



Glennelg Shire Council

Minutes of the Council Meeting held on

Tuesday 24 November 2020 at

Portland Customer Service Centre

Cliff Street, Portland

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1. PRESENT:

Cr Anita Rank (Mayor), Cr Karen Stephens (Deputy Mayor), Cr Michael Carr, Cr Chrissy Hawker, Cr Scott Martin, Cr Jayden Smith and Cr Gilbert Wilson.

Also, in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Assets (Ms Edith Farrell), Director Corporate Services (David Hol), Executive Officer Corporate Services (Ms Rachael Fellows).

2. OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

3. ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

4. RECEIPT OF APOLOGIES:

Nil.

5. CONFIRMATION OF MINUTES:

Recommendation

That the minutes of the Council Meeting held on Tuesday 20 October 2020 and Statutory Council Meeting Wednesday 11 November 2020, as circulated, be confirmed.

MOTION

MOVED Cr Hawker

That the minutes of the Council Meeting held on Tuesday 20 October 2020 and Statutory Council Meeting Wednesday 11 November 2020, as circulated, be confirmed.

SECONDED Cr Stephens

CARRIED

6. DECLARATIONS OF CONFLICT OF INTEREST:

Chief Executive Officer, Mr Burgoyne declared a General Conflict of Interest in item 16.1 CEO Employment Contract Review and advised this prior to the meeting.

Cr Carr declared a Material Conflict of Interest in item 14.6 Contract 2020-21-06 Traffic Management and Safety Works – Percy Street Portland and 14.9 Contract 2020-21-13 Bridgewater Revetment Works.

Cr Carr 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.

Cr Martin declared a General Conflict of Interest in item 14.3 Planning Application P19158 Heywood Service Station and 14.9 Contract 2020-21-13 Bridgewater Revetment Works.

Cr Martin 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.

7. QUESTION TIME:

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

Nil.

7.2 QUESTIONS FROM THE GALLERY:

1. Update on sealing of Bridgewater Lakes and Heath Road

Alistair McDonald of Portland asked the following question:

When is the sealing re sheeting/final seal be done on the Bridgewater Lakes and Heath Roads?

Mr Burgoyne, Chief Executive Officer advised the question will be taken on notice and a written answer provided.

8 PRESENTATIONS:

8.1 PRESENTATION - RECOGNITION OF SERVICE FOR FORMER COUNCILLORS

In recognition of their service to Council, Mayor Rank made a presentation to former Councillors:

- Mr Geoff White;
- Mr Robert Halliday; and
- Mr Alistair McDonald

*Cr Stephens left the meeting at 7.17pm.
Cr Wilson left the meeting at 7.17pm.*

Mayor Rank also recognised the former Councillors'

*Cr Stephens returned to the meeting at 7.20pm.
Cr Wilson returned to the meeting at 7.20pm.*

9 NOTICES OF MOTION:**9.1 NOTICE OF MOTION 2-2020-21 – FREE GREEN WASTE DISPOSAL**

CEO: Greg Burgoyne, Chief Executive Officer

In accordance with the Council's Governance Rules section 2.7.1, I give notice of my intention to move the following motion at the Council Meeting to be held on Tuesday 24 November 2020:

1. That Council provide 'Free of Charge' disposal of 'green waste' at each of its Waste Management Facility across the Shire, during normal operating hours across the weekends of Saturday 5 & Sunday 6 December and Saturday 12 & Sunday 13 December 2020 inclusive.
2. That this opportunity be available to Glenelg Shire Council residents only upon the sighting of Personal Identification with a Glenelg Shire address and/or a Glenelg Shire Council Rate Notice.
3. Undertake an extensive promotional campaign.

Signed: Cr Karen Stephens

Date: 18 November 2020

MOTION**MOVED Cr Stephens**

1. **That Council provide 'Free of Charge' disposal of 'green waste' at each of its Waste Management Facility across the Shire, during normal operating hours across the weekends of Saturday 5 & Sunday 6 December and Saturday 12 & Sunday 13 December 2020 inclusive.**
2. **That this opportunity be available to Glenelg Shire Council residents only upon the sighting of Personal Identification with a Glenelg Shire address and/or a Glenelg Shire Council Rate Notice.**
3. **Undertake an extensive promotional campaign.**

SECONDED Cr Wilson**CARRIED****Separate Circulations – Non-Confidential**

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Signed Notice of Motion Cr Karen Stephens Free Green Waste Disposal 18 November 2020	2761883

10 DEPUTATIONS:

Nil.

11 PETITIONS:

Nil.

