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**Glenelg Shire Council**  
**Minutes of the Council Meeting held on**  
**Tuesday 28 May 2024 at 5:30 pm at**  
**Glenelg Shire Offices**  
**71 Cliff Street, Portland**

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**1. PRESENT**

Cr Karen Stephens (Mayor), Cr Michael Carr, Cr Scott Martin, Cr Alistair McDonald, Cr Robyn McDonald, Cr John Northcott, and Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Craig Niemann), Director Corporate Services (Mr David Hol), Director Community Services (Ms Jayne Miller), Director Infrastructure Services (Mr Stuart Husband), Chief Information Officer (Ms Ann Kirkham), Chief Financial Officer (Ms Rebecca Campbell), Executive Assistant CEO Department (Ms Laura Van Oosten) and Executive Assistant Corporate Services (Ms Sarah Bretherton).

**2. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor read the Acknowledgement of Country.

**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 may be livestreamed and the Chief Executive Officer will enable a copy of the recording to the public.

**4. RECEIPT OF APOLOGIES**

Nil.

**5. CONFIRMATION OF MINUTES****5.1. CONFIRMATION OF MINUTES****Recommendation**

That the minutes of the Council Meeting held on Tuesday 23 April 2024, Unscheduled Confidential Council Meeting held on Tuesday 7 May 2024 and Unscheduled Confidential Council Meeting held on Tuesday 14 May 2024 as circulated, be confirmed.

**MOTION**

**MOVED Cr Martin**

**That the minutes of the Council Meeting held on Tuesday 23 April 2024, Unscheduled Confidential Council Meeting held on Tuesday 7 May 2024 with amendments on top of page 6 and Unscheduled Confidential Council Meeting held on Tuesday 14 May 2024 as circulated, be confirmed.**

**SECONDED Cr A McDonald**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

## 5.2. RECORD OF COUNCILLOR BRIEFINGS

David Hol, Director Corporate Services

### Executive Summary

This report provides for Council to receive a record of any recent Councillor Briefing sessions undertaken from the period commencing the 23 April 2024.

### Recommendation

That Council receives the record of the Councillor briefing held on the 23 April 2024 and the 14 May 2024.

## **MOTION**

**MOVED Cr A McDonald**

**That Council receives the record of the Councillor briefing held on the 23 April 2024 and the 14 May 2024.**

**SECONDED Cr Carr**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

### Background/Key Information:

The Glenelg Shire Council Governance Rules as adopted on the 23 January 2024 require that a record is kept of each Councillor Briefing and that the record is tabled at an open Council meeting (excluding any confidential matters).

The record is to include a list of matters presented and any Conflict-of-Interest declarations together with any actions taken to resolve declared conflicts.

The objective of submitting the record to a Council meeting is to ensure public transparency in Council decision making processes.

#### **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.

Legislative, Legal and Risk Management Considerations

Whilst not a legislative obligation, the records are tabled at a Council meeting in accordance with Governance Rule number 68.

b. Consultation and/or communication processes implemented or proposed

Not applicable.

c. Financial Implications and Collaboration

Councillor Briefings and the records keeping obligations are provided for within the adopted operational budgets.

e. Governance Principles

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

**Attachment List**

1. Councillor Briefing Record 23 April 2024 [**5.2.1** - 1 page]
2. Councillor Briefing Record 14 May 2024 [**5.2.2** - 1 page]

**6. DECLARATIONS OF CONFLICT OF INTEREST**

Mayor Cr Stephens declared a material Conflict of Interest in item 10.5 Community Funding and Support Policy and advised this prior to the meeting.

## **7. COUNCILLOR ACTIVITY REPORTS**

### **7.1. COUNCILLOR ACTIVITY REPORT 6 APRIL - 10 MAY 2024**

#### **Recommendation**

That Council notes the Councillor Activity Reports for 6 April to 10 May 2024.

