



## **Glenelg Shire Council**

### **Notice of Meeting and Agenda**

#### **Council Meeting Tuesday 24 September 2024**

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Notice is hereby given that a Council Meeting will be held in the Council Chambers - upstairs, Casterton Glenelg Shire Council Customer Service Centre, 67 Henty Street, Casterton commencing at **5:30 pm** on the above date for the purpose of transacting the business on the attached Agenda, together with such other business as the Chairperson may permit.

Helen Havercroft

**Chief Executive Officer**

Date of Issue: Thursday 19 September 2024

Invited: Mayor, Councillor Karen Stephens  
Councillor Michael Carr  
Councillor Scott Martin  
Councillor Alistair McDonald  
Councillor Robyn McDonald  
Councillor John Northcott  
Councillor Gilbert Wilson  
Chief Executive Officer, Ms Helen Havercroft  
Director Corporate Services, Mr David Hol  
Acting Director Infrastructure Services, Ms Jayne Miller  
Acting Director Community Services, Ms Jane Ruge  
Chief Information Officer, Ms Ann Kirkham  
Chief Financial Officer, Ms Rebecca Campbell  
Executive Manager Governance, Mr Brett Jackson

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**1. PRESENT****2. ACKNOWLEDGEMENT OF COUNTRY**

On behalf of this Glenelg Shire Council, I respectfully acknowledge the traditional lands and waters of the Gunditjmara, Jardwadjali and Boandik people and their respective culture heritages. I acknowledge the elders past and present here at today's gathering and through them, to all Aboriginal people.

Aboriginal and Torres Strait Islander People provide an important contribution to Australia's cultural heritage and identity. We respectfully acknowledge the Aboriginal and Torres Strait community living throughout the Glenelg Shire and the contribution they make to the Glenelg Shire's prosperity and wellbeing.

**3. RECORDING OF MEETINGS**

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published. Council meetings may be livestreamed and the Chief Executive Officer will enable a copy of the recording to the public.

**4. RECEIPT OF APOLOGIES****5. CONFIRMATION OF MINUTES****5.1. CONFIRMATION OF MINUTES****Recommendation**

**That the minutes of the Council Meeting held on Tuesday 27 August 2024, as circulated, be confirmed.**

## 5.2. RECORD OF COUNCILLOR BRIEFINGS

David Hol, Director Corporate Services

### Executive Summary

This report provides for Council to receive a record of any recent Councillor Briefing sessions undertaken from the period commencing the 27 August 2024.

### Recommendation

**That Council receives the record of the Councillor Briefing held on the 27 August 2024 and 10 September 2024.**

### Background/Key Information:

The Glenelg Shire Council Governance Rules as adopted on the 23 January 2024 require that a record is kept of each Councillor Briefing and that the record is tabled at an open Council meeting (excluding any confidential matters).

The record is to include a list of matters presented and any Conflict-of-Interest declarations together with any actions taken to resolve declared conflicts.

The objective of submitting the record to a Council meeting is to ensure public transparency in Council decision making processes.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Whilst not a legislative obligation, the records are tabled at a Council meeting in accordance with Governance Rule number 68.

c. Consultation and/or communication processes implemented or proposed

Not applicable.

d. Financial Implications and Collaboration

Councillor Briefings and the records keeping obligations are provided for within the adopted operational budgets.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

### **Attachment List**

1. Councillor Briefing Record 27 August 2024 [5.2.1 - 1 page]
2. Councillor Briefing Record 10 September 2024 [5.2.2 - 1 page]

**6. DECLARATIONS OF CONFLICT OF INTEREST**

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- The item for which they have a conflict of interest
- Whether their conflict is ***general*** or ***material***; and
- The circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

**7. COUNCILLOR ACTIVITY REPORTS****7.1. COUNCILLOR ACTIVITY REPORT 10 AUGUST TO 6 SEPTEMBER 2024**

The Glenelg Shire Council Election Period Policy states in section 7.2.1 that “*Electoral matter is any matter that is intended or likely to affect voting in an election and includes (but is not limited to) material that deals with the election, candidates or issues of potential contention in the election.*”

Electoral matter includes material which:

- Publicises the strengths or weaknesses of a candidate.
- Advocates the policies of the Council or of a candidate.
- Responds to claims made by a candidate; and publicises the achievements of the elected Council.

As the Councillor activity reports fall under the provisions of electoral material, they will not be published during the Election Period.

**8. NOTICES OF MOTION**

The Glenelg Shire Council Governance Rules, adopted on 23 January 2024, state in Chapter 8, section 86, point 4 that *“During the election period prior to a general Council election, the Chief Executive Officer will not accept any Notices of Motion or Notices of Rescission Motions for consideration at a Council Meeting conducted during the election period.”*

## **9. MANAGEMENT REPORTS**

### **9.1. DELEGATIONS UPDATE SEPTEMBER 2024**

Director: David Hol, Director Corporate Services

#### **Executive Summary**

In accordance with the principles of good governance, continuous improvement and statutory compliance, the review of the Delegations and Authorisations has been undertaken. In accordance with Section 11(7) of the *Local Government Act 2020*, Council review delegations twice a year or in accordance with changes to various Acts.

The following Instrument has been amended and will come into force when signed by the Mayor and Chief Executive Officer on Wednesday 25 September 2024:

- Instrument of Delegation from Council to Members of staff (S6)

In addition, the following Instruments have been amended and will come into force when signed by the Chief Executive Officer on Wednesday 25 September 2024:

- Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7)
- Instrument of Delegation of CEO powers, duties and functions (S13)

#### **Recommendation**

1. That Council approves the ***Instrument of Delegation from Council to Members of staff (S6)***, which will come into force when signed by the Mayor and Chief Executive Officer on Wednesday 25 September 2024, and notes that the previous Instrument is therefore revoked.
2. That Council approves ***Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7)***, and ***Instrument of Delegation of CEO powers, duties and functions (S13)***, which will come into force when signed by the Chief Executive Officer on Wednesday 25 September 2024 and notes that the previous Instruments are therefore revoked.

#### **Background/Key Information:**

Section 11(1) of the *Local Government Act 2020* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities.

The Glenelg Shire Council, together with a number of other Victorian municipalities, subscribes to the Maddock's Lawyers Delegations and Authorisations update service. This review is based on the Maddock's proforma documents with appropriate alterations identified by each Director and their staff. Updates are provided to Council staff via email and updates to each provision and Instruments are outlined, a copy of the update is provided as an attachment to this report.

The objectives of delegation and authorisation reviews are to:

- Achieve good governance;
- Ensure statutory compliance by incorporating recent legislative changes;
- Facilitate responsive and efficient customer service;
- Deliver continuous improvement in service delivery and decision making; and
- Make minor wording enhancements, where necessary, to improve the quality of the documents.

a. Council Plan and Policy Linkage

Leading Glenelg - Create shared visions within the Community, ensuring agreed outcomes

b. Legislative, Legal and Risk Management Considerations

Section 47 of the *Local Government Act 2020* provides that the Chief Executive Officer a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act.

c. Consultation and/or communication processes implemented or proposed

Council staff listed in the schedule contained in the various Instruments of Delegation were provided with a copy of the draft delegations and authorisations and invited to provide comment prior to finalisation.

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

d. Financial Implications and Collaboration

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

e. Governance Principles

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

### **Attachment List**

1. Provisions S 6 Instrument of Delegation - Members of Staff - September 2024 [9.1.1 - 145 pages]
2. Provisions S 7 Instrument of Sub- Delegation by CEO September 2024 [9.1.2 - 395 pages]
3. Provisions S 13 Instrument of Delegation of CEO powers duties and functions Sept 2024 [9.1.3 - 41 pages]

9.2. BUSHFIRE PLACE OF LAST RESORT - NEIGHBOURHOOD SAFER PLACES

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to seek Council resolution to formally decommission the Bushfire Place of Last Resort - Neighbourhood Safer Place (BPLR) at the Nelson Boat Ramp, as the BPLR Nelson Boat Ramp no longer meets the Country Fire Authority (CFA) BPLR Assessment Guidelines radiant heat criteria and subsequently Council must decommission it from use.

Recommendation**That Council:**

- 1. Decommissions the Bushfire Place of Last Resort - Neighbourhood Safer Place (BPLR) Nelson Boat Ramp as it does not meet the CFA radiant heat criteria.**
- 2. Notifies the CFA that the BPLR Nelson Boat Ramp has been decommissioned by the 30 September 2024.**
- 3. Notifies the relevant Authorities and the Nelson community of this outcome.**
- 4. Notes that Council officers will continue to liaise with the CFA regarding any other potential compliant locations in the Nelson township area.**

Background/Key Information:

Each year in accordance with section 50J of the *Country Fire Authority Act 1958* (the Act) Municipalities in Victoria must conduct a review of each designated BPLR by the 31 August.

In conducting this annual review, the Municipal Council must ask the Country Fire Authority (CFA) to assess each neighborhood safer place in its municipal district in accordance with the Country Fire Authority BPLR Assessment Guidelines. A Council Officer has subsequently requested the CFA to assess all BPLR in the Glenelg Shire in accordance with the relevant Assessment Guidelines.

The CFA has recently notified Council that the BFPLR Nelson Boat Ramp site does not meet the CFA Assessment Guidelines radiant heat criteria. The second BPLR in Nelson on the River Bank (Leake Street) (Refer map below) does still meet the required CFA Assessment Guidelines.



The Nelson Public Reserves Committee of Management Incorporated is the land manager for the two BPLR locations in Nelson.

On the eastside of the BPLR Boat Ramp (Refer map below) the vegetation separation distance is required to be 120 meters for the radiant heat to be below the  $2\text{kW/m}^2$  threshold. The current separation distance is 40 meters and therefore, does not meet the radiant heat criteria.



The land on the eastside of the Boat Ramp is managed by Parks Victoria and is part of the Discovery Bay Coastal Park. Representatives of the Department of Energy, Environment and Climate Change Action (DEECA) on behalf of Parks Victoria, have advised that the present native vegetation on the eastside of the BPLR would require a Native Vegetation removal permit. This process would take time for the planning to be completed but is also unlikely to be successful given the native vegetation is within its ecological vegetation class as well as there being present listed species from the Flora and Fauna Guarantee Act that would need to be permanently removed.

Subsequently, with the advice received from DEECA the Nelson Boat Ramp is no longer suitable as a BPLR and is unlikely to be able to be made compliant in the foreseeable future.

To ensure accurate advice and information is provided for the upcoming fire danger period, this site must be decommissioned by Council in accordance with section 50J of the Act and Council must notify the CFA by 30 September 2024.

Council Officers will continue to liaise with the CFA and DEECA to see if there are any other potential sites that may be suitable in the Nelson township in the future.

The additional BPLR on the riverbank remains complaint and will be available during the upcoming summer period.

a. Council Plan and Policy Linkage

Our Lifestyle, Neighbourhood and Culture - Creating enriched and vibrant lives through experiences, safe and well-planned neighbourhoods.

b. Legislative, Legal and Risk Management Considerations

The legislative provisions of a BPLR are outlined in the *Country Fire Authority Act 1958*.

c. Consultation and/or communication processes implemented or proposed

This report has been prepared after consultation with CFA, DEECA and Parks Victoria and Nelson Public Reserve Committee of Management Inc.

It is recommended that Council staff advise the relevant land authorities and the residences with the provision of information.

d. Financial Implications and Collaboration

The administration costs for the assessments of the annual BPLR are included within the emergency management 2024-2025 budget.

e. Governance Principles

Council decisions are to be made and actions taken in accordance with the relevant law.

**Attachment List**

Nil

### 9.3. LOCAL PORT ANNUAL REPORT 2023 2024

Director: Jayne Miller, Acting Director Infrastructure Services

#### Executive Summary

This report is to present the Local Port of Portland Bay Annual Report to Council for endorsement and forwarding to the Department of Transport and Planning to meet Council's obligations under the current Operational Services Agreement.

#### Recommendation

**That Council:**

- 1. Adopts the Local Port of Portland Bay Annual Report for 2023-2024, including the audited financial statements.**
- 2. Approves a copy of the Local Port of Portland Bay Annual Report 2023-2024 to be submitted to the Department of Transport.**
- 3. Endorses the Local Port of Portland Bay Annual Report 2023-2024 for printing and publication.**

#### Background/Key Information:

Glenelg Shire Council is Port Manager of the Local Port of Portland Bay (Trawler Wharf) and operates the facility under an Operational Services Agreement with the Victorian Government's Department of Transport and Planning.

A requirement of the Operational Services Agreement is "The Port Manager will, no later than 30 September in each year of the term, prepare and submit to the Department of Transport and Planning 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 and Policy Linkage

Our Lifestyle, Neighborhood and Culture - Creating enriched and vibrant lives through experiences, safe and well-planned neighborhoods.

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well.

b. Legislative, Legal and Risk Management Considerations

Council has obligations as managers of the Local Port under the *Port Management Act 1995*. A requirement of the Operational Services Agreement

between Council and the Department of Transport and Planning 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 the Department of Transport and Planning regarding format, content and financials.

d. Financial Implications and Collaboration

The Annual Report's design and publication is covered in the Local Port budget, provided by the Department of Transport and Planning.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured. Innovation and continuous improvement is to be pursued. The ongoing financial viability of the Council is to be ensured.

**Attachment List**

1. LP Annual Report- Cover [9.3.1 - 1 page]
2. LP Annual Report [9.3.2 – 29 pages]

**10. URGENT BUSINESS**

Nil.

**11. QUESTION TIME**

The Glenelg Shire Council Governance Rules, adopted on 23 January 2024, state in Chapter 8, section 86, point 5 that “*Council Meetings held during the election period will not consider any urgent business, conduct public question time, or receive any submissions (other than planning), deputations or delegations.*”

**12. CLOSURE OF COUNCIL MEETING**