenelg Planning Scheme Amendment C97.
2. Request an exemption from the notice requirements of Section 19 (1)(b) of the *Planning and Environment Act 1987*.

MOTION**MOVED Cr Hawker**

1. That Council seek authorisation from the Minister for Planning under Section 8A (3) of the *Planning and Environment Act 1987* to prepare and exhibit Glenelg Planning Scheme Amendment C97.
2. Request an exemption from the notice requirements of Section 19 (1)(b) of the *Planning and Environment Act 1987*.

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

The *Glenelg Planning Scheme Review 2018* (Scheme Review) recommended 'Cutting Red Tape' initiatives including:

- *Investigate opportunities to increase planning permit exemptions.*
- *Investigate opportunities to introduce local VicSmart application classes.*
- *Investigate options to increase permit exemptions within Schedule 5 to the Environmental Significance Overlay (Port of Portland Environs).*
- *Review the extent of Schedule 5 to the Environmental Significance Overlay in conjunction with the Port of Portland.*

F3 AMENDMENT C97 – CUTTING RED TAPE

(continued)

- *Audit and review Schedules 1 and 3 to the Design and Development Overlay with a view of applying a single schedule to the Portland Airport and Casterton Aerodrome.*
- *Review list of referral authorities outlined in Clause 66.04.*

In turn the amendment will also complete, for schedules subject to this amendment, the action:

- *Update schedules to zones, overlays to comply with the Form and Content of Planning Schemes Ministerial Direction.*

The amendment proposes to:

- Replace Design and Development Overlay (DDO), DDO3 with DDO1 to consolidate the schedules and amend DDO1 to update the content as necessary.
- Amend Environmental Significance Overlay (ESO), ESO2 to clarify permit requirements and update content consistent with advice received from the Glenelg Hopkins Catchment Management Authority (GHCMA) and the Department of Environment, Land, Water and Planning (DELWP).
- Amend ESO5 and insert ESO6 to clarify permit requirements and update content consistent with Planning Advisory Note 56, the Ports and Environs Advisory Committee report (2010), and consultation with the Port of Portland.
- Amend Schedule 1 to the Bushfire Management Overlay - BMO1 to correct referencing errors, update and clarify permit requirements.
- Insert Schedule 1 to Clause 59.15 to allow local VicSmart applications.
- Insert Schedule 1, 2, 3, 4 and 5 to Clause 59.16 to include information requirements and decision guidelines for Local VicSmart applications.
- Amend the Schedule to Clause 66.04 to include referral requirements.
- Amend the Schedule to Clause 66.06 to include a notice requirement.
- Amend the Schedule to Clause 72.03 to update map numbers included in the Scheme.
- Rezone land from the PUZ4 to the FZ due to the subdivision of the land and intended sale to private ownership of the former airport manager's residence. The land is no longer required for public purposes associated with the transport use requirement of the PUZ4 and the Portland airport.

F3. AMENDMENT C97 – CUTTING RED TAPE

(continued)

Local VicSmart classes are proposed to be introduced for:

- Subdivision in the Farming Zone that reduces the total number of lots where the minimum lot size can be achieved for each lot created.
- Buildings and works for an alteration or extension to an existing building in ESO5 and ESO6.
- Subdivision of land in the Bushfire Management Overlay (BMO), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO), and land adjacent to Road Zone Category 1 (RDZ1).
- Buildings and works in the BMO1.
- New or altered access to land adjacent to RDZ1.

Further details about the amendment can be found in the Explanatory Report (Attachment 1) and the Methodology Report (Attachment 2). The complete amendment documents including track changed versions of the planning scheme ordinance and the proposed or deleted amendment maps can be found at Attachment 3.

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

The Amendment supports the implementation of the following objectives under Section 4 (1) of the *Planning and Environment Act 1987*:

- *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *to facilitate development in accordance with the objectives;*
- *to balance the present and future interests of all Victorians.*

c. Consultation and/or communication processes implemented or proposed

Prescribed Ministers are required to be notified of the amendment.

F3. AMENDMENT C97 – CUTTING RED TAPE

(continued)

Landowners and occupiers affected are also required to be notified. However, the number of individual land owners and occupiers is considered to be excessive for individual letters and in context it is reducing planning requirements on those affected. Therefore, an exemption from the notice requirements of Section 19 (1)(b) of the *Planning and Environment Act 1987* may be warranted.

Notice of the amendment will be placed in the Portland Observer, Mount Gambier Border Watch, Hamilton Spectator and the Casterton News prior to the public exhibition period commencing. A notice will be placed in the Victoria Government Gazette on the day exhibition of the amendment commences.

Individual notice of the amendment is recommended to be given to the landowners affected by ESO5, DDO1, DDO3, ESO2, the Port of Portland, the Minister for Ports, GHCMA, CFA, VicRoads, and the Airport Manager.

The exhibition process enables public comments to be received on the amendment. Submitters will be updated on the progress of the amendment and if required will have the opportunity to present to a Planning Panel.

d. Financial and Resource Implications and Opportunities

The process for the amendment is to be managed by the Planning Unit and within the operational 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.	C97- Explanatory Report	2591517
2.	C97- Methodology Report	2591516
3.	C97- Instruction Sheet and Amendment Documents	2600215
4.	C97- Amendment Maps	2600217

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

Director: Joan Lewis, Director, Corporate Services

Executive Summary

This paper is to brief the Councillors on a planning application for the use and development of four generic dwellings on four lots in the Rural Conservation Zone (RCZ2).

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

Recommendation

That Council, having caused notice of Planning Application No. P19101, P19102, P19103, P19104 to be given under Section 52 of the *Planning and Environment Act 1987*, and, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of Clause 35.06 of the Glenelg Planning Scheme in respect of the land known and described as Lot 1 to 4 on LP205287 (Proposed Lot 1 to 4 on PS821550K) School Road, Portland North VIC 3305 for the use and development of land for a dwelling on each lot.

MOTION**MOVED Cr Halliday**

That Council, having caused notice of Planning Application No. P19101, P19102, P19103, P19104 to be given under Section 52 of the *Planning and Environment Act 1987*, and, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.06 of the Glenelg Planning Scheme in respect of the land known and described as Lot 1 to 4 on LP205287 (Proposed Lot 1 to 4 on PS821550K) School Road, Portland North VIC 3305 for the use and development of land for a dwelling on each lot in accordance with the following conditions:

- 1. The use and development must be undertaken in accordance with the endorsed plans and must not be altered for any reason without the written consent of the responsible authority.**
- 2. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a. Landscaping plans.**

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

(continued)

Note: In Section 3 of Australian Standard AS 2021-2015, Table 3.3 refers to both building types and activities within those buildings. Each building type listed has its ordinary meaning and should not be interpreted as defined in this scheme.