#### **MOTION**

##### **MOVED Cr Northcott**

**That Council notes the Councillor Activity Reports for 6 April to 10 May 2024 with amendment to Cr Northcott's report re ANZAC Day attendance.**

##### **SECONDED Cr Wilson**

##### **CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

##### **Cr STEPHENS, MAYOR**

<b>Date</b>	<b>Meeting/Event</b>	<b>Location</b>	<b>Comments (Optional)</b>
09.04.2024	Councillor Briefing	Portland	Monthly council briefing session
10.04.2024	ARTC Maroona Portland Rail Line meeting	Adelaide	Key stakeholder advocacy meeting and update to Business Case
15.04.2024	Forestry Transition Advisory Group meeting	Online	State Government lead Ministerial appointment dealing with the phase out of the Native Timber sector in Victoria.
15.04.2024	TTV Strategic Review forum		Executive committee meeting to review milestones and plan for next phase of strategic plan.
16.04.2024	Meeting with Rowena Clift CEO – CMH & WDHS	Casterton	Meeting to discuss and understanding strategic plan and community needs.
16.04.2024	CEO Recruitment & Employment Committee Meeting	Portland	Recruitment and employment of new CEO.



17.04.2024	District 4 Volunteer Fire Brigade Annual General Meeting	Merino	AGM for District 4 Fire Brigades from across the region – opportunity to thank all involved that protect our communities.
18.04.2024	CUC Meeting	Portland	Regular monthly meeting.
18.04.2024	Timber Towns Victoria		Bi-annual meeting of organisation.
19.04.2024	South West Alliance meeting	Warrnambool	SW Alliance of the six councils across the south west to discuss matters of strategic importance and to drive development in the region.
19.04.2024	Casterton Little Athletics presentation night	Casterton	Annual presentation evening.
20.04.2024	Heywood Lions Club 50 Year of Service dinner	Heywood	Celebrating 50 years of community service by Heywood Lions Club members.
22.04.2024	CEO Recruitment & Employment Committee meeting	Portland	Recruitment and employment of new CEO.
23.04.2024	Ordinary Council Meeting	Portland	Monthly council meeting.
24.04.2024	Anzac Day Wreath Making in Civic Hall	Portland	Opportunity to thank all volunteers for their contribution to the annual Anzac display at the council building.
24.04.2024	Forestry Transition Implementation Advisory Committee meeting	Online	Ministerial appointment - State Government lead dealing with the phase out of the Native Timber sector in Victoria.

25.04.2024	Anzac Day Dawn Service	Digby	Organised by the Digby Hall Committee – Dawn Service to honour those that serviced, a total of 97 Digby men left the district to serve in WWII, the largest number of any Australian Rural community. The Avenue of Honour is a stark reminder of those that did not return.
25.04.2024	Anzac Day Service	Portland	Annual Anzac Day service lead by the Portland RSL followed by a Council luncheon for attending Veterans and their families.
25.04.2024	Anzac Day Service	Merino	Organised by the Merino Digby Lions Club in recognition of those that service from the local community.
26.04.2024	Bayview College 140 years Servicing the Portland community	Portland	Celebrating 140 years of education to the Portland district community.
30.04.2024	CEO Recruitment & Employment Committee meeting	Portland	Recruitment and employment of a new CEO.
02.05.2024	Meeting with Leigh Parker CEO Heywood Rural Health	Portland	Meeting to discuss and understanding strategic plan and community needs.
02.05.2024	Mayoral Forum – Local Government Amendment Bill	Online	Meeting with Local Government Minister Melissa Horne on the proposed reforms to the Local Government Act 2020
04.05.2024	Official Opening ceremony Endangered Red Tailed Black Cockatoo Interpretive Centre in Casterton	Casterton	Rotary Club of Casterton project located at the western town entry information booth, receiving funding from GSC, Birds Australia and local input have created a locality for general tourist information for the district and valuable information on the Endangered Red Tail Black Cockatoo.

04.05.2024	All Saints Parish School Debutante Ball	Portland	Annual Debutante Ball – attending as their Guest of Honour.
06.05.2024	Casterton P&A AGM	Casterton	Conducted the election of Officer Bearer and thank the committee for their work in the community throughout the year.
07.05.2024	Unscheduled Council Meeting	Portland	Council meeting.
08.05.2024	Podcasting with Kirsten Diprose	Portland	Opportunity to showcase Portland to the world through Kirsten's thousands of followers – thanks to the Port of Portland for enabling a visit of the Port and Corkscrew precinct.
09.05.2024	Heywood Men's Shed – What Do I Say forum		Community forum organised by the Heywood Men's Shed called StandBy to discuss Suicide and how to handle questions after someone has passed away.
09.05.2024	Heywood Wood Wine and Roses AGM	Online	Attended to thank the committee for the work throughout the year.
10.05.2024	All Saints Parish School Debutante Ball	Portland	Annual Debutante Ball – attending as their Guest of Honour.

