



Glenelg Shire Council

Minutes of the Council Meeting held on

Tuesday 15 December 2020 at 7.00pm at

Portland Customer Service Centre, Cliff Street Portland

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1. PRESENT:

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

Also, in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Acting Director Community Services (Ms Ann Kirkham), Director Corporate Services (Mr David Hol), Executive Officer Corporate Services (Ms Rachael Fellows) Executive Assistant Chief Executive Officer (Ms Paige Kliese) and Media and Communications Officer (Ms Courtney Hoggan).

2. OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

3. ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

4. RECEIPT OF APOLOGIES:

Nil.

5. CONFIRMATION OF MINUTES:

Recommendation

That the minutes of the Council Meeting held on Tuesday 24 November 2020, as circulated, be confirmed.

MOTION

MOVED Cr Stephens

That the minutes of the Council Meeting held on Tuesday 24 November 2020, as circulated, be confirmed.

SECONDED Cr Carr

CARRIED

6. DECLARATIONS OF CONFLICT OF INTEREST:

Cr Carr declared an Indirect Conflict of Interest in item 13.8 Contract 2020-21-18 Hanlon Park Seating & Courts Resurfacing.

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

7. QUESTION TIME:

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

1. Update on sealing of Bridgewater Lakes and Heath Road

Alistair McDonald of Portland asked the following question:

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

The following response is provided:

It is expected that the final seal on the Bridgewater Lakes and Heath Road will be applied in the hotter weather period early in 2021.

7.2 QUESTIONS FROM THE GALLERY:

2. Christmas Decorations in Portland

Morella Roka of Portland asked the following question:

Why are there very little to no Christmas Decorations in Portland? and in Percy Street, there are no nativity Scenes at all.

Mayor Anita Rank advised that in process of implementing of installation of lights on Bentinck and Percy Street, also across the Shire. Some community organisations have the responsibility and in some instances Glenelg Shire Council have responsibility for display of Christmas decorations.

The nativity scene is a tradition and that will occur, awaiting for the organisation to complete this, this will be set up in a vacant shop front.

8. PRESENTATIONS:

Nil.

9. NOTICES OF MOTION:

Nil.

10. DEPUTATIONS:

Nil.

11. PETITIONS:

Nil.

12. COMMITTEE REPORTS:

13. MANAGEMENT REPORTS:**13.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER**

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

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

Recommendation

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

MOTION**MOVED Cr Hawker**

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

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

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

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

35 Councillor ceasing to hold office

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

13.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

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

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

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

Section 35 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

Councillors are required to submit Leave of Absence requests in writing to the Chief Executive Officer.

The Chief Executive Officer is required to submit his Leave of Absence requests in writing to Council through the Councillor and Chief Executive Officer Leave of Absence Register.

A register will be held by the Chief Executive Officer and reported monthly to Council.

d. Financial and Resource Implications and Opportunities

Nil.

Separate Circulation – Confidential

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

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Councillor and Chief Executive Officer Leave of Absence Register	Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs	2770454

13.2 2021 AUSTRALIA DAY AWARDS AND EVENTS

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

This purpose of this report is to brief the Councillors on the proposed plan for the 2021 Australia Day Awards and local community events and provide recommendations to Council in relation to award recipients and event facilitation.

Recommendation

1. That Council award the Citizen of the Year, Senior Citizen of the Year and Young Citizen of the Year to the nominated recipients in accordance with confidential attachment 1, as separately circulated.
2. That Council provide financial assistance of \$400 each to both the Nelson Tennis Club and the Merino Digby Lions Club to assist with their 2021 Australia Day events.
3. That Council note the proposed Australia Day 2021 event plan for Portland, Casterton and Heywood, as separately circulated.

MOTION**MOVED Cr Stephens**

1. **That Council award the Citizen of the Year, Senior Citizen of the Year and Young Citizen of the Year to the nominated recipients in accordance with confidential attachment 1, as separately circulated.**
2. **That Council provide financial assistance of \$400 each to both the Nelson Tennis Club and the Merino Digby Lions Club to assist with their 2021 Australia Day events.**
3. **That Council note the proposed Australia Day 2021 event plan for Portland, Casterton and Heywood, as separately circulated.**

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

Following an extensive advertising campaign between 26 January 2020 and 13 November 2020, a total of 14 nominations (12 nominees) for the Australia Day awards were received and collated (confidential attachment 1).

