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

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## **1. PRESENT**

Cr Scott Martin (Mayor), Cr Michael Carr, Cr John Northcott, and Cr Karen Stephens.

Also in attendance were the Director Corporate Services (Mr David Hol), Director Community Services (Ms Jayne Miller), Director Assets (Mr Stuart Husband), Chief Information Officer (Ms Ann Kirkham), Organisational Development Manager (Ms Shelley Bourke), Executive Assistant CEO Department (Ms Laura Van Oosten) and Administration Support Officer (Ms Kerry Holmes).

## **2. OPENING PRAYER**

The Mayor opened the meeting with the Council Prayer.

## **3. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor read the Acknowledgement of Country.

## **4. 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.

## **5. RECEIPT OF APOLOGIES**

Cr Gilbert Wilson.

## **6. QUESTION TIME**

### **6.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

#### **1. Portland Foreshore Multipurpose building**

Mr Andrew Hays of Portland asked the following questions:

- a. *Will Council undertake to work with the Yacht Club to ensure the building works for the club?*

Mayor Scott advised that he would take the question on notice.

The following response was provided by Mayor Scott Martin to Mr Hays, Council staff have been in discussions with representatives of the Yacht club since the inception of this project and will continue to meet and discuss options to address the Yacht club concerns where they are practical and align with the overall project outcome to benefit the community as a whole.

#### **2. Portland Foreshore Multipurpose building**

Mr Tom Doherty of Portland asked the following questions:

- a. *Was there a business case put forward for the commercial retail outlets for the development ?*

Mayor Scott advised he would take the question on notice.

The following response was provided by Mayor Scott Martin to Mr Doherty.

A business case was prepared in relation to the entire Multi-Purpose facility as part of the funding approval process.

#### 6. Heritage Report

Mr David Punton of Portland asked the following questions:

- a. *Can the Glenelg Shire Council please provide the Heritage Advisor information in relation to the heritage colours at the Tyrendarra old church?*

Mr Matthew Berry Acting Director Corporate Services advised that the advice can be provided to you.

A copy of the Heritage Advisors response and attachments were provided to Mr Punton by Acting Director Corporate Services Matthew Berry via email.

- b. *Follow up to a question about rate payers assets and actions regarding these assets?*

Mayor Scott Martin advised that he would take the questions on notice.

The following response was provided by Mr David Hol Acting Chief Executive Officer.

The Mayor Scott Martin advised that he take the questions on notice as it was vague and did not state the actual question. Its noted that you provided further clarity on this question to me on the night following the Council meeting which relates to the disposal of bluestone from the Heywood Waste Transfer Facility site.

The Mayor has requested that a response be provided on his behalf.

An investigation was undertaken into the disposal of the bluestone blocks and although irregularities in the process undertaken were identified, there was no evidence to suggest that any illegal activity occurred and there does not appear to be any community benefit to spend further public funds to retrieve this material as current stockpiles are sufficient for demand.

#### 7. Fawthrop Lagoon, Customer Service Satisfaction Survey and 26 January community consultation

Mr Gary Humm of Portland asked the following questions:

- a. *What measures will this Council implement to resolve the issue of reclaiming this Heritage listed area of Fawthrop Lagoon for all community members to be able to access without fear for their safety and as a measure to protect the wildlife and habitat?*

Mayor Scott Martin advised that the question would be taken on notice.

The following response was provided by Mayor Scott Martin to Mr Humm. The purpose of the Heritage listing on part of the Fawthrop Lagoon is to control development the land via planning permits. In regards to protection of wildlife and safety under Section 29A schedule of the General local law dogs must be under effective control of the owner in this area. Council's Local Laws Officers will continue to monitor the area via patrol. Any persons witnessing wildlife being chased by dogs and / or cats to report via the 1300GLENELG number or Council website. Council will also be launching a responsible pet ownership companion in the coming months with face to face sessions, radio announcements and fliers.

- b. *How can this Council reasonably justify that its appropriate to make any significant social and community decision that has relied upon data that reflects the opinion of less the 2% of the total community?*

Mayor Scott Martin advised that this particular topic was one of the highest community feedback totals Council had received, this community feedback helps Councillors form a decision at a Council meeting, and will take the rest of the question on notice.

The following response was provided by Mayor Scott Martin to Mr Humm.

Engaging the public in consultation is a challenge to all Councils. Glenelg Shire uses multiple platforms such as radio, print and social media. The response from the community of 496 is one of the highest responses that has been received through the engagement platform. Engagement feedback is not mandatory and Council is comfortable that the responses provided are sufficient to provide necessary direction going forward. The same approach is being taken with the Customer Satisfaction Survey which was based on less responses than received for the Australia Day consultation.

- c. *Will you or will you not provide a timeline for the community of when Council will actually implement the Customer Service Satisfaction Survey (CSS) recommendations for greater engagement and transparency and be transparent with the community?*

Mayor Scott Martin advised he would take the question on notice.

The following response was provided by Mayor Scott Martin to Mr Humm:

The Council executive team is currently working through the recommended focus areas for the next 12 months and will provide a response in the near future.

## 5. Budget Submissions

Mr Owen Stephens asked the following question:

- a. *I would like to follow up on a Budget submission on behalf of the Casterton Business Association and the tracks and trails, is there project being looked at for continuation, as I have not received a follow up to the submission?*

Mr David Hol Acting Chief Executive Officer advised that he was surprised that you didn't receive a response as they were sent to individual submissions. Council are currently planning and finalising a funding stream which includes the tracks and trails.

A copy of the response from Glenelg Shire Council to Mr Stephens emailed to him on 10 July 2023 on the budget submission was provided to Mr Stephens from Acting Director Corporate Services Matthew Berry.

## 6.2. QUESTIONS FROM THE GALLERY

### 1. Christmas and New Years 2023

Mr Neville Manson of Portland asked the following questions:

- a. *Can the Council please inform the community of the person responsible for making the decision to cancel funding for the Christmas lights? (as per the Portland Observer newspaper front page article 13.10.2023) without Councillor knowledge or consultation with the community?*

Mayor Scott Martin advised that not everything goes out to community consultation. In hindsight that should have occurred and we will take that feedback onboard. The Christmas lights were not being cancelled and instead Council was to use the funds usually spent to fund the community to take this up. The responsibility for this decision is with the Councillors as they were informed of this in a workshop. There was a disconnect between Councillors intention and the message to the public.

- b. *Since Council has released a statement back flipping on the Christmas light decision and stating that the lights have been installed by the generosity of two local businesses, Keppel Prince and R & M Menzel. Can you please provide evidence in the form of invoices or accounts that clearly show the \$30,000 expenditure your officer has stated the installation of the lights has cost in the past?*

Mayor Scott Martin advised that providing invoices for businesses is commercial in confidence. One of the criticisms of the community feedback survey is that Council needs to listen more, so that is what they have done.

- c. *If the \$30,000 expenditure your officer has stated the installation of the Christmas lights cost is proven to be incorrect, will the Council return the funds to this year's Christmas and New Year celebration budget, and will the Council use the funds to arrange for the Christmas and New Year celebrations as per previous years including entertainment and the closing of Bentinck St to traffic on NYE?*

Mayor Scott Martin advised Council will be doing the same as what has been done previous years within budget including entertainment and closing of Bentinck Street on New Years Eve. The \$30,000 includes several items in regards to the Christmas Tree lighting including street closure, other street decorations and equipment hire. The

Director of Corporate Services provided further information to Mr Manson on the expenditure following the conclusion of the meeting.

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?*

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.

## 2. Pacific Green Technologies Battery Project

Mr Tim Walls of Portland asked the following questions:

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

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

## 3. Dog Control Signage at Nuns Beach

Mr Graeme O'Leary of Portland asked the following questions:

- a. *In May I mentioned to Council about signage at Nuns beach regarding hours dogs are allowed off leash, why have I not yet been contacted?*

Director Corporate Services, Mr David Hol advised he had a conversation and exchanged emails with Mr Leary following Council meeting. Owners have a requirement to maintain effective control over their animals. We do conduct periodic patrols around the area to ensure people are compliant however we do have limited in resources available. Mr Hol advised that he would provide Mr O'Leary with an update on the signage aspect.

## 4. Portland Foreshore Multipurpose Facility, 56 Percy St Lease and Councils Achievements

Mr Jowlett of Portland asked the following questions:

- a. *Can you please inform our community how your discussions have gone with the main stakeholders in relation to the currently proposed new multipurpose building to replace the Portland Yacht Club? Specifically does the Yacht Club feel the building is going to fit their needs?*

Director Assets, Mr Stuart Husband advised the Yacht Club provided further information last week which we are currently working through. We are also working with other stakeholders in the community more broadly.

- b. *In relation to Council facility at 56 Percy St, can you please explain why a new 3 year lease was entered into on the 1 October 2022 but was vacated less than a year later, and were there any financial repercussions for breaking the lease?*

Director Corporate Services, Mr David Hol advised the original intention of 56 Percy St was to set it up as a permanent customer service centre and as a potential option coming out of Covid for business continuity purposes. It was later identified that the requirements we would need to meet to make the office suit our environments became more costly than first anticipated and so the decision was to transition back to Cliff St. We are currently in negotiation with the landlord regarding the lease. Council will have a cost in the transition, although significantly less than the cost of continuing on with the lease.

c. *What do you see as Councils greatest achievement over the past 12 months that you have been Mayor?*

Mayor Scott Martin advised there is an agenda item coming up later tonight to cover several items Council has achieved over the past 12 months. For Councillors one of the biggest successes was the Home & Community care services transition. When dealing with the most vulnerable people in our community there is a need to have a smooth transition, and thank our staff for ensuring this has happened to the best of our ability.

#### 5. Questions emailed to Council

Mr Matt Hunt of Portland

*Questions provided prior to Council meeting withdrawn.*

Ms Sue Oates of Portland

*Mayor Scott Martin advised he is awaiting further clarification from Ms Oates regarding questions asked.*

### **7. DECLARATIONS OF CONFLICT OF INTEREST**

Nil.

### **8. CONFIRMATION OF MINUTES**

#### Recommendation

That the minutes of the Council Meeting held on Tuesday 26 September 2023, as circulated, be confirmed.