**Cr CARR**

Date	Meeting/Event	Location	Comments (Optional)
16.04.2024	CEO Recruitment	Portland	
18.04.2024	RUC meeting	Portland	
22.04.2024	CEO Interviews	Portland	
23.04.2024	Councillor briefing session	Portland	

23.04.2024	Open Council Meeting	Portland	
25.04.2024	Anzac Day Dawn Service	Portland	
25.04.2024	Anzac Day Parade and Service	Portland	Portland RSL runs a fantastic, respectful event that is well-supported and attended by the community, the K S Anderson story was inspiring as was the attendance of so many school children from our community.
25.04.2024	Anzac Day Service – Portland vs Hamilton Football and Netball	Portland	
30.04.2024	CEO Interviews	Portland	
03.05.2024	Rail Freight Alliance meeting	Online	
07.05.2024	Unscheduled Council Meeting	Portland	

**Cr MARTIN**

Date	Meeting/Event	Location	Comments (Optional)
09.04.2024	Councillor Briefing	Council Offices	Discussing various issues
16.04.2024	CEO Shortlising	Library	CEO Recruitment process
22.04.2024	CEO Interviews	Council Offices	CEO Recruitment Process
23.04.2024	Councillor Briefing and OCM	Council Offices	
25.04.2024	ANZAC Dawn Service Narrawong	Narrawong	Representing Council

25.04.2024	ANZAC 10am Service Heywood	Heywood	Representing Council
1.05.2024	Community Meeting Narrawong	Narrawong	Having a coffee and yarn with the locals

**Cr A MCDONALD**

No report provided.

**Cr R MCDONALD**

Date	Meeting/Event	Location	Comments (Optional)
09.04.2024	Council Briefing	Portland	
16.04.2024	CEO Shortlisted Candidates Teams Meeting	Portland	
22.04.2024	CEO On-line Interviews	Portland	
23.04.2024	Council Meeting	Portland	
25.04.2024	Anzac Day Ceremony	Nelson	A well-attended heartfelt tribute to those who have served for our country, conducted at the memorial wall at the Nelson Cemetery.
	Veterans Lunch	Portland	Council's respect of our veterans was well received.
26.04.2024	Bayview College's 140 <sup>th</sup> Commemorative Service	Portland	Recognition of the Loreto Sisters' legacy to education in the Shire. As recently as the 1970's they offered a boarding house option which saw regional and international students enrolled. Their ongoing support of the school as a co-educational, ecumenical college is an example of their strong sense of social justice and forward- thinking philosophy.

30.04.2024	CEO Interviews	Portland	
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**Cr NORTHCOTT**

Date	Meeting/Event	Location	Comments (Optional)
16.04.2024	CEO Recruitment	Portland	
22.04.2024	CEO Interviews	Portland	
23.04.2024	Councillor briefing session	Portland	
23.04.2024	Open Council Meeting	Portland	
25.04.2024	Anzac Day Dawn Service	Digby	
25.04.2024	Anzac Day Parade and Service	Casterton	
25.04.2024	Anzac Day Service – Portland vs Hamilton Football and Netball	Portland	
30.04.2024	CEO Interviews	Portland	
07.05.2024	Unscheduled Council Meeting	Portland	

**Cr WILSON**

No report provided.

## **8. PETITIONS**

### **8.1. PETITION - NARRAWONG ROADS, FOOTPATHS, AND WALKING TRAIL**

Director: David Hol, Director Corporate Services

#### **Executive Summary**

This report is to advise Council that a petition was received on 23 April 2024, from the Narrawong District Association Inc., requesting consideration be given to reforming and sealing Walders Road, The Esplanade and Albert Street, maintain existing footpaths, and consideration be given to a walking/cycling track to link Narrawong and Portland.

In accordance with the adopted Governance Rules, clause 57(2), it is recommended that Council refer the Petition to the Chief Executive Officer (CEO) for consideration.

