



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 24 January 2023 at 7:00 pm at
Glenelg Shire Municipal Offices
71 Cliff Street, Portland

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	3
7. Declarations of Conflict of Interest.....	6
8. Confirmation of Minutes.....	6
9. Presentations.....	6
10. Deputations	7
11. Notices of Motion.....	7
12. Petitions.....	7
13. Committee Reports.....	8
13.1. Audit and Risk Committee Minutes 8 December 2022.....	8
14. Management Reports	11
14.1. Councillor and Chief Executive Officer Leave of Absence Register	11
14.2. Council Representation on External Peak Bodies.....	13
14.3. Invitation to join Mayor's for the Voice to Parliament public statement	15
14.4. Glenelg Shire Council Financial Report December 2022.....	18
14.5. Councillors Quarterly Expenditure Report.....	19
14.6. Councillor Conduct Hearing Outcome.....	23
14.7. Amendment C108gelg – Fitzroy Darlot Regional Flood Investigation Implementation	25
15. Confidential Reports	28
16. Urgent Business	28
17. Closure of Council Meeting.....	28

1. PRESENT

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

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

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. To those presenting in the gallery here today by attending a public meeting of the Council you are consented to your image, voice and comments being recorded and published.

5. RECEIPT OF APOLOGIES

Cr Anita Rank.

6. QUESTION TIME**6.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

Nil.

6.2. QUESTIONS FROM THE GALLERY

Mr Howard Templeton of Tahara Bridge asked the following question/s:

- a. *Early Last year the Glenelg Shire Council produced a draft discussion rating paper which provided details of the current rating structure and provided suggestions on alternative options. Do you believe this document provided a sound basis for the massive rate rise adopted at the June 28 Council meeting?*

The Mayor advised overall rate revenue for Glenelg Shire Council was increased by 1.5% in line with the Fair Go rate cap

- b. *Page 9 draft rating discussion paper stated that there was a steady decrease in the overall rates received from primary production land from 2016/17 till 2021/22. A graph on page 9 illustrates a steady decline in revenue from that sector. Do you believe that was an accurate reflection of the rates received?*

The Mayor advised he would take the question on notice.

- c. *Figures obtained from the adopted budget for those years and from the Council finance staff show rates received from primary production land from 2016/17 until 2021/22 actually increased, not decreased, from \$6.6 million to \$8 million during that period. This is exactly the opposite to the information presented in the draft rating policy. Wouldn't this mean that the massive rate rise adopted by Council on 28 June is based on incorrect information?*

The Mayor advised he would take the question on notice.

Mr Matthew Jowett of Portland asked the following question/s:

- a. *Considering that we are now half through the financial year, do you think that the breakeven position that the current budget forecast is going to be met or is there going to be some other outcome?*

The Mayor advised the figures are forecast and that there are many factors that contribute to variations. At this stage it is what Council forecast however not guaranteed.

- b. *Could you please provide an update on Alexandra Park Westers Oval project?*

Mr Chris Saunders Acting Director Assets advised Alexandra Park Oval is currently well under construction in progress for a completion date of late July 2023.

- c. *With the end of the councillor conduct hearing that you were involved in last month. Do you think that you have learned anything from the whole process and if so, what have you learned and/or what would you have done differently?*

The Mayor advised he would not comment at this stage as the report is on tonight's agenda and can discuss further following the meeting.

Mr David Punton of Portland asked the following question/s:

- a. *How many employees casual, permanent and fulltime, does Glenelg Shire Council have and can you supply a complete list of job roles within Glenelg Shire Council and the number of employees in each of those job roles?*

The Mayor advised he would take the question on notice.

- b. *There seems to be a lack of effective road maintenance in Glenelg Shire Council. When is Glenelg Shire Council going to start to rectify this dangerous situation?*

The Mayor advised maintenance on certain roads would depend on whether the roads are Council owned. Mr Chris Saunders Acting Director Assets advised Council conducts regular inspections in accordance with Councils Road Management Plan, within in the plan there are different cycles on each class of road. Inspections will pick up defects at the time of inspection, vegetation defects are often weather dependent which may occur outside of the inspection cycle and Council staff often rely on the public to put in service requests to notify of any unsafe roadside vegetation.

- c. *Can the Glenelg Shire Council please provide the cost of this service to the community at present and the cost of upgrading the service to the new required standard (referring to HAAC services)?*

The Mayor advised he is aware Glenelg Shire Council is being portrayed as a retirement destination. Mr Paul Phelan Chief Executive Officer advised forecast budget cost to council for delivery of services estimated for current financial year \$245,000. Council engaged a report which looked into the service hours provided by Council which equated approximately to \$25-\$30 subsidy by rate payers. Mr Paul Phelan encouraged all to attend the community consultation session with two additional sessions being scheduled and advised the new changes which come into effect 1 July 2024 open the market where clients will have the choice to choose who their provider is.

Mr Gary Humm of Portland asked the following question/s:

- a. *Would you clarify your position and confirm whether you support Cr Smith's financial decisions in proposing this budget in that he clearly did not understand it was out of step with the 4 year plan that had previously been adopted by council or is it that you intend to implement a return to the 4 year plan in this next budget so that they money will come back to the rate payers?*

The Mayor advised the 4 year plan is what council can reasonably foresee 4 years in the future. The 4 year plan is what council works for however the plan may change as circumstances arise.

- b. *I wish to draw attention to the failure of livestock rangers within the Glenelg Shire to effectively manage the conduct of owners of domestic dogs around Fawthrop Lagoon and Nuns Beach. What policy and procedural changes are you going to implement in order to return these community assets back for the enjoyment of the people and when can we expect a proactive response for the welfare (referring to dog management)?*

The Mayor advised Council can only actively respond when incidents are reported through to Council. Council currently employ 3 full time rangers for the entire Shire and Council has finite resources which need to be budgeted for. The Mayor encouraged the community report the incidents to Council.

- c. *Are you confident Councillor Rank acted with the dignity and sense of urgency that the average community member would reasonably expect from the office of Mayor on such matters (referring to Councillor conduct matter involving Mr McDonald)?*

The Mayor advised he would not provide comment on this issue.

Mr Tim Walls of Portland asked the following question/s:

- a. *What is council planning in relation to wind towers and supporting local jobs and local road permits?*

Cr Carr declared a conflict of interest to this topic and left the meeting at 7.23 pm.

The Mayor advised there is nothing coming to Council in regard to the issue raised and Council do support local jobs.

Cr Carr returned to the meeting at 7.26 pm.

b. The maritime centre has no showers of laundromat facilities, where was the vision when it was designed?

The Mayor advised these facilities are available and located in the CBD of Portland.

c. What is Council's tender process?

The Mayor advised successful tender applicants are selected based on tender metrics analysis. Mr Chris Saunders Acting Director Assets advised successful tenders are based on several key criteria and go through a contract review process including local content. The matrix will provide a result which is then presented to Council for decision.

7. DECLARATIONS OF CONFLICT OF INTEREST

Cr Martin declared a General Conflict of Interest in item 14.6 and advised this prior to the meeting.

Cr Wilson declared a General Conflict of Interest in item 14.6 and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 13 December 2022, as circulated, be confirmed.

MOTION

MOVED Cr Hawker

That the minutes of the Council Meeting held on Tuesday 13 December 2022, as circulated, be confirmed.

SECONDED Cr Stephens

CARRIED

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

AGAINST: Nil

9. PRESENTATIONS

Nil.

10. DEPUTATIONS

Nil.

11. NOTICES OF MOTION

Nil.

12. PETITIONS

Nil.

13. COMMITTEE REPORTS**13.1. AUDIT AND RISK COMMITTEE MINUTES 8 DECEMBER 2022**

Director: David Hol, 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 8 December 2022.

Recommendation

That Council receives the minutes of the Audit and Risk Committee Meeting held on 8 December 2022.

MOTION

MOVED Cr Carr

That Council receives the minutes of the Audit and Risk Committee Meeting held on 8 December 2022.

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, 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.

Section 54(5)(b) of the *Local Government Act 2020* and the Audit and Risk Committee Charter requires that the Committee's minutes be presented to Council to ensure that an effective communication mechanism between the Committee and Council occurs and to ensure that the Council is fully informed on the Committee's activities.

The Audit and Risk Committee Meeting held on 8 December 2022 considered the following items:

Item No.	Management Reports (Title)
1.	Election of Audit and Risk Committee Chairperson

2.	Internal Audit Update (AFS & Associates)
3.	Internal Audit – Social Media and Communications Strategy and Framework
4.	Internal Audit – Procurement (below tender) and Accounts Payable
5.	Final Management Letter 2021/2022
6.	Compliance with Council's Investment Policy 2021/2022
7.	Annual update on Defined Benefits Superannuation vested benefit position
8.	VicRoads Information Protection Agreement Audit 2021/2022
9	Roads to Recovery 2021/2022
10.	Review key policies – Receive a Review Report on Gifts, Benefits and Hospitality (Councillors) and (Employees)
11.	Glenelg Shire Council Annual Report 2021-2022
12.	Internal Audit Cyber Crime Yr 1 Action Plan – December 2022
13.	Cyber Security Incident Report
14.	Audit and Risk Committee Meeting Schedule for 2023
Item No.	Regular Reports (Title)
1.	Glenelg Shire Council Financial Report October 2022
2.	Audit and Risk Register Review
3.	OHS Quarterly Report 1 July to 30 September 2022
4.	Risk Management Quarterly Report 1 July to 30 September 2022
5.	Workcover & Injury Management Quarterly Report 1 July to 30 September 2022
6.	CEO & EA Expenditure - Credit Card and Reimbursements
7.	Councillors Quarterly Expenditure Report
8.	Annual Work Plan Year Ending 30 June 2023 - Standing Item
Item No.	Confidential Reports (Title)
1.	Council Litigation Matters
Item No	Other Business (Title)
1.	(Verbal update) Attestation Compliance Report
2.	Budget Update

a. Council Plan and Policy Linkage

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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.

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

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

c. Consultation and/or communication processes implemented or proposed

The minutes of each meeting are provided to the Chairperson of the Audit and Risk Committee to review, prior to being presented to the Executive Team, before Council endorsement. The minutes are also provided to 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 8 December 2022 [13.1.1 - 64 pages]

14. MANAGEMENT REPORTS

14.1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

Director: Paul Phelan, 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 Deputy Mayor 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 Cr Carr

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, 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

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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. COUNCIL REPRESENTATION ON EXTERNAL PEAK BODIES

Director: Paul Phelan, Chief Executive Officer

Executive Summary

The purpose of this report is to enable Council to consider Councillor representation to the listed external industry peak bodies.

Recommendation

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

External Peak Bodies	Councillor Membership	Comment
Municipal Association of Victoria (MAV) State Council	Delegate: Mayor Substitute Delegate: Cr WILSON	Advocacy

MOTION

MOVED Cr Stephens

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

External Peak Bodies	Councillor Membership	Comment
Municipal Association of Victoria (MAV) State Council	Delegate: Mayor Substitute Delegate: Cr WILSON	Advocacy

SECONDED Cr Hawker

CARRIED

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

AGAINST: Nil

Background/Key Information:

At the December 2020 Council meeting, it was resolved to appoint the Mayor (delegate) and Cr Wilson (substitute delegate) for Glenelg Shire Council representation on the Municipal Association of Victoria (MAV) State Council.

As a result of recent changes and adoption of the new Municipal Association of Victoria (MAV) Rules 2022, each participating member council must appoint by resolution of the council, one of its councillors to be their delegate at State Council and one of its councillors as a substitute delegate.

The role of the MAV delegate is to:

- Participate at State Council (voting on behalf of their council on matters).
- Report to their council on MAV matters and decisions.
- Have regard for any protocols published by the Board in relation to their functions as a delegate.
- Meet with and provide feedback to their regional Board Director & other representatives from the region at MAV functions.
- Participate in MAV strategic planning.

Participation by Glenelg Shire Council Councillors in peak industry bodies has been warranted due to significant community, economic or advocacy aspects.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

Communication plans are being established for affected committee membership.

d. Financial Implications and Collaboration

Costs associated with appointments to committees are included in the 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. 15 December 2020 Council Meeting Resolution Item 13.5 [**14.2.1** - 1 page]
2. Council's MAV Delegate arrangements [**14.2.2** - 3 pages]

14.3. INVITATION TO JOIN MAYOR'S FOR THE VOICE TO PARLIAMENT PUBLIC STATEMENT

CEO: Paul Phelan, Chief Executive Officer

Executive Summary

The purpose of this report is for Council to consider an invitation to join the 'Mayor's for the Voice to Parliament public statement' in support of the Uluru Statement from the Heart.

Recommendation

That Council supports the invitation to join the Mayor's for the Voice to Parliament public statement.

MOTION

MOVED Cr Stephens

That Council decline the invitation from Inner West Council in New South Wales to join Mayor's for the Voice to Parliament and await confirmation information from Commonwealth Government on the Voice to Parliament.

SECONDED Cr Wilson

Point of Order called by Cr Stephens 7.38pm Relevance

Point of Order called by Cr Wilson 7.39pm Governance Rules

Point of Order called by Cr Martin 7.39pm

Cr Smith moved a motion for an adjournment that lapsed as no seconder

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

AGAINST: Mayor Cr Martin

CARRIED

DIVISION:

Deputy Mayor Cr Smith, Cr Hawker, Cr Wilson, Cr Carr and Cr Stephens voted FOR the MOTION

Cr Martin voted AGAINST the MOTION.

Background/Key Information:

On 24 November 2022, correspondence was forwarded to the Mayor, Glenelg Shire Council inviting Council to join a campaign referred to as 'Mayor's for the Voice to Parliament public statement' in support of the Uluru Statement from the Heart.

The invitation was initiated by the Mayor, Inner West Council, NSW (Mr. Darcy Byrne) seeking a joint Statement of Mayors from across Australia in support of the Uluru

Statement from the Heart and the upcoming referendum on whether to constitutionally recognise Aboriginal and Torres Strait Islander people through a Voice to Parliament.

The Uluru Dialogue Supported by the Indigenous Law Centre at UNSW Sydney and UluruStatement.org describe the Uluru Statement as follows;

“The Uluru Statement is an invitation from First Nations Peoples issued to all Australians on 26 May 2017. It calls for legal and structural reforms to reshape the relationship between First Nations Peoples and the Australian population.

The Statement calls for 2 substantive changes: Voice and Makarrata.

1. *Voice to Parliament enshrined in the Constitution.*
2. *A Makarrata Commission to supervise:*
 - a. *Agreement making.*
 - b. *Truth telling about our history.*

The Statement calls for real and lasting structural change to our current systems of authority and decision making, rather than surface changes to existing systems. It is a path forward for justice and self-determination for First Nations Peoples in this country.”

The Statement from Mayors for the Voice to Parliament initiated by Inner West Council, seeks support of the following statement;

“We the undersigned endorse the Uluru Statement from the Heart and support constitutional recognition for Aboriginal and Torres Strait Islander people through a Voice to Parliament.

As local leaders we are committed to building awareness in our communities about the upcoming referendum.

Our citizens should be informed about what constitutional recognition through a Voice to Parliament will mean for Indigenous people and Australian society as a whole.

Local government must play an important role in holding civic forums, promoting dialogue, and providing a platform for Indigenous voices to be heard in the debate.

We believe that a successful referendum can be a unifying achievement for Australia.

We are ready to work with all levels of government to educate and inform our communities about why this referendum is such an important moment for our nation.”

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

Local Government Act 2020, Section 9.

c. Consultation and/or communication processes implemented or proposed

An upcoming referendum will be held in Parliament to enshrine an Aboriginal and Torres Strait Islander Voice in the Australian Constitution.

d. Financial Implications and Collaboration

No financial implications.

e. Governance Principles

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.

Attachment List

1. Mayors for the Voice to Parliament public statementv 2 [**14.3.1** - 1 page]
2. Uluru Statement from the Heart (USFH Interactive Supporters Kit 050521) [**14.3.2** - 13 pages]

14.4. GLENELG SHIRE COUNCIL FINANCIAL REPORT DECEMBER 2022

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 December 2022.

MOTION

MOVED Cr Carr

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

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, 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

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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.

In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. A statement is noted in the attachment.

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 - December 2022 FINAL [**14.4.1** - 8 pages]

14.5. COUNCILLORS QUARTERLY EXPENDITURE REPORT

Director: Paul Phelan, 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 October 2022 to 31 December 2022.

Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 October 2022 to 31 December 2022.

MOTION

MOVED Cr Wilson

That Council receives the Councillors quarterly expenditure report for the period 1 October 2022 to 31 December 2022.

SECONDED Cr Hawker

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, 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 10e, 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 October 2022 to 31 December 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	YTD
Carr								\$559
Hawker								\$426
Martin	\$3033						\$3033	\$3729
Rank	\$2142			\$234	\$1970		\$4346	\$7023
Smith	\$545						\$ 545	\$2992
Stephens	\$3239	\$3271		\$233			\$6743	\$10125
Wilson		\$174		\$764			\$938	\$1330
Grand Total	\$8959	\$3445		\$1231	\$1970		\$15605	
YTD	\$15040	\$3486		\$4684	\$2974		\$26184	\$26184

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 October 2022 to 31 December 2022:

Councillor	Amount	YTD
Carr	\$5588	\$12805
Hawker	\$7611	\$15117
Martin	\$24392	\$36451
Rank	\$4045	\$28163
Smith	\$12466	\$19972
Stephens	\$7611	\$15117
Wilson	\$5384	\$11389
Grand Total	\$67097	
YTD	\$139014	\$139014

a. Council Plan and Policy Linkage

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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 10e, 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

14.6. COUNCILLOR CONDUCT HEARING OUTCOME

Director: David Hol, Director Corporate Services

Executive Summary

This report provides Council with the determination and statement of reasons received by the Arbiter appointed to consider an allegation of misconduct by a Councillor in accordance with section 147(4) of the *Local Government Act 2020*.

Recommendation

That Council:

1. Receive the Arbiter determination and statement of reasons on this matter; and
2. That the Arbiter determination and statement of reasons be recorded in the minutes in accordance with the requirements of section 147(4) of the *Local Government Act 2020*.

Cr Wilson re declared a Conflict in item 14.6 left the meeting at 7:47 pm

Mayor Cr Martin re declared a Conflict in item 14.6 left the meeting at 7:47 pm

Deputy Mayor Cr Smith assumed the Chair

MOTION

MOVED Cr Carr

That Council:

1. **Receive the Arbiter determination and statement of reasons on this matter; and**
2. **That the Arbiter determination and statement of reasons be recorded in the minutes in accordance with the requirements of section 147(4) of the *Local Government Act 2020*.**

SECONDED Cr Stephens

Point of order called by Cr Smith 7.50pm Relevance

CARRIED

FOR: Deputy Mayor Cr Smith, Cr Hawker, Cr Carr and Cr Stephens

AGAINST: Nil

Cr Wilson returned to the meeting at 7:50 pm.

Mayor Cr Martin returned to the meeting at 7:50 pm and assumed the Chair

Background/Key Information:

An application from Cr Gilbert Wilson for an internal arbitration process to make a finding of misconduct against Cr Scott Martin was lodged on the 15 September 2022 relating to comments posted on social media.

The application has been examined by the Principal Councillor Conduct Registrar in accordance with section 144 of the *Local Government Act 2020* and an Arbiter was appointed to hear the matter.

A directions hearing was undertaken via Microsoft Teams on the 16 November and the Arbitration Hearing conducted on the 12 December in Portland.

A copy of the Arbiters determination and statement of reasons is provided as an attachment to this report.

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 has been prepared in accordance with Division 6 of the *Local Government Act 2020* and the Glenelg Shire Council Councillor Code of Conduct adopted 23 February 2021

c. Consultation and/or communication processes implemented or proposed

Undertaken in accordance with the provisions of the *Local Government Act 2020* relating to Councillor conduct matters.

d. Financial Implications and Collaboration

Costs associated with Councillor Conduct matters are allocated to the operational budget for Corporate Governance.

e. Governance Principles

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

Attachment List

1. Arbiter determination IAP 2022-27 Wilson & Martin Glenelg Shire Council
[14.6.1 - 7 pages]

14.7. AMENDMENT C108GELG – FITZROY DARLOT REGIONAL FLOOD INVESTIGATION IMPLEMENTATION

Director: David Hol, Director Corporate Services

Executive Summary

Amendment C108gelg (the amendment) received authorisation from the Minister for Planning to prepare and exhibit the amendment. Public exhibition has taken place with an Independent Planning Panel (Panel) appointed to consider the submissions. The Panel recommends that Council adopt the amendment as exhibited. This report recommends that Council proceeds by adopting the amendment and submitting it to the Minister for Planning for approval.

Recommendation

That Council:

1. Adopts Amendment C108gelg to the Glenelg Planning Scheme pursuant to Section 29 of the *Planning and Environment Act 1987*; and
2. Submits Amendment C108gelg as adopted, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.

MOTION

MOVED Cr Wilson

That Council:

1. **Adopts Amendment C108gelg to the Glenelg Planning Scheme pursuant to Section 29 of the *Planning and Environment Act 1987*; and**
2. **Submits Amendment C108gelg as adopted, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*.**

SECONDED Cr Stephens

CARRIED

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

AGAINST: Nil

Background/Key Information:

The *Fitzroy River, Darlot Creek and Heywood Regional Floodplain Mapping Study 2017* (Study) was prepared for the State Government. The investigation was completed in 2017 with a subsequent action for Council to complete the implementation into the planning scheme. The amendment seeks to implement the findings of the Study into the Glenelg Planning Scheme (the planning scheme).

The summary report from the Study is proposed to be inserted as a Background Document into the planning scheme. The amendment documents and maps have been prepared, including an updated version of the incorporated document *Glenelg Shire Local Floodplain Development Plan*. Delineation of the flood plain mapping has been completed with support from the Glenelg Hopkins Catchment Management Authority to inform the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO) mapping proposed to be inserted into the planning scheme.

At the 24 May 2022 Council Meeting Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the amendment. Authorisation to prepare the amendment was granted under delegation from the Minister for Planning on 7 June 2022 subject to conditions being fulfilled.

Exhibition of the amendment C108gelg was held from 7 July 2022 to 8 August 2022 with six (6) submissions being received, including four (4) objections and two (2) in support of the amendment.

The Panel hearing was held on 29 November 2022. The Panel has reviewed the amendment and the submissions received. The Panel Report was received 5 January 2023 (refer to Attachment 1) and recommends that the amendment be adopted as exhibited.

Refer to Attachment 2 for a copy of the complete amendment package recommended for adoption by Council.

a. Council Plan and Policy Linkage

The amendment is consistent with the Council Plan objectives to implement the actions from the Regional Catchment Strategy.

b. Legislative, Legal and Risk Management Considerations

A planning scheme amendment is required to amend the Floodway and Land Subject to Inundation Overlays in the planning scheme. The amendment is in support of the Planning Policy Framework and the Municipal Planning Strategy for floodplains.

For the flood study to have statutory effect it is required to be included in the planning scheme as a Background document 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

The amendment required formal exhibition under the *Planning and Environment Act 1987*. This has been done in the prescribed manner by the Act.

Notification of individual landowners and occupiers has occurred to notify of the proposed changes to affected properties. Newspaper and website advertising has also occurred. The complete amendment package was available for viewing at the Portland and Heywood customer service centres.

All the submission received were referred to the Panel, which allowed the submitters the opportunity to be heard in an independent forum. The Panel has provided a recommendation to Council to proceed with the amendment as exhibited.

d. Financial Implications and Collaboration

Council has received funding through the Risk and Resilience Grants Program 2021 to assist with the potential costs involved in undertaking the planning scheme amendment. Funding under the Risk and Resilience Grants Program 2021 included \$40,000.

The project expenditure to date included the necessary mapping work.

The Panel and approval costs are to be covered by the operational budget and funding received.

e. Governance Principles

Local, Regional, State and National plans and policies are to be considered in strategic planning and decision making.

Attachment List

1. Glenelg C 108 gelg Panel Report [14.7.1 - 23 pages]
2. Amendment package C108gelg [14.7.2 - 74 pages]

15. CONFIDENTIAL REPORTS

Nil.

16. URGENT BUSINESS

Nil.

17. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.56pm.

I HEREBY CERTIFY THAT PAGES 1 TO 28 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR SCOTT MARTIN
MAYOR

28 February 2023

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