



Glenelg Shire Council

Notice of Meeting and Agenda

Council Meeting Tuesday 12 December 2023

Notice is hereby given that a Council Meeting will be held in the Council Chamber, Glenelg Shire Offices, 71 Cliff Street, Portland commencing at **5:30 pm** on the above date for the purpose of transacting the business on the attached Agenda, together with such other business as the Chairperson may permit.

A handwritten signature in black ink, appearing to read 'G Wood', with a stylized flourish underneath.

Greg Wood
Chief Executive Officer

Date of Issue: Friday 8 December 2023

Invited: Mayor, Councillor Karen Stephens
Councillor Michael Carr
Councillor Scott Martin
Councillor Alistair McDonald
Councillor Robyn McDonald
Councillor John Northcott
Councillor Gilbert Wilson
Chief Executive Officer, Mr Greg Wood
Director Corporate Services, Mr David Hol
Director Assets, Mr Stuart Husband
Chief Information Officer, Ms Ann Kirkham
Director Community Services, Ms Jayne Miller

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

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

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

3. RECORDING OF MEETINGS

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

4. RECEIPT OF APOLOGIES

Nil.

5. QUESTION TIME**5.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

Nil.

5.2. QUESTIONS FROM THE GALLERY**6. DECLARATIONS OF CONFLICT OF INTEREST****Conflict of Interest**

In accordance with Section 130 (1-8) of the Local Government Act 2020, there is an obligation for Councillors and Officers to declare a conflict of interest in a matter that could come before Council.

Disclosure of Conflict of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

7. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting and Confidential Council meeting held on Tuesday 28 November 2023, as circulated, be confirmed.

8. PRESENTATIONS

Nil.

9. DEPUTATIONS

Nil.

10. NOTICES OF MOTION

Nil.

11. PETITIONS

Nil.

12. COMMITTEE REPORTS

Nil.

13. MANAGEMENT REPORTS

13.1. OATH/AFFIRMATION OF NEW COUNCILLORS

Director: David Hol, Director Corporate Services

Executive Summary

Two extraordinary vacancies occurred at Glenelg Shire Council due to the resignation of Councillor Jayden Smith on Wednesday 18 October 2023 and Councillor Chrissy Hawker on Friday 20 October 2023.

This report provides for the Oath or Affirmation of the newly elected Councillors to be recorded in the minutes of the Council meeting in accordance with the requirements of the *Local Government Act 2020*.

Recommendation

That Council:

- 1. Notes the tabling of the Affirmation of Office, made by Councillor Alistair McDonald and Councillor Robyn McDonald before the Chief Executive Officer.**
- 2. Records this Affirmation of Office in the minutes of this meeting.**

Background/Key Information:

Two extraordinary vacancies occurred at Glenelg Shire Council due to the resignation of Councillor Jayden Smith on Wednesday 18 October 2023 and Councillor Chrissy Hawker on Friday 20 October 2023. The two vacancies were filled through a countback of all the votes from the last general election held in October 2020.

It included all remaining eligible candidates who were not elected at the general election.

Under Section 30 of the *Local Government Act 2020* (the Act):

- (1) A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.
- (2) The oath or affirmation of office must be-
 1. Administered by the Chief Executive Officer; and
 2. Dated and signed before the Chief Executive Officer; and
 3. Recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council Meeting.

Mr. Alistair McDonald and Ms. Robyn McDonald completed the requirements of this provision on Tuesday 5 December 2023. In accordance with section 30(2)(c) of the Act, details of the Oath or Affirmation undertaken by the new Councillor are now tabled for inclusion in the minutes of this meeting.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

Section 30(1)(2) of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

The Oath or Affirmation of Office is recorded in the minutes of this meeting.

d. Financial Implications and Collaboration

Council is responsible for the costs incurred by the Victorian Electoral Commission for the undertaking of the countback procedure.

e. Governance Principles

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

Attachment List

1. Affirmation of Office - Alistair Mc Donald [**13.1.1** - 1 page]
2. Affirmation of Office - Robyn Mc Donald [**13.1.2** - 1 page]

13.2. GLENELG SHIRE COUNCIL FINANCIAL REPORT NOVEMBER 2023

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 November 2023.

Background/Key Information:

The 2023/24 Annual Budget was adopted by Council on 27 June 2023.

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.

The Adopted Budget is the Budget endorsed by Council at the Council Meeting held on 27 June 2023. The Forecast Budget reflects those transactions that were not known at this point in time.

There have been no changes to the forecast budget for income and expenditure from the previous month. As a result the cash position forecast at 30 June 2024 of \$7.7M remains unchanged from the previous month.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

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

- a. Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;

b. Financial risks must be monitored and managed prudently having regard to economic circumstances.

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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

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

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2023/24 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 2023 2024 - November 2023 FINAL [**13.2.1** - 7 pages]

13.3. REVIEW ELECTION PERIOD POLICY

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to seek Council adoption of the revised Election Period Council Policy.

Recommendation

That Council:

- 1. Adopts the revised Election Period Policy CPO-CORPS-GE-008**
- 2. Includes the adopted Election Period policy within Glenelg Shire Council's Governance Rules.**

Background/Key Information:

Leading up the Local Government Elections in October 2024, Local Government goes into caretaker mode to avoid actions and decisions which could be seen to be influencing voters, provide an advantage to a Councillor standing for election, or which will have a significant impact on the incoming Council.

An Election Period Policy outlines the practices and obligations to ensure that any elections for Glenelg Shire Council are conducted in a manner that is fair and equitable.

In accordance with Section 69 of *Local Government Act 2020*, an Election Period Policy is to be included in Council's Governance Rules.

This policy is reviewed approximately 12 months prior to the election period commencing and as such, the current existing policy was created under the previous *Local Government Act 1989*, given that the current Act only came into force at the last general election.

As a consequence, there has been a significant review of the policy with a number of changes within the policy referring to legislation. Whilst the principle and intent of the policy remains consistent, the document has been streamlined and refined.

This Policy applies during an 'Election Period' and includes the following key aspects:

- Decisions that are made by Council, a committee of Council or a person acting under delegation from Council or the Chief Executive Officer
- Material that is published by Council
- Attendance and participation in functions and events

- The use of Council resources
- Access to Council information
- Media advice and support
- The role of Councillors and Staff.

The revised policy is provided for Council consideration and is recommended for adoption and inclusion in the Council Governance Rules.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

The Policy has been developed in accordance with S69 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

The election period policy does not require further consultation.

d. Financial Implications and Collaboration

The policy refers to ongoing operational matters included within existing Council budgets.

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.

Attachment List

1. DRAFT Election Period Policy CPO CORPS GE 008 Updated 2023 [13.3.1 - 11 pages]

13.4. GOVERNANCE RULES UPDATE

Director: David Hol, Director Corporate Services

Executive Summary

The Glenelg Shire Council Governance rules have been reviewed and several amendments have been proposed. This report seeks to release the revised Glenelg Shire Council Governance Rules document for community feedback in accordance with the Community Engagement Policy.

Recommendation

That Council releases the amended Governance Rules for public consultation in accordance with Council's Community Engagement Policy from Friday 15 December 2023 to Wednesday 10 January 2024.

Background/Key Information:

The Glenelg Shire Council Governance Rules have been reviewed as part of Council's ongoing commitment to ensure appropriate governance measures.

This review benchmarked against several similar Councils and incorporated recommendations from specific stakeholders. As a result, a range of amendments have been proposed to improve governance and efficiency at Council meetings and briefings.

There are specific changes to the community questions component which have impacted Council meetings in recent times. The proposed amendments seek to ensure that the focus is on the business items on the Council agenda which are the purpose of the Council meeting.

A summary of the changes include:

- Changes to community question time to require questions to be in written form, limited to 2 questions, with a 100-word limit and provided 1 business day prior to the Council meeting to enable appropriate researched responses.
- Questions of Council to be read out by the CEO or their delegate.
- Further definition on governance obligations at Councillor briefing sessions.
- Refining requests for Councillors to attend Council meetings virtually.
- Requiring additional Councillors to support any notice of recission.
- Clarification around the voting process for Mayoral elections.
- Clarification around Conflict of Interest obligations.
- Various minor administrative wording changes.

In accordance with the Act, a process of community engagement is required for an amendment to the Governance Rules.

Subsequently it is recommended that the amended draft Governance Rules are released for community consultation.

a. Council Plan and Policy Linkage

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b. Legislative, Legal and Risk Management Considerations

Section 60 of the of the *Local Government Act 2020* outlines the obligations of Governance Rules.

c. Consultation and/or communication processes implemented or proposed

In accordance with the *Local Government Act 2020* under section 60 (4), community consultation applies when adopting or amending a Governance Rules.

d. Financial Implications and Collaboration

The costs associated with the review of the Governance Rules are contained within operational budgets.

e. Governance Principles

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

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

Attachment List

1. Final Draft Glenelg Shire Council Governance Rules 8 December 2023 version to CM [13.4.1 - 59 pages]

13.5. APPOINTMENT OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Director: David Hol, Director Corporate Services

Executive Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Councils adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings on behalf of Council.

Recommendation

That Council adopts the S11A Instrument of Appointment and Authorisation for Strategic Planner, Mr. David Dwight.

Background/Key Information:

The *Planning and Environment Act 1987* was previously included in the S11 Instrument and Appointment documentation from the Chief Executive Officer to staff. The S11A Appointment and Authorisation has now been created to an individual instrument that is adopted by Council. The instrument will come into force once adopted and signed by the Chief Executive Officer and Mayor.

S11A instruments are currently adopted twice yearly when all delegations and appointments are reviewed through updates provided from Maddocks Lawyers, with the exception of a new employee who requires this instrument.

Mr David Dwight has recently been appointed to a strategic planning role within Council and as such will require Authorisation under the S11A Instrument for duties within this role.

It is recommended that Council adopt the S11A Instrument of Appointment and Authorisation for Strategic Planner, Mr. David Dwight.

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

A Council may appoint an authorised officer under Section 224 of *Local Government Act 1989* which is to be read in conjunction with the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

Not applicable.

d. Financial Implications and Collaboration

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

e. Governance Principles

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

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

Attachment List

1. S 11 A Appointment and Authorisation David Dwight December 2023 [13.5.1 - 2 pages]

13.6. HEYWOOD OLD SCHOOL

Director: David Hol, Director Corporate Services

Executive Summary

This report has been prepared in response to a petition from the community requesting repairs to the Heywood Old School building to enable it to be again available for community use. The report outlines the background to the facility, the outcome of user and condition assessments and recommends an interim proposal for Council consideration.

Recommendation

That Council:

- 1. Acknowledges and thanks Mr. Duane Angelino for his petition and submission regarding the future use of the Heywood Old School Building.**
- 2. Does not proceed with the rectification works at this time and notes that there are currently sufficient community facilities in Heywood to meet the current demand.**
- 3. Review the future of the Heywood Old School building within the next 12-18 months.**

Background/Key Information:

Background reports indicate that the building was built in 1881 with extensions occurring in 1911-12 and 1939, catering for an increase in student numbers. The building was used as the Heywood State School, No. 297, up until 1978. The land and building were subsequently transferred by Crown Grant to the Portland Shire Council, which in 1988 was renamed Heywood Shire Council.

As a consequence of Council amalgamations in 1994, Glenelg Shire Council now owns the Heywood Old School. The building is situated in a prominent location in the heart of the Heywood township.

The historical, social and architectural significance of the Heywood Old School building is outlined in the Statement of Significance for the Heywood Township Precinct recorded on the Victorian Heritage Database. The building is also subject to a heritage overlay in the Glenelg Planning Scheme.



Up until approximately 2021, Council provided formal occupancy to the Promoting Heywood and District Committee Inc. An internal dispute with several sub-groups at this time resulted in legal intervention and disagreement between these users. Council staff undertook a role in assisting with mediation between these groups.

In addition, an assessment of community facilities in Heywood, including the Old School Building, was undertaken in May 2021 which included a condition report of the four relevant structures subject in the report.

Following the internal dispute and in conjunction with the receipt of the condition report of the facility, the building was withdrawn from ongoing community use.

A petition and submission from Mr. Angelino have now requested that Council undertake the necessary works to the building to enable it to once again be used for community purposes. A copy of the petition with redacted personal information together with a copy of the submission are attached for Councillor information.

Heywood Community Facilities Assessment

A number of Council owned facilities in Heywood are available for use by community groups and organisations. These facilities support a wide range of activities such as meetings, craft and hobby groups, social functions, special interest groups, and service delivery.

The assessment report undertaken in 2021 considered four Council owned facilities in Heywood that are available for community use and explored their utilisation; alignment to demand; and key issues for consideration by Council in its role as one of the main providers of community facilities in Heywood.

The report was informed by relevant Council strategies and includes a snapshot of Heywood's demographics and population forecasts.

The Council owned facilities addressed in this assessment were:

- Council's Heywood Customer Service Centre & Library, 77 Edgar Street, Heywood
- Heywood Old School, 58 Edgar Street, Heywood
- Heywood Senior Citizens' Centre – Riverwood, 9 Hunter Street, Heywood; and
- Heywood Community Hall, 18-20 Edgar Street, Heywood.

The report excluded a number of additional facilities in Heywood that are available for community use that are not owned or managed by Council.

The report concluded that the community facilities assessed tend to be underutilised and that Council should consolidate these community locations. In particular the Old School Building is surplus to needs as a community space and that the community can be adequately serviced with the remaining community facilities in the town.

As the report was undertaken in 2021, a further review of user demand was undertaken through Council sources in preparation for this report. This did not identify any occasion where demand for such facilities exceeded availability over the past few years.

Condition Report

As part of the facilities assessment, a building condition report was undertaken on the Old School Building.

A summary of the report indicated the following issues:

- Mould formation
- Extensive wall cracking throughout the facility
- Gaps appearing between walls and flooring
- Movement of footings
- Water ingress
- Ventilation issues
- Stormwater and roofing works required
- Non-complaint toilet facilities.

The estimate for rectification works to address these items as of February 2021 was \$341,722 excluding GST. Importantly these works excluded the removal of Asbestos from the facility.

Costs associated with construction and building works have escalated in recent years (15%-20% minimum) and as such these works would now be estimated at closer to \$400,000 exc GST. With the additional requirements for Asbestos removal, an overall estimate to Council to bring this facility up to acceptable condition is approximately \$500,000.

The report also noted that the rectification works regarding cracking and movement would only be temporary as these issues are expected to continue occurring.

Further costs to enable a formal scoping and tender process would need to be undertaken should Council wish to obtain more accurate figures at this time.

Future Options

Council staff are aware of a number of potential projects in pipeline stage that may manifest themselves into funding opportunities and potential use of the Old School Building.

The details of these proposals are not yet able to be made public and may not even proceed. Even should these opportunities come to fruition, the use of the building for community groups could not be guaranteed.

Conclusion

Aligning asset capacity to underlying demand is a constant challenge for local government. While Councils in growth areas may struggle to keep pace with service and facility demands driven by rapid increases in population size, an equally challenging problem arises when populations are in decline and Councils are left owning ageing assets that are underutilised, expensive to maintain, and fail to meet contemporary standards of amenity and functionality.

The Glenelg Shire Council does have a large number of assets and the financial pressures facing the Council have resulted in asset renewal implications, with an asset renewal gap approaching an estimated 50%. Essentially, Council is not in a position to fund ongoing renewal of all building facilities and difficult decisions on asset rationalization and utilisation will become more apparent in the coming years.

The Petition and public comments on this facility suggest a strong sentimental attachment to the building. While acknowledging this connection and the architectural and social significance of this building, it is difficult to justify prioritising the refurbishment of the Heywood Old School to accommodate user groups over improvements to other Council assets, particularly given the availability of other community facilities in Heywood.

With the potential for future options outlined in this report, it would however appear to be premature to commence a potential disposal process for the building at the current time. These potential uses may develop over the next 12 months and subsequently it is recommended to Council that the petition from Mr. Duane Angelino be noted and he is thanked for taking the time and effort to raise this matter for Council consideration.

It is also recommended that Council does not proceed with rectification works at this time and notes that there are currently sufficient community facilities in Heywood to meet the current demand.

Finally, it is recommended that council re-visit the future of the Heywood Old School building within the next 12-18 months regarding the development of any future options and community needs.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

This report considers risks for users of the facility given the current condition and compliance issues aligned with the Disability Discrimination Act. In addition, this report includes risks associated with financial and asset renewal obligations.

c. Consultation and/or communication processes implemented or proposed

The report includes reference to the Heywood Community Facilities Assessment report which undertook consultation with relevant user groups. A review of current hirings of Council community facilities in Heywood over the past two years was also considered.

d. Financial Implications and Collaboration

The rectification works outlined in the condition report indicate significant financial investment required by Council to return this facility up to an appropriate standard for community use.

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.

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

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

Attachment List

1. OLD HEYWOOD SCHOOL NO 297 SUBMISSION [13.6.1 - 3 pages]
2. Combined Heywood Old School Building petition 30 November 2023 [13.6.2 - 27 pages]

14. URGENT BUSINESS

15. CONFIDENTIAL REPORTS

Nil.

16. CLOSURE OF COUNCIL MEETING