#### **Recommendation**

That Council:

1. Receives the Petition in accordance with clause 57(1) of Council's Governance Rules; and
2. Refers the Petition to the Chief Executive Officer for consideration and action in accordance with Clause 57(2) of the Governance Rules.

## **MOTION**

**MOVED Cr Wilson**

**That Council:**

1. **Receives the Petition in accordance with clause 57(1) of Council's Governance Rules; and**
2. **Refers the Petition to the Chief Executive Officer for consideration and action in accordance with Clause 57(2) of the Governance Rules.**

**SECONDED Cr A McDonald**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

#### **Background:**

On the 23 April 2024, Council received a petition containing 89 signatures which is attached to this report.

The petition requests that the following items be brought to Councils attention.

- Reforming and sealing Walders Road.
- Reforming and sealing a section of The Esplanade.
- Reforming and sealing of Albert Street.
- Request improved maintenance of existing footpaths.
- Development of a walking/cycling trail to connect Narrawong with Portland.

The construction of roads involves many aspects including scoping, design and substantial financial implications and often involves a contribution from benefitting landowners.

Council has also only recently completed a number of community budget information sessions across the Shire for the draft 2024/2025 budget which has been developed based on the priorities submitted. The budget is currently out for community feedback and closes on the 17 May.

It is suggested that given the timing and complex nature of the request for capital improvements to these roads, such a request, which requires further planning and scoping, may need to be referred to future budget processes for consideration and assessment with other community requests and priorities.

Council does, however, have an existing budget allocation for footpath maintenance and this request appears to be of an operational matter that may be able to be considered within existing resources.

The development of a walking / cycling trail would also require significant scoping and planning. Such a project would also need to be considered in line with Councils existing Tracks and Trails Strategy.

It is recommended that given the complexity of this request, and the long-term planning and scoping required to prepare these projects, that this petition be referred to the Chief Executive Officer (CEO) for consideration and action in accordance with clause 57(2) of the Council Governance Rules.

The CEO may then delegate the matter to the Director of Infrastructure Services for consideration and response.

### **Attachment List**

1. NDA Petition Re Sealing of Walders Rd The Esplanade Albert St & Footpath Maintenance [8.1.1 - 4 pages]



**9. NOTICES OF MOTION****9.1. NOTICE OF MOTION 7 2023-2024 - READINESS AND IMPACT OF RENEWABLE ENERGY IN THE GLENELG SHIRE**

CEO: Craig Niemann, Chief Executive Officer

In accordance with the Council's Governance Rules section 26, I give notice of my intention to move the following motion at the Council Meeting to be held on Tuesday 28 May 2024:

- 1. That the Council requests a report from the Chief Executive Officer on the development of a study to assess the opportunities and impacts from the Renewable Energy development in the Glenelg Shire that will consider the following:**
  - Supply-chain jobs and skills
  - Housing and accommodation
  - Infrastructure
  - Community readiness
- 2. That the Report considers the different stakeholders that need to be involved and the opportunities for funding of the Study; and**
- 3. That the report be brought back to Council within the next 2 months.**

Signed: Cr Karen Stephens  
Date: 17 May 2024

**MOTION**

**MOVED Mayor Cr Stephens**

- 1. That the Council requests a report from the Chief Executive Officer on the development of a study to assess the opportunities and impacts from the Renewable Energy development in the Glenelg Shire that will consider the following:**
  - Supply-chain jobs and skills
  - Housing and accommodation
  - Infrastructure
  - Community readiness
- 2. That the Report considers the different stakeholders that need to be involved and the opportunities for funding of the Study; and**
- 3. That the report be brought back to Council within the next 2 months.**

**SECONDED Cr Carr**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

**Attachment List**

1. Notice of Motion - seek financial support for 'readiness and impact' study [**9.1.1**  
- 1 page]

## **10. MANAGEMENT REPORTS**

### **10.1. GLENELG SHIRE COUNCIL FINANCIAL REPORT APRIL 2024**

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 and approve changes to the 2023/24 forecast that have resulted from a review of operations.

#### **Recommendation**

That Council receives the financial report for the period ending April 2024.

