



Glenelg Shire Council

Notice of Meeting and Agenda

Council Meeting Tuesday 28 November 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 that reads 'G Wood'. The signature is stylized with a large 'G' and a long horizontal stroke at the bottom.

Greg Wood
Chief Executive Officer

Date of Issue: Thursday 23 November 2023

Invited: Mayor, Councillor Karen Stephens
Councillor Michael Carr
Councillor Scott Martin
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****1. Christmas and New Years 2023**

Ms Gerri Torpy of Narrawong asked the following question:

- a. *Can Council commit to reinstating a quality New Year's Eve event on the Portland foreshore lawns, that will showcase Portland at it's best that will bring a maximum turnout of locals and visitors to town on New Years Eve?*

The previous Mayor Scott Martin advised that the question will be taken on notice. Inability to source staging affected previous years celebrations. Council can be limited to what it has and can get access to

A further response was provided by the previous Mayor Scott Martin.

Council has an allocated budget of \$70k for New Years Eve in 23/24 and will endeavour to provide the most appealing event it can within this budget for the community.

2. Pacific Green Technologies Battery Project

Mr Tim Walls of Portland asked the following question:

- a. *Is Council aware of a potential project called Pacific Green Technologies Battery Project 1gw/2.5gw and are they in support of it?*

The previous Mayor Scott Martin advised that the question will be taken on notice.

A response was later provided by the previous Mayor Scott Martin.

Thank you for your question Mr Walls.

Council is not aware or have been approached in regard to a project of this name.

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 following meetings are as circulated, be confirmed:

- **The Unscheduled Confidential Council Meeting held on Friday 20 October 2023**
- **The Council Meeting Minutes held on Tuesday 24 October 2023**
- **The Statutory Council Meeting held on Wednesday 8 November 2023; and**
- **The Unscheduled Confidential Council Meeting minutes held on Friday 10 November.**

8. PRESENTATIONS

Nil.

9. DEPUTATIONS

Nil.

10. NOTICES OF MOTION

Nil.

11. PETITIONS**11.1. PETITION - HEYWOOD OLD SCHOOL**

David Hol, Director Corporate Services

Executive Summary

This report is in response to a petition that was received on 12 October 2023 from a concerned resident, requesting that the Heywood Old School building is repaired by the Council for the building to be used for community purposes.

In accordance with the adopted Governance Rules, clause 2.16, a petition is to be tabled at the next available Council meeting which on this occasion is the November meeting.

Council may resolve to receive the petition and request a report on appropriate action for the next appropriate Council meeting unless Council agrees to deal with it earlier.

Recommendation**That Council:**

- 1. Receives the petition in accordance with clause 2.16 (1) of Council's Governance Rules; and**
- 2. Notifies the petitioner that a report on the matter will be considered at the next Council Meeting to be held on Tuesday 12 December 2023.**

Attachment List

1. Petition Old School Building received from Duane Angelino [11.1.1 - 7 pages]

12. COMMITTEE REPORTS

Nil.

13. MANAGEMENT REPORTS

13.1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

Director: Greg Wood, 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*.

Background/Key Information:

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

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

35 Councillor ceasing to hold office

(1) A Councillor ceases to hold the office of Councillor and the office of the Councillor becomes vacant if the Councillor:

(e) subject to this section, is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council.

(4) The Council must grant any reasonable request for leave for the purposes of subsection (1)(e).

(6) A Councillor is not to be taken to be absent from Council meetings during the period of 6 months after the Councillor or their spouse or domestic partner:

(a) becomes the natural parent of a child; or

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

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

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

Section 35 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

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

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

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

d. Financial Implications and Collaboration

Nil.

e. Governance Principles

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

Attachment List

Separately circulated as Confidential attachment.

13.2. GLENELG SHIRE COUNCIL FINANCIAL REPORT

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 October 2023.

Background/Key Information:

The 2023/2024 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.

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 2023/2024 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 - October 2023 - FINAL [**13.2.1** - 7 pages]

13.3. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND JULIA STREET CREATIVE SPACE INC.

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new three (3) year lease with two (2) x three (3) year extension options for the complex located at 19-21 Julia Street, Portland, between the Glenelg Shire Council and Julia Street Creative Space Inc.

Recommendation

That Council:

- 1. Approves a new three (3) year lease with two (2) x three (3) year extension options to be entered into with Julia Street Creative Space Inc. for the complex located at 19-21 Julia Street, Portland.**
- 2. Sets the rental figure at \$1.00 (including GST) per annum.**
- 3. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.**

Background/Key Information:

Julia Street Creative Space Inc., a not-for-profit community arts organisation, leases the complex located at 19-21 Julia Street, Portland (known as Julia Street Creative Space) from Council.



The current Lease Agreement expired on 30 June 2023, with a monthly overholding agreement in place to allow for negotiations with Julia Street Creative Space Inc.

Discussions were held regarding future tenure. The outcome was an in-principle agreement to execute a three (3) year lease with two (2) x three (3) year extension options.

The proposed peppercorn rental figure is reflective of the community-based usage of the complex, with the group to provide an annual report including a summary of activities undertaken that are in alignment with Council's Arts and Culture Strategy.

a. Council Plan and Policy Linkage

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

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 115 of the *Local Government Act 2020* restricts Council's power to lease land in specific circumstances. The proposed lease complies with s.115. Ensuring a formal lease is executed provides Council with a legally binding agreement relating to the tenant's occupancy.

c. Consultation and/or communication processes implemented or proposed

Consultation between the Tenant and GSC Director Community Services and GSC Collection Management Coordinator relating to the new lease has occurred.

d. Financial Implications and Collaboration

The financial obligations of the lease will be included within budget provisions.

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

Nil

13.4. AUDIT AND RISK COMMITTEE NOMINATIONS

Director: David Hol, Director Corporate Services

Executive Summary

The new *Local Government Act 2020* outlines the requirement for all Councils to establish an Audit and Risk Committee.

At the Council meeting on the 24 November 2020, Council by resolution appointed three Councillors as representatives to the Audit and Risk Committee. With the change in Mayoral appointment in November 2023, it is appropriate for Council to again consider the nominations to this committee for the remainder of the Council term.

Recommendation

That Council appoints the Mayor, Cr_____ and Cr_____ as Council representatives to the Audit and Risk Committee for the remainder of the current Council term.

Background/Key Information:

The *Local Government Act 2020* requires that the membership of the Audit and Risk Committee must include members who are current elected Councillors whilst also ensuring that the majority of the committee consists of members that are not Councillors.

The membership will include the following:

- Mayor of the day
- Two Councillors
- Minimum of four independent members appointed by Council.

At the Council meeting on the 24 November 2020, Council by resolution appointed the Mayor, Cr Stephens and Cr Carr as Council representatives to the Audit and Risk Committee with Cr Martin appointed as a proxy.

In November 2023, Cr Stephens was appointed as Mayor of the Glenelg Shire Council as in accordance with the above, assumes representation on the Audit and Risk Committee due to the Mayoral position.

Subsequently it is now appropriate for Council to review the Councillors appointed as representatives to the Audit and Risk Committee for the remainder of the Council term.

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 53 and 54 of the *Local Government Act 2020* outlines the legislative obligations for the establishment of the Audit and Risk Committee and adoption of the Audit and Risk Charter which was adopted on 25 August 2020.

c. Consultation and/or communication processes implemented or proposed

The appointment of Councillors to the Audit and Risk Committee is for Councillor determination.

d. Financial Implications and Collaboration

The financial and resources for the development and coordination of the Audit and Risk Committee is contained within current operating budgets.

e. Governance Principles

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

Attachment List

Nil

13.5. GLENELG SHIRE COUNCIL PLAN FIRST QUARTER PERFORMANCE REPORT 2023 - 2024

Director: Jayne Miller, Director Community Services

Executive Summary

The purpose of this report is to present to Council the first quarter Performance Report for year three of the Glenelg Shire Council Plan 2021-2025.

Recommendation

That Council endorses the Glenelg Shire Council Plan first quarter Performance Report for year three of the 2021 – 2025 Council Plan and approves the document for publication.

Background/Key Information:

During the development stage of the Council Plan 2021-2025, it was identified as a priority for the ratepayers and general community of the Glenelg Shire, that they be kept informed on Council's performance and strategic alignment in accordance with the Council Plan.

From this public consultation, it was determined that Council would release a performance report each quarter outlining the progress or status on each of the measures, projects and plans identified within the four-year Council Plan

a. Council Plan and Policy Linkage

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

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

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

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

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

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

b. Legislative, Legal and Risk Management Considerations

Nil.

c. Consultation and/or communication processes implemented or proposed

The Performance Report will be made available for the community and published on the Glenelg Shire Council website.

d. Financial Implications and Collaboration

There are no budget implications as a result of quarterly performance reporting. All resources such as staffing, are delivered within budget.

e. Governance Principles

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

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

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

Attachment List

1. Council Plan Year Three Quarter One Performance Report 2023 - 2024 [**13.5.1** - 41 pages]

13.6. AUSTRALIA DAY COMMUNITY FUNDING

Director: Jayne Miller, Director Community Services

Executive Summary

The purpose of this report is to seek Council resolution to extend the current funding arrangements for community-led Australia Day/26 January events in Nelson, Merino/Digby and Heywood to the townships of Casterton, Dartmoor and Portland.

Recommendation

That Council:

- 1. Notes the funding provided to community led Australia Day/26 January events to be held in 2024:**
 - **Merino/Digby - \$400**
 - **Nelson - \$400**
 - **Heywood - \$1,000**

- 2. Provides funding, subject to CEO approval, of up to the following amounts for Australia Day/26 January community led events, to be held in January 2024:**
 - **Casterton - \$1,000**
 - **Dartmoor - \$400**
 - **Portland - \$2,000**

- 3. Review community group feedback from January 2024 and report back to Council prior to January 2025.**

Background/Key Information:

Stemming from changes to the Citizenship Code, giving Local Governments flexibility in when and how they deliver various components of January 26 events, Councillors voted to undertake community consultation at the June 2023 Council Meeting. The intention of this community engagement was to support Council to make an informed decision on Glenelg Shire Council's future involvement in leading Australia Day Ceremonies, Awards and Civic Events on January 26 2024 and beyond.

Following the consultation process at the Council Meeting in August 2023 it was resolved that Council cease holding Citizenship Ceremonies, Awards and Council led events on January 26, 2024 and ongoing, in line with the community feedback.

As noted by Council, this resolution did not exclude the community from continuing to run community led events across the Shire. Council currently fund community led Australia Day/January 26 events:

- Merino/Digby - \$400
- Nelson - \$400
- Heywood - \$1,000

This report recommends that a similar funding opportunity is extended to community groups in the other main townships of the Shire and in the case of Portland (given the larger population) an increased amount of money is made available:

- Casterton - \$1,000
- Dartmoor - \$400
- Portland - \$2,000

The 2023/2024 Budget for Australia Day/January 26 events is \$18,000, endorsed prior to the August 2023 resolution as part of the 2023/24 budget process. These funds allow for community-led events in Casterton, Dartmoor and Portland to the total amount of \$3,400, leaving residual funds to develop a new citizenship awards event.

Income 2023/24 Budget	
	\$ 18,000.00
Expenses	
Community Event Funding	
Merino/Digby	\$ 400.00
Nelson	\$ 400.00
Heywood	\$ 1,000.00
Casterton	\$ 1,000.00
Dartmoor	\$ 400.00
Portland	\$ 2,000.00
New Council Event	
Community Award Event	\$ 12,800.00

It is recommended that this approach is in place for one year, established as a pilot. Council would seek feedback from the participating community groups as to how to best establish a funding process from 2025 which may result in formalising through policy, providing a better opportunity for Australia Day/January 26 community led events to align to Councils vision:

"By 2040, Glenelg Shire is known as a very liveable region of Australia, featuring rich Indigenous heritage, outstanding natural beauty, and providing access to diverse economic and educational opportunities."

For community led Australia Day/January 26 events being held in January 2024, an application in writing should be made to the Chief Executive Officer. Only one community led Australia Day/January 26 event will be funded per township/community and where there is more than one application in the same township, the Council Officers will work with the community representatives to ensure collaboration for the delivery of one event.

Some suggestions for community to consider when making application:

- The community led events should be hosted on any day one week before or after 26 January
- The community led event must be in the Glenelg Shire Council
- Funding is for one event per township
- Only incorporated, community-based not-for-profit groups operating in the Glenelg Shire Council will receive funding, which is in alignment with Council's Community Grant Guidelines

- Community groups can use funds to their discretion for activities such as venue costs, staging/equipment costs, marketing/promotional costs, catering costs, performer/artist fees
- a. Council Plan and Policy Linkage

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well.
- b. Legislative, Legal and Risk Management Considerations

Not Applicable.
- c. Consultation and/or communication processes implemented or proposed

Consultation was undertaken to support the Council resolution in August 2023. It is recommended that Council seek feedback from community groups after any 2024 events to determine any further changes required to Australia Day/January 26 community-led event funding.
- d. Financial Implications and Collaboration

2023/24 Budget for Australia Day/January 26 events is \$18,000. \$1,800 is committed to support community-led events in Merino/Digby, Heywood and Nelson. Additional funding for Casterton, Dartmoor and Portland to the value of \$3,400 will be utilised from this budget line to the total of \$5,200.
- e. Governance Principles

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

Innovation and continuous improvement is to be pursued.

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

Attachment List

Nil

13.7. PORTLAND FORESHORE COMMUNITY PAVILION – TENDERING FOR CONSTRUCTION

Director: Stuart Husband, Director Assets

Executive Summary

The purpose of this report is to present to Council the results of community feedback for the proposed Portland Foreshore Community Pavilion and to seek approval to proceed with tendering for construction of this new facility.

Recommendation

That Council after consideration of the community feedback and the wider community benefits and funding terms:

- 1. Endorses the finalisation of the design for the Portland Foreshore Community Pavilion.**
- 2. Endorses the tendering of the Portland Foreshore Community Pavilion construction.**

Background/Key Information:

The location for design and construction of the Portland Foreshore Community Pavilion was endorsed by Council on 24 October 2023.

The Portland Foreshore Community Pavilion will deliver a multipurpose community and club facility with ocean-facing balconies for events and functions, hospitality, and retail facilities, including a cafe and a retail space to promote local sea produce.

Works to complete this facility will include the design and construction of the two-story building, garden and car parking, and the demolition and removal of two existing buildings.

Glenelg Shire Council received \$5 million from the Regional Infrastructure Fund towards the provision of a multipurpose facility as part of the revitalisation of Portland's foreshore. Council has already received \$4 million of this funding. With Council funding, the total budget for the facility is \$6.2 million, which will be market tested once the detailed design and tendering are completed.

The key benefits for the community are:

- A true multipurpose facility for the use of the whole community, while incorporating exclusive-use space for the Portland Yacht Club.
- Increased connection for the community to Portland foreshore via a modern facility with all-abilities access.
- Function, retail and café spaces at Portland Bay shoreline and close to surrounding greenspaces.

- Optimal use of one-off Victorian Government funding to provide this building on Portland's foreshore.

The process of informing the community has included:

- newspaper advertorial
- stakeholder meetings
- regular social media posts, shared with community social media pages
- media releases
- walkarounds on Bentinck Street and discussions with retailers
- drop-in sessions at the Portland Library
- online and paper-based poll
- project email address listed on the Your Say Glenelg Website

Key stakeholders such as Portland Yacht Club, Portland Sport Fishing Club and Portland Cable Trams were integral to these discussions (including before it was taken to Council on 26 September 2023).

As at 17 November, the poll results were:

a) <i>I like the building design as is. (20%)</i>	63
b) <i>I think a minor change is needed - eg colours, non-structural elements etc. (6%)</i>	21
c) <i>I have no opinion. (1%)</i>	2
d) <i>I feel a major building redesign is needed - eg roofline, exterior etc. (43%)</i>	138
e) <i>I don't want the project to go ahead. (30%)</i>	97

The feedback and poll results above (< 321 responses) favour a desire to either carry out a major redesign – despite a potential additional cost of up to \$500,000 – or want a decision to not build and return \$4 million to the Victorian Government.

Responses to the poll have tailed off significantly and include 8% paper-based responses. Final poll results and a summary of feedback up to 23 November will be provided as a late attachment to this report.

Council does not have additional funding or budget provision for a major redesign – option (d) 43%. This is also not an option as funding milestones will not be met due to the delay caused by a major redesign and would likely result in Council having to return the \$4 million in funding already received. A decision to not build and return the funding – option (e) 30% - is not supported by the poll results.

It is worth noting that the roofline of the current design is consistent with the preferred option (Option 1) following extensive consultation with key stakeholders and the community in late 2022. Some feedback has been received regarding colours represented in the concept images which in itself is a minor design change – other options can be considered if necessary.

Engagement levels do not appear to represent the wider community. It was evident that bias towards a negative result was influenced largely through social media platforms and widespread misinformation about one key stakeholder group and visual amenity from Bentinck Street.

Importantly, the three key stakeholder groups, Portland Yacht Club, Portland Sport Fishing Club and Portland Cable Trams have indicated their support for the building and will provide ongoing input during the design and construction phases.

The placement of the building in the existing Portland Yacht Club location has been re-scoped and approved in principle by DEECA from its original location. The change in location is based purely on sea-level rise modelling provided by the Victorian Government. Any new building on Victoria's coastline must demonstrate sea-level rise considerations in the location and design elements of the new structure.

There have also been changes to the overall size of the facility and layout to fit with the new location. The design has been amended to show the Portland Foreshore Community Pavilion in this location and includes concept images of how the building will look from various key vantage points.

There is dedicated Portland Yacht Club exclusive-use space and the same size boat storage, including undercover rescue boat storage, within the boat storage area. The boatyard has been moved to the north of the building and the existing car park to the south of the Portland Yacht Club will be retained. A separate project is to be developed in parallel, subject to DEECA approval, to provide Portland Yacht Club with access to the beach for small sailing craft launching and recovery.

The Portland Sport Fishing Club building will be demolished and will provide more green space on the foreshore. The existing drainage in the car park will be upgraded, maintenance work on the existing revetment will be completed, and an additional section of path will link the Community Pavilion to the connecting paths at the barbeques.

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

All legal and legislative requirements have been considered.

Risks associated with modelled sea-level rises for the location were identified by DEECA and the location has been agreed in principle. A Marine and Coastal Act Consent is still required before detailed design can be approved and construction permitted to commence.

c. Consultation and/or communication processes implemented or proposed

Meetings to inform key stakeholders of the impact of these changes, options for managing these changes throughout construction have been completed.

The community has been informed of the requirement for these changes via YourSay Glenelg and the media.

d. Financial Implications and Collaboration

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

Any further significant delays to this project may put the funding at risk. Both DEECA and Department of Jobs, Skills, Industries and Regions are working with Council to minimise these risks.

e. Governance Principles

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

Attachment List

1. PFCP Elevations of building from five perspectives - drawing A R 900 [**13.7.1** - 1 page]
2. PFCP Proposed Floor Plans - ground and first floors - drawing A R 100 [**13.7.2** - 1 page]
3. Portland Foreshore Community Pavilion - Feedback Data [**13.7.3** - 2 pages]
4. 20231123 PYC Letter of Support for PFCP [**13.7.4** - 1 page]

13.8. RECRUITMENT OF CHIEF EXECUTIVE OFFICER

Director: David Hol, Director Corporate Services

Executive Summary

As a consequence of the resignation of Mr. Paul Phelan and the appointment of Mr. Greg Wood as Acting CEO in November 2023, Council will need to commence the process to recruit a new Chief Executive Officer in accordance with the CEO Employment and Remuneration Policy adopted by Council on the 14 December 2021

Recommendation

That Council:

- 1. Establishes a CEO Employment and Remuneration Committee in accordance with Section 45(2) of the *Local Government Act 2020* and appoints Councillors _____ to the Committee.**
- 2. Requests the committee to recommend to Council on the engagement of an independent advisor to support in the recruitment of the CEO.**
- 3. Requests the committee to recommend to Council on the engagement of a suitably qualified recruitment firm to support Council in the recruitment and appointment of a CEO.**
- 4. Appoints Cr _____ / or the Independent advisor to be the Chair of the Committee.**

Background/Key Information:

It is recommended under the Chief Executive Officer (CEO) Employment and Remuneration Policy that Council appoint a suitably qualified recruitment firm and establish a CEO Employment Remuneration Committee.

Council also has the option to engage an independent advisor to support the recruitment of the CEO to ensure that the recruitment process is efficiently undertaken.

Alternatively, all Councillors can participate in the recruitment process to identify a short list of preferred candidates. It should be noted however that the latter approach may prove logistically difficult, and this may prolong the recruitment process.

Council may appoint a Councillor or an independent person as the chair of the CEO Employment and Remuneration Committee.

Where the Committee is not appointed Council must ensure access to independent professional advice is available.

The Director Corporate Services will provide secretariat support to the Committee.

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 44 of the *Local Government Act 2020* prescribes the requirements for the appointment of a Chief Executive Officer.

The Glenelg Shire Council's CEO Employment and Remuneration Policy is a requirement of Section 45 of the *Local Government Act 2020* and outlines the way in which Council will manage the recruitment and appointment of its Chief Executive Officer, provides consistency for contract inclusions, performance monitoring and requirement for annual reviews.

c. Consultation and/or communication processes implemented or proposed

The report recommends the engagement of a suitably qualified recruitment firm and / or independent advisor as well as the establishment of a CEO Employment and Remuneration Committee.

d. Financial Implications and Collaboration

Costs associated for the recruitment of staff are contained within operational budgets.

e. Governance Principles

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

Attachment List

1. COUNCIL POLICY CEO Employment and Remuneration Policy CPO CEO OD 001 [13.8.1 - 7 pages]

14. CONFIDENTIAL REPORTS**Recommendation**

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

- 14.1 Contract 2023-24-24 Local Freight Roads Projects Portland Heathfield
Linsday Road Rehabilitation & Widening
- 14.2 Contract 2023-24-25 Local Freight Roads Projects - Portland Fitzgerald
Street Upgrade

15. URGENT BUSINESS**16. CLOSURE OF COUNCIL MEETING**