#### **MOTION**

**MOVED Cr Northcott**

**That the minutes of the Council Meeting held on Tuesday 26 September 2023, as circulated, be confirmed.**

**SECONDED Cr Carr**

**CARRIED**



**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

**9. PRESENTATIONS**

Nil.

**10. DEPUTATIONS**

Nil.

**11. NOTICES OF MOTION****11.1. NOTICE OF MOTION 2-2023-2024 - CHRISTMAS LIGHTS AND STAR ON NORFOLK PINE TREE PORTLAND**

CEO: Paul Phelan, Chief Executive Officer

In accordance with the Council's Governance rules Section 2.8.1, I give notice of my intention to move the following motion at the Council meeting to be held on Tuesday 24 October 2023.

That as per our budget this council works with local contractors to install the Christmas lights and star on the Norfolk pine tree located in front of Gordon Hotel on Bentinck Street in Portland by December 1 2023.

Signed: Cr Michael Carr  
13 October 2023

**Attachment List**

1. Cr Carr Notice of Motion — Christmas lights and Star on Norfolk pine tree  
Portland 17 October 2023 [11.1.1 - 1 page]

**MOTION**

**That as per our budget this council works with local contractors to install the Christmas lights and star on the Norfolk pine tree located in front of Gordan Hotel on Bentinck street in Portland by December 1 2023.**

**Cr Carr withdrew the Notice of Motion.**

**12. PETITIONS**

Nil.

### **13. COMMITTEE REPORTS**

#### **13.1. AUDIT AND RISK COMMITTEE MINUTES 14 SEPTEMBER 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 14 September 2023.

##### **Recommendation**

That Council:

1. Receives the minutes of the Audit and Risk Committee Meeting held on 14 September 2023.
2. Adopts the Audit and Risk Committee Self-Assessment Survey 2022/2023 in accordance with Section 54(4)(b) of the *Local Government Act 2020*.
3. Adopts the Audit and Risk Biannual Report for the period 1 January 2023 to 30 June 2023 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.

##### **MOTION**

**MOVED Cr Stephens**

That Council:

1. **Receives the minutes of the Audit and Risk Committee Meeting held on 14 September 2023.**
2. **Adopts the Audit and Risk Committee Self-Assessment Survey 2022/2023 in accordance with Section 54(4)(b) of the *Local Government Act 2020*.**
3. **Adopts the Audit and Risk Biannual Report for the period 1 January 2023 to 30 June 2023 in accordance with Section 54(5)(b) of the *Local Government Act 2020*.**

**SECONDED Cr Carr**

**CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

Background/Key Information:

The role of the Audit and Risk Committee is to monitor, review and advise Council on matters of accountability and internal control affecting the operations of the Council. The Audit and Risk Committee also exists to assist the Council in discharging its responsibilities for monitoring financial management and reporting, maintaining a reliable system of internal controls, compliance with the *Local Government Act 2020* and fostering the organisation's ethical environment. The Audit and Risk Committee Charter requires that the Committee's minutes be presented to Council to ensure that an effective communication mechanism between the Committee and Council occurs and to ensure that the Council is fully informed on the Committee's activities.

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

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

The Audit and Risk Committee Meeting held on 14 September 2023 considered the following items:

Item No.	Management Reports (Title)
1.	Audited Financial Statements as at 30 June 2023
2.	Industry Update
3.	Strategic Internal Audit Program Status Update
4.	VAGO Report – Regulating Food Safety 2023 (June 2023)
5.	Review of Key Policies – Fraud and Corruption Control Policy and Fraud and Corruption Control Plan
6.	Organisational Enterprise Resource Program (ERP) update
7.	Outstanding Debtors at 30 June 2023
8.	Audit and Risk Committee Biannual Report for the period 1 January 2023 to 30 June 2023
9.	Local Government Performance Reporting Framework 2022/2023
10.	Review Council's Risk Management Framework including Organisational Strategic Risk Register
11.	Review Council's Insurance Programme
12.	Live Fire Report
13.	Cyber Crime Action Plan
14.	Audit and Risk Committee Self-Assessment Survey 2022/2023
Item No.	Regular Reports (Title)
1.	Cyber Incident Report
2.	Internal Audit Action List
3.	OHS Quarterly Report 1 April 2023 to 30 June 2023

4.	Risk Management Quarterly Report 1 April 2023 to 30 June 2023
5.	Workcover Quarterly Report 1 April 2023 to 30 June 2023
6.	Councillors Quarterly Expenditure Report
7.	CEO & EA Expenditure – Credit Card and Reimbursements
8.	Audit and Risk Committee Annual Work Plan Year Ending 30 June 2024
Item No.	Confidential Reports (Title)
1.	Council Litigation Matters
Item No.	Other Business (Title)
1.	Attestation Compliance Report

a. Council Plan and Policy Linkage

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Audit and Risk Committee Charter 2023 - 2025.

b. Legislative, Legal and Risk Management Considerations

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

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

c. Consultation and/or communication processes implemented or proposed

The minutes from each meeting are provided to the Chairperson of the Audit and Risk Committee to review, prior to being presented to the Audit and Risk Committee members for endorsement at the next available meeting.

d. Financial Implications and Collaboration

The 2023-2024 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 14 September 2023 [**13.1.1** - 62 pages]
2. Audit and Risk Committee Self Assessment Survey Form 2022 2023 - Total Responses 6 Members [**13.1.2** - 5 pages]
3. Audit and Risk Committee Biannual Report for the period 1 January 2023 to 30 June 2023 Signed by Chair [**13.1.3** - 10 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 Cr Carr**

**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 Northcott**

### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**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. 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 July 2023 to 30 September 2023.

### Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 July 2023 to 30 September 2023.

### MOTION

#### **MOVED Cr Carr**

**That Council receives the Councillors quarterly expenditure report for the period 1 July 2023 to 30 September 2023.**

#### **SECONDED Cr Northcott**

#### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**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 July 2023 to 30 September 2023.

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

Councillor	TR	CM	CC	IC	CT	Carer	Grand Total
Carr				\$239			\$239
Hawker				\$239			\$239
Martin	\$4,219			\$239	\$695		\$5,153
Northcott				\$239			\$239
Smith				\$239			\$239
Stephens	\$3,294	\$4,636		\$472			\$8,402
Wilson				\$239	\$408		\$647
Grand Total	\$7,513	\$4,636		\$1,906	\$1,103		\$15,158

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

Following is a table of Councillor allowances paid for the period 1 July 2023 to 30 September 2023:

Councillor	Amount
Carr	\$7,217
Hawker	\$8,335
Martin	\$26,754

Northcott	\$5,674
Smith	\$13,377
Stephens	\$8,335
Wilson	\$8,335
Grand Total	\$78,027

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 10 e, f & g of the *Local Government (Planning and Reporting Regulations 2020)*.
- *Carers Recognition Act 2012*.

c. Consultation and/or communication processes implemented or proposed

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

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

d. Financial Implications and Collaboration

Councillor Allowances and Councillor Expenditure are accounted for in the 2023-2024 Annual Council Budget.

e. Governance Principles

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

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

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

**Attachment List**

Nil

### 14.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT SEPTEMBER 2023

Director: David Hol, Acting Chief Executive Officer

#### Executive Summary

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

#### Recommendation

That Council receives the Financial report for the period ending September 2023.

#### **MOTION**

#### **MOVED Cr Stephens**

**That Council receives the Financial report for the period ending September 2023.**

#### **SECONDED Cr Carr**

#### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

#### 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.

Total forecast income has been adjusted by \$9.155M (favourable) and is made up of grant income carried forward from the 2022/23 financial year for capital and operational projects that were not completed (in line with relevant accounting standards). This has been offset by reduced operating grants of \$9.9M to reflect the early payment of Financial Assistance Grants in June 2023 for the 2023/24 financial year.

Total forecast expenditure increased by \$2.012M (unfavourable) to reflect the expenditure associated with operational grants that have been carried forward (\$1.68M) and other projects (\$326k) committed in 2022/23 that will be completed in the current financial year. These projects include \$230k for review of Council's payroll system, and approximately \$100k for project signage, electric line clearance works and other minor asset related works that were completed in July 2023.

Cash at 30 June 2024 is forecast to increase \$2.1M from the Adopted Budget due to an increased cash position of \$7.6M at 30 June 2023, which has been offset by operational expenditure adjustments of \$2.012M and capital income and expenditure that will now be phased into the 2024/25 financial year.

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 - September 2023 FINAL [**14.3.1** - 7 pages]

#### 14.4. REVIEW OF KEY POLICIES - FRAUD AND CORRUPTION CONTROL POLICY AND FRAUD AND CORRUPTION CONTROL PLAN

Director: David Hol, Director Corporate Services

##### Executive Summary

The purpose of this report is to present to Council a revised Fraud and Corruption Control Policy and Fraud and Corruption Control Plan for consideration. Following presentation to the Audit and Risk Committee meeting held on 14 September 2023, the Audit and Risk Committee resolved to recommend to Council that both documents be adopted.

##### Recommendation

That Council adopt the revised Council Policy - Fraud and Corruption Control and the Fraud and Corruption Control Plan.

##### MOTION

##### **MOVED Cr Stephens**

**That Council adopt the revised Council Policy - Fraud and Corruption Control and the Fraud and Corruption Control Plan.**

##### **SECONDED Cr Carr**

##### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

##### Background/Key Information:

The Fraud and Corruption Control Policy and Control Plan were due for review in June 2023. Council's internal auditors AFS & Associates were engaged to assist with a review of the Policy and Plan to align to the new requirements of Australian Standard 'AS8001-2021 : Fraud and Corruption Standard'.

Based on the changes to AS8001-2021, the Fraud and Corruption Control Policy and Control Plan were revised to reflect these changes including the following:

- The Fraud and Corruption Control Plan is now the Fraud and Corruption Control System to reflect that it brings together the strategies adopted by GSC to combat fraud and corruption.
- The definitions for 'fraud' and 'corruption' were aligned to the new Standard.
- Glenelg Shire Council's (GSCs) Information Security Framework's strategy to prevent, detect and respond to external 'cyber-born' attacks was referenced in the Fraud and Corruption Control System.



- The role of Council as the governing body and CEO and Executive as top management have been outlined to better define the relationship between the governing body and top management for managing governance and risk in combatting fraud and corruption.
- Pressure testing of internal controls has been included in the Fraud and Corruption Control System to help identify weak controls.
- Immediate actions in response to fraud and corruption have been revised to support preservation of evidence pending investigation.
- Updated References and Related Policies and Delegations to reflect new 'normative references' under the Standard.

The following elements of the Fraud and Corruption Policy and Control Plan were also reviewed to confirm alignment with the requirements of the new Standard:

- Strategies to disrupt fraud and corruption, including monitoring specific transactions and augmented identity checking.
- Screening and due diligence for 'business associates'.
- References and guidance to 'whistleblower protection' and misconduct reporting channels.

The frequency of review timeframes for the Policy and Plan has been amended from every four years to every two years and training for all staff is proposed, rather than key staff.

In line with the Standards the Control Plan is a document that summarises the anti-fraud and anti-corruption strategies. The Plan covers the areas of Prevention, Detection and Response.

The purpose of the Policy is to clearly outline the expected conduct of employees, volunteers and contractors of the Glenelg Shire Council in relation to Prevention, Detection and Reporting of fraudulent and corrupt activity.

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 54 (2)(c) of the *Local Government Act 2020* stipulates that the Audit and Risk Committee Charter must specify the functions and responsibilities of the Audit and Risk Committee including:

- monitor and provide advice on risk management and fraud prevention systems and controls.

The Policy provides a clear statement of intent that all reports of fraud and corruption received will be fully investigated and appropriate action taken.

The Fraud and Corruption Control Plan and Policy supports Council staff with increased knowledge and guidance regarding fraud issues, indicators of behaviour that may lead to fraud detection, reporting obligations and procedures for how to deal with fraudulent and corrupt behaviour.

c. Consultation and/or communication processes implemented or proposed

- AFS & Associates
- Audit and Risk Committee
- Executive Team.

d. Financial Implications and Collaboration

It is expected that the resourcing requirements related to managing Council's fraud and corruption risk will be undertaken within existing resources. There will be minor training related costs every two years to comply with the obligations within the Control Plan.

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.

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. Fraud and Corruption Control Policy [**14.4.1** - 6 pages]
2. Fraud and Corruption Control Plan [**14.4.2** - 29 pages]

#### 14.5. GLENELG SHIRE COUNCIL ANNUAL REPORT 2022-2023

Director: Jayne Miller, Director Community Services

##### Executive Summary

The purpose of this report is to present to Council the Glenelg Shire 2022 - 2023 Annual Report including the Financial and Performance Statements.

##### Recommendation

That Council adopts the Glenelg Shire Council Annual Report for 2022-2023, including the audited Financial Statements and Performance Statement.

##### **MOTION**

##### **MOVED Cr Carr**

**That Council adopts the Glenelg Shire Council Annual Report for 2022-2023, including the audited Financial Statements and Performance Statement.**

##### **SECONDED Cr Stephens**

##### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

##### Background/Key Information:

Council has a statutory requirement to produce an Annual Report each financial year. The *Local Government Act 2020* outlines the key information that must be included and the process that must be adhered to in the development, authorisation and publication of the Annual Report.

The 2022-2023 Annual Report is a key corporate document of Council. It contains Council's Financial Statements, Performance Statement and the achievements delivered under the Council Plan during the financial year - 1 July 2022 to the 30 June 2023.

##### a. Council Plan and Policy Linkage

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

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

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

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

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

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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

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

d. Financial Implications and Collaboration

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

e. Governance Principles

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

### **Attachment List**

1. GSC Annual Report 2022-2023 PROOF 111023 Spread View [14.5.1 - 58 pages]
2. GSC Annual Report 2022-2023 PROOF COVER 250923 [14.5.2 - 2 pages]
3. GSC Financial Report 2022-2023 PROOF 121023 Spread View [14.5.3 - 31 pages]
4. GSC Financial Report 2022-2023 PROOF COVER 171023 [14.5.4 - 2 pages]

## 14.6. AGED AND DISABILITY TRANSITION PROJECT

Director: Jayne Miller, Director Community Services

### Executive Summary

The purpose of this report is to update Council on the completion of the Aged and Disability Transition Project.

As of 30 September 2023, Glenelg Shire Council (the Council) are no longer funded to provide Aged and Disability (A&D) services in the Shire.

The Council has been a long-term provider of entry-level home and community care services to assist people to continue to live independently in the community. As part of the recommendations from The Royal Commission into Aged Care Quality & Safety a new program called Support at Home will replace current aged care services funded by the Federal Government and will commence 1 July 2024. Support at Home will replace the Council delivered services and the changes to the funding and operating environment will result in Council being ill-equipped and not suited to continuing as a provider for the community.

A review, consultation, decision making, and transition process commenced in June 2022 and concluded September 2023 and a timeline of key milestones is outlined in the report.

### Recommendation

That Council note and receive the report on the Transition Project for Aged and Disability Services in the Glenelg Shire.

### MOTION

**MOVED Cr Stephens**

**That Council note and receive the report on the Transition Project for Aged and Disability Services in the Glenelg Shire.**

**SECONDED Cr Northcott**

**CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

### Background/Key Information:

The Transition Project for Aged and Disability Services in the Glenelg Shire Council is now complete. As of 1 October 2023, Council is no longer funded to deliver the following services in the Shire.

1. HACC-PYP - The Home and Community Care Program for Younger People provides support for younger people with disabilities whose capacity for independent living is at risk. Services are targeted to younger people with moderate, severe or profound disabilities and their unpaid carers, and people living with chronic health conditions.
2. RAS - Regional Assessment Services are available to access the Commonwealth Home Support Programme (CHSP). The RAS ensures clients receive services that respond to their needs in living independently at home. To receive a RAS assessment, clients must be aged 65 years and over, or aged 50 years and over for Aboriginal and Torres Strait Islander people.
3. CHSP - The Commonwealth Home Support Programme provides entry-level support for older people who need some help to stay at home. Service providers work with them to maintain their independence.

Key activities and considerations led by the Council over the transition process included:

Employees	Redundancies, redeployments, support to enable transition to new employers or new providers (resumes, references, first aid training, roster flexibility for interviews and onboarding)
Clients and families	Client communications and consent
Continuity of Service Delivery	Maintain a high level of service delivery during the transition period
IT and Systems	My Aged Care user portal management and closure, Xpedite Software client data cleansing and preparation for client data transfer to new providers
2023/24 Budget	Budget considerations towards redundancies and resources to support transition process including personnel, systems, assets, equipment and facilities
Commonwealth Government	Meetings and regular reporting on the transition project
New Providers	Weekly Steering Group Meetings between Council and new providers from June 2023 – September 2023, including CHSP HACC PYP, RAS providers.
Media	Communications protocols in place during transition period
Elected Members	Regular updates on transition project progress
Reporting	Acquittals, Data Exchange, Minimum Data Set Report, Vulnerable Person Register

### Timeline of Transition

June 2022 - Council engaged mach2consulting to undertake a review of Councils' provision of home and community services including a financial analysis of the Commonwealth Home Support Programme (CHSP) and Home and Community Care (HACC) funded services and provided pathway options for consideration.

October 2022 - Council made the in-principle decision to undertake consultation with clients, staff, community and stakeholders regarding the future of Council's role as a provider of A&D services under the Commonwealth Home Support Programme (CHSP), Victorian Home & Community Care for Young People Program (HACC-PYP) and Regional Assessment Services (RAS).

January – February 2023 – A five-week consultation period was undertaken over the phone, in writing, via Council's online engagement platform YourSay Glenelg and in person at staff or community information sessions, held in Heywood, Dartmoor, Merino, Casterton, Nelson and Portland. More than 150 people provided feedback. Every employee impacted by the in-principle decision was consulted during the period. Additional conversations were held with staff on an individual, group and informal basis.

February 2023 – Council resolved to not accept a service agreement extension past 30 June 2023 for all CHSP, HACC-PYP and RAS services and notified the Commonwealth, Victorian Government, clients, families, staff, union representatives, the media and the broader community of this decision.

April 2023 – Council agrees to a service extension for CHSP services (excluding Property Maintenance) until 30 September 2023 at the request of the Commonwealth to support a smooth transition process.

June 2023 – Council is advised new providers for HACC-PYP services as being Uniting Care Victoria and Tasmania and RAS as being Barwon Health. Council commences the transition process for clients to the new providers.

June 2023 – Council exits from HACC-PYP, RAS and CHSP Property Maintenance Services.

June 2023 - Redundancy calculation considerations are made for the 2023/24 Financial Year.

July 2023 – Council formally advised by the Commonwealth new providers of CHSP services in the Shire: Western District Health Services on behalf of Casterton Hospital, Portland District Health, Heywood Rural Health.

July 2023- Council agrees to a service extension for HACC PYP due to lack of localised workforce at time of transition. Deed of variation with Victorian Government until 29 September 2023.

July 2023 – Joint media statement, client and staff announcement made. CHSP transition process commences between Council and three providers.

September 2023 – Clients are transitioned across to new providers and Council formally exits CHSP services.

September 2023 - Council formally exits HACC-PYP services.

September 2023 – Staff receive formal redundancy package information.

October 2023 – Portland District Health commences new lease agreement with Council to operate services from the Fawthrop Centre, Portland.

October 2023 – Heywood Rural Health commences new user agreement with Council to operate services from the Riverwood Centre, Heywood.

October 2023 – Close out processes associated with the transition including acquittals, reporting, accounts, records and other administration tasks.

October 2023 – Additional follow-up meetings to support any services provision challenges new providers may encounter.

### Next Steps

Council acknowledges and thanks all stakeholders involved in the Transition Project. Council will now assess its policy direction regarding future investment in age-friendly or positive-ageing initiatives and ensuring that Council's universal services and facilities are designed to meet the needs of a growing population of older residents.

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

[Local Government Act 2020](#)

[Aged Care Act 1997 \(Commonwealth\)](#)

[Aged Care Quality Standards \(Providers\)](#)

Risks assessments were conducted with the incoming Commonwealth Home Support Package providers.

c. Consultation and/or communication processes implemented or proposed

The five-week consultation period was undertaken from 9 January 2023 until Friday 10 February 2023. Feedback was received over the phone, in writing, via our online engagement platform YourSay Glenelg and in person at staff or community information sessions, held in Heywood, Dartmoor, Merino, Casterton, Nelson and Portland.

Employee Information Session(s) were attended by staff and a representative of Australian Services Union (ASU) at each meeting. Every employee impacted by the in-principal decision was consulted during the period. Additional conversations were held with staff on an individual, group and informal basis throughout the five-week period.

d. Financial Implications and Collaboration

Collaboration undertaken throughout the Aged and Disability Transition Project has been outlined in the *Timeline of Transition* section in this report and has



involved the Commonwealth, State Government and incoming providers for CHSP, HACC-PYP and RAS services.

23/24 A&D Operating Income and Expenditure as 5 October 2023

General commentary regarding Aged and Disability (A&D) Services 1 July 2023 – 5 October 2023 is outlined below.

- The 23/24 Adopted Council Budget listed A&D income as \$601,000 and expenditure as \$1.3M with an operating deficit of \$734,000 (redundancy payments).

Aged and Disability Services	Range of services for the aged and disabled including home delivered meals, personal care, respite, home maintenance and planned activity groups.	<i>Inc</i>	2,512	2,399	601
		<i>Exp</i>	2,654	2,714	1,334
		<i>Surplus/ (deficit)</i>	(142)	(316)	(734)

- A&D income includes a combination of operating grant income (\$400,000) and client fees (\$200,000). An additional \$30,000 in outstanding client fees is forecast as income, which will be managed through final client statements.
- Employee costs of \$1.2M include \$629,770 in redundancy payments (excluding leave entitlements) and salaries.
- There is an expected variance of \$215,000 in employee costs, as all services provided by Council prior to 1 July 2023 were budgeted for in the 23/24 budget. Council exited from some service delivery on 30 June 2023 (HACC, RAS, Property Maintenance).
- Other expenses, internal cost allocations, materials and services expenses are budgeted at \$120,000 and include allocation for light vehicles and buses, payments to contractors, mobile phones, postage and other internal administrative expenses.

Redundancy Costs

Industrial obligations to staff in the form of redundancy payments were incorporated into the Aged and Disability Budget 2023/2024 budget at an estimated cost of \$734,000.

The total cost for redundancies was \$629,770 + \$292,878 in leave entitlements.

Redundancy Costs	Council Budget 23/24	\$622,016
Casual Staff Goodwill Payment	Council Budget 23/24	\$7,754
Leave Calculations	Balance Sheet	\$292,878
<b>Total</b>		<b>\$922,648</b>

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.

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

**Attachment List**

Nil

## 14.7. PORTLAND FORESHORE MULTIPURPOSE FACILITY DESIGN AND LOCATION

Director: Stuart Husband, Director Assets

### Executive Summary

The purpose of this report is to seek Council approval to proceed with the detailed design of the Portland Foreshore Multipurpose Facility based on Option 3 Location from first round Community Consultation, in line with the landowner's preferred location and feedback regarding predicted sea-level rise risks.

### Recommendation

That Council:

1. Take off the table the report titled Portland Foreshore Multipurpose Facility Design and Location.
2. Endorse Option 3 Location as the location for the design and construction of the Portland Foreshore Multipurpose Facility; and
3. Inform the community of the outcome of the landowner's preferred location and feedback regarding predicted sea-level rise risks.

### MOTION

#### **MOVED Cr Stephens**

That Council:

1. **Take off the table the report titled Portland Foreshore Multipurpose Facility Design and Location.**
2. **Endorse Option 3 Location as the location for the design and construction of the Portland Foreshore Multipurpose Facility; and**
3. **Inform the community of the outcome of the landowner's preferred location and feedback regarding predicted sea-level rise risks.**

#### **SECONDED Cr Northcott**

#### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

### Background/Key Information:

The Portland Foreshore Multipurpose Facility 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 fresh seafood market. 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 (2) 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. 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.

Option 1 Location was endorsed by Council on 25 October 2022. Since then, Department of Energy, Environment and Climate Action (DEECA), the landowner, has identified their preference for the new multipurpose facility to be placed where the existing Yacht Club is located – Option 3 Location. The primary driver for the Option 3 Location has been based on DEECA's concerns around sea level rise modelling for the Victorian coastline.

In addition, Option 3 Location is the second-choice location based on the first round of community consultation. There was a narrow margin (only 5% difference) between Option 1 and Option 3 Locations, with Option 2 Location discounted by the community feedback.

The placement of the building in the Option 3 Location has been re-scoped and approved in principle. DEECA has also notified Council that there will be no increase to the size of the Yacht Club boat storage. With the Angling Club being demolished and the existing Yacht Club site being utilised, this will mean a greater increase in green space on the foreshore. There is no need for further seawall revetment, and the location minimises the amount of additional hard surfaces in pathway.

The design has been amended to show the Option 3 Location. The boatyard has been moved to the north of the building, providing safe access to the small boat ramp for launching of Yacht Club craft, and the existing carpark to the south of the Yacht Club will be retained. There have also been changes to the overall size of the facility and layout to fit with the Option 3 Location.

To facilitate the works in the new location, 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 multipurpose facility 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.

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

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

Risks associated with modelled sea-level rises for Option 1 Location were identified by DEECA, and preference for the Option 3 Location has been agreed

in principle. A Marine and Coastal Act Consent is still required before detailed design and construction can be approved and 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 will be 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. Proposed Site Plan-002 [14.7.1 - 1 page]

#### 14.8. CONTRACT 2023-24-01 PROVISION OF PROFESSIONAL SERVICES TO THE GLENELG SHIRE COUNCIL

Director: Stuart Husband, Director Assets

##### Executive Summary

This report is to brief Council on the tender evaluation process for the Provision of Professional Services to the Glenelg Shire Council under contract 2023-24-01 and provide recommendations regarding the awarding of this contract.

##### Recommendation

That Council:

1. Award 2023-24-01 Provision of Professional Services to the Glenelg Shire Council to the tenderers as listed in this report.
2. That the Chief Executive Officer be authorised to execute all documents relating to these contracts.
3. That the Director of Assets be authorised to negotiate and execute further extensions of the contract in accordance with contract documentation.

##### MOTION

##### **MOVED Cr Carr**

That Council:

1. **Award 2023-24-01 Provision of Professional Services to the Glenelg Shire Council to the tenderers as listed in this report.**
2. **That the Chief Executive Officer be authorised to execute all documents relating to these contracts.**
3. **That the Director of Assets be authorised to negotiate and execute further extensions of the contract in accordance with contract documentation.**

##### **SECONDED Cr Northcott**

##### **CARRIED**

**FOR:** Mayor Cr Martin, Cr Carr, Cr Stephens and Cr Northcott

**AGAINST:** Nil

##### Background/Key Information:

The current contract for the Provision of Professional Services to the Glenelg Shire Council expired on 30 June 2023 with no further options to extend the current contract available.

A total of eleven (11) specialist categories were identified and scoped in the specification.

The term of the contract will be three (3) years with Council reserving the right to extend the contract, if it so desires, by adding an additional two (2) by two (2) year extension options.

Public Tenders were called via Tenderlink on Thursday 22 June 2023 and closed at 3:00pm on Thursday 27 July 2023.

At the closure of the tender submission period a total of forty (40) submissions were received across the eleven (11) categories.

Based on the overall assessment undertaken by the Tender Evaluation Panel, it is recommended that the following tenderers be appointed under this panel contract arrangement:

- Accurarco Pty Ltd
- WGAVIC Pty Ltd
- Waste & Management Services Pty Ltd
- Zinc Cost Management Pty Ltd
- Biosis Pty Ltd
- The Trustee for The Greening Family Trust ta Greening Structural and Civil Pty Ltd
- JJ Ryan Consulting Pty Ltd
- The Trustee for Staggard Family Trust TA Justin Staggard Family Pty Ltd
- L R Pardo & Associates Pty Ltd
- The trustee for Concept DG Mt Gambier Building Designers Unit Trust ta Concept Design
- EPSM Consulting Engineers Pty Ltd
- Nolan Consulting Pty Ltd
- SCP Consulting Pty Ltd
- Tonkin Consulting Pty Ltd.

The tender evaluation panel considered the tender submissions taking into account the selection criteria and weighting which covers Value For Money, Capability, Qualifications, and Previous Experience in the chosen industry including: Company resource capacity, Relevant expertise, Technical/professional & systems capability, Local Government experience, OHS, the economic contribution to the Glenelg Shire and environmental sustainability considerations.

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

All legal and legislative requirements have been considered.

c. Consultation and/or communication processes implemented or proposed

Tenders were invited in accordance with Council's procurement policy and communications with prospective tenderers were via Council's Tender link website to ensure a fair and transparent platform for tendering.

Notification to the preferred tenderers will also be provided following Council's resolution to relating to this contract.

d. Financial Implications and Collaboration

Cost for the provision of the Services for this contract will be incorporated within adopted budgets.

e. Governance Principles

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

**Attachment List**

*Separately circulated as Confidential attachments.*



**15. CONFIDENTIAL REPORTS**

Nil.

**16. URGENT BUSINESS****Urgent Business****1. Statutory Meeting****MOTION**

**MOVED Cr Stephens**

**That in accordance with clause 2.6.3 of the Glenelg Shire Council Governance Rules, Council consider an item of urgent business for a potential change to the date of the Statutory meeting.**

**SECONDED Cr Carr**

**CARRIED**

**MOTION**

**MOVED Cr Stephens**

**That if required Council in accordance with Section 2.2.1(3) of the Governance Rules,**

**1. Amend the date of the Statutory meeting to the 8 November 2023 at 7pm to enable the Chief Executive Officer to be present to chair the election of the Mayor as required under Section 25(3) of the Local Government Act 2020. and**

**2. Undertake public notification of the change of date.**

**SECONDED Cr Carr**

**CARRIED**

**17. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7:54 pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 42 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

MAYOR

28 November 2023

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