### **MOTION**

**MOVED Cr A McDonald**

**That Council receives the financial report for the period ending April 2024.**

**SECONDED Cr Martin**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**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
- Statement of Capital Works

The Adopted Budget is the Budget endorsed by Council at the Council Meeting held on 27 June 2023.

The Forecast reflects those transactions that were not known at that point in time and that are significant from a budget or cash flow perspective.

The Forecast budget was modified in April 2024 to reflect the Forecast Budget presented in the 2024/25 Draft Annual Budget. The changes amounted to a \$740k reduction in the Surplus result expected for 2023/24. This was due to an expected

decrease in Grant Funding of \$2M (priority project) which was offset by a decrease in expenditure of \$1.26M (Materials \$760k & Other Expenditure \$500k).

Council's year to date financial performance for 2023/24 is currently favourable when compared to YTD Forecast budget.

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:

- Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
- 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 - April 2024 FINAL [**10.1.1** - 7 pages]

## 10.2. ANIMAL WELFARE CENTRE TRANSITION UPDATE

Director: David Hol, Director Corporate Services

### Executive Summary

This report provides an update on the current circumstances surrounding the Animal Welfare Centre transitional arrangements and seeks Council approval for an exemption to the procurement policy to enable an arrangement to be entered into with the Warrnambool City Council.

### Recommendation

That Council:

1. Authorises the Glenelg Shire Council to participate in accordance with the Memorandum of Understanding with the Warrnambool City Council for the provision of Domestic Animal Services.
2. Authorises a market engagement exemption to enable this procurement to be undertaken.
3. Authorises the Chief Executive Officer to negotiate terms and extensions and execute all documents relating to the Memorandum of Understanding.
4. Authorises the Chief Executive Officer to complete all financial payments and endorse accumulative variations up to the Chief Executive Officers financial delegation.
5. Authorises the Chief Executive Officer to negotiate ongoing terms with the RSPCA for the lease of the Darts Road facility to align with the Memorandum of Understanding.

### MOTION

**MOVED Cr R McDonald**

**That Council:**

- 1. Authorises the Glenelg Shire Council to participate in accordance with the Memorandum of Understanding with the Warrnambool City Council for the provision of Domestic Animal Services.**
- 2. Authorises a market engagement exemption to enable this procurement to be undertaken.**
- 3. Authorises the Chief Executive Officer to negotiate terms and extensions and execute all documents relating to the Memorandum of Understanding.**
- 4. Authorises the Chief Executive Officer to complete all financial payments and endorse accumulative variations up to the Chief Executive Officers financial delegation.**

- 5. Authorises the Chief Executive Officer to negotiate ongoing terms with the RSPCA for the lease of the Darts Road facility to align with the Memorandum of Understanding.**

**SECONDED Cr A McDonald**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

*Background/Key Information:*

In December 2020, Council resolved to not award a further contract for the operation of the Domestic Animal Pound to an external provider and to transition to a revised operating model.

Following several months of negotiations, an in-principle agreement was reached between the Glenelg Shire Council, the Royal Society for Protection of Cruelty to Animals (RSPCA) and the Warrnambool City Council (WCC) to provide a combined animal welfare service including the operation of a pound facility. This agreement essentially enabled Glenelg Shire Council to participate as a third party to the contract arrangements between WCC and the RSPCA.

In September 2021, Council formally approved the arrangement for a term up to two years and the new model then commenced operations in January 2022. A further extension of six months was approved under delegation whilst the WCC and RSPCA were negotiating a potential contract extension. Subsequently the Glenelg Shire Council participation under the current agreement is scheduled to cease on the 30 June 2024.

The WCC has advised that it would like to continue on with an arrangement with Glenelg Shire as it prepares to return their animal welfare model back in house.

As of July 2024, WCC will undertake the operational management of the facility and will partner with GSC and other neighbouring municipalities to, where possible, re-home impounded animals. A draft Memorandum of Understanding (MOU) has been prepared that will enable the practices to continue and allow for the business model to evolve by mutual agreement.

Glenelg Shire Council agrees to pay the sum of \$250,000 (ex gst) p.a. in the first year of the MOU, with the fee subject to indexation based on the rate cap. This represents a similar financial outlay to the existing arrangements.