- 7. Stormwater emanating from the development must be retained on site and not to be concentrated into the neighbouring properties. The proposed building and works must be drained to water tanks or a soakage pit to the satisfaction of the responsible authority. Stormwater discharge emanating from the development must be retained within the property as per as per the approved Storm water Management Plan dated 5 April 2018.**
- 8. The dwelling must be connected to a reticulated portable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.**
- 9. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
- 10. The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retain on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.**
- 11. Prior to occupation of the dwelling a driveway and vehicle crossing must be constructed and drained to the satisfaction of the responsible authority. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles. Any new or upgraded entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the responsible authority. The vehicle crossing and driveway must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the responsible authority.**
- 12. This permit will expire if one of the following circumstances applies:**
 - a. The development is not started within two years of the date of this permit.**
 - b. The development is not completed within four years of the date of this permit.**

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

(continued)

Notes:

A Building Permit and/or Assets Protection Permit may be required for this project. Prior to commencing work, please phone the Building Unit on 03 5522 2216.

This application has not been assessed against Clause 54 of the Glenelg Planning Scheme.

Wannon Water

The owners of future Lots 2 & 3, PS 821550K can if they so wish apply to Wannon Water to connect to the existing water supply located in School Road Portland. Any approved connection to the water supply in School Rd will be subject to the required Wannon Water conditions and applicable fees at the time of connection.

Glenelg Hopkins Catchment Management Authority

The waterway which passes through this property is a designated waterway. Any works in, on or around a designated waterway require a licence from the CMA. An application form can be obtained from our Hamilton Office or downloaded from our website at www.ghcma.vic.gov.au.

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

Council has received four applications to construct generic dwellings on four lots in the Rural Conservation Zone Schedule 2 (RCZ2). The application represents a resubmission of an application P17053 previously refused by Council under delegation earlier this year. The application does not provide an adequate response to the conservation values, farming values, and separation requirements from significant industrial development.

The relevant planning permit history for the site includes:

- P15095 - refusal of a two lot subdivision – 15/03/2016
- P15096 - refusal of a two lot subdivision – 15/03/2016
- P18041 - approval of a four lot subdivision (re-subdivision of four existing lots) - 23/07/2018 - Corrected to add determining authority conditions from Powercor and Downer Utilities - 20/11/2018.
- P17053 – refusal of the use and development of the four lots for four dwellings (one on each of the four lots) - 22 July 2019.

Pursuant to Clause 35.06-1 use of land for a dwelling is a Section 2 use requiring a planning permit. It must be the only dwelling on the lot and meet the requirements of Clause 35.06-2 if a permit is deemed appropriate to be granted.

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

(continued)

Under Clause 35.06-5 Buildings and works, a permit is also required to construct or carry out buildings and works for the development as a Section 2 permit required use and also due to the proposed dwelling on Lot 1 within 100m of a dwelling not in the same ownership. Another permit requirement trigger is if a building is proposed within 100 metres of a waterway, wetland or designated flood plain. It is likely that the proposed development is greater than 100m but this has not been shown on the plans provided.

A summary of the key issues for consideration in the assessment of the application are:

- Whether the proposed use and development of the subject site for a dwelling on each lot responds appropriately to the relevant provisions of the State and Local Planning Policy Framework.
- Whether the proposed use and development of the subject site for a dwelling on each lot is consistent with the purpose and decision guidelines of the Rural Conservation Zone (Schedule 2).
- Whether the proposed use and development of the subject site for a dwelling will result in the proper and orderly planning of the area.
- Whether the proposed use and development will adversely impact on the existing operation and the future expansion of nearby industry.

These issues are detailed in the delegate report (refer to Attachment 3) and on balance it is considered that the application is an unsatisfactory response to the matters required to be considered by the Planning Scheme.

- Inconsistent with the zoning and conservation values of the land;
- It cannot be guaranteed that the land will be utilised for agriculture consistent with the zoning;
- The lots are small, in particular Lots 1 and 4, and are not sufficient size to enable a dwelling and farming pursuits;
- Inconsistent with the character of the area, which is used for grazing and as a natural buffer from industrial development;
- No services other than electricity and a narrow bitumen road only suitable for one vehicle; and
- The lack of local resident's support with many residents not voicing their disapproval as they feel powerless to stop permits being issued.

The objector is the only local resident of the area to respond to the application and requests that further subdivision and development be strongly discouraged.

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

(continued)

The referrals of Wannan Water, Glenelg Hopkins Catchment Management Authority (GHCMA) and Council's Assets Department) recommended conditions to be included on any permit issued.

Council's Environmental Health Officer (EHO) and the Environmental Protection Authority (EPA) have raised concerns with the proposal about impact on industry. They advised that Council should require further information be provided to address this prior to any positive decision can be made on the application.

As the matter has been called in by Council reducing the timeframe for the typical process and did not allow mediation to occur to elicit a response from the applicant to the objection and concerns raised.

The EPA response states that the proposal includes insufficient information and raises concerns due to the close proximity of the proposed site of the dwellings to existing industry. The EPA in part state:

Residential encroachment and intensification near critical industrial facilities can have significant impacts on the health and amenity of future residents, as well as the viability of these industries.

EPA has received some pollution reports regarding odour and dust relating to existing industry in this precinct.

...the importance of managing encroachment of residential development into industrial areas and the consideration of potential impacts from sensitive uses encroaching on existing industry.

Given the close proximity of the subject site to industrial zoned land and existing industries, there is the potential for amenity impacts from industry on the proposed development. The application does not address the proximity of the subject site to the industrial zoned land or provide any justification for a reduction in the recommended separation distances as listed in EPA Publication 1518 Recommended Separation Distances for Industrial Residual Air Emissions (March 2013).

We note that even with good pollution technology and practice there may still be unintended emissions affecting sensitive land uses beyond the boundary of the source premises.

Council will need to consider the potential offsite impacts to the proposed development and whether there are likely to be measures to mitigate against these impacts. We note that in some instances where there is insufficient separation distances, the potential impacts are not able to be mitigated. The following types of information may assist Council with their decision making on this application:

**F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104
SCHOOL ROAD, PORTLAND NORTH**

(continued)

- *The type and nature of the industrial uses and identification of recommended separation distances.*
- *A buffer assessment which takes into consideration the potential impacts on the proposed sensitive uses from dust, noise, odour (and any other relevant considerations) from the nearby industry. This would need to include consideration of the cumulative impacts from the surrounding industries.*
- *An assessment of the impact of the proposed sensitive use on the industrial uses.*
- *Whether there are any measures to that will sufficiently mitigate potential amenity impacts from the industrial uses noting the agent of change is limited to proposing mitigation on site. Impacts such as dust, odour and noise may be difficult to mitigate at the receptor rather than the source.*

Council, as the responsible authority, should satisfy itself that the proposed development will not be adversely impacted by its proximity to the industrial zoned land and existing industries. The agent of change is responsible for providing Council with sufficient information to make its decision. In this case, the agent of change is the proponent of the proposed development. Council may need to request further information from the applicant in order to make its decision.

EPA also notes that residential encroachment and intensification near critical industry can impact on the viability of their operation.

...when there is an inadequate separation distance between an industry and sensitive land uses, subsequent remedial action to alleviate off-site effects may be uneconomic or impractical. We note that the Portland Industrial Land Strategy (dated September 2016) states the following for the Portland North Industrial Precinct: "Appropriate for large scale industrial uses requiring large lot sizes, heavy vehicle access and on-site loading/unloading. Adjacent RCZ development to be limited, as not to compromise effective use of this industrial area".

Based on the information provided in the application there is insufficient information for the responsible authority to be satisfied that the dwellings would not be adversely affected by nearby heavy industry. If approved the development is likely to have detrimental effects on the North Portland Industrial Precinct's viability as an industrial precinct capable of supporting economically sustainable heavy industrial uses.

A copy of all the referral responses can be found at Attachment 2.

It is recommended that the applications be refused as set out in the reasons provided in the delegate report (Attachment 3). If Council is of the opinion that the application should be approved (not recommended) appropriate planning permit conditions are provided without prejudice at Attachment 4.

F4. PLANNING PERMIT APPLICATIONS P19101, P19102, P19103, P19104 SCHOOL ROAD, PORTLAND NORTH

(continued)

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

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*.

Section 52 Notices – EPA, Wannon Water, GHCA, DELWP, EHO, and the Assets Department of Council.

Consultation has been undertaken between the applicant and the Glenelg Shire Council Planning Unit both prior to and following lodgement of the applications.

d. Financial and Resource Implications and Opportunities

Concerns have been raised by both the EHO and the EPA due to the close proximity of the proposed dwellings to industry. It is likely that if approved the dwellings could pose an impact on the health budget of council to investigate matters of health impacts from residents adversely impacted by nearby industry.

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.	P19101-104 Submissions	2601064
2.	P19101-104 Referral Responses	2601065
3.	P19101-104 Delegate Report	2600616
4.	P19101-104 Conditions without prejudice	2601018

F5. PROPOSED SALE OF 45 OSWALD STREET, PORTLAND

Director: Joan Lewis, Director Corporate Services

Executive Summary

This report is to brief the Council on the recently completed Expression of Interest process for the sale of the former Mitchell Park Child Care Centre located at 45 Oswald Street Portland, and to seek approval to sell the property for a fixed price by private treaty.

Recommendation

That Council:

1. Thank the Submitter via the Real Estate Agent for making an offer dated 9 September 2019 to purchase 45 Oswald Street Portland and is advised that the offer is not accepted.
2. Approves the sale of 45 Oswald Street Portland, by private treaty at a fixed price at or above the current market valuation.
3. Authorises the Director Corporate Services to negotiate the sale price at an amount no less than the current market valuation and to sign all documentation required for the sale and land transfer.

MOTION

MOVED Cr Wilson

That Council:

1. **Thank the Submitter via the Real Estate Agent for making an offer dated 9 September 2019 to purchase 45 Oswald Street Portland and is advised that the offer is not accepted.**
2. **Approves the sale of 45 Oswald Street Portland, by private treaty at a fixed price at or above the current market valuation.**
3. **Authorises the Director Corporate Services to negotiate the sale price at an amount no less than the current market valuation and to sign all documentation required for the sale and land transfer.**

SECONED Cr Halliday

CARRIED

Background/Key Information:

As part of the funding strategy for the construction of the Portland Child and Family Complex, Council committed to disposing of three properties. One of these properties was the former Mitchell Park Child Care Centre at 11 Mitchell Crescent Portland (subsequently renumbered to 45 Oswald St Portland).

F5. PROPOSED SALE OF 45 OSWALD STREET, PORTLAND

(continued)

The following is an historical timeline of events related to the sale of this property:

- At the Council Meeting held on 27 July 2010 Council gave notice of its intention to dispose of the Council Portland properties at 11 Mitchell Crescent, 22 Glenelg Street and 38 Waratah Crescent and to seek community feedback in regard to the proposal.
- At the Council Meeting held on 28 September 2010 Council considered the submissions and report following the Special Committee of Council appointed to hear submissions on its intention to dispose of the three properties.
- At the Council Meeting held on 14 December 2010 Council considered an In-Camera report and passed a resolution relating to the *“Expression of Interest Process – Former Children’s Services Properties”*. (The report and resolution remains confidential unless a resolution of Council is passed to remove the confidentiality restrictions).
- At the Council Meeting held on 27 April 2011 Council considered a report on the *“Children’s Services Building: Mitchell Park – Future Usage and Disposal”*. Council resolved to approve a twelve (12) month low cost lease of the Mitchell Park building to South West Alternative Medium Project (SWAMP) Incorporated.
- At the Council Meeting held on 26 November 2013 Council considered an In-Camera report and passed a resolution relating to the *“Completion of Subdivision: 45 Oswald St Portland”*. (The report and resolution remains confidential unless a resolution of Council is passed to remove the confidentiality restrictions).
- In accordance with section 189 of the *Local Government Act 1989* a public notice of Council’s intention to sell the premises was published in both the Portland Observer (2 May 2014) and Casterton News (30 April 2014).
- At the Council meeting held on 24 June 2014 Council considered a submission received and a report following the Special Committee of Council appointed to hear submissions on its intention to dispose of the premises. Council resolved to proceed with the sale of 45 Oswald Street, Portland using an Expression of Interest process.
- In July 2014 Council undertook an Expression of Interest process. One submission was received from SWAMP.
- A contract of sale was entered into with SWAMP in November 2015 and settlement was to occur on 31 May 2019.
- In December 2018 Council received notification from SWAMP advising that the group had purchased another property and were vacating the leased property. The lease had been operative since July 2011 at a nominal rent. A termination agreement was fully executed to terminate the contract of sale.

F5. PROPOSED SALE OF 45 OSWALD STREET, PORTLAND

(continued)

- A further Expression of Interest process was conducted through Assets Real Estate and closed on 10 September 2019. One submission was received however this is substantially lower than the current market valuation.

The Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land published by the Victorian Government June 2009 states:

“Generally, all sales and exchanges of land should occur at not less than the market value assessed by a valuer engaged by the council. However in the event that land is sold for less than the market value or exchanged for land of a lesser value, the council should explain the circumstances, reasons or factors which led to accept a sale price that is less than market value or land on exchange with a lower value.”

Further information was sought through the Estate Agent for consideration by Council around the future use and community benefit. Following discussions with the Submitter the Estate Agent has advised that the Submitter may explore some philanthropic application to the property however it appears that this is a commercial venture.

Based on the available information there appears to be no factors to take into consideration in relation to selling the property for a price lower than market value. Therefore it recommended that the offer to purchase the property via the Expression of Interest process not be accepted and that the property be listed for sale for a fixed price and sold at or above the current market valuation.

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

Council has undertaken its legislative consultative requirements.

As required by s189 of the Act a valuation of the land is required which is made not more than 6 months prior to the sale or exchange.

c. Consultation and/or communication processes implemented or proposed

Following a Council decision of its intention to dispose of the property the consultation requirements of the *Local Government Act 1989* were undertaken in 2010 and 2014.

d. Financial and Resource Implications and Opportunities

There has been no provision for income from the sale of the property included in 2019/20 budget.

F5. PROPOSED SALE OF 45 OSWALD STREET, PORTLAND

(continued)

Separate Circulations – Confidential

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

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 89(2) of the Act</i>	<i>ECM</i>
1.	Extract Ordinary Council Meeting Minutes 14 December 2010 (Confidential)	Contains contractual matter - section 89 (2) (d)	2599852
2.	Extract Ordinary Council Meeting Minutes 26 November 2013 (Confidential)	Contains matter which would prejudice the council or any person – section 89 (2) (h)	2599853
3.	Current market valuation, 45 Oswald St Portland, Preston Rowe Paterson, Dated 30 May 2019	Contains matter which would prejudice the council or any person – section 89 (2) (h)	2599854
4.	Expression of Interest Received 45 Oswald St Portland Dated 9 September 2019	Contains matter which would prejudice the council or any person – section 89 (2) (h)	2599851

F6. LOCAL GOVERNMENT PERFORMANCE REPORT 2018/19

Director: Edith Farrell, Director Community Services

Executive Summary

The purpose of this report is to seek approval in principle of the attached Performance Report - Report of Operations, Performance Statement and Governance and Management checklist for the 2018/19 financial year, in accordance with the Local Government Performance Reporting Framework (LGPRF).

Recommendations

That Council:

1. Approves in principle the Draft Performance Statement, Performance Report - Report of Operations and Governance and Management Checklist for the year ended 30 June 2019;
2. Authorises that the Mayor and Chief Executive Officer certify that the Governance and Management Checklist fairly presents the status of Council's governance and management arrangements; and
3. Authorises two Councillors, namely the Mayor, Cr Anita Rank and a Councillor Representative of the Audit Committee, either Cr. Karen Stephens or Cr. Alistair McDonald, to certify the Performance Statement for the year ended 30 June 2019, in its final form after any changes recommended or agreed by the external auditor have been made, and in the event of any of the above Mayor or Councillors not being available, a Councillor who has been a Mayor of the Glenelg Shire Council is to be authorised as a substitute.

F6. LOCAL GOVERNMENT PERFORMANCE REPORT 2018/19

(continued)

MOTION

MOVED Cr Stephens

That Council:

- 1. Approves in principle the Draft Performance Statement, Performance Report - Report of Operations and Governance and Management Checklist for the year ended 30 June 2019;**
- 2. Authorises that the Mayor and Chief Executive Officer certify that the Governance and Management Checklist fairly presents the status of Council's governance and management arrangements; and**
- 3. Authorises two Councillors, namely the Mayor, Cr Anita Rank and a Councillor Representative of the Audit Committee, either Cr. Karen Stephens or Cr. Alistair McDonald, to certify the Performance Statement for the year ended 30 June 2019, in its final form after any changes recommended or agreed by the external auditor have been made, and in the event of any of the above Mayor or Councillors not being available, a Councillor who has been a Mayor of the Glenelg Shire Council is to be authorised as a substitute.**

SECONDED Cr McDonald

CARRIED

Background/Key Information:

The Local Government Performance Reporting Framework (LGPRF) was introduced by the State Government in 2014 to ensure that all Councils are measuring and reporting on their performance in a consistent way.

The Framework consists of four indicator sets (Service Performance; Financial Performance; Sustainability; and Governance and Management) and is mandatory for inclusion in annual reporting. In particular, the LGPRF indicators and measures are reported in the Performance Report - Report of Operations, Performance Statement and Governance and Management Checklist within the Annual Report.

Under the *Local Government Act 1989*, s132 (2) the annual Performance Statement must be approved in principle by the Council.

Data for Council's annual Performance Report has been collected using the template provided by Local Government Victoria (LGV). The template provides for the input of Service, Financial, Sustainability, Governance and Management and Workforce data.

F6. LOCAL GOVERNMENT PERFORMANCE REPORT 2018/19

(continued)

Mandatory service reporting includes a variety of measures and data for:

- Aquatic facilities;
- Animal Management;
- Food Safety;
- Governance;
- Home and Community Care (HACC) – reporting requirements ceased as at 30 June 2016;
- Libraries;
- Maternal Child Health (MCH);
- Roads;
- Statutory Planning; and
- Waste collection.

During the past year, a process has continued to ensure that the Service Performance data is collected on a quarterly basis. This assists with ensuring that the systems and processes to collect accurate and consistent data are maintained.

The results generated from the data collection process are transferred into three main documents for inclusion in the Annual Report. These are:

- Performance Report – Report of Operations 2018/19 (Separate Circulation 1);
- Performance Statement 2018/19 (Separate Circulation 2); and
- Governance and Management Checklist (Separate Circulation 3).

The Performance Report - Report of Operations contains results for all service indicators and measures. The Performance Statement includes results for some specific service indicators and measures as well as all financial and sustainability indicators and measures. The Performance Statement must be audited and certified by two Councillors, the CEO and Principal Accounting Officer. The Governance and Management Checklist is a list of 24 policies, plans, strategies and guidelines. Council is required to indicate the date of adoption or operation of each, or provide explanation as to why the item does not exist. The checklist is required to be certified by the Chief Executive Officer and the Mayor.

F6. LOCAL GOVERNMENT PERFORMANCE REPORT 2018/19

(continued)

A common materiality threshold of 10% has been applied to each of the required measures. Council is required to compare the current year results and the corresponding results of the preceding three financial years (where available) and provide an explanation of the results that exceed the materiality threshold. In addition an explanation of the results forecast by the Strategic Resource Plan to be achieved in relation to the performance indicators and measures is required where they exceed the materiality threshold.

Separate circulation four provides a report that highlights all measures that exceed the materiality threshold and appropriate commentary

a. Council Plan Linkage and Policy Context

Performance reporting to the community is linked to the following Council Plan themes:

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

LGPRF reporting is mandatory for all Council's in Victoria under the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

c. Consultation and/or communication processes implemented or proposed

Staff from the relevant functional areas are actively involved in ensuring systems are in place to provide the required data for the specific service performance indicators.

A six monthly report of results was presented to the Leadership Team and Audit Committee.

The Performance Report - Report of Operations, Performance Statement, and Governance and Management Checklist will be included in the Annual Report.

The LGPRF template will also be submitted to LGV electronically within the nominated timelines for publishing on the 'Know Your Council' website.

F6. LOCAL GOVERNMENT PERFORMANCE REPORT 2018/19

(continued)

The draft Performance Report - Report of Operations, Performance Statement, and Governance and Management Checklist were considered by the Audit Committee at its meeting on 10 September 2019 where the following recommendation was made:

“That the Audit Committee receives the Performance Statement, Performance Report - Report of Operations and Governance and Management Checklist for the year ended 30 June 2019.”

d. Financial and Resource Implications and Opportunities

Nil.

Separate Circulations – Non-Confidential

No.	Separate Circulations Title, Date and Author as detailed on the separate circulations (where applicable)	ECM
1.	Report of Operations 2018/19	2594277
2.	Draft Performance Statement 2018/19	2594276
3.	Governance and Management Checklist 2018/19	2594274
4.	Performance Report 2018/19 - Results exceeding the materiality thresholds	2594275

F7. GLENELG SHIRE COUNCIL ANNUAL REPORT 2018/19 - AUTHORISATION FOR SUBMISSION TO MINISTER LOCAL GOVERNMENT

Director: Edith Farrell, Director Community Services

Executive Summary

The purpose of this report is to seek Council authorisation to submit to the Minister for Local Government the pre commercially printed version of the Glenelg Shire Council Annual Report 2018/19 including the performance and financial statements. A Council resolution to endorse the submission of the Annual Report to the Minister for Local Government is a statutory requirement.

Recommendation

That Council;

1. Authorise submission of the draft Annual Report for 2018/19 to the Minister for Local Government, including the audited Standard Statements, Financial Statements and Performance Statement.
2. Note that a statutory public notice period will be undertaken to exhibit the draft Annual Report following the September Ordinary Council Meeting in accordance with section 134 of the *Local Government Act 1989*.
3. A further report will be submitted to the October Ordinary Council Meeting, recommending to adopt the final draft Annual Report.
4. That the endorsed final Annual Report is also submitted to the Minister for Local Government following the October ordinary Council meeting.

MOTION

MOVED Cr Stephens

That Council;

1. **Authorise submission of the draft Annual Report for 2018/19 to the Minister for Local Government, including the audited Standard Statements, Financial Statements and Performance Statement.**
2. **Note that a statutory public notice period will be undertaken to exhibit the draft Annual Report following the September Ordinary Council Meeting in accordance with section 134 of the *Local Government Act 1989*.**
3. **A further report will be submitted to the October Ordinary Council Meeting, recommending to adopt the final draft Annual Report.**
4. **That the endorsed final Annual Report is also submitted to the Minister for Local Government following the October ordinary Council meeting.**

SECONDED Cr Halliday

CARRIED

F7. GLENELG SHIRE COUNCIL ANNUAL REPORT 2018/19 - AUTHORISATION FOR SUBMISSION TO MINISTER LOCAL GOVERNMENT

(continued)

Background/Key Information:

Council has a statutory requirement to produce an Annual Report each financial year. *The Local Government Act 1989* ("the Act") outlines the key information that must be included and the process that must be adhered to in the development, authorisation and publication of the Annual Report.

The 2018/19 Annual Report is a key corporate document of Council. It contains the Financial Statements, Performance Statement and achievements delivered under the Council Plan during the financial year 1 July 2018 to the 30 June 2019.

The Annual Report contains the report of the operations of Council and the audited financial statements and performance statement. Similar to other private and government sector organisations, it is emphasised that the Annual Report does not include information on every achievement, project or service provided by the Council. The annual report is focused on highlights and is primarily used by a range of government, community based and private sector organisations.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

The Glenelg Shire Council Annual Report 2018/19 has been prepared in accordance with section 132 of the *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

The Annual Report content is established by Council's requirements, outlined in the *Local Government Act 1989*; therefore no consultation has been undertaken during the development of this document. However, the Annual Report is made available for public inspection during a statutory public notice process.

d. Financial and Resource Implications and Opportunities

The direct cost of printing the annual report has been included in the 2018/19 Council Budget. The budget is \$15,000.00 for printing and advertising.

Indirect costs include staff time across the organisation and significant staff time in the Corporate Governance Unit.

Separate Circulations – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Glenelg Shire Council Annual Report 2018-2019	2602475

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

Director: Edith Farrell, Director Community Services

Executive Summary

This paper is to brief Councillors about officer concerns about the operation of the Western Bulldogs Leadership Program (WBLP) and discuss the future of the program for the Glenelg Shire.

Recommendations

1. That Council withdraw from future delivery of the WBLP effective from the end of the 2019 program.
2. That Officers investigate the budget implications to value add to current and emerging programs.
3. That Officers prepare an extensive communication plan for the community on the withdrawal from the WBLP from the end of 2019, and that this communication plan highlights the alternative options under investigation for youth development opportunities going forward.

MOTION**MOVED Cr Hawker**

1. That Council withdraw from future delivery of the WBLP effective from the end of the 2019 program.
2. That Officers investigate the budget implications to value add to current and emerging programs.
3. That Officers prepare an extensive communication plan for the community on the withdrawal from the WBLP from the end of 2019, and that this communication plan highlights the alternative options under investigation for youth development opportunities going forward.

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

The Glenelg Shire Council (GSC) has partnered with the Western Bulldogs over the past six years to deliver the Western Bulldogs Leadership Program (WBLP), formerly The Whitten Project. Since its inception nearly 100 young people from the Glenelg Shire have participated in the program, with varying graduation rates across each of these years.

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

(continued)

In 2017 GSC saw a revised delivery model for the WBLP and 2 new members of staff for the Western Bulldogs Community Foundation (WBCF). These changes were presented at Council Workshop on 14 December 2016, by the previous Western Bulldogs Community Leadership Manager. These proposed changes included the name of the program (Whitten to WBLP), a shift in focus from an elite sports focus to community leadership and a separation from Western Bulldogs Football Club.

During 2017 a report and presentation was made to Councilors demonstrating concerns with the coordination and delivery of the program throughout 2017, whilst also proposing a locally developed alternative leadership program. A resolution determined that GSC and WBCF would work in partnership to address the concerns raised both by GSC staff and participants, and implement performance management strategies to improve the outcomes of the program.

2019 Program Overview

The WBLP commenced in March this year with eighteen participants enrolled into the program from across the Glenelg Shire. The 2019 program has seen the delivery of eight workshops, two camps and a careers expo.

Since 2017 there has been a high turnover of WBCF staff, with the local Glenelg facilitator (who commenced in 2018) being the longest standing leadership project employee and most experienced staff member to deliver and coordinate the project. The Glenelg facilitator is currently employed for a 9 hour fortnight by WBCF; which includes the delivery of the three hour workshop and all associated coordination and administration tasks for these workshops, the camps and the careers expo.

Other staffing at the WBCF has changed consistently since 2017 and WBCF have had to resort to utilising administration staff to assist with coordination, whilst they seek to recruit new staff members. This has had a negative impact on the delivery of the program given the lack of continuity and experience of staff.

Limited evaluation received from the WBLP and anecdotal evidence collected from participants and families illustrates that the WBLP has positive impacts on social connections, personal development and connection to community. However, these impacts are at varying levels and are hard to quantify due to lack of substantial evaluation techniques and methods used by WBLP.

Current Status

In 2017 the WBLP was being delivered to 14 local government regions across western Victoria. At the commencement of 2019 this number had decreased to 7; with two shires, the Pyrenees and Hepburn, joining to deliver the project in partnership. Golden Plains and Warrnambool City Council withdrew from the project in 2019, stating that value for money and experience was not what they had come to expect of the program and that it no longer satisfied the needs of the community.

In November 2018 a meeting was held with WBCF staff and GSC staff to address GSC concerns about the program. During this meeting the following topics were discussed; 2018 program evaluation, previously negotiated performance strategies, planned areas of improvement and a proposal by WBCF to increase the costs of the program.

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

(continued)

The WBCF response to the issues outlined was to propose an increase to the financial contribution by Council staged from \$30,000 in 2018, to \$38,000 in 2019, to \$46,600 in 2020.

GSC staff negotiated with WBCF to maintain the 2019 contribution at \$30,000, due to the timing of the proposal not aligning with GSC budgeting processes and given questionable value of the program.

This proposed increase in fees did not include an increase in service deliverables from WBCF. According to WBCF this was their identified 'true' costs of the program and they further indicated that they were currently running at a loss of \$16,600 each year. Officers would anticipate that the costs to deliver the program would have significantly decreased since the first few years of delivery based on the diminished range and quality experiences and lack of access to elite presenters and guest speakers. Including the proposed increased financial contribution and current GSC staff resourcing the associated costs per participant exceeds \$3,200.

Over the course of the 2017, 2018 and the current WBLP an increasing number of issues have arose and impacted negatively on the delivery, reputation and quality of the program locally and within the western region including;

- Decreased Quality;
- Poor communication and coordination; and
- Dilution of experience for participants.

The learning objectives and leadership outcomes are inconsistent with the rudimentary resources and content that is developed by WBCF. Throughout the past three years GSC staff have attempted to implement improvement strategies and work in collaboration with WBCF to influence the outcomes and experiences of the program for the participants, including providing WBCF with a number of resources and suggestions regarding the deliverables, all to no avail.

For example, with a noticeable decrease in project completion rates and high absenteeism of participants over the past three years it was suggested that more structured timeframes and project proposal templates should be provided to assist the young participants. None of the suggestions or resources provided by GSC officers have been taken up by the WBCF. Participants with limited project planning knowledge or experience are expected to be able to deliver community leadership projects with verbal instruction and limited support from WBCF staff.

The commitment to fortnightly three and a half hour workshops for the participants is quite a large request. During 2019, the sessions have consisted of team building exercises, minimal personal development activities and unstructured free time to work on community projects. Whilst it needs to be noted the team building activities has resulted in increased social connections for the majority of the group, the limited personal development activities and unstructured free time to work on projects has not impacted positively on the learning objectives for the participants.

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

(continued)

There is a continued lack of communication by WBCF management with GSC staff, which impacts running the program efficiently.

Communication within the Glenelg program from WBCF with key partners such as schools, participants, parents and community stakeholders is inconsistent and minimal at best.

It has become apparent through both participant evaluation and GSC staff observations that the recent WBLP is not providing access to the elite environments, speakers and opportunities that program delivered in the first two years. Additionally, the guest speakers have not been of the same calibre to previous years and there has been significantly less keynote addresses and access to those for Glenelg in particular.

A major draw card of delivering the WBLP is to provide Glenelg Shire young people with experiences that can only be provided by the elite sporting environments; however the change in focus and delivery has meant that the past three years of the WBLP has missed this mark.

These concerns have impacted negatively on the delivery, reputation and quality of the program locally and within the western region. Whilst participating in the program is a highly sought after experience for young people, the varying results and learning outcomes in most recent years, has influenced the actual experience for the young people and in turn the reputation of the local program.

Future Proposal

When Glenelg Shire Council was selected to deliver the first pilot program in a regional setting in 2014, the project outcomes and learning objectives were clearly defined and relevant to local youth development needs and focus areas of the GSC.

The original program was developed to deliver a unique range of life, civic and sporting experiences building upon the participants emerging strengths to develop their leadership capacity through elite sporting environments and community experiences. Since the revised program objectives were identified in 2017, the WBLP coordinators have struggled to deliver the same quality experiences, associated content and personal development opportunities than that received in the early years of delivery resulting in a generic and sub-standard program.

In the past two years the landscape for youth development within the Glenelg Shire has changed. A number of our current programs which are developed on evidence based findings and address issues and interests based on young people's experiences, have grown in popularity locally and continued to establish the Glenelg Shire as a leader in Youth Development within the Great South Coast.

The Youth Development team have also spent substantial time developing key focus areas and implementing a broad goal and overarching statement to help with service area planning; this process has enabled us to consider our current program deliverables and identify the strengths and gaps to ensure the greatest benefit to young people living in the Glenelg Shire.

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

(continued)

If the decision is made to discontinue delivering WBLP officers propose for 2020 onwards that there is an increased focus on current and emerging programs including;

- Live4Life;
- Future Leaders of Industry;
- 16:25 Taskforce – Youth Advisory; and
- Youth focused school holiday program.

The established programs, Live4Life and Future Leaders of Industry, have proven longevity and positive community influence. Live4Life in particular has been independently evaluated over the past three years and demonstrates high impact community benefit. With increased resources and capacity the Youth Development team could ensure that both of these programs could provide access to high level learning outcomes, whilst being adaptive to our local needs.

The two emerging alternatives, 16:25 Taskforce and School Holiday program, are filling identified gaps for our community and if established and evaluated effectively could also become reputable and successful programs for the Glenelg Shire.

a. Council Plan Linkage and Policy Context

Youth development and support programs are directly linked to all the themes in the 2017-2021 Council Plan as its objectives are to:

- Empower the community through engagement;
- Work in partnership to change for community's best interest; and
- Develop an understanding of the needs of young people.

These programs also directly relates to the Glenelg Shire Council Youth Charter's guiding principles and commitment statements.

The proposed alternative programs also have direct alignment with the Health and Wellbeing Plan 2107-2021, in particular the theme of 'Connecting people'.

b. Legislative, Legal and Risk Management Considerations

Nil.

c. Consultation and/or communication processes implemented or proposed

Consultation and feedback sessions have been undertaken with both the participants and GSC supervising staff members, which has provided the evidence pertaining to the quality concerns of the WBLP.

F8. FUTURE OF WESTERN BULLDOGS LEADERSHIP PROGRAM

(continued)

If the decision is made to withdraw from WBLP further consultation will occur during the planning stages of the school holiday program.

Consultation regarding the newly developed youth services broad goal, overarching statement and focus areas has also commenced and will continue throughout 2019 to include GSC staff, key partners and young people.

d. Financial and Resource Implications and Opportunities

If we continue to deliver the WBLP past 2019 a further \$16,600 financial contribution will need to be allocated to the WBCF.

If the decision is made to withdraw, the GSC Youth Development staffing resources would be allocated to the identified programs. Whilst the current council financial contribution of \$30,000 would be allocated accordingly to the four programs.

Cr Rank re-declared an Indirect Conflict of Interest in item F9. Dutton Way East Rock Revetment Design and left the meeting at 7.47pm. Cr Halliday assumed the chair.

F9. DUTTON WAY EAST ROCK REVETMENT DESIGN

Director: Robert Alexander, Director Assets

Executive Summary

This report is to brief Council on the final Dutton Way East Rock Revetment Design Report.

Recommendation

1. That Council receive the Dutton Way East Rock Revetment Design report, as separately circulated.
2. That Council continue to partner with the Department of Environment, Land, Water and Planning to seek funding opportunities on appropriate priority risks.
3. That the Director Assets be authorised to approve appropriate coastal grant applications and financial payments.

MOTION

MOVED Cr McDonald

1. **That Council receive the Dutton Way East Rock Revetment Design report, as separately circulated.**
2. **That Council continue to partner with the Department of Environment, Land, Water and Planning to seek funding opportunities on appropriate priority risks.**
3. **That the Director Assets be authorised to approve appropriate coastal grant applications and financial payments.**

SECONDED Cr Wilson

CARRIED

Background/Key Information:

Glenelg Shire Council (GSC) was successful in receiving a Coastal Public Access and Risk grant in 2017-2018 from the Department of Environment, Land, Water and Planning (DELWP), to fund a contemporary engineering design for the Dutton Way East Rock Revetment.

The successful grant respective report was in response to Council raising concerns with DELWP that a contemporary design, asset management framework and funding process was not appropriately maintaining the revetment asset at Dutton Way.

F9. DUTTON WAY EAST ROCK REVETMENT DESIGN

(continued)

The concern was confirmed by DELWP that (GSC) and DELWP require suitable design standards to provide information for the future planning and upgrade (as required) of the revetment structure.

DELWP and GSC have partnered together on the development of the Dutton Way East Rock Revetment Design Report ('the report'). The report was approved by DELWP on Thursday 16 May 2019 subject to a number of changes, which have now been considered and completed on 28 August 2019.

The report details recommendations regarding the design profile and management of the coastal revetment. It takes into account the offshore wave conditions in the Portland Bay and considers the predicted rising sea levels associated with climate change.

Following discussions between DELWP and GSC regarding the project, GSC understands any maintenance for the Dutton Way Rock Seawall (revetment and associated assets) needs to be funded with State Government (or DELWP) assistance due to the ongoing Duty of Care. The funding of the incremental natural disasters or major catastrophes causing incremental damage to the coastal protection works needs to be explored further in the process for managing inter-agency and state significant risks. Typically, this incremental damage cost is estimated at 1-5% of a rock seawall's valuation annually, and is typically higher for the existing dynamic rock wall that does not meet current design standards.

The report outlines the current revetment design standards, and highlights in the event of a need for maintenance or works due to a natural disaster or major catastrophe causing excessive damage to the coastal protection works, this report's information can be used to assist in understanding the design standards necessary for works.

Council officers have identified DELWP as the owner of any natural hazards and respective natural risk on the Crown Land. In some locations Glenelg Shire Council as a Committee of Management and / or Road Authority has Committee of Management responsibilities and an inter-agency role.

DELWP recognise that the hazards on the Crown Land where inter-agency risks have been identified, must be recorded in the appropriate Risk Management register as operational risks as per the (DELWP) Risk Management Guidelines.

The report design(s) identifies the need for revetment works to bring the structure up to a contemporary standard and an existing risk. This community risk will be explored as part of the existing grant requirements for the project, which is to include 'life-of-project' stakeholder communication and engagement as detailed in the grant.

Both Council and DELWP are working to streamline stakeholder communication and engagement for both the Dutton Way East Rock Revetment Design and the recent Portland Coastal Stability Assessment – Reassessment of Risks, which was received by Council at its Ordinary Council Meeting on 26 March 2019.

F9. DUTTON WAY EAST ROCK REVETMENT DESIGN

(continued)

Currently the Council officers have been advised DELWP have little or no funding for the Coastal Public Access and Risk grants or similar coastal grants in 2019-2020. As such, a further phase of discussion with both DELWP and GSC is required before preferred risk treatment options may be funded.

The next steps are proposed as a way forward, subject to resources and funding being made available, to implement the report's findings:

- Council officers, in consultation with DELWP, assist to develop (per existing DELWP grant requirements) a 'Life-of-project' Stakeholder Communication and Engagement Plan, to inform stakeholders of how the funding of revetment works will be further considered;
- Council officers will work with DELWP on the development of a 'Dutton Way Rock Revetment (Design) Management Plan', to inform stakeholders of trigger points for future funding along with outlining management, operational and procedural protocols;
- Council officer(s) will continue to assist DELWP with their Dutton Way monitoring system and seek this information to be linked into the proposed 'Dutton Way Rock Revetment (Design) Management Plan' to assist with trigger points for renewal works; and
- Council will continue to seek further funding to implement the Dutton Way revetment treatments and mitigation works in accordance with the report.

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.

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

b. Legislative, Legal and Risk Management Considerations

Funding needs to be sought through DELWP as Crown Land Manager to address all legal and legislative requirements of this report.

c. Consultation and/or communication processes implemented or proposed

Council will consider further consultation and communication processes as funding is sought to assess issues within the report.

F9. DUTTON WAY EAST ROCK REVETMENT DESIGN

(continued)

d. Financial and Resource Implications and Opportunities

Funding needs to be sought through DELWP as Crown Land Managers to address the requirements of this report. Coastal Environments Program funding and other funding sources will be further discussed with DELWP to identify whether these funding streams align with this report.

Where Council is the Committee of Management a greater co-contribution to funding applications may be sought by DELWP.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	ECM
1.	Design Report Dutton Way East Rock Revetment Design	2595368

Mayor Cr Rank returned to the meeting and assumed the Chair at 7.49pm.

F10. LOCAL PORT OF PORTLAND BAY ANNUAL REPORT 2018-2019

Director: Robert Alexander, Director Assets

Executive Summary

This report is to present the Local Port of Portland Bay 2018-2019 Annual Report to Council for endorsement.

Recommendation

1. That the Local Port of Portland Bay Annual Report for 2018-2019, including the audited Financial Statements, be adopted.
2. That a copy of the Local Port of Portland Bay Annual Report be submitted to Transport for Victoria within the Department of Economic Development, Jobs, Transport and Resources.
3. That Council endorse the Local Port of Portland Bay Annual Report 2018-2019 for publication and printing.

MOTION

MOVED Cr Wilson

That Cr White be granted an extension of speaking time.

SECONDED Cr Halliday

CARRIED

MOTION

MOVED Cr White

1. That the Local Port of Portland Bay Annual Report for 2018-2019, as separately circulated, be adopted in-principle subject to the receipt of the executed audited Financial Statements.
2. That the Chief Executive Officer be authorised to execute the Local Port of Portland Bay Financial Statements, as separately circulated.
3. That a copy of the Local Port of Portland Bay Annual Report 2018-2019 be submitted to Transport for Victoria within the Department of Economic Development, Jobs, Transport and Resources following inclusion of the executed audited Financial Statements.
4. That Council endorse the Local Port of Portland Bay Annual Report 2018-2019 for publication and printing following inclusion of the executed audited Financial Statements.

SECONDED Cr McDonald

CARRIED

F10. LOCAL PORT OF PORTLAND BAY ANNUAL REPORT 2018-2019

(continued)

Background/Key Information:

Glenelg Shire Council is Port Manager of the Local Port of Portland Bay and operates the facility under a Management Agreement with the Victorian Government's Transport for Victoria within the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

A requirement of the Management Agreement is *"The Port Manager will, no later than 30 September in each year of the Term, prepare and submit to DEDJTR an Annual Report on the outcomes of the previous financial year's Business Plan and Budget"*.

The report covers statutory requirements such as audit certification of financials, the Safety and Environmental Management Plan (SEMP), capital and recurrent works and incident reporting.

a. Council Plan Linkage and Policy Context

The efficient operation of Local Port facilities will continue to enhance the strategic objective of 'Growing Glenelg' – Sustain and grow a diverse economy and social prosperity' in the Glenelg Shire Council Plan.

b. Legislative, Legal and Risk Management Considerations

Council has obligations as manager of the Local Port under the *Port Management Act 1995*. A requirement of the Management Agreement between Council and DEDJTR is that an annual report is produced. It also outlines statutory requirements which must be included.

c. Consultation and/or communication processes implemented or proposed

Consultation has been undertaken with Council's Finance Unit as well as Transport for Victoria regarding format, content and financials.

d. Financial and Resource Implications and Opportunities

The design and publication of the Annual report are covered in the Local Port budget, which is provided by Transport for Victoria.

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Local Port of Portland Bay Annual Report 2018-2019	2595931

F11. GLENELG SHIRE COUNCIL RESOURCE RECOVERY, WASTE MINIMISATION AND MANAGEMENT STRATEGY 2019-2024

Director: Robert Alexander, Director Assets

Executive Summary

This report is to seek Council endorsement of the Glenelg Shire Council Resource Recovery, Waste Minimisation and Management Strategy 2019-2024. The strategy will assist with setting the future direction of waste management within Glenelg Shire over the next five years.

Recommendation

That Council endorse the Glenelg Shire Council Resource Recovery, Waste Minimisation and Management Strategy 2019-2024 as separately circulated.

MOTION**MOVED Cr Halliday**

That Council endorse the Glenelg Shire Council Resource Recovery, Waste Minimisation and Management Strategy 2019-2024 as separately circulated.

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

Glenelg Shire Council is responsible for the provision of waste management services and education within the Glenelg Shire. To provide direction to the Council's waste management team, a five year strategy has been developed.

The Glenelg Shire Council Resource Recovery, Waste Minimisation and Management Strategy 2019-2024 ("the Strategy") includes objectives and actions for Council to implement to achieve an economical and environmentally friendly waste management service. The Strategy has been written to replace the outdated Waste Management Strategy 2013-2017. This new strategy is in line with the state plan (Statewide Waste and Resource Recovery Infrastructure Plan), the regional plan (Barwon South West Waste and Resource Recovery Implementation Plan 2017-2026) and the Council Plan (2017-2021).

The Strategy has been aptly named the Resource Recovery, Waste Minimisation and Management Strategy instead of Waste Management Strategy as the focus is shifted towards waste avoidance and resource recovery. It focuses heavily on community engagement, market development and increased compliance of the waste management facilities. It also focuses on community education regarding contamination of kerbside collections and the environmental and economic implications of littering and illegal dumping.

F11. GLENELG SHIRE COUNCIL RESOURCE RECOVERY, WASTE MINIMISATION AND MANAGEMENT STRATEGY 2019-2024

(continued)

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.

Connecting Glenelg – Connecting people, places and spaces.

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

b. Legislative, Legal and Risk Management Considerations

The Strategy provides direction for Council's waste management unit for the next 5 years. This plan has considered the current legislative, legal and risks associated with waste management. This strategy is in line with the state and regional waste management strategies. The Environment Protection Authority (EPA) Victoria and the Department of Environment, Land, Water and Planning (DELWP) are currently reviewing and implementing new policies and legislation. Once released, these will have to be considered when undertaking actions outlined within the Strategy.

The environmental, OH&S and economic risks to Council will be further identified and mitigation processes will be considered during the implementation.

c. Consultation and/or communication processes implemented or proposed

The Strategy draft has been developed in consultation with the Barwon South West Waste and Resource Recovery Group and internal stakeholders. Some of the actions within the Strategy have been included from a result of public comment/request from other community consultation events e.g. Listening Posts, Council Plan development.

Other objectives and actions have been selected, taking into consideration the following documents:

- Sustainability Victoria's *Statewide Waste and Resource Recovery Infrastructure Plan*;
- Barwon South West Waste and Resource Recovery Group's *Barwon South West Waste and Resource Recovery Implementation Plan 2017-2026*;
- Glenelg Shire Council's *Council Plan 2017-2021*; and

F11. GLENELG SHIRE COUNCIL RESOURCE RECOVERY, WASTE MINIMISATION AND MANAGEMENT STRATEGY 2019-2024

(continued)

- Glenelg Shire Council's *Municipal Public Health and Wellbeing Plan 2017-2021*.

Further community consultation will be considered when implementing the actions within the Strategy.

d. Financial and Resource Implications and Opportunities

Many of the actions listed in the Strategy are currently in the planning stage and will be undertaken within normal budget constraints. Any capital projects will be undertaken subject to external funding or through the New Initiative process.

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 Resource Recovery, Waste Minimisation and Management Strategy 2019-2024	2583910

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*

- C1. (1) Petition Heywood Kindergarten. Decision to cease in house kindergarten provision Heywood Kindergarten 27 August 2019 Heywood Kinder Committee
- D1. (1) Glenelg Municipal Fire Management Planning Committee Advisory Committee (AoC) - Meeting Record for 15 August 2019
- E1. (1) Assembly of Councillors – Volunteering and Wellbeing Advisory Committee meeting record held on Wednesday 24 July 2019
- E1. (2) Assembly of Councillors – Casterton Railway Precinct Advisory Committee meeting record held on Monday 19 August 2019
- E1. (3) Assembly of Councillors – Glenelg Mara Quorin Advisory Committee meeting record held on Tuesday 20 August 2019
- E1. (4) Assembly of Councillors – Heritage Advisory Committee meeting record held on Monday 26 August 2019 (DocSetID: 2598838);
- E1. (5) Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 27 August 2019
- E1. (6) Assembly of Councillors – Councillors Briefing meeting record_held on Tuesday 27 August 2019
- E1. (7) Assembly of Councillors – Councillors Workshop meeting held Tuesday 10 September 2019
- E1. (8) Assembly of Councillors – Glenelg Municipal Emergency Management Planning Committee meeting held on Thursday 15 August 2019
- F3. (1) C97- Explanatory Report
- F3. (2) C97- Methodology Report
- F3. (3) C97- Instruction Sheet and Amendment Documents
- F3. (4) C97- Amendment Maps
- F6. (1) Report of Operations 2018/19
- F6. (2) Draft Performance Statement 2018/19
- F6. (3) Governance and Management Checklist 2018/19

- F6. (4) Performance Report 2018/19 - Results exceeding the materiality thresholds
- F7. (1) Glenelg Shire Council Annual Report 2018-2019
- F9. (1) Design Report Dutton Way East Rock Revetment Design
- F10. (1) Local Port of Portland Bay Annual Report 2018-2019
- F11. (1) Draft Resource Recovery, Waste Minimisation and Management Strategy 2019-2024

Separate Circulation to Councillors, CEO and Directors

- F1. (1) Councillor and Chief Executive Officer Leave of Absence Register
- F5. (1) Extract Ordinary Council Meeting Minutes 14 December 2010 (Confidential)
- F5. (2) Extract Ordinary Council Meeting Minutes 26 November 2013 (Confidential)
- F5. (3) Current market valuation, 45 Oswald St Portland, Preston Rowe Paterson, Dated 30 May 2019
- F5. (4) Expression of Interest Received 45 Oswald St Portland Dated 9 September 2019

'IN CAMERA' Separate Circulation to Councillors and Directors

- G1. (1) Proposed Service Station, CNR. Henty Highway and New Street, Portland, V2, J R Design Australia Pty Ltd, 24 July 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

Recommendation

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

- G1. Proposed Sale of Council Owned Land – Corner New Street and Henty Highway Portland
- G2. Portland Slipway Potential Lease Arrangement

MOTION**MOVED Cr Stephens**

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

- G1. Proposed Sale of Council Owned Land – Corner New Street and Henty Highway Portland**
- G2. Portland Slipway Potential Lease Arrangement**

SECONDED Cr McDonald**CARRIED**

OPENING OF COUNCIL MEETING TO MEMBERS OF THE PUBLIC:Recommendation

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

MOTION

MOVED Cr Wilson

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

SECONDED Cr Stephens

CARRIED

CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8.20pm.

I HEREBY CERTIFY THAT PAGES 1 TO 73 INCLUDING IN CAMERA ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

22 October 2019

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