12 COMMITTEE REPORTS:**12.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 17 SEPTEMBER 2020**

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to enable the Council to receive the Minutes of the Audit and Risk Committee Meeting held on 17 September 2020 and approve the Audit and Risk Committee Annual Workplan 2020-2021.

Recommendation

That Council:

1. Receives the minutes of the Audit and Risk Committee meeting held on Thursday 17 September 2020.
2. Approves the Audit and Risk Committee Annual Workplan 2020-2021.

MOTION**MOVED Cr Stephens**

1. **Receives the minutes of the Audit and Risk Committee meeting held on Thursday 17 September 2020.**
2. **Approves the Audit and Risk Committee Annual Workplan 2020-2021.**

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

The role of the Audit and Risk Committee is to monitor, review and advise Council on matters of accountability and internal control affecting the operations of the Council.

The Audit and Risk Committee also exists to assist the Council in discharging its responsibilities for monitoring financial management and reporting, maintaining a reliable system of internal controls, compliance with the *Local Government Act 2020* and fostering the organisation's ethical environment.

12.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 17 SEPTEMBER 2020

(continued)

The Audit and Risk Committee Charter requires that the Committee's Minutes be presented to Council to ensure that an effective communication mechanism between the Committee and Council occurs and to ensure that the Council is fully informed on the Committee's activities.

The Audit and Risk Committee Charter also requires review and recommendation of the annual Audit and Risk Work Plan for approval by Council and all major changes to the plan.

The Audit and Risk Committee Meeting held on Thursday 17 September 2020 considered the following items:

Item No.	Description
1.	Draft General Purpose Financial Report for the year ending 30 June 2020
2.	Local Government Performance Reporting Framework (LGPRF) for the Full Year Results as at 30 June 2020 (Unaudited)
3.	Glenelg Shire Council - Fourth Quarter Performance Report 2019/20 and Year Four Council Plan Action Plan 2020/214.
4.	Outstanding Debtors (Rates and General) – as at 30 June 2020
5.	Quarterly Financial Management Report for the period June to August 2020
6.	CEO & EA Expenditure – Credit Card and Reimbursements
7.	RSD Audit - Glenelg Shire Council Fraud Awareness Survey Results FY20
8.	Occupational Health and Safety (OHS) and Risk Management Quarterly Report April 2020 to 30 June 2020
9.	Occupational Health and Safety (OHS) Final Audit Report as at 30 June 2020
10.	Occupational Health and Safety (OHS) March 2020 to March 2021 – First Quarter Action Plan Report at 30 June 2020
11.	Review of Council's Procurement Policy 2020-2021
12.	Audit and Risk Register Review
13.	Review of Audit and Risk Committee Annual Work Plan Year Ending 30 June 2021
14.	Quarterly Expenditure Report – Councillors
15.	Audit and Risk Committee Self-Assessment Results 2019/20
16.	Audit Committee Annual Report 2019/2020

Item No	Description
1.	<i>Other Business</i>
2.	Covid19 Update
3.	Council Elections

a. Council Plan Linkage and Policy Context

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

Audit and Risk Committee Charter 2020/2021.

12.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 17 SEPTEMBER 2020

(continued)

b. Legislative, Legal and Risk Management Considerations

Under section 53 of the *Local Government Act 2020* (the “Act”) Council is required to establish an Audit and Risk Committee and operate this committee under specific guidelines.

The Audit and Risk Committee’s role also links to and supports a range of Glenelg Shire policies, procedures and guidelines including the Fraud Prevention Policy; Investment Policy; Procurement Policy; Councillor Code of Conduct and Staff Code of Conduct.

A key element of the internal audit function is to assist with the mitigation of risk.

c. Consultation and/or communication processes implemented or proposed

The minutes from each meeting are provided to Audit and Risk Committee members for review.

d. Financial and Resource Implications and Opportunities

The 2020/21 Council budget contains a provision to support the Audit and Risk Committee and to undertake an internal audit program during the financial year. Management and staff time to support the Committee and internal audit projects is an indirect cost.

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

<i>No.</i>	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 3(1) (a-l) of the Act</i>	<i>ECM</i>
1.	Minutes of the Audit and Risk Committee Meeting held on Thursday 17 September 2020	3(1)(l) Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> ;	2741816

Separate Circulation – Non-Confidential

<i>No.</i>	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Audit and Risk Committee Annual Work Plan 2020 - 2021	2753381

13 ADVISORY COMMITTEE MEETING RECORDS:

14 MANAGEMENT REPORTS:**14.1 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 35 (1) (e) (4) (6) of the *Local Government Act 2020*.

MOTION**MOVED Cr Hawker**

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 35 (1) (e) (4) (6) of the *Local Government Act 2020*.

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

In accordance with Section 35 (1) (e), (4), and (6) of the *Local Government Act 2020* Councillors are entitled to take Leave of Absence.

Section 35 (1) (e), (4) and (6) of the *Local Government Act 2020* states:

35 Councillor ceasing to hold office

- (1) A Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor:
 - (e) subject to this section, is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council.
- (4) The Council must grant any reasonable request for leave for the purposes of subsection (1)(e).
- (6) A Councillor is not to be taken to be absent from Council meetings during the period of 6 months after the Councillor or their spouse or domestic partner:
 - (a) becomes the natural parent of a child; or

14.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

(b) adopts a child under the age of 16 years

and the Councillor has responsibilities for the care of the child during that period.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

Section 35 of the *Local Government Act 2020*.

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 is Confidential in accordance with Local Government Act 2020:

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Councillor and Chief Executive Officer Leave of Absence Register	Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;	2759648

14.2 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 31 OCTOBER 2020

Director: David Hol, Director Corporate Services

Executive Summary

The Financial Report is a key document in assuring responsible and responsive governance and decision making. This high-level report is provided to give Council the ability to monitor Glenelg Shire's financial performance.

Recommendation

That Council receives the Financial Report for the period ending 31 October 2020.

MOTION**MOVED Cr Stephens**

That Council receives the Financial Report for the period ending 31 October 2020.

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

The 2020/2021 Annual Budget was adopted by Council on 23 June 2020.

This report provides information on the current status of Council's financial position and performance and includes:

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Cash Flows; and
- Statement of Capital Works.

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

This report is prepared monthly and is in addition to the requirements set out in the *Local Government Act 2020* Division 2, Section 97 where Council is required to prepare a quarterly budget report to be submitted to Council.

14.2 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 31 OCTOBER 2020

(continued)

Also, in accordance with Division 4, Section 101 Council is required to consider the following Financial Management Principles:

- (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances.
- c. Consultation and/or communication processes implemented or proposed

The finance report is prepared monthly and submitted to the Audit and Risk Committee.

- d. Financial and Resource Implications and Opportunities

The resourcing of the preparation of the financial report and year-end audit of the financial statements is provided for in the adopted budget.

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.	Glenelg Shire Council Financial Report as at October 2020	2759460

Cr Martin re-declared a General Conflict of Interest in 14.3 Planning Application P19158 Heywood Service Station and left the meeting at 7.28pm.

14.3 PLANNING APPLICATION P19158 HEYWOOD SERVICE STATION

Director: David Hol, Director Corporate Services

Executive Summary

This report is to brief Councillors on planning permit application P19158, which seeks planning approval for the use and development of land for a service station and ancillary convenience store, car parking, truck parking, truck washing bay, removal of native vegetation and to create access to Road Zone Category 1.

The application has been referred to Council for determination in line with Council's Planning Delegation and Decision Guidelines Policy.

This report recommends that a Notice of Decision for a planning permit be approved subject to conditions.

Recommendation

That Council grant a planning permit for the use and development of a service station, vegetation removal, and to create access to Road Zone Category 1, in accordance with plans contained in separate circulations marked Attachment 1 and permit description and conditions in the Notice of Decision marked Attachment 5.

MOTION

MOVED Cr Wilson

That Council grant a planning permit for the use and development of a service station, vegetation removal, and to create access to Road Zone Category 1, in accordance with plans contained in separate circulations marked Attachment 1 and permit description and conditions in the Notice of Decision marked Attachment 5.

SECONDED Cr Carr

CARRIED

Background/Key Information:

The proposed service station development consists of 5 truck and 4 dual car pump stations, a convenience store and guest amenities, on site car parking, truck parking, a truck wash bay and the underground storage of petroleum. It also includes removal of native vegetation and creation of two new vehicle crossovers and three deceleration lanes from the adjoining Henty Highway and Princes Highways.

14.3 PLANNING APPLICATION P19158 HEYWOOD SERVICE STATION

(continued)

A planning permit is required to allow the use and development of the subject site for a service station under the zone and provisions of the Glenelg Planning Scheme.

The subject site is located in the Farming Zone and is affected by the Environmental Significance Overlay – schedule 3.

The subject site has a total area of 2.289 hectares and is located at the junction of the Princes and Henty Highways, approximately 1 km north of the Heywood township.

Planning approval has not been sought to display business identification signage on the subject land due to size restrictions applying to land in the Farming Zone.

The proponent has initiated a planning scheme amendment to apply site specific planning controls to the subject land to allow the display of a range of signs that would otherwise be prohibited under the zone.

Amendment C104gelg was publicly exhibited between 3 September 2020 – 5 October 2020. No submissions were received.

Notice and referral of application P19158 was required to be given under Section 52 and 55 of the Planning and Environment Act 1987. Referral agencies provided consent to the grant of a permit, subject to conditions.

Five (5) objecting submissions were received in response to the advertising of the application. The key issues raised in objections relate to amenity impacts, traffic movements, and stormwater and effluent management.

The key issues for assessment of the application include:

- Whether the proposed use and development responds appropriately to the relevant provisions of the Municipal Planning Strategy and Planning Policy Framework;
- Whether the proposed use and development is consistent with the purpose and decision guidelines of the relevant Particular Provisions;
- Whether the proposed use and development will have an impact on the amenity of the surrounding area;
- Whether the proposed use and development can be accommodated on the site without leading to adverse environmental impacts.

The Delegate Report in Attachment 2 provides a detailed assessment of the proposal and discussion of the key issues.

From this assessment against the decision guidelines of the Glenelg Planning Scheme it is considered that the proposal should be supported by Council, and approval is recommended.

14.3 PLANNING APPLICATION P19158 HEYWOOD SERVICE STATION

(continued)

As there are submissions to the proposal a Notice of Decision is recommended to be issued as contained in Attachment 5. This will allow submitters the opportunity to appeal to the Victoria Civil and Administrative Tribunal if they are not satisfied with Council's decision.

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 *Planning and Environment Act* 1987 gives a legal basis for the Glenelg Planning Scheme. The Glenelg Planning Scheme sets out policies and provisions for use, development and protection of land. Planning schemes are legal documents prepared by the Council or the Minister for Planning and approved by the Minister.

c. Consultation and/or communication processes implemented or proposed

The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987. A total of 5 objections were received. The submissions are contained in Attachment 4.

d. Financial and Resource Implications and Opportunities

The assessment of permit applications is part of normal operations of the Planning Unit of which it receives application fees.

Separate Circulations – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	<ul style="list-style-type: none"> • Application • Planning report • Site, building and landscape plans • Biodiversity Report • Traffic Impact Assessment Report • Significant Ground Disturbance Assessment Report 	2615837 2615848 2615839 2615847 2615844 2757509
2.	Delegate Report	2735876
3.	Summary of submissions	2757142
4.	Redacted submissions	2757178
5.	Notice of Decision	2753929

Cr Martin returned to the meeting at 7.30pm.

14.4 AUDIT AND RISK COMMITTEE NOMINATIONS

Director: David Hol, Director Corporate Service

Executive Summary

The new *Local Government Act 2020* outlines the requirement for all Councils to establish an Audit and Risk Committee.

In addition to these requirements, this report also provides for Council to appoint the members to the Audit and Risk Committee and confirms the allowance for the Chairperson and Independent Members for the remainder of the Council term.

At the Council Meeting on Tuesday 25 August 2020, Council appointed four independent Members of the Audit and Risk Committee.

Recommendation

That Council appoints the Mayor Rank, Cr _____ and Cr _____ as Council representatives to the Audit and Risk Committee.

MOTION

MOVED Cr Wilson

That Council appoints the Mayor, Cr Stephens and Cr Carr as Council representatives to the Audit and Risk Committee with Cr Martin as proxy.

SECONDED Cr Hawker

CARRIED

Background/Key Information:

The *Local Government Act 2020* requires that the membership of the Audit and Risk Committee must include members who are current elected Councillors whilst also ensuring that the majority of the committee consists of members that are not Councillors.

The membership will include the following:

- Mayor of the day;
- Two Councillors; and
- Minimum of four independent members appointed by Council.

This report seeks Council nomination for the elected members to be appointed to the Audit and Risk Committee for the 2020-2024 Council term.

14.4 AUDIT AND RISK COMMITTEE NOMINATIONS

(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

Section 53 and 54 of the *Local Government Act 2020* outlines the legislative obligations for the establishment of the Audit and Risk Committee and adoption of the Audit and Risk Charter which was adopted on 25 August 2020.

c. Consultation and/or communication processes implemented or proposed

The Audit and Risk Committee Charter, including the make up of the committee, was subject to a public consultation process in July / August 2020

d. Financial and Resource Implications and Opportunities

The financial and resources for the development and coordination of the Audit and Risk Committee is contained within current operating budgets.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Glenelg Shire Council Audit and Risk Committee Charter	2714384

14.5 CONTRACT 2020-21-05 PORTLAND AIRPORT RESURFACING

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Portland Airport Resurfacing, under Contract 2020-21-05 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-05 for the Portland Airport Resurfacing to Fulton Hogan Industries Pty Ltd subject to the successful negotiation of contract terms and conditions.
2. That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.
3. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION**MOVED Cr Stephens**

1. **That Council award Contract 2020-21-05 for the Portland Airport Resurfacing to Fulton Hogan Industries Pty Ltd subject to the successful negotiation of contract terms and conditions.**
2. **That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.**
3. **That the Chief Executive Officer be authorised to execute all documents relating to this contract.**
4. **That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.**

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

Glenelg Shire Council was successful in its' funding application under Round 1 of the Regional Airports Program Grants for the resurfacing of the Portland Airport including the runway, apron, taxiways and associated infrastructure rectification.

14.5 CONTRACT 2020-21-05 PORTLAND AIRPORT RESURFACING

(continued)

The resurfacing works were identified as being required as part of Councils annual technical audit which is undertaken in accordance with Civil Aviation Safety Authority (CASA) regulations.

The project will support the ongoing ability for all-weather aircraft operations, which is vital for medical access and patient transport flights and fire suppression activities in this remote region.

Public tenders were called on Thursday 10 September 2020 and closed at 3pm on Thursday 8 October 2020. A total of three (3) submissions were received for evaluation from the following Tenderers:

- Fulton Hogan Industries Pty Ltd;
- Inroads Pty Ltd; and
- Boral Resources (VIC) Pty Ltd - Bitupave Ltd ta NSW Boral Asphalt.

The Tender Evaluation Panel considered the tender submission taking into account selection criteria and weighting which covered:

- Price and financial benefit;
- Methodology & Resources & Capacity of the tenderer;
- Quality, Reliability and Past Performance;
- Occupational Health and Safety;
- Economic Contribution to the Glenelg Shire; and
- Environmental sustainability.

The Tender Evaluation Panel has recommended that Council award Contract 2020-21-05 Portland Airport Resurfacing to Fulton Hogan Industries Pty Ltd subject to clarification of contractual items and negotiation regarding terms and conditions.

a. Council Plan Linkage and Policy Context

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

Connecting Glenelg – Connecting people, places and spaces.

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

14.5 CONTRACT 2020-21-05 PORTLAND AIRPORT RESURFACING

(continued)

Due to delivery of works being required by May 2021, if this contract is not awarded there is a risk that these project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

c. Consultation and/or communication processes implemented or proposed

Tenders were called in accordance with Council's procurement policy. Communications with prospective tenderers was via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

Notification to the successful tenderer will be provided following Council's resolution to award the contract as part of the contract negotiation.

d. Financial and Resource Implications and Opportunities

Expenditure associated with this project has been incorporated into current Council budget forecasts.

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 3(1) (a-l) of the Act</i>	<i>ECM</i>
1.	Contract 2020-21-05 Portland Airport Resurfacing Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2752651

Cr Carr re-declared a Material Conflict of Interest in 14.6 Contract 2020-21-06 Traffic Management and Safety Works – Percy Street Portland and left the meeting at 7.34pm.

14.6 CONTRACT 2020-21-06 TRAFFIC MANAGEMENT AND SAFETY WORKS – PERCY STREET PORTLAND

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for Traffic Management and Safety Works – Percy Street Portland, under Contract 2020-21-06 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-06 for the Traffic Management and Safety Works – Percy Street Portland to GR Carr Pty Ltd ATF The Gavin Carr Family Trust.
2. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
3. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION

MOVED Cr Wilson

1. **That Council award Contract 2020-21-06 for the Traffic Management and Safety Works – Percy Street Portland to GR Carr Pty Ltd ATF The Gavin Carr Family Trust.**
2. **That the Chief Executive Officer be authorised to execute all documents relating to this contract.**
3. **That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.**

SECONDED Cr Martin

CARRIED

Background/Key Information:

Glenelg Shire Council was successful in securing funds to undertake works as part of the Victorian Government's 'Safe Travel in Local Streets' program that aims to create safer roads and reduce road trauma in regional communities across Victoria.

14.6 CONTRACT 2020-21-06 TRAFFIC MANAGEMENT AND SAFETY WORKS – PERCY STREET PORTLAND

(continued)

The works will upgrade intersections along Percy Street between Wade and Tyers Streets in Portland, including a raised concrete median between Tyers and Fern Streets, a safer speed limit of 50 km/h between Fern and Otway Streets, and line marking of a median and other improvements between Fern and Wade Streets.

The works build upon the community consultation late last year to address a number of community road safety concerns.

Public tenders were called on Friday 14 August 2020 and closed at 3pm on Thursday 17 September 2020. A total of two (2) submissions were received for evaluation from the following Tenderers:

- GR Carr Pty Ltd ATF The Gavin Carr Family Trust; and
- Porthaul Civil Pty Ltd.

The Tender Evaluation Panel considered the tender submissions taking into account the selection criteria and weighting which covers tender price, Resources and Capacity of the tenderer, Occupational Health and Safety, Quality, Reliability and Past

Performance, economic contribution to the Glenelg Shire Council region and the level of commitment demonstrated to maximize environmental sustainability.

The Tender Evaluation Panel has recommended that Council award Contract 2020-21-06 Traffic Management and Safety Works – Percy Street Portland, to GR Carr Pty Ltd ATF The Gavin Carr Family Trust.

a. Council Plan Linkage and Policy Context

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

Connecting Glenelg – Connecting people, places and spaces.

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

Due to delivery of works being required by 31 August 2021, if this contract is not awarded there is a risk that these fully funded project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

c. Consultation and/or communication processes implemented or proposed

Tenders were called in accordance with Council's procurement policy. Communications with prospective tenderers was via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

14.6 CONTRACT 2020-21-06 TRAFFIC MANAGEMENT AND SAFETY WORKS – PERCY STREET PORTLAND

(continued)

Notification to the successful tenderer will be provided following Council's resolution to award the contract as part of the contract negotiation.

d. Financial and Resource Implications and Opportunities

Expenditure associated with the traffic management and safety works project has been incorporated into current and future Council budget forecasts.

The STILS grant funding is \$996,000 excluding GST.

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 3(1) (a-l) of the Act Is this still correct given new act?</i>	ECM
1.	Contract 2020-21-06 Traffic Management and Safety Works – Percy Street Portland, Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2751275

Cr Carr returned to the meeting at 7.36pm.

14.7 CONTRACT 2020-21-11 PROVISION OF ASPHALT AND SEALING SERVICES TO THE GLENELG SHIRE

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Provision of Asphalt and Sealing Services to the Glenelg Shire under Contract 2020-21-11 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire to the following tenderers:
 - Fulton Hogan Industries Pty Ltd and
 - Inroads Pty Ltd.
2. That the Chief Executive Officer be authorised to execute all documents relating to these contracts.
3. That the Director Assets be authorised to complete all financial payments relating to this contract.
4. That the Director Assets be authorised to negotiate and execute further extensions of these contracts in accordance with the contract documentation.

MOTION**MOVED Cr Stephens**

1. **That Council award Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire to the following tenderers:**
 - **Fulton Hogan Industries Pty Ltd and**
 - **Inroads Pty Ltd.**
2. **That the Chief Executive Officer be authorised to execute all documents relating to these contracts.**
3. **That the Director Assets be authorised to complete all financial payments relating to this contract.**
4. **That the Director Assets be authorised to negotiate and execute further extensions of these contracts in accordance with the contract documentation.**

SECONDED Cr Carr**CARRIED**

14.7 CONTRACT 2020-21-11 PROVISION OF ASPHALT AND SEALING SERVICES TO THE GLENELG SHIRE

(continued)

Background/Key Information:

Council's Works Unit engage suitably qualified contractors under Contract 2014-15-67 Sealing Aggregate and Other Quarry Products and Contract 2014-15-68 Various Asphalt Works to the Glenelg Shire Council to assist in maintaining and constructing the Shires road network. Both contracts expired 30 June 2020.

Public Tenders were called via councils online tender portal, Tenderlink, on Friday 21 August 2020 and closed 3:00pm Wednesday 30 September 2020 The term of the contract will be from date of acceptance to 30 June 2022 with Council reserving the right to extend the contract if it so desires by adding an additional three (3) x one (1) year extensions.

Two (2) tender submissions were received from suitably qualified contractors conforming to council's specification, submissions received from:

- Fulton Hogan Industries Pty Ltd; and
- Inroads Pty Ltd.

The tender evaluation panel have evaluated responses in accordance with councils weighting criteria of, tendered price, capacity and resources, quality, reliability and past performance, OHS, economic contribution to the Glenelg Shire and the level of commitment demonstrated to maximise environmental sustainability.

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

All legal and legislative requirements have been considered.

c. Consultation and/or communication processes implemented or proposed

Tenders were invited in accordance with Council's procurement policy and communications with prospective tenderers were via Council's Tenderlink portal to ensure fair and transparent platform for tendering.

Notification to the preferred tenderers will also be provided following Council's resolution relating to this contract.

14.7 CONTRACT 2020-21-11 PROVISION OF ASPHALT AND SEALING SERVICES TO THE GLENELG SHIRE

(continued)

d. Financial and Resource Implications and Opportunities

Cost for the provision of the services for this contract is incorporated within the adopted Council budget.

Separate Circulations – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire Tender Evaluation Matrix - Asphalt	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2751384
2.	Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire Tender Evaluation Matrix –Sealing	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2751385

14.8 CONTRACT 2020-21-04 PORTLAND LOCAL PORT CONSTRUCTION PROJECTS

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Portland Local Port Construction Projects, under Contract 2020-21-04 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-04 for the Portland Local Port Construction Projects to Bellingham Marine Australia Pty Ltd, subject to the successful negotiation of contract terms and conditions.
2. That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.
3. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION**MOVED Cr Wilson**

1. That Council award Contract 2020-21-04 for the Portland Local Port Construction Projects to Bellingham Marine Australia Pty Ltd, subject to the successful negotiation of contract terms and conditions.
2. That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.
3. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

SECONDED Cr Stephens**CARRIED**

14.8 CONTRACT 2020-21-04 PORTLAND LOCAL PORT CONSTRUCTION PROJECTS

(continues)

Background/Key Information:

The Glenelg Shire Council is positioning Portland as a key coastal destination for the southwest region of Victoria. Portland has a unique coastal character with a mix of public foreshore, recreational fishing, commercial fishing, and international port activities.

The Glenelg Shire Council has assigned a high priority to the development of the Portland Bay foreshore as it currently suffers from a lack of capacity in existing facilities limiting tourism and economic development opportunities. Safety issues and conflicts arising from the demand for access by visiting fishers and boater are also of concern.

A number of infrastructure development projects were identified in the Portland Master Plan (Biruu, 1 June 2016), including the developments which form this project.

This contract is to undertake the Local Port of Portland Bay Marine Master plan project.

Public tenders were called on Friday 18 September 2020 and closed at 3pm on Thursday 22 October 2020. A total of two (2) submissions were received for evaluation from the following Tenderers:

- Bellingham Marine Australia Pty Ltd; and
- Atlas Marine International Pty Ltd ta Superior Jetties.

The Tender Evaluation Panel considered the tender submission taking into account selection criteria and weighting which covered:

- Price and financial benefit;
- Methodology & Resources & Capacity of the tenderer;
- Quality, Reliability and Past Performance;
- Occupational Health and Safety;
- Economic Contribution to the Glenelg Shire; and
- Environmental sustainability.

The Tender Evaluation Panel has recommended that Council award Contract 2020-21-04 Portland Local Port Construction Projects to Bellingham Marine Australia Pty Ltd, subject to clarification of contractual items and negotiation regarding terms and conditions.

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.

14.8 CONTRACT 2020-21-04 PORTLAND LOCAL PORT CONSTRUCTION PROJECTS

(continued)

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

If this contract is not awarded there is a risk that these fully funded project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

c. Consultation and/or communication processes implemented or proposed

Tenders were called in accordance with Council's procurement policy. Communications with prospective tenderers was via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

Notification to the successful tenderer will be provided following Council's resolution to award the contract as part of the contract negotiation.

d. Financial and Resource Implications and Opportunities

These 3 projects are funded by the 'Department of Transport' for the Trawler Wharf pontoon extension project, 'The Department of Jobs, Precincts and Regions' for the New Town Jetty project and the 'Department of Jobs, Precincts and Regions' for the Portland Bay Marina extension project which has a co contribution from Council.

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Contract 2020-21-04 Portland Local Port Construction Projects Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2759147

Cr Martin re-declared a General conflict and Cr Carr re-declared a Material conflict in item 14.9 Contract 2020-21-13 Bridgewater Revetment Works and left the meeting at 7.43pm.

14.9 CONTRACT 2020-21-13 BRIDGEWATER REVETMENT WORKS

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Bridgewater Revetment Works, under Contract 2020-21-13 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-13 for the Bridgewater Revetment Works to Mibus (Aust) Pty Ltd, subject to the successful negotiation of contract terms and conditions.
2. That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.
3. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION

MOVED Cr Stephens

1. **That Council award Contract 2020-21-13 for the Bridgewater Revetment Works to Mibus (Aust) Pty Ltd, subject to the successful negotiation of contract terms and conditions.**
2. **That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.**
3. **That the Chief Executive Officer be authorised to execute all documents relating to this contract.**
4. **That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.**

SECONDED Cr Smith

CARRIED

14.9 CONTRACT 2020-21-13 BRIDGEWATER REVETMENT WORKS

(continues)

Background/Key Information:

The Bridgewater Bay Foreshore Master Plan with concept plans was completed and coastal consent was attained originally in January 2015.

The Bridgewater Bay Foreshore Master Plan has a number of concepts and recommendations, to this point in time the wastewater system has been designed and constructed and Cardno have undertaken some stage 1 and stage 2 design works.

Public tenders were called on Tuesday 22 September 2020 and closed at 3pm on Thursday 29 October 2020. A total of three (3) submissions were received for evaluation from the following Tenderers:

- MGN Civil Pty Ltd;
- Mibus Bros (Aust) Pty Ltd; and
- Porthaul Civil Pty Ltd.

The Tender Evaluation Panel considered the tender submission taking into account selection criteria and weighting which covered:

- Price;
- Project Plan/Timing;
- Experience and capability of the nominated key personnel, including subcontractors;
- Management Systems (quality, safety & environment);
- Economic Contribution to the Glenelg Shire; and
- Environmental sustainability.

The Tender Evaluation Panel has recommended that Council award Contract 2020-21-13 Bridgewater Revetment Works to Mibus Bros (Aust) Pty Ltd, subject to clarification of contractual items and negotiation regarding terms and conditions.

a. Council Plan Linkage and Policy Context

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

Connecting Glenelg – Connecting people, places and spaces.

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

14.9 CONTRACT 2020-21-13 BRIDGEWATER REVETMENT WORKS

(continued)

If this contract is not awarded there is a risk that these fully funded project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

c. Consultation and/or communication processes implemented or proposed

Tenders were called in accordance with Council's procurement policy. Communications with prospective tenderers was via Council's Tenderlink website to ensure a fair and transparent platform for tendering.

Notification to the successful tenderer will be provided following Council's resolution to award the contract as part of the contract negotiation.

d. Financial and Resource Implications and Opportunities

Expenditure associated with the revetment works project has been incorporated into current and future Council budget forecasts.

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Contract 2020-21-13 Bridgewater Revetment Works Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2758643

Cr Carr and Cr Martin returned to the meeting at 7.47pm.

15. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC:**Recommendation**

That the Council Meeting be closed to members of the public pursuant to Section 66 (2)(a) and Section 3 (1)(f) of the *Local Government Act 2020*, excluding the Chief Executive Officer, Director Corporate Services, Acting Director Community Services, Director Assets and Council Support Coordinator to consider the following report:

16.1 CEO Employment Contract Review

MOTION

MOVED Cr Stephens

That the Council Meeting be closed to members of the public pursuant to Section 66 (2)(a) and Section 3 (1)(f) of the *Local Government Act 2020*, to consider the following report:

16.1 CEO Employment Contract Review

SECONDED Cr Wilson

CARRIED

16. CONFIDENTIAL REPORTS:

17. OPENING OF THE MEETING TO THE PUBLIC:

MOTION

MOVED Cr Wilson

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

SECONDED Cr Wilson

CARRIED

18. URGENT BUSINESS:

Nil.

19. INDEX – SEPARATE CIRCULATIONS TO REPORTS:

19.1 Separate Circulation to Councillors, CEO, Director and available to the Public

9.1 (1) Notice of Motion – Free Green Waste Disposal

12.1 (1) Audit and Risk Committee Annual Work Plan 2020 - 2021

14.2 (1) Glenelg Shire Council Financial Report as at October 2020

14.3 (1) P19158 Planning Permit Documentation

14.3 (2) P19158 Delegate Report

14.3 (3) P19158 Summary of submissions

14.3 (4) P19158 Redacted submissions

14.3 (5) P19158 Notice of Decision

19.2 'CONFIDENTIAL' Separate Circulation to Councillors and Directors

12.1 (1) Minutes of the Audit and Risk Committee Meeting held on Thursday 17 September 2020

14.1 (1) Councillor and Chief Executive Officer Leave of Absence Register

14.4 (1) Glenelg Shire Council Audit and Risk Committee Charter

14.5 (1) Contract 2020-21-05 Portland Airport Resurfacing Tender Evaluation Matrix

14.5 (1) Contract 2020-21-06 Traffic Management and Safety Works – Percy Street Portland, Tender Evaluation Matrix

- 14.6 (1) Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire Tender Evaluation Matrix – Asphalt
- 14.7 (2) Contract 2020-21-11 Provision of Asphalt and Sealing Services to the Glenelg Shire Tender Evaluation Matrix –Sealing
- 14.8 (1) Contract 2020-21-04 Portland Local Port Construction Projects Tender Evaluation Matrix
- 14.9 (1) Contract 2020-21-13 Bridgewater Revetment Works Tender Evaluation Matrix

19.3 'CONFIDENTIAL' Separate Circulation to Councillors

- 16.1 (1) CEO Performance Review Document 2019 2020

Recommendation

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

MOTION

MOVED Cr Stephens

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

SECONDED Cr Wilson

CARRIED

CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.53pm.

I HEREBY CERTIFY THAT PAGES 1 TO 41 (INCLUDING PAGES 36-38 CONFIDENTIAL ITEM) ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

15 DECEMBER 2020

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