This contribution may vary depending on the numbers of animals transferred to the Warrnambool shelter. It is also acknowledged that WCC has committed to an upgrade of its facility which may impact capacity at times. The Glenelg Shire Council leased facility in Darts Road may be able to be utilised to assist during these peak times.

It is recommended that Council approve the Glenelg Shire participation in this agreement for an initial period of 3 years commencing July 2024, with a further 3-year option and authorise the CEO to undertake the necessary negotiations and execution of the MOU.

As the potential expenditure for this arrangement exceeds the aggregate threshold for tenders, a market engagement exemption under clause 5.4 of the adopted Procurement Policy is requested. Exemptions from market engagement over \$200k require Council approval.

Over the past few years, it has become apparent for Glenelg Shire and the wider Local Government area, particularly in rural areas, that there are no longer any viable competitive suppliers to undertake such as service. It is therefore suggested that there is no economic benefit for putting this service out for tender in the foreseeable future.

In addition, the requirements of the *Local Government Act 2020* Governance Principles, section 9(f), outline a requirement that collaboration with other Councils and government and statutory bodies is to be sought. The Act goes on to say in section 109(2) that the Chief Executive Officer must ensure that any report to Council that recommends entering into procurement agreements include information in relation to opportunities for collaboration with other Councils or public bodies which may be available.

This opportunity is a collaborative procurement arrangement consistent with Section 13.4 of the Procurement Policy.

The current Glenelg Shire facility on Darts Road is leased by Council from the RSPCA and is scheduled to cease in January 2025. It is also recommended that approval be provided to extend lease arrangements to align with the MOU timeframe.

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

The report outlines the collaborative procurement obligations within the [\*Local Government Act 2020\*](#) and the adopted Procurement Policy of Council.

The requirement for Council to provide a Domestic Animal Pound is outlined within the *Domestic Animals Act 1994*

c. Consultation and/or communication processes implemented or proposed

There have been ongoing communications with both the Warrnambool City Council and the RSPCA in regard to these services and the transition.

d. Financial Implications and Collaboration

The financial implications of this arrangement are consistent with current expenditure and is not expected to have a significant detrimental effect on Council finances.

The report outlines and recommends a collaborative approach with Warrnambool City Council for this service.

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.

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.

Innovation and continuous improvement is to be pursued.

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

**Attachment List**

1. Glenelg and Warrnambool MOU (draft) [10.2.1 - 4 pages]



### 10.3. GLENELG SHIRE COUNCIL PLAN THIRD QUARTER PERFORMANCE REPORT 2023-2024

Director: Jayne Miller, Director Community Services

#### Executive Summary

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

#### Recommendation

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

#### **MOTION**

##### **MOVED Cr Martin**

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

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

##### **CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

#### 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

Not Applicable.

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

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

**Attachment List**

1. Council Plan Quarter 3 Performance Report 2023-2024 [**10.3.1** - 45 pages]

#### 10.4. GLENELG SHIRE FOOD AND FIBRE STRATEGY

Director: Jayne Miller, Director Community Services

##### Executive Summary

This report provides Council with the final version of the Glenelg Shire Council Food and Fibre Strategy.

##### Recommendation

That Council formally adopts the Glenelg Shire Food and Fibre Strategy, enabling Council to actively partner with Food and Fibre Great South Coast as an outlined action in the Council Plan 2021-2025.

##### MOTION

**MOVED Cr Carr**

**That Council lay the item on the table.**

**SECONDED Cr Northcott**

**LOST**

**FOR:** Cr Carr and Cr Northcott

**AGAINST:** Mayor Cr Stephens, Cr Martin, Cr Wilson, Cr A McDonald and Cr R McDonald

##### MOTION

**MOVED Cr Martin**

**That Council:**

- 1. Formally adopts the Glenelg Shire Food and Fibre Strategy, enabling Council to actively partner with Food and Fibre Great South Coast as an outlined action in the Council Plan 2021-2025.**
- 2. That the report is brought back to Council in 12 months.**

*Cr Wilson suggested an amendment to recommend 2 that it be brought back in 2025.  
Cr Martin agreed with the proposed amendment which became the motion.*

- 2. That the report be brought back to Council in 2025.**

**SECONDED Cr Wilson**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Martin, Cr Northcott, Cr Wilson, Cr A McDonald and Cