



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 25 October 2022 at 7:00 pm at
Portland Arts Centre
Glenelg Street

1. Present	3
2. Opening Prayer	3
3. Acknowledgement to Country	3
4. Recording of Meetings.....	3
5. Receipt of Apologies.....	3
6. Question Time	3
6.1. Questions Taken on Notice at Previous meeting	3
6.2. Questions from the Gallery	8
7. Declarations of Conflict of Interest.....	12
8. Confirmation of Minutes.....	12
9. Presentations.....	12
10. Deputations	13
11. Notices of Motion	13
11.1. Notice of Motion 1-2022-2023 - Recognition of Queen Elizabeth II	13
11.2. Notice of Motion 2-2022-2023 - 26 January 2023	15
12. Petitions.....	16
12.1. Petition - Julia Street Parklet Removal.....	16
13. Committee Reports.....	17
13.1. Audit and Risk Committee Minutes 15 September 2022.....	17
14. Management Reports	21
14.1. Councillor and Chief Executive Officer Leave of Absence Register.....	21
14.2. Councillors Quarterly Expenditure Report.....	23
14.3. Glenelg Shire Council Financial Report as at September 2022	25
14.4. Delegations Update - Local Port of Portland and Committee of Management	28
14.5. Glenelg Planning Scheme Amendment C96GELG: Corrections.....	32
14.6. Heritage Support Policy Revision.....	35
14.7. Glenelg Shire Council Annual Report 2021-2022	38
14.8. Portland Foreshore Multipurpose Facility Community Consultation Outcome	40
15. Confidential Reports	44
16. Urgent Business	46
17. Separately circulated attachments.....	46
18. Closure of Council Meeting.....	46

1. PRESENT

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

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Corporate Services (Mr David Hol), Acting Director Community Services (Ms Melanie Bennett), Director Assets (Mr Paul Phelan), Chief Information Officer (Ms Ann Kirkham) and Executive Assistant CEO Department (Ms Virginia Bobbitt) and Executive Assistant Corporate Services (Ms Rachael Currie).

2. OPENING PRAYER

The Mayor opened the meeting with the Council Prayer.

3. ACKNOWLEDGEMENT TO COUNTRY

The Mayor read the Acknowledgement to Country.

4. RECORDING OF MEETINGS

The Chief Executive Officer will enable an audio recording of the meeting conducted and the recording of that meeting may be made available to the public.

5. RECEIPT OF APOLOGIES

Nil.

6. QUESTION TIME**6.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING****1. Cost Shifting between State Government and Local Government**

Mr John Edgar of Drumborg asked the following questions:

- a. *Explain to the public and ratepayers what State Government programs have been shifted to Glenelg Shire responsibility, the detailed funding of such programs which demonstrates the exact details who is paying these costs and two examples I may use are the provisions of kindergarten education services and school crossing guards?*

Mayor Rank advised that there quite a few programs that are cost shifted back to Council, as a part of Councils budget discussions, there are a few programs such as school crossings that are being discussed., Council has joined a state wide advocacy for State Government to take back the costings of these services. There are other programs such as HACC services (Home and Community Services) and discussions on what would happen if Council didn't continue with these services, and who would run these projects. The rest of the question will be taken on notice and further details provided to you.

The following response is provided:

There are a number of grants that Council receives from either state or federal funding that provide various services to the community. A list of all grants received, by service, is provided in the Budget document on page 34 under section 4.1.4 Grants. These services vary from fully funded to those that require Council contribution. A description of these services is provided in Section 2 of the Budget document.

- c. *Explain to the public why my questions are seldom answered correctly if at all, such as my blocking on State Governments email server?*

Mayor Rank advised that the response that was provided to you that I had not blocked you personally and believe the response that was provided to you was satisfactory. That day it was shown that a state wide email server that Council connect with was down. and most Councillors did not receive emails that day, you were not singled out on that day it was due to the issue with the server. Planning matters are referred to the responsible person, and that is Mr David Hol and the information provided to you was the same information that Councillors receive. Pre-meeting briefings, this question will be taken on notice, as I believe that several other Councils also have pre briefings.

Mr David Hol Director Corporate Services advised that anecdotally aware that other Councils do hold these meetings, that it is a common practice amongst Local Government, no statistics to say which ones do and do not.

The following response is provided:

Upon further investigation we can confirm that Glenelg's neighbouring Councils also hold confidential pre meeting briefings with the purpose of discussing future reports, other items relevant to the attendees and presentations from time to time. Attendance at these meetings consists of Councillors, Executive team and other relevant Officers when needed. These meetings varied in occurrence from weekly to fortnightly.

3. Forestry Rates

Mr Graham Thompson of Condah asked the following questions:

- b. *Why is access to forestry on Lyons Hotspur Road the road was a mess in two days, b-doubles struggle to get around the corner. Why can't they use a direct road from bitumen?*

Mr Greg Burgoyne, Chief Executive Officer advised he will take this specific question on notice.

The following response is provided:

The initial route is determined by the timber harvest company and submitted to Glenelg Shire Council as part of a Timber Harvest Plan (THP). Typically, a THP identifies the shortest route to their destination with the least chance of impact on roads.

Direct sealed road use is preferable in these circumstances however the use of gravel roads is sometimes unavoidable as to create new access points may require the removal of native vegetation which should be avoided if possible.

Roads are inspected prior to, during and following harvest with works scheduled, where required, to rectify any defects.

4. C106gelg

Mr Mike Noske of Narrawong asked the following questions:

- a. *What fit for purpose strategic study on this issue was undertaken by Council between their receipt of the Panel report on August 12 and the drafting of tonight's recommendation 5 or 6 weeks later?*

Mayor Rank advised that this has been a long drawn out and costly process including funding with many, many years of work undertaken, and that there is more work to be done.

Mr David Hol Director Corporate Services advised that there are three main strategies that lead into c106gleg. The rural conservation zone, the issues associated with that are well documented and in previous times when Council tried to introduce more rural living, the State Government then rejected that particular planning amendment. And identified no more rural living until such time that Council have in place an adopted strategy on rural land to protect those. Planning panel report identified that there was 6 major recommendations from the panel and the recommendation tonight is accept all of those, and noting that further work is to occur. The rural living zones and the areas that you have mentioned, the comments from the independent planning panel some what vary from what had previously been provided by DELWP, in regards to rural land living. Council does agree that there is further work that needs to be done, and is included in the report on the planning scheme review, which has been started with DELWP. The receipt of the panel report does not require Council to do further strategic work but to adopt the elements of c106gelg which are there.

Mr David Hol advised that further details on the question, will be taken on notice.

The following response is provided:

Further to the Mayor's and Mr Hol's response on 28 September 2022, there has been no additional strategic study undertaken between receipt of the Panel report on 12 August and the Council meeting date. The briefing and Council resolution responds to the Panel Report and Amendment C106. The Panel report for C106 recommended further work be undertaken, but this was after adoption of rezonings supported by the Panel in Amendment C106. This work was not recommended to be done prior to implementing C106.

As per Mr Hol's response the Planning Scheme Review currently being undertaken will include consideration of this further work to be pursued in future.

5. Budget

Mr David Punton of Portland asked the following questions:

- a. *Can I receive an comprehensive, itemised and transparent account of \$480,000 mayoral allowance be provided, as the one provided previously did not provide enough detail?*

Mayor Rank advised if the answer was inadequately provided, that you feel you need more details, this will be provided to you.

Council considered the question and the advice provided to you on 2 September 2022 is consistent with Councils Transparency Policy and Local Government Act.

- b. *On 2 September I received a totally unsatisfactory explanation of the \$5.1million IT budget, can I receive an comprehensive, itemised and transparent account, each item, with its supplier and cost?*

Mayor Rank advised if the answer was insufficient that Council will provide further details as requested.

Mr David Hol Director Corporate Services advised that responses provided to Mr Punton are outlined in the previous minutes, some of the requests would take a large amount of time to go through a huge amount of line items of information and question that is the most appropriate use of Council resources.

The following response is provided:

Council is required to have a Public Transparency Policy in place, a recent requirement to comply with the public transparency principles set out in the *Local Government Act 2020*. The policy and the principles require Council to provide documents and information, unless the information is confidential, or the provision of the information would be contrary to the public interest. The requests fall outside the scope of the public transparency policy and principles for several reasons.

1. Public transparency involves the provision or accessibility of existing documents, not the creation of new documents

The request that Council prepare itemised accounts for an individual explaining the two budgets. That would essentially mean that Council is creating new reports for an individual, which it is not required to do in order to comply with the public transparency policy or principals.

2. Public transparency does not involve the provision of confidential information

Council is not required to produce documents which contain confidential information. To provide the level of detail which is requested, Council would need to provide documents which contain confidential information.

Examples of confidential information include:

- Council business information, which is information which would prejudice Council's position in commercial negotiations if prematurely released. Information about Council's current spending on certain items may be prejudicial to Council's capacity to negotiate rates with future suppliers.
- Private commercial information, which is information provided by a business that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released. If Council were to provide the information you seek (each item, with its supplier and cost), that would disclose information which is commercially sensitive to those suppliers, placing them at a disadvantage with their competitors when pitching for future work with Council.
- Personal information, which is information which would result in the unreasonable disclosure of information about a person if released.

Accordingly, Council is not willing to provide the comprehensive accounts that is requested.

If there are some specific documents requested, Council can consider whether those documents are confidential. Alternatively, it is also open for any public member to make a Freedom of Information application seeking access to existing documents.

- c. *How many rate payers have asked for a re valuation of their properties since the rate notices were delivered and what is the cost to the Council, which the rate payers fund for these revaluations?*

Mr David Hol Director Corporate advised that the re valuation of properties is done by the Valuer General not Council. There is a state contract that Councils contribute too, valuation objections does not come through Council. A cost can be provided to Mr Punton.

The following response of provided:

Valuations for Council rates and fire services property levy are made annually in accordance with the *Valuation of Land Act 1960*. They are undertaken by the Valuer-General and this agreement with the contracted Valuer is unable to be disclosed. This cost is not incurred by Council.

Council is responsible for costs associated with any objections to valuation, and any supplementary valuations in the financial year. Each year an amount of approximately \$15k is budgeted to cover costs associated with objections. To date there have been 38 objections.

7. Capital works and recruitment of CEO

Mr Matthew Jowett of Portland asked the following of questions:

- a. *With all the improvements and building works both planned and actually going on right now in Portland. Can you please provide a list of the capital works slated for Heywood and Nelson?*

Mr Paul Phelan advised that he would take this question on notice.

The following response is provided:

The following capital works programs are currently underway for the 2022-23 financial year for Heywood;

- Heywood Recreation Reserve Lighting Upgrade
- Heywood Wagon Shed
- Heywood Transfer Station upgrade
- Heywood Pool – Building Better Regions Fund (BBRF) application – awaiting outcome.

The majority of community assets and reserves in the township of Nelson are managed via a Department of Environment, Land, Water and Planning Committee of Management, and therefore are subject to State funding rather than Local Government.

6.2. QUESTIONS FROM THE GALLERY

Mr Damon Jarrett of Portland asked the following questions:

1. Foreshore Multipurpose facility

- a. *Does the Council concede that there is a disproportionate response in regards to community engagement where there is a difference of 1267 visits to Your Say Glenelg but only 136 people actually voted and that vote discrepancies have occurred as some submissions were from groups?*

Mayor Cr Rank advised that initially responses and hits Council had were good. Hits and responses were deliberated and discussed at Workshop for it to go to Council meeting and advise of the outcomes received. Council expected to receive more responses, and 136 formal responses is not a lot, all the information was out there for the public to see.

Mr Paul Phelan, Director Assets advised that the visits reported on were specific visits to Your Say Glenelg. Glenelg Shire also provided copies of the design and plans at Customer Services Centres and Library's. Feedback was also received via by way of letter from various groups all which have been collated with the community consultation and feedback, including one late request which was allowed.

- b. *Do the Councillors believe that the disproportionate responses reflects a very large number of people who wished not to have a building on the foreshore in one of the 3 locations given?*

Mayor Cr Rank advised if people wanted to respond they had that opportunity and that feedback wasn't received to oppose the facility. The project has been around for some time and received funding so the opportunity for people to say they don't like it or disagree has been there.

- c. *Do the Councillors believe that in the report point e. Governance Principals is in conflict with point b. Legislative, Legal and Risk Management Considerations due to - quote "if an appropriate option not endorsed there would be a negative impact in project timelines which would result in the project not being delivered in accordance with the funding agreement."*

Mayor Cr Rank advised that the project didn't move forward based on tight timeframes. Council was not required to report back to the community, however Council decided it was a good way of providing the outcomes to the community.

Mr Gary Humm of Portland asked the following questions:

1. Risk Assessment and Code of Conduct

- a. *What Level of Risk Assessment has been done, and what measures Council is taking to ensure the activities at these venues is conducted safely & not placing the Council or us residents as risk of future litigation and financial penalty?*

Mr David Hol, Director Corporate Services advised there are some legal principals in regard to negligence and voluntary assumption of risk for people undertaking certain activities. The other element of consideration is Portland Foreshore is Crown Land in which Council is committee management therefore the insurer for that particular asset is state government not Council. Mr Hol advised he would take the risk assessment question on notice and provide a response to Mr Humm.

- b. *How do you personally as a woman and aspiring politician and civic leader believe that community expectation for higher standards for those in public office should manifest itself?*

Mayor Cr Rank advised matter is being dealt with.

- c. *Why was it not referred to Work Safe and who takes responsibility? (Mr Humm referring to Cr Martin and social media post)*

Mayor Cr Rank advised that herself as Mayor takes responsibility for Councillor matters and if it's an operational issue, then dealt with at operational level. Those matters have been dealt with accordingly.

Mr David Hol Director Corporate Services advised Councillors are not employees under the *Occupational Health and Safety Act*, and the *Local Government Act 2020* outlines requirements and the reporting mechanisms for Councillor Conduct.

Ms Ann Munro of Wando Vale asked the following questions:

3. Rating system

- a. *I would like to know why this Council does not have adequate records in regard to this change (Ms Munro referring to the minutes and change from a primary production differential rating structure to a rebate) and I would like to know what processes this Council intends to put in place to prevent this sort of information vacuum from occurring in the future?*

Mr David Hol Director Corporate Services advised he can't add more to what was responded to Ms Munro regarding what happened in 2011 and there was no reason to suggest the minutes were not an accurate record at the time. Mr Hol advised he would take the question on notice in regard to processes.

- b. *According to Emma Germano, the VFF State President, Mayor Rank has indicated a commitment to pass supplementary budget returning the disputed \$3.42 million to ratepayers. I once again note that the disputed \$3.42 million was not included in this Council's Comprehensive Income Statement for the 4 years ending 30 June 2025. When exactly, is this Council planning to demonstrate their commitment in regard to this supplementary budget and the return of these finds to ratepayers?*

Mayor Cr Rank advised that discussions and comments that were had with Ms Germano and the Famers Federation Glenelg Shire has a productive relationship which enable us to have discussions with each other and work towards a rating system that is supportive and reflective of people living in rural and regional areas The direct comment that was made is not entirely correct; what was committed to was discussing a supplementary budget with fellow Councillors which has been done on a number of

occasions. In relation to dealing with the rebate that has been dealt with and how it is included in the budget and moving forward on discussions for next budget that is coming up. Mr Hol took the rest of the question on notice in regard to \$3.42 million not being included in comprehensive income statement on 4 year plan.

- c. *Would Mayor Rank be good enough to explain why this Shire is charging us \$38.43/Ha for farmland with a CIV of \$1.45million while Southern Grampians Shire is only charging us \$11.93/HA on farmland with A CIV of \$1.71million?*

Mayor Cr Rank advised with regards to continually blaming the valuations for significant rate rises, Council has always said it is one of the reasons and the other part of that question is how the rates are calculated and the overall value that Council as a Shire can collect as opposed to Southern Grampians and how much they can collect. Mr Hol advised he can provide further details and took the question on notice.

Mr Doherty of Portland asked the following questions:

4. Foreshore Multipurpose facility

- a. *Are the Councillors aware that Portland Yacht Club members are uncertain of the direction and future of the club due to lack of response from Glenelg Shire in regards to a future lease agreement?*

Mayor Cr Rank advised that this is not the case as there have been ongoing discussion and engagement.

Mr Paul Phelan Director Assets advised quite a few project control group meetings were held with representatives from the Portland Yacht Club attending. Council will work closely with yacht club in relation the point of contention of not having the operation of that whole complex, bearing in mind there could be various tenants within the building and not to detract from the design.

- b. *Are the Councillors aware that the Portland Yacht Club has not reviewed the designs of the various options which resulted in feedback to the design team. Including the provision for a storage structure in the boat yard?*

Mr Paul Phelan Director Assets advised that prior to the design going up on Your Say Glenelg it was provided in confidence to the Portland Yacht Club to review those designs, prior to it going to public. The project was delayed to make changes and modification to the design at the request of the yacht club to occupy the northern end of the building.

Mr Tim Walls of Portland asked the following questions:

5. Recycling Centre and Local roads

- a. *Is there any intention of Council to re-establish a recycling facility at the transfer station?*

Mayor Cr Rank advised that Council does have a waste management plan that includes a large aspect of recycling in it.

Mr Paul Phelan Director Assets also advised under the circular economy Council will consider through the whole waste reform project, there is a lot of work going on in that space. There has been no decision to reestablish a recycling facility at this stage. Further consideration will be given to a variety of recycling options as the waste management project advances.

b. Were Council allowing local road permits for wind towers?

Mayor Cr Rank advised that a permit is currently in service, when this expires Council will review it and that will be the opportunity for discussions as to approve or not approve a new permit.

7. DECLARATIONS OF CONFLICT OF INTEREST

Cr Carr declared a general Conflict of Interest in item 14.5 Glenelg Planning Scheme Amendment C96GELG:Corrections and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 27 September 2022, as circulated, be confirmed.

MOTION

MOVED Cr Hawker

That the minutes of the Council Meeting held on Tuesday 27 September 2022, as circulated, be confirmed.

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

9. PRESENTATIONS

Cr Wilson congratulated Mayor Cr Rank for receiving the MAV Mayor Emeritus award and Cr Stephens for receiving the MAV Councillor Service award for 20 years of service.

10. DEPUTATIONS

Nil.

11. NOTICES OF MOTION**11.1. NOTICE OF MOTION 1-2022-2023 - RECOGNITION OF QUEEN ELIZABETH II**

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 27 September 2022.

1. In recognition of the passing of Queen Elizabeth II, I hereby move that Council dignify her service to the Commonwealth over the last 70 years with planting of English trees in the following locations – Casterton, Dartmoor, Heywood, Merino, Narrawong, Nelson and Portland.
2. That each elected member plant a tree in one of the locations -

Portland – Mayor Anita Rank
Heywood – Cr Gilbert Wilson
Dartmoor – Cr Michael Carr
Nelson – Cr Jayden Smith
Narrawong – Cr Chrissy Hawker
Merino – Cr Scott Martin
Casterton – Cr Karen Stephens
3. That a plaque marks the significance of the planting in September 2022.

Signed: Cr Karen Stephens
14 September 2022

Attachment List

1. Signed Notice of Motion - Recognition of Queen Elizabeth II (signed motion) 14 September 20 [11.1.1 - 1 page]

Recommendation

That Council take off the table the Notice of Motion 1 2022-2023 Recognition of Queen Elizabeth II.

MOTION

MOVED Cr Stephens

That Council take off the table the Notice of Motion 1 2022-2023 Recognition of Queen Elizabeth II put item back on the table.

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

MOTION

MOVED Cr Stephens

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 27 September 2022.

- 1. In recognition of the passing of Queen Elizabeth II, I hereby move that Council recognise her service to the Commonwealth over the last 70 years with planting of a tree in locations to be confirmed.**

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Rank, Cr Hawker, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Deputy Mayor Cr Martin and Cr Smith

11.2. NOTICE OF MOTION 2-2022-2023 - 26 JANUARY 2023

CEO: Greg Burgoyne, Chief Executive Officer

In accordance with the Glenelg Shires Governance Rules (23rd August 2022) 2.8.1 Notices of Motion, I give notice of my intention to move the following motion at the 25 October 2022 Council Meeting.

1. January 26, as declared by the Commonwealth Government is currently Australia's national day.
2. For many people across the Glenelg Shire and throughout Australia this date is divisive and for Aboriginal and Torres Strait Islander peoples is marked as the anniversary of invasion and a day of mourning.
3. There is growing national sentiment that Australia's national day be changed to a date that can unify all Australians for celebration about what it means to be Australian.
4. That the Glenelg Shire respectfully acknowledges the Aboriginal and Torres Strait communities throughout the shire and we commitment to ongoing dialog with regards to improving outcomes for Aboriginal and Torres Strait Island People

Comments:

1. Executive review the Glenelg Shires approach to January 26, including events, communications, community engagement and work with our indigenous partnership group to identify alternative options for Council consideration. This includes Australia Day Awards and Citizenship Ceremony's.
2. An options paper be prepared for Councillors consideration and brought to the December 2022 council meeting that details how the Glenelg Shire could manage January 26 2023, and beyond.
3. The options paper outlines the current and proposed State and Federal Government approaches to 26 January.
4. That the Glenelg Shire engages with the community and seeks feedback on January 26.

Signed: Cr Scott Martin
14 October 2022

Attachment List

1. Signed Notice of Motion - 26 January 2023 Cr Martin 14 October 2022 [11.2.1 - 2 pages]

Mayor Rank advised that the Notice of Motion 2-2022-2023 - 26 January 2023 would not be accepted at this time due to not being inline with the notice of motion provisions within the Glenelg Shire Council's Governance Rules.

12. PETITIONS**12.1. PETITION - JULIA STREET PARKLET REMOVAL**

CEO: Paul Phelan, Acting Chief Executive Officer

Recomendation

That Council receive the petition in accordance with clause 2.16 (1) of Council's Governance Rules and that the petition will be dealt with at the next Council Meeting to be held on Tuesday 22 November 2022 (date of meeting to be confirmed)

MOTION

MOVED Cr Hawker

That Council receive the petition in accordance with clause 2.16 (1) of Council's Governance Rules and that the petition will be dealt with at the next Council Meeting to be held on Tuesday 22 November 2022 (date of meeting to be confirmed)

SECONDED Cr Smith

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Attachment List

1. PETITION Julia Street Parklet Removal Received 9 September 2022 (2) [**12.1.1** - 9 pages]

13. COMMITTEE REPORTS

13.1. AUDIT AND RISK COMMITTEE MINUTES 15 SEPTEMBER 2022

Director: Lauren Easson, Acting Director Corporate Services

Executive Summary

The purpose of this report is to enable Council to receive the Minutes of the Audit and Risk Committee Meeting held on 15 September 2022.

Recommendation

That Council:

1. Receives the minutes of the Audit and Risk Committee Meeting held on 15 September 2022.
2. Adopts the Audit and Risk Committee Self-Assessment Survey 2021/2022 in accordance with Section 54(4)(b) of the *Local Government Act 2020*.
3. Adopts the Audit and Risk Biannual Report for the period ending 1 January 2022 to 30 June 2022 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.

MOTION

MOVED Cr Stephens

That Council:

1. **Receives the minutes of the Audit and Risk Committee Meeting held on 15 September 2022.**
2. **Adopts the Audit and Risk Committee Self-Assessment Survey 2021/2022 in accordance with Section 54(4)(b) of the *Local Government Act 2020*.**
3. **Adopts the Audit and Risk Biannual Report for the period ending 1 January 2022 to 30 June 2022 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.**

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

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. 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.

Section 54(4)(b) of the *Local Government Act 2020* and the Audit and Risk Committee Charter requires the Audit and Risk Committee to undertake an annual assessment of its performance against the Audit and Risk Committee Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council Meeting.

Section 54(5)(b) of the *Local Government Act 2020* and the Audit and Risk Committee Charter requires the Audit and Risk Committee to prepare a Biannual Audit and Risk Report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations. It also requires a copy of the Biannual Audit and Risk Report be provided to the Chief Executive Officer for tabling at the next Council Meeting.

The Audit and Risk Committee Meeting held on 15 September 2022 considered the following items:

Item No.	Management Reports (Title)
1.	Internal Audit Report - Payroll
2.	Audited Financial Statements at 30 June 2022
3.	Outstanding Debtors (Rates and General) at 30 June 2022
4.	Report review Council's Insurance Programme
5.	Organisational Strategic Risk Register Review
6.	Audit and Risk Committee Self-Assessment Survey 2021/2022
7.	Audit and Risk Committee Biannual Report for the period 1 January 2022 to 30 June 2022
8.	GSC Local Government Reporting Framework Results for 2021/2022
9.	Regulatory and Integrity Agency Reports – VAGO Report Fraud Control Over Local Government Grants May 2022
10.	Internal Audit Cyber Security Quarterly Update Report
11.	OVIC Requirements – Protective Data Security Plan and Information Assets Register
Item No.	Regular Reports (Title)
1.	Cyber Security Incident Report
2.	Audit and Risk Register Review
3.	Open Office Finance Upgrade Status Report
4.	OHS Management Plan Year 3 Action Plan March 2022 to 30 June 2022
5.	OHS & Risk Quarterly Report 1 April 2022 to 30 June 2022
6.	Workcover & Injury Management Quarterly Report 1 April to 30 June 2022

7.	Councillors Quarterly Expenditure Report
8.	CEO & EA Expenditure – Credit Card and Reimbursements
9.	Audit and Risk Committee Annual Work Plan Year Ending 30 June 2023
Item No.	Confidential Reports (Title)
1.	Council Litigation Matters
Item No	Other Business (Title)
1.	Provision of Internal Audit Services to the Glenelg Shire Council Contract 2021-22-71

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.

Audit and Risk Committee Charter 2021 - 2023.

b. Legislative, Legal and Risk Management Considerations

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

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 the Chairperson of the Audit and Risk Committee to review, prior to being presented to the Audit and Risk Committee members for endorsement at the next available meeting.

d. Financial Implications and Collaboration

The 2022-2023 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.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

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.

Collaboration with other Councils (section 109 *Local Government 2020*) and Governments and statutory bodies is to be sought along with Financial and Resource Implications and Opportunities.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Innovation and continuous improvement is to be pursued.

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Public Audit and Risk Committee Minutes 15 September 2022 [**13.1.1** - 67 pages]
2. Audit and Risk Committee Self Assessment Survey Form 2021 2022 - Total Responses 7 Members [**13.1.2** - 4 pages]
3. Audit and Risk Committee Biannual Report for the period 1 January 2022 to 30 June 2022 [**13.1.3** - 10 pages]

14. MANAGEMENT REPORTS**14.1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER**

CEO: Paul Phelan, Acting 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 Smith

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 Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor, Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

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
- (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 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

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 Implications and Collaboration

Nil.

e. Governance Principles

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

Attachment List

Separately circulated as Confidential attachment.

14.2. COUNCILLORS QUARTERLY EXPENDITURE REPORT

CEO: Paul Phelan, Acting Chief Executive Officer

Executive Summary

This Quarterly Expenditure Report is presented to the Council Meeting on a quarterly basis in the interests of accountability and transparency.

This report is for Councillor expenditure that has been incurred during the period 1 July 2022 to 30 September 2022.

Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 July 2022 to 30 September 2022.

MOTION

MOVED Cr Wilson

That Council receives the Councillors quarterly expenditure report for the period 1 July 2022 to 30 September 2022.

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

In accordance with Section 40 of the *Local Government Act 2020*:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied-
 - (a) Are bona fide expenses; and
 - (b) Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
 - (c) Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Regulation 14 (db) of the *Local Government (Planning and Reporting) Regulations 2014* requires that expenses, including reimbursements of expenses for each Councillor and member of a Council Committee paid by the Council are to be categorised separately as:

- Travel expenses (Includes remote allowance) – TR;
- Car mileage expenses – CM;
- Childcare expenses – CC;
- Information and communication technology – IC; and
- Conference and training expenses – CT.

Under Section 41(2)(d) of the *Local Government Act 2020*, Council must have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*. This is a new requirement under the *Local Government Act 2020*, therefore is not addressed in *Regulation 10 e, f & g* of the *Local Government (Planning and Reporting) Regulations 2020*.

Documentation is required to provide evidence of the expense specifying the business purpose for each claim.

Councillors are also required to maintain a logbook with each entry providing a clear description of the business purpose.

Following is a table of expenditure that has been incurred by Councillors during the period 1 July 2022 to 30 September 2022.

Note: In some instances, journaling of some items may not necessarily appear in the month that they were expended and will appear in the next quarterly report.

Councillor	TR	CM	CC	IC	CT	Carer	Grand Total
Carr				\$ 436	\$ 123		\$ 559
Hawker				\$ 336	\$ 90		\$ 426
Martin	\$ 176			\$ 397	\$ 123		\$ 696
Rank	\$ 4175			\$ 472			\$ 4,647
Smith				\$ 354	\$ 123		\$ 477
Stephens	\$ 1730			\$ 1,107	\$ 545		\$ 3,385
Wilson		\$41		\$ 351			\$ 392
Grand Total	\$ 6,081	\$41		\$ 3,453	\$ 1,004		\$ 10,579

In accordance with Section 39 of the *Local Government Act 2020*, Councillors are entitled to receive an allowance whilst performing their duty as a Councillor. The Mayor or a Deputy Mayor are also entitled to receive a higher allowance with the Mayor being provided full use of a vehicle.

Following is a table of Councillor allowances paid for the period 1 July 2022 to 30 September 2022:

Councillor	Amount
Carr	\$ 9,623
Hawker	\$ 10,008
Martin	\$ 16,078

Rank	\$ 32,157
Smith	\$ 10,008
Stephens	\$ 10,008
Wilson	\$ 8,006
Grand Total	\$ 95,888

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

- *Local Government Act 2020* – Section 39 Allowances for Mayors, Deputy Mayors and Councillors.
- *Local Government Act 2020* – Section 40 Reimbursement of Expenses of Councillors and members of a delegated committee.
- Regulation 10 e, f & g of the *Local Government (Planning and Reporting Regulations 2020)*.
- *Carers Recognition Act 2012*.

c. Consultation and/or communication processes implemented or proposed

Councillor Expenditure is reported on a quarterly basis to the Council Meeting and Audit and Risk Committee and the quarterly expenditure is accessible via Council's website.

Councillor Expenditure is also reported annually in Council's Annual Report.

d. Financial Implications and Collaboration

Councillor Allowances and Councillor Expenditure are accounted for in the 2022-2023 Annual Council Budget.

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.

The ongoing financial viability of the Council is to be ensured.

Attachment List

Nil

14.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT SEPTEMBER 2022

Director: Lauren Easson, Acting 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 September 2022.

MOTION

MOVED Cr Stephens

That Council receives the Financial report for the period ending September 2022.

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

The 2022/2023 Annual Budget was adopted by Council on 28 June 2022.

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 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

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.

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 for Council and submitted to the Audit and Risk Committee quarterly.

- d. Financial Implications and Collaboration

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

The financial report is a key document that is required to monitor Council's budget and financial result.

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2022/2023 budget.

The information in this report contributes to various strategic planning documents under Council's strategic planning framework, including the Annual Budget, Financial Plan and Revenue and Rating Plan.

- e. Governance Principles

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Financial Statements 2022 2023 - September 2022 - FINAL [14.3.1 - 7 pages]

14.4. DELEGATIONS UPDATE - LOCAL PORT OF PORTLAND AND COMMITTEE OF MANAGEMENT

Director: Lauren Easson, Acting Director Corporate Services

Executive Summary

In accordance section 11(7) of the Local Government Act 2020 and principles of good governance, continuous improvement and statutory compliance, the review of the Delegations has been undertaken.

This review included the following Council Instruments of Delegations:

- Instrument of Delegation as Waterway Manager for the Local Port of Portland Bay;
- Instrument of Delegation from Port Manager to Members of Staff;
- Instrument of Sub Delegation as Local Port of Portland Bay under the *Marine Safety Act 2012*; and
- Committee of Management appointed under Committee of Management (*Crown Land (Reserves) Act 1978 (Vic)*)

Recommendation

That Council:

1. Exercise of the powers conferred by the legislation referred to the attached instruments of delegations, (Instrument of Delegation from Port Manager to Members of Staff, instrument of Delegation as Waterway Manager for the Local Port of Portland Bay and the Committee of Management appointed under Committee of Management (*Crown Land (Reserves) Act 1978 (Vic)*)) Council RESOLVES THAT –
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - b. The instrument comes into force immediately the Instrument is signed.
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

2. Note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 26 October 2022;
 - a. Instrument of Sub-Delegation by CEO under the *Marine Safety Act 2010*.

MOTION

MOVED Cr Hawker

That Council:

1. **Exercise of the powers conferred by the legislation referred to the attached instruments of delegations, (Instrument of Delegation from Port Manager to Members of Staff, instrument of Delegation as Waterway Manager for the Local Port of Portland Bay and the Committee of Management appointed under Committee of Management (*Crown Land (Reserves) Act 1978 (Vic)*) Council RESOLVES THAT –**
 - a. **There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
 - b. **The instrument comes into force immediately the Instrument is signed.**
 - c. **On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
 - d. **The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
2. **Note that the following Instruments have been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 26 October 2022;**
 - a. **Instrument of Sub-Delegation by CEO under the *Marine Safety Act 2010*.**

SECONDED Cr Carr

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

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.

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. Waterway Manager for Local Port of Portland Bay [**14.4.1** - 15 pages]
2. Instrument of Delegation from Port Manager to Members of Staff [**14.4.2** - 23 pages]
3. Committee of Management under the Crown Land_(Reserves)_ Act 1978_(Vic) [**14.4.3** - 12 pages]
4. Instrument of Sub- Delegation by CEO under the Marine Safety Act 2010 26 October 2022 [**14.4.4** - 11 pages]

14.5. GLENELG PLANNING SCHEME AMENDMENT C96GELG: CORRECTIONS

Director: Lauren Easson, Acting Director Corporate Services

Executive Summary

The purpose of this paper is to brief Council on Amendment C96gelg to correct anomalies and errors within the Glenelg Planning Scheme.

This report recommends that Council seek authorisation of the Minister for Planning to prepare and exhibit Amendment C96gelg.

Recommendation

That Council seek authorization from the Minister for Planning under Section 8A (3) of the *Planning and Environment Act 1987* to prepare and exhibit Glenelg Planning Scheme Amendment C96gelg.

Cr Carr re declared a Conflict in item 14.5 Glenelg Planning Scheme Amendment C96GELG:Corrections left the meeting at 7:56 pm.

MOTION

MOVED Cr Stephens

That Council seek authorization from the Minister for Planning under Section 8A (3) of the *Planning and Environment Act 1987* to prepare and exhibit Glenelg Planning Scheme Amendment C96gelg.

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson and Cr Stephens

AGAINST: Nil

Background/Key Information:

Amendment C96gelg is largely administrative which proposes to correct anomalies and errors within the Glenelg Planning Scheme on privately owned land at various locations throughout the Glenelg Shire. The changes are proposed to the scheme maps to amend zones and overlays to make the necessary corrections to reflect the use and management of the land.

Changes are also proposed to the Schedule to the Heritage Overlay and the overlay mapping where errors have been identified and ratified by Council's heritage advisor where necessary.

Since 2018 Council Officers started compiling a list of errors that has prejudiced the orderly planning within Glenelg Shire. The amendment which includes 55 parcels of land in total seeks to correct these.

In summary, Amendment C96gelg proposes the following changes:

- Rezone 19 lots from Public Conservation and Resource Zone (PCRZ) to Farming Zone Schedule 1 (FZ1);
- Rezone 23 lots from Public Park and Recreation Zone (PPRZ) to Farming Zone Schedule 1 (FZ1);
- Rezone 2 lots from Public Park and Recreation Zone (PPRZ) to Industrial 2 Zone (IN2Z);
- Rezone 2 lots from Public Park and Recreation Zone (PPRZ) to Township Zone Schedule 1 (TZ1);
- Rezone 1 lot from Farming Zone to Public Use Zone – Service and Utility (PUZ1);
- Delete 1 lot from Development Plan Overlay Schedule 1 (DPO1);
- Amend Heritage Overlay HO165 to include 3 lots of heritage significance;
- Reduce extent of Heritage Overlay HO319 from 2 lots;
- To make 2 corrections to Heritage Overlay Schedule listing.

Further details about the amendment including property addresses can be found in the Explanatory Report at Attachment 1 and mapping at Attachment 3.

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

A planning scheme amendment is required to correct the anomalies in the Glenelg Planning Scheme. The amendment is in support of the Planning Policy Framework and the Municipal Planning Strategy to provide for the orderly planning and development of the land.

For the corrections to have statutory effect it is required to be included in the planning scheme by way of a planning scheme amendment. This process is set out in the *Planning and Environment Act 1987*.

c. Consultation and/or communication processes implemented or proposed

Authorisation from the Minister for planning is required prior to exhibition of the amendment. A request to the Minister to consider an exemption from full exhibition is to be requested under Section 20(2) of the *Planning and Environment Act 1987* (this could include reduction of exhibition to two weeks and notice only to affected properties).

Individual notification is to be given to prescribed Ministers, landowners and occupiers of affected land. Notice of the Amendment will appear in the State Government Gazette.

Some of the corrections to anomalies have been as a result of landowners requesting these of Council.

d. Financial Implications and Collaboration

The costs of processing the amendment are covered by the Planning Unit's operational budget.

e. Governance Principles

Local, Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Attachment List

1. Amendment C 96 Explanatory Report for Authorisation [**14.5.1** - 7 pages]
2. Heritage Advisor Report [**14.5.2** - 10 pages]
3. Glenelg C96 Maps [**14.5.3** - 20 pages]

Cr Carr returned to the meeting at 7:58 pm.

14.6. HERITAGE SUPPORT POLICY REVISION

Director: Lauren Easson, Acting Director Corporate Services

Executive Summary

The purpose of this report is to seek Council adoption of the revised Heritage Support Policy (attached with track changes) which will remove reference to heritage loans, decrease the maximum grant amount and update eligibility to remove repainting and minor wording changes. An increase to recurring funding is also proposed from \$10,000 to \$25,000 per year.

Recommendation

That Council:

1. Adopts the Heritage Support Policy CPO-CORPS-PL-003; and
2. Increases recurring funding to \$25,000 per year commencing at the next financial year budget.

MOTION

MOVED Cr Wilson

That Council:

1. **Adopts the Heritage Support Policy CPO-CORPS-PL-003; and**
2. **That recurring funding be considered per year commencing at the 22/23 financial year budget**

SECONDED Cr Smith

CARRIED

FOR: Mayor Cr Rank, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Deputy Mayor Cr Martin

DIVISION

Cr Rank, Cr Hawker, Cr Smith, Cr Wilson, Cr Stephens, Cr Carr voted for the MOTION
Cr Martin voted against the MOTION

Background/Key Information:

The Heritage Restoration Fund was established in 1984 with funding by the State Government. A Heritage Committee was established to administer the fund with two rounds available per year.

By 2014 the fund balance was approximately \$126,000 due to a lack of applications in the previous decade. The Heritage Advisory Committee recommended changes to the scheme to encourage applications, including funding being available year round and increasing grants from \$3,000 to \$5,000. The approved revised policy resulted in 12 grants and loans being funded between 2015 and 2017.

The policy was reviewed again in late 2019 by the Heritage Advisory Committee due to only one application being received between 2018 and 2019. The fund balance was approximately \$128,000. The recommendation to increase grants to \$10,000 was approved with the aim of the increase to promote a greater uptake of the scheme and encourage conservation works of a greater value.

This approved revised policy in December 2019 has resulted in a further 20 grants totaling \$104,350 being funded for the period until 1 August 2022, leaving a fund balance of approximately \$29,161 with multiple applications still being considered.

The Heritage Advisory Committee (HAC) ceased at the end of the 2020 Council term following the introduction of the *Local Government Act 2020*.

Further changes were approved in April 2021 that combined the Grants and Loans Scheme policy with the Heritage Fee Waiver policy.

One loan has been provided in the last 15 years. As the fund does not have the capacity to offer loans and minimal uptake it is proposed to remove applying for a loan from the scheme.

Due to the current account balance, it is proposed to reduce the grant amount from \$10,000 to a maximum of \$5,000 for individually listed heritage places, and \$3,000 for all other places. The aim of the decrease in funding is to benefit a larger number of applications given the depleted account balance.

With the revised policy, approximately 2 or 3 applications could be funded each year noting in the past two years Council has approved 20 applications. It is proposed to increase recurring funding from \$10,000 to \$25,000, which would enable 5-8 applications per year be approved.

The program was originally designed to fund urgent works to ensure the survival of historical buildings or structures. The reinstatement of a traditional paint colour scheme is not deemed urgent and it is suggested that this be removed as an eligible type of work from the policy.

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

There are no specific legislative, legal or risk management considerations.

c. Consultation and/or communication processes implemented or proposed

The revised policy will be communicated to future grant applicants and the guidelines updated on Council's website.

d. Financial Implications and Collaboration

The Heritage Loan and Grant Restoration Fund has a current balance of approximately \$29,161 which includes the \$10,000 allocated in the annual budget for 2022/23. The policy change will result in the longevity of the fund by capping funds, allowing two grants of \$5000 each per year if the reoccurring amount is not increased.

It is recommended that recurring allocated amount be increased to \$25,000 each year commencing next financial year.

e. Governance Principles

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Attachment List

1. Draft COUNCIL POLICY - Heritage Support CP O- CORP S- P L-003 [**14.6.1** - 6 pages]
2. Appendix Glenelg Shire Heritage Loan and Grant Scheme Application Form- Application [**14.6.2** - 5 pages]

14.7. GLENELG SHIRE COUNCIL ANNUAL REPORT 2021-2022

Director: Melanie Bennett, Acting Director Community Services

Executive Summary

The purpose of this report is to present to Council the final Glenelg Shire Council 2021 - 2022 Annual Report, including the financial and performance statements.

Recommendation

That Council:

1. Consider the Glenelg Shire Council 2021 – 2022 Annual Report; and
2. Note that the Glenelg Shire 2021 - 2022 Annual Report is to be submitted to the Minister for Local Government in accordance with section 329(7) of the *Local Government Act 2020*.

MOTION

MOVED Cr Carr

That Council:

1. **Consider the Glenelg Shire Council 2021 – 2022 Annual Report; and**
2. **Note that the Glenelg Shire 2021 - 2022 Annual Report is to be submitted to the Minister for Local Government in accordance with section 329(7) of the *Local Government Act 2020*.**

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

The Glenelg Shire Council 2021 - 2022 Annual Report is a key corporate document of Council. It contains Council's Financial Statements, Performance Statement and the achievements delivered under the Council Plan during the financial year - 1 July 2021 to 30 June 2022.

a. Council Plan and Policy Linkage

Our Natural Environment – Striving towards a carbon neutral future to protect and enhance the natural environment for future generations.

Our Education, Employment and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

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

Our Access, Transport and Technology - Making it easier for people to connect in and around the Glenelg Shire.

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

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

In accordance with section 100(1) of the *Local Government Act 2020*, the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.

c. Consultation and/or communication processes implemented or proposed

The Annual Report will be distributed to a variety of public and private sector organisations and individuals who have requested that their names be placed on the mailing list. The mailing list is reviewed each year.

The Annual Report will also be available on the Council's website and at Customer Service Centre's. A media release will be issued following a resolution of Council to adopt the annual report.

d. Financial Implications and Collaboration

The direct cost of layout and printing of the annual report is forecast annually within the Council Budget.

e. Governance Principles

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

Attachment List

1. Glenelg Shire Council Annual Report 2021-2022 [14.7.1 - 63 pages]

14.8. PORTLAND FORESHORE MULTIPURPOSE FACILITY COMMUNITY CONSULTATION OUTCOME

Director: Paul Phelan, Director Assets

Executive Summary

The purpose of this report is to seek Council approval to proceed with detailed design of the Portland Foreshore Multipurpose Facility based on the outcome from Community Consultation.

Recommendation

That Council:

1. Endorse Location Option 1 as the preferred location of the Portland Foreshore Multipurpose Facility
2. Endorse Exterior Option 1 as the preferred exterior for the Portland Foreshore Multipurpose Facility
3. Inform the community of the outcome of consultation via Your Say Glenelg.

MOTION

MOVED Cr Stephens

That Council:

1. **Endorse Location Option 1 as the preferred location of the Portland Foreshore Multipurpose Facility**
2. **Endorse Exterior Option 1 as the preferred exterior for the Portland Foreshore Multipurpose Facility**
3. **Inform the community of the outcome of consultation via Your Say Glenelg.**

SECONDED Cr Wilson

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith , Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

Background/Key Information:

In 2021 Glenelg Shire Council signed an agreement for \$5 million of funding from the Regional Infrastructure Fund towards the provision of a Multipurpose Facility as part of the revitalisation of Portland's foreshore. The Portland Foreshore Multipurpose Facility (Project), which forms part of the Portland Foreshore Master Plan, will deliver a multipurpose community and club facility with ocean-facing balconies for events and functions; hospitality and retail facilities.

Following a rigorous procurement process, an experienced, qualified design consultancy, with an extensive team of sub-consultants, was engaged to complete the design and support the delivery of this facility.

Key in the designing and locating of the facility to meet the requirements of the funding agreement and stakeholders, the designers completed a detailed stakeholder engagement process. The design, based on the output from this process, was reviewed by the project team and stakeholders and then provided to the community for their comment.

The results from the community engagement are 1267 visits to Your Say Glenelg and multiple visits in person at Council offices.

The results of voting for Location:

- Location 1 – 63 points
- Location 2 – 19 points
- Location 3 – 56 points

The results of voting for Exterior appearance:

- Exterior 1 – 61 points
- Exterior 2 – 14 points
- Exterior 3 – 42 points

A number of key themes were raised within the consultation, these include:

Erosion and changing sea levels - These have been highlighted as issues given the expected life of the building and the effect of climate change on the coastline.

View – the views from Bentinck Street have been highlighted as important to a number of respondents. This, as well as proximity to the water for clubs, has been the main driver for the popularity of Location 1.

Green Space - play areas and barbeques – the ability for families to utilise green space, play areas and barbeques near the water.

Parking - including disabled, delivery and for emergency vehicles – although it was clear that people do not want the foreshore to be all parking areas, feedback was provided on ensuring there is parking provided near the facility for users.

Environmental Sustainability – feedback was received on environmental sustainability considerations, most predominantly solar power.

Interior design and fit out considerations – feedback regarding the interior of the facility and fit out, including security and access.

All of these have been taken into consideration and a detailed consultation summary and response is attached to this report.

a. Council Plan and Policy Linkage

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

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

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

There is a risk that if an appropriate option is not endorsed there would be a negative impact on project timelines which could result in the project not being delivered in accordance with the funding agreement.

c. Consultation and/or communication processes implemented or proposed

Workshops with both internal and external stakeholders were undertaken to inform the design of the Multipurpose Facility. The external stakeholders being those clubs who currently utilise the facilities being replaced as part of these works.

The internal stakeholders included building maintenance and security, facilities, building management, IT, waste, environmental sustainability, parks & gardens, and all abilities access and gender equality.

The output from these workshops was documented, reviewed, and utilised to provide the concept designs and options for the facility. These designs were reviewed by the project team with stakeholders and feedback provided to the design team.

The concept design was then released for community consultation with information provided on Your Say Glenelg and on noticeboards in Council offices from 21 September 2022 to 4 October 2022. Notification of the consultation was provided via Your Say Glenelg, social media, and the newspaper.

d. Financial Implications and Collaboration

Glenelg Shire Council have a funding agreement for \$5 million with the Regional Infrastructure Fund for the provision of a Multipurpose Facility.

e. Governance Principles

Priority is to be given to achieving the best outcomes for the community, including future generations.

The community is to be engaged in strategic planning and strategic decision making.

Innovation and continuous improvement are to be pursued.

Attachment List

1. Portland Foreshore Multipurpose Facility Community Consultation Outcome Summary October 2022 [**14.8.1** - 3 pages]

15. CONFIDENTIAL REPORTS**Recommendation**

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

Chief Executive Officer

Director Corporate Services

Director Assets

Acting Director Community Services

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15.1 Home & Community Support Services - Pathway options and financial analysis

MOTION

MOVED Cr Stephens

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

Chief Executive Officer

Director Corporate Services

Director Assets

Acting Director Community Services

Chief Information Officer

Executive Assistant CEO Department

Executive Assistant Corporate Services to consider the following reports:

15.1 Home & Community Support Services - Pathway options and financial analysis

SECONDED Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

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 Deputy Mayor Cr Martin

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson, Cr Carr and Cr Stephens

AGAINST: Nil

16. URGENT BUSINESS

Nil.

17. SEPARATELY CIRCULATED ATTACHMENTS**Recommendation**

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

MOTION

MOVED Deputy Mayor Cr Martin

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

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Rank, Deputy Mayor Cr Martin, Cr Hawker, Cr Smith, Cr Wilson,
Cr Carr and Cr Stephens

AGAINST: Nil

18. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8.28PM

I HEREBY CERTIFY THAT PAGES 1 TO 47 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

Victorian State Legislation Copyright Acknowledgement

Extracts from legislation of the Parliament of the State of Victoria, Australia, are reproduced with the permission of the Crown in right of the State of Victoria, Australia. The State of Victoria accepts no responsibility for the accuracy and completeness of any legislation contained in this publication.

© State of Victoria, Australia. Copyright of legislation referenced in this publication is owned by the Crown in right of the State of Victoria, Australia.