A total of 9 nominations were received for Glenelg Shire Citizen of the Year, 2 for Young Citizen of the Year, and 3 for Senior Citizen of the Year (two of which were also nominated under the Citizen of the Year category). There were no nominations received for Community Group of the Year however this was likely to have been due to the impacts of COVID-19 on community groups and cancellation of numerous events and programs in 2020.

13.2 2021 AUSTRALIA DAY AWARDS AND EVENTS

(continued)

Each nomination was assessed based upon the citizen's contribution to the community. Following careful consideration of all nominations by Council on Tuesday 1 December 2020, confidential attachment 2 outlines the proposed winners of each of the three award categories. Subject to Council's resolution, all award winners will remain confidential until the announcement of award winners at the 2021 Australia Day events to be held on 26 January 2021.

Due to the impacts of COVID-19 restrictions on events, the event plan, as outlined within attachment 1, summarises the proposed events for each main township. The proposed event plan for each of the Portland, Casterton and Heywood townships ensures Council remain compliant with the necessary COVID-19 guidelines whilst also providing the community with the opportunity to either attend an event in person, subject to ticket availability, or view the event online through the livestreaming option.

Both the Nelson Tennis Club and the Merino Digby Lions Club have requested to hold an event within their respective townships, similar to previous years, and have each submitted an application seeking \$400 from Council to assist them facilitation of their event.

Currently there are no community members on the Glenelg Shire Citizenship list therefore at this stage no citizenship ceremony is proposed to be included as part of any of the Australia Day events.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

The current COVID-19 restrictions implemented by the Victorian State Government have been closely considered as part of the planning of the Australia Day events across the Shire. The Nelson and Merino events have been separately planned by their respective community group.

c. Consultation and/or communication processes implemented or proposed

A broad advertising campaign seeking Australia Day Award nominations was undertaken, with an extension of the nomination period also offered. Nomination forms were received both in writing via Council's customer service centres and electronically via the Your Say Glenelg website.

d. Financial and Resource Implications and Opportunities

The estimated costs associated with Australia Day 2021 are within the current Council budget. In addition to this, Council have also been successful in securing a \$22,000 grant from the National Australia Day Council to allocate towards ensuring the event is COVID safe.

13.2 2021 AUSTRALIA DAY AWARDS AND EVENTS

(continued)

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Proposed Australia Day 2021 Event Plan	2771325

Separate Circulations – Confidential

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

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Australia Day 2021 Award Nominations Summary	Section 3(1) (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs	2771326
2.	Glenelg Shire Australia Day Awards 2021 Nominations Councillors Discussion and Vote 1 December 2020	Section 3(1) (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs	2771324

13.3 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 30 NOVEMBER 2020

Director: David Hol, Director Corporate Services

Executive Summary

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

Recommendation

That Council receives the Financial Report for the period ending 30 November 2020.

MOTION**MOVED Cr Carr**

That Council receives the Financial Report for the period ending 30 November 2020.

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

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

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

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

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

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

13.3 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 30 NOVEMBER 2020

(continued)

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

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial and Resource Implications and Opportunities

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

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Glenelg Shire Council Financial Report as at November 2020	2770835

13.4 ESTABLISHMENT OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

Director: David Hol, Director Corporate Services

Executive Summary

This report is to brief the Council of the implementation of the *Emergency Management Legislation Amendment Act 2018* (the Act) that will be in effect from the 1 December 2020. Attached is an extract of the legislative changes for the Municipal Emergency Management Planning Committee (MEMPC).

Recommendation

1. That Council establish the Municipal Emergency Management Planning Committee in accordance with section 59 of the *Emergency Management Legislation Amendment Act 2018*.
2. That Council authorise the Chief Executive Officer or their delegate to be the chairperson of the Municipal Emergency Management Planning Committee.

MOTION

MOVED Cr Stephens

1. That Council establish the Municipal Emergency Management Planning Committee in accordance with section 59 of the *Emergency Management Legislation Amendment Act 2018*.
2. That Council authorise the Chief Executive Officer or their delegate to be the chairperson of the Municipal Emergency Management Planning Committee.

SECONDED Cr Smith

CARRIED

Background/Key Information:

The Act was passed in parliament in August 2018 and was structured to facilitate a phased implementation of the reform to support a smooth and orderly transition that commenced at the State level, then the regional level, and then the municipal level. The State and regional levels implementation has occurred, and the municipal level will commence from 1 December 2020.

In accordance with the Act, the following summary outlines the major changes that Council are required to implement from 1 December 2020:

- Establishment and constitution of MEMPC;
- Each Municipal Emergency Management Planning Committee is required to consist of the following core members;

13.4 ESTABLISHMENT OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

(continued)

- Municipal Council
- Victoria Police
- Fire Rescue Victoria
- Country Fire Authority
- Ambulance Service—Victoria
- Victoria State Emergency Services
- Australian Red Cross Society
- Department of Health and Human Services

The MEMPC are also required to invite additional committee members being a community representative; a recovery representative; and a representative from an industry, business or additional agency.

In accordance with section 59B of the Act the Council will nominate the Chief Executive Officer of the municipal council or their delegate to be appointed as the chairperson of the MEMPC. Under the Act the Chairperson can no longer be a Councillor.

The Chief Executive Officer of the municipal council will appoint under their delegations the municipal council staff to be positions of Municipal Emergency Management Officers and Municipal Recovery Managers.

The MEMPC will now report and be accountable to the relevant Regional Emergency Management Planning Committee and not to the municipal council as previously undertaken and therefore is no longer considered an advisory committee of Council. The municipal emergency management planning level will transfer from the municipal council to the MEMPC.

The first meeting of the Municipal Emergency Management Planning Committee is to be held as soon as practicable after the 1 December 2020.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

Emergency Management Act 1986 and 2013 and the Emergency Management Legislation Amendment Act 2018.

13.4 ESTABLISHMENT OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

(continued)

c. Consultation and/or communication processes implemented or proposed

Consultation has been undertaken with the Glenelg Shire Council Municipal Executive Team.

d. Financial and Resource Implications and Opportunities

Nil.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Extract of the Emergency Management Legislation Amendment Act 2018	2756694

13.5 COUNCIL REPRESENTATION ON COMMITTEES

Director: David Hol, Director Corporate Services

Executive Summary

This report is to enable Council to consider Councillor representation to listed Committees and nominated external industry peak bodies.

Recommendation

That Council appoint the following members to the listed committees and external peak bodies in accordance with the following table, for the Council term 2020-2024:

Committee	Councillors Membership	Comment
Glenelg Mara Quorin Aboriginal Advisory Committee	To be determined following review of Terms of Reference	Terms of reference to be developed early 2021
External Peak Bodies	Councillors Membership	Comment
Alliance of Councils for Rail Freight Development	Cr: _____	Economic significance to the region
Barwon South West Waste and Resource Recovery Group	Cr: _____ Proxy: Cr: _____	Economic and legislative impacts. Currently under reform.
Committee for Portland	Mayor and CEO	Advocacy, Economic and Tourism significance.
Green Triangle Freight Action Plan	Mayor: Cr: _____	Economic significance to the region.
Great South Coast Group	Mayor and CEO	Advocacy, Economic and Tourism significance.
Municipal Association of Victoria	Mayor Proxy: Cr: _____	Advocacy
National Timber Councils Taskforce Inc.	Cr: _____	Advocacy and Economic significance
Rural Councils Victoria	Cr: _____	Advocacy
Timber Towns Victoria	Cr: _____	Advocacy and Economic significance
GORRT Great Ocean Road Tourism	CEO or Delegate	Advocacy, Economic and Tourism significance

13.5 COUNCIL REPRESENTATION ON COMMITTEES

(continued)

MOTION**MOVED Cr Hawker**

That Council appoint the following members to the listed committees and external peak bodies in accordance with the following table, for the Council term 2020-2024:

Committee	Councillors Membership	Comment
Glenelg Mara Quorin Aboriginal Advisory Committee	To be confirmed	Terms of reference to be developed early 2021
External Peak Bodies	Councillors Membership	Comment
Alliance of Councils for Rail Freight Development	Cr Rank Note: Cr Rank is currently chair	Economic significance to the region
Barwon South West Waste and Resource Recovery Group	Cr Wilson Proxy Cr: Smith	Economic and legislative impacts. Currently under reform.
Committee for Portland	Mayor and CEO	Advocacy, Economic and Tourism significance.
Green Triangle Freight Action Plan	Mayor and Cr Stephens	Economic significance to the region.
Great South Coast Group	Mayor and CEO	Advocacy, Economic and Tourism significance.
Municipal Association of Victoria	Mayor Proxy: Cr: Wilson	Advocacy
Timber Towns Victoria	Cr Stephens	Advocacy and Economic significance
National Timber Councils Taskforce Inc.	Cr Stephens	Advocacy and Economic significance
Rural Councils Victoria	Cr Wilson	Advocacy
GORRT Great Ocean Road Tourism	Mayor and CEO	Advocacy, Economic and Tourism significance

SECONDED Cr Smith**CARRIED**

13.5 COUNCIL REPRESENTATION ON COMMITTEES

(continued)

Background/Key Information:

At the commencement of each Council term, Councillors have traditionally appointed representation to various advisory and external committees. These appointments remain in place for four years and cease at the end of the Council term.

The *Local Government Act 2020 (the Act)* has come into effect and includes a range of changes to the formation of formal Council Committees. In addition, several other legislative changes combined with advice from integrity organisations such as IBAC, the Ombudsman and the Local Government Inspectorate regarding Councillor involvement in operational matters, has significantly reformed the landscape of Councillor Advisory Committees.

The Audit and Risk Committee has been established by Council under the *Local Government Act 2020* and the *Emergency Management Act 2018* transfers functions and obligations from Council to regional and state levels negating the need for an Emergency or Fire Management Committee.

Matters relating to Australia Day, the annual CEO Review and the Community Grants program will be overseen by the full Council at a formal Council meeting. Participation in the Glenelg Mara Quorin Aboriginal Advisory Committee will be determined based on stakeholder consultation and the subsequent outcome of the Aboriginal Partnership review.

Alternate community consultation mechanisms will be established to continue the excellent input provided by external members from the former Heritage Advisory Committee and the Volunteering and Wellbeing Advisory Committee.

This report also includes a number of peak industry bodies. These are organisations previously selected by Council where participation by Glenelg Shire Council Councillors has been warranted due to significant community, economic or advocacy aspects.

The purpose of this report is to enable Council to consider Councillor representation on these committees and provides an opportunity to review the benefits of and need to continue, or otherwise, appointment of representatives to such committees and groups.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

The report highlights the relevant legislative changes and advice from integrity organisations impacting change.

13.5 COUNCIL REPRESENTATION ON COMMITTEES

(continued)

c. Consultation and/or communication processes implemented or proposed

Communication plans are being established for affected committee membership.

d. Financial and Resource Implications and Opportunities

Costs associated with appointments to committees are included in the operational budget.

13.6 OPTION TO PURCHASE CROWN LAND IN DARTMOOR

Director: David Hol, Director Corporate Services

Executive Summary

This paper is to brief Council on the option to purchase a portion (approximately 398sqm) of Crown land currently known as 23 Wapling Avenue, Dartmoor or CA 1 SEC 9 PARISH OF DARTMOOR to accommodate the heritage listed former police lockup (historic lockup).

Recommendation

That Council:

1. Proceed with the option to purchase the land. This is subject to entering an agreement with Victoria Police to ensure that the land and historic lockup be restored and cover costs to the satisfaction of the Chief Executive Officer.
2. Undertake a community engagement process on the purchase of the land in accordance with the Council community consultation policy.

MOTION

MOVED Cr Wilson

That Council:

1. **Proceed with the option to purchase the land. This is subject to entering an agreement with Victoria Police to ensure that the land and historic lockup be restored and cover costs to the satisfaction of the Chief Executive Officer.**
2. **Undertake a community engagement process on the purchase of the land in accordance with the Council community consultation policy.**

SECONDED Cr Hawker

CARRIED

Background/Key Information:

The subject land is known as portion of 23 Wapling Avenue, Dartmoor or CA 1 SEC 9 PARISH OF DARTMOOR shown as Allotment 3 on Attachment. It is approximately 398sqm (subject to formal survey) in the Public Use Zone (PUZ7) and is affected by the Bushfire Management Overlay (BMO1) and Heritage Overlay (HO203 – Dartmoor Police Station 19-23 Wapling St, Dartmoor).

The heritage listed former police residence (dwelling) had already been removed from the site without the required consent. Only the heritage listed stables and historic lockup remained from the heritage listed features on the land.

13.6 OPTION TO PURCHASE CROWN LAND IN DARTMOOR

(continued)

At its Ordinary Council Meeting on 27 August 2019 Council resolved to issue a notice of decision to refuse a retrospective planning permit (P19083) for the demolition and relocation of a dwelling from the subject land. The notice of decision was issued 29 August 2020. Five (5) objections were received to the application. Victoria Police did not appeal the decision.

Council did not pursue the return of the house as it had been passed on to a third party. Neither was prosecution pursued given the circumstances. Further mediation was held where Victoria Police agreed to restore the historic lock-up onsite.

On 25 May 2020 (clarified on 3 June 2020) Council received notice from the Department of Treasury and Finance (the Department) of a proposed Crown subdivision of land in Dartmoor with the following intention and noting sites of possible interest to Council:

- *Allotment 1 – public sale;*
- *Allotment 2 – possible Council interest, or public sale;*
- *Allotment 3 – possible Council interest, awaiting relocation of the Old Lock Up;*
- *Allotments 4 & 5 – contain current Police Station and Residence to be retained; and*
- *Allotment 6 – public sale.*

Refer to Attachment 1 that shows the proposed Crown land plan of subdivision with proposed allotment numbers. The heritage listed stables (noted as 'W8 SHED' on the plan) are to be retained as Crown land in proposed Allotment 4 with the current police station. The historic lockup is to be relocated from proposed Allotment 6 to proposed Allotment 3 where it is to be restored and public access granted, which had previously not been permitted for security purposes.

On 19 June Council officers responded with potential interest in obtaining proposed Allotment 3 at a nominal price (as the land cannot be gifted).

The Department subsequently advised that Allotments 1, 2 and 6 are to proceed to public sale and the subject land is to be sold at market value. If not sold to Council it would remain in Crown ownership as a Victoria Police asset who would then manage Council's interaction with the land.

A valuation of the land was sought for Allotment 3. On 20 August 2020 the valuation provided was \$10,000 plus GST at full market value or \$2,500 plus GST reflecting a community use restriction on title subject to necessary Ministerial and Governor approvals as well as confirmation of extinguishment of Native Title.

The land is offered in its current zoning of Public Use Zone (PUZ7). The purchase price plus GST, statutory Crown Grant fees \$152.55 (creation fee) and \$98.50 (lodgement fee) will enable the issue of a restricted Crown Grant title to Council.

13.6 OPTION TO PURCHASE CROWN LAND IN DARTMOOR

(continued)

Stamp Duty is not applicable. It was requested that Council respond to this by 6 October 2020 as the valuation would expire. However Council Officers responded that a decision could not be made under delegation and due to the Council election, the matter would not be considered at a Council meeting until December 2020. If Council wishes to proceed the land is required to be revalued with a new offer to be made to Council thereafter.

Victoria Police has offered to assist should Council purchase the land in line with outcomes of previous mediation and covering of the purchase costs. If Council chooses to do so it an appropriate agreement needs to be entered into.

Discussions have been undertaken with local not for profit groups regarding potential management of the site should Council wish to purchase the land.

Alternatively should Council decline the option to purchase the land, the historic lockup will be retained in Crown ownership as a Victoria Police asset and that Council enter into an agreement with Victoria Police to ensure that the land and historic lockup be managed at the expense of Victoria Police in consultation with Council, and ensure public access to the site in perpetuity.

a. Council Plan Linkage and Policy Context

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

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

b. Legislative, Legal and Risk Management Considerations

Local Government Act 2020 – Division 4 – Powers in relation to land – 112 Acquisition and compensation

(1) *A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.*

(2) *The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—*

(a) *the Local Government Act 2020 is the special Act; and*

(b) *the Council is the Authority.*

(3) *Any purchase or compulsory acquisition of land by a Council under this section must be undertaken in accordance with the Council's community engagement policy.*

c. Consultation and/or communication processes implemented or proposed

Consultation must be undertaken in accordance with the Council's community engagement policy.

13.6 OPTION TO PURCHASE CROWN LAND IN DARTMOOR

(continued)

Discussion have been held with representative of the Dartmoor Progress Association and Lion's Club about this proposal. These organisations are open to assisting in ongoing maintenance of this site in an informal manner but reluctant to enter formal agreements.

d. Financial and Resource Implications and Opportunities

If Council agreed to the revaluation with the intention to purchase the land for a public purpose the cost to Council is approximately \$2751.05 plus ongoing upkeep and maintenance. Victoria Police have agreed in line with original mediation to assist with this and restoration of historic lock-up. A local community group has agreed to informally assist with the management of the land with the historic lockup which will assist Council in this regard.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Proposed Crown land plan of subdivision	2762324

13.7 CONTRACT 2020-21-07 PROVISION OF DOMESTIC POUND SERVICES TO THE GLENELG SHIRE COUNCIL

Director: David Hol, Director Corporate Services

Executive Summary

This report is to brief Council on the tender evaluation process for Provision of Domestic Pound Services to the Glenelg Shire Council, under Contract 2020-21-07 and provides recommendations regarding the contract.

Recommendation

1. That Council not award Contract 2020-21-07 for the Provision of Domestic Pound Services to the Glenelg Shire Council.
2. That Council works with The Royal Society for the Prevention of Cruelty to Animals (Victoria) TA RSPCA Victoria over the next six months to transition pound services to Council.
3. That the Director Corporate Services be authorised to complete all financial payments and endorse variations as applicable relating to the 6 month transition.
4. That a public communication process be undertaken.

MOTION**MOVED Cr Stephens**

1. **That Council not award Contract 2020-21-07 for the Provision of Domestic Pound Services to the Glenelg Shire Council.**
2. **That Council works with The Royal Society for the Prevention of Cruelty to Animals (Victoria) TA RSPCA Victoria for up to the next twelve months to transition pound services.**
3. **That the Director Corporate Services be authorised to complete all financial payments and endorse variations as applicable relating to the transition.**
4. **That a public communication process be undertaken.**

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

Council has a legislative obligation to provide pound services for domestic animals under the *Domestic Animals Act 1994*.

13.7 CONTRACT 2020-21-07 PROVISION OF DOMESTIC POUND SERVICES TO THE GLENELG SHIRE COUNCIL

(continued)

In 2006, Council established arrangements with the RSPCA to provide pound services on its behalf. At the time the existing Council pound was non-compliant with legislative obligations and an agreement was put in place where Council sold vacant property in Darts Road Portland, for \$1 to the RSPCA with an agreement that they would establish a facility on the site and provide pound services. The RSPCA owns the facility and the site.

A number of contract terms have been completed and the current contract expires on the 31 December 2020 with no further options. A new contract specification was developed with a term of three (3) years with the option to extend for a further one (1) x two (2) years.

Public tenders were called on Friday 28 August 2020 and closed at 3pm on Thursday 24 September 2020. A total of one (1) submission was received for evaluation from The Royal Society for the Prevention of Cruelty to Animals (Victoria) TA RSPCA Victoria.

The Tender Evaluation Panel considered the tender submissions taking into account the selection criteria and weighting which covers tender price, Resources and Capacity of the tenderer, Occupational Health and Safety, Quality, Reliability and Past Performance, economic contribution to the Glenelg Shire Council region and the level of commitment demonstrated to maximize environmental sustainability.

Over a number of years, the service arrangements of the RSPCA have changed. The animal welfare model now provided by the RSPCA significantly exceeds the minimum legislative obligations of the Council. Concurrently the RSPCA has adopted a full cost recovery model which has created a significant division in regard to what Council requires under the contract and what services the RSPCA has provided. Consequently, this has also had a significant effect on contract expenses and has led to several Councils who previously contracted these services, return to in-house pound services.

The Tender Evaluation Panel notes that the tender provided by the RSPCA incorporates a service provision greater than that required under the specification. The RSPCA has confirmed that they are not in a position to provide only the services specified.

With the significant costs increase for this service over and above Councils requirements, it is recommended that Council not award the contract for pound services and commence other arrangements to meet its legislative obligations. A transition period of 6 months has been discussed with RSPCA representatives.

a. Council Plan Linkage and Policy Context

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

Connecting Glenelg – Connecting people, places and spaces.

13.7 CONTRACT 2020-21-07 PROVISION OF DOMESTIC POUND SERVICES TO THE GLENELG SHIRE COUNCIL

(continued)

b. Legislative, Legal and Risk Management Considerations

The *Domestic Animals Act 1994* outlines Councils obligations to provide domestic animal pound services.

c. Consultation and/or communication processes implemented or proposed

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

Notification to the successful tenderer where applicable will be provided following Council's resolution on the contract.

d. Financial and Resource Implications and Opportunities

Expenditure associated with the provision of the domestic pound is incorporated into operational budgets. The tender provided will require significant additional budget allocation should the contract be awarded.

Separate Circulation – Confidential

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

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 3(1) (a-l) of the Act</i>	<i>ECM</i>
1.	Contract 2020-21-07 Provision of Domestic Pound Services to the Glenelg Shire Council, Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2751351

Cr Carr re-declared a Conflict of Interest in item 13.8 Contract 2020-21-18 Hanlon Park Seating & Courts Resurfacing and left the meeting at 7.22pm.

13.8 CONTRACT 2020-21-18 HANLON PARK SEATING & COURTS RESURFACING

Director: Edith Farrell, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for Hanlon Park Seating & Courts Resurfacing, under Contract 2020-21-18 and provides recommendations regarding the awarding of this contract.

Recommendation

1. That Council award Contract 2020-21-18 for Hanlon Park Seating & Courts Resurfacing to GR Carr Pty Ltd ATF The Gavin Carr Family Trust, subject to the successful negotiation of contract terms and conditions.
2. That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.
3. That the Chief Executive Officer be authorised to execute all documents relating to this contract.
4. That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION

MOVED Cr Hawker

1. **That Council award Contract 2020-21-18 for Hanlon Park Seating & Courts Resurfacing to GR Carr Pty Ltd ATF The Gavin Carr Family Trust, subject to the successful negotiation of contract terms and conditions.**
2. **That the Director Assets be authorised to negotiate terms and conditions to be included in the contract.**
3. **That the Chief Executive Officer be authorised to execute all documents relating to this contract.**
4. **That the Director Assets be authorised to complete all financial payments and endorse variations as applicable relating to this contract.**

SECONDED Cr Martin

CARRIED

13.8 CONTRACT 2020-21-18 HANLON PARK SEATING & COURTS RESURFACING

(continued)

Background/Key Information:

Glenelg Shire Council has been successful in its application for funding through the Local Roads and Community Infrastructure fund for the installation of tiered team/spectator seating, overhead shelter and court resurfacing at the Portland Football Netball Club's netball courts at Hanlon Park, Portland.

Public tenders were called on Tuesday 27 October 2020 and closed at 3pm on Thursday 19 November 2020.

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

- Price;
- Works program and capacity to deliver per timeline;
- Previous experience and capabilities;
- Economic Contribution to the Glenelg Shire; and
- Environmental sustainability.

The Tender Evaluation Panel has recommended that Council award Contract 2020-21-18 Hanlon Park Seating & Courts Resurfacing to GR Carr Pty Ltd ATF The Gavin Carr Family Trust, subject to clarification of contractual items and negotiation regarding terms and conditions.

a. **Council Plan Linkage and Policy Context**

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

Connecting Glenelg – Connecting people, places and spaces.

b. **Legislative, Legal and Risk Management Considerations**

All legal and legislative requirements have been considered.

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

c. **Consultation and/or communication processes implemented or proposed**

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

13.8 CONTRACT 2020-21-18 HANLON PARK SEATING & COURTS RESURFACING

(continued)

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

d. Financial and Resource Implications and Opportunities

Expenditure associated with Hanlon Park Seating & Courts Resurfacing have been incorporated into current and future Council budget forecasts.

Separate Circulation – Confidential

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

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>Relevant Grounds Under Section 3(1) (a-l) of the Act</i>	<i>ECM</i>
1.	Contract 2020-21-18 Hanlon Park Seating & Courts Resurfacing Tender Evaluation Matrix	(g) private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	2768446

Cr Carr returned to the meeting at 7.26pm.

13.9 PUBLIC EXHIBITION: DRAFT GLENELG SHIRE 2040 COMMUNITY PLAN AND VISION

Director: Ann Kirkham, Acting Director Community Services

Executive Summary

The purpose of this report is to seek councillor's support and endorsement to release the draft Glenelg Shire 2040 Community Plan and Vision for a public exhibition period.

Recommendation

That Council endorse the draft Glenelg Shire 2040 Community Plan and Vision to be placed on public exhibition for a period of six weeks, beginning Monday 11 January 2021 – Friday 26 February 2021.

MOTION

MOVED Cr Stephens

That Council endorse the amended draft Glenelg Shire 2040 Community Plan and Vision to be placed on public exhibition for a period of six weeks, beginning Monday 11 January 2021 – Friday 26 February 2021.

SECONDED Cr Carr

CARRIED

Background/Key Information:

The Local Government Act 2020 requires Council to adopt an integrated approach to planning, monitoring and performance reporting. This includes the development of a Community Plan, for a period of at least 10 years that will address community long-term needs, objectives, priorities, outcomes and describe the social, economic, cultural, and environmental aspirations for the future. Engage Victoria have developed a Draft Integrated Strategic Planning and Reporting Framework that shows an overview of the relationship between the key planning and reporting documents identified in the Act, which has been distributed with this report as a separate circulation.

The expectation is that the Council Plan will align with the outcomes and objectives of the Community Vision. Circulated with this report is the Municipal Association of Victoria Draft Integrated Strategic Planning and Reporting Framework Timelines outlining the Local Government Act 2020 requirements.

In September 2019, the Glenelg Shire 2040 Community Plan project was launched with a successful community and stakeholder event held at the Civic Hall in Portland, which was attended by over 250 people. The event hosted a sustainability educator, futurists and demographers, with the aim to set the scene for the extensive community engagement process to inform the development of our visionary 20-year Community Plan.

13.9 PUBLIC EXHIBITION: DRAFT GLENELG SHIRE 2040 COMMUNITY PLAN AND VISION

(continued)

A rigorous community engagement period began in October 2019 and concluded in February 2020, and activities including pop-ups at community events, targeted interviews, launch event, online activities, surveys, workshops, and community reference groups. Altogether we received 2,824 comments from 1,691 participants, which included;

- General community across the whole shire;
- Primary, Secondary and TAFE students;
- Community organisations; and
- Council Staff.

As a result of the community engagement, the project team were able to develop themes within the plan, based on the categorised data received during the conversations held across the shire. These themes were:

- Our Natural Environment;
- Our Industry, Education and Employment;
- Our Health and Wellbeing;
- Our Access, Transport and Technology;
- Our Lifestyle, Neighbourhoods and Culture; and
- Our Voice and Action.

On completion of the community engagement, the deliberation stage of the project commenced in February 2020. This involved the development of five Community Reference Groups who represented the five different identified regions;

- Glenelg North (Casterton, Merino, Lake Mundi, Henty, Digby, Strathdownie, Sandford, Bahgallah and Dunrobin);
- Glenelg Central (Heywood, Dartmoor, Condah, Hotspur, Drumborg, Drik Drik, Wallacedale, Homerton and Mumbannar);
- Glenelg East (Narrawong, Allestree and Tyrendarra);
- Glenelg South (Portland, Cape Bridgewater, Mount Richard, Bolwarra, Cashmore, Dutton Way and Gorae); and
- Glenelg West (Nelson).

13.9 PUBLIC EXHIBITION: DRAFT GLENELG SHIRE 2040 COMMUNITY PLAN AND VISION

(continued)

The Community Reference Groups were tasked to take a deeper dive in to the townships and the responses from the broader community, working with the project group to develop meaningful priorities, set local area visions, council wide vision and determine the structure of the draft Community Plan.

One meeting was held face-to-face with the Community Reference Groups before the engagement program was adapted in response to challenges faced by COVID-19. The remainder of the deliberative process was then conducted through virtual meetings, on-line surveys and emails.

A draft plan was developed by the project team and reviewed by the Community Reference Groups before finalising the draft for public exhibition. The draft Glenelg Shire 2040 Community Plan and Vision will be presented back to Council after the public exhibition period to note the responses and endorse the final document.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

In accordance with section 88 of the *Local Government Act 2020*, a Council must have a Community Vision of a period of at least the next 10 financial years which describes the community's aspirations for the future of the municipality.

c. Consultation and/or communication processes implemented or proposed

The consultation and communication process is detailed in the background section of this report. An Engagement Summary is currently available online via Your Say Glenelg, providing more detailed information of each engagement activity undertaken during this project.

d. Financial and Resource Implications and Opportunities

The development of the Glenelg Shire 2040 Plan and Vision was budgeted in the 2019-2020 Council budget, with funds carried forward into the 2020-2021 financial year, as a result of project extensions required due to COVID-19.

Separate Circulations – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Draft Glenelg Shire 2040 Our Future Together Community Plan and Vision	2759455
2.	Draft Integrated Strategic Planning and Reporting Framework	2759370
3.	Draft Integrated Strategic Planning and Reporting Framework Timelines	2759369

14. CONFIDENTIAL REPORTS:

Nil.

15. URGENT BUSINESS:

Nil.

16. INDEX – SEPARATE CIRCULATIONS TO REPORTS:

16.1 *Separate Circulation to Councillors, CEO, Director and available to the Public*

13.2 (1) Proposed Australia Day 2021 Event Plan

13.3 (1) Glenelg Shire Council Financial Report as at November 2020

13.4 (1) Extract of the Emergency Management Legislation Amendment Act 2018

13.6 (1) Proposed Crown land plan of subdivision

13.9 (1) Draft Integrated Strategic Planning and Reporting Framework

13.9 (2) Draft Integrated Strategic Planning and Reporting Framework Timelines

16.2 *'CONFIDENTIAL' Separate Circulation to Councillors and Directors*

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

13.2. (1) Australia Day 2021 Award Nominations Summary

13.2 (2) Glenelg Shire Australia Day Awards 2021 Nominations Councillors Discussion and Vote 1 December 2020

13.7 (1) Contract 2020-21-07 Provision of Domestic Pound Services to the Glenelg Shire Council, Tender Evaluation Matrix

13.8 (1) Contract 2020-21-18 Hanlon Park Seating & Courts Resurfacing Tender Evaluation Matrix

Recommendation

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

MOTION**MOVED Cr Wilson**

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

SECONDED Cr Stephens**CARRIED****17. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.30pm.

I HEREBY CERTIFY THAT PAGES 1 TO 34 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

27 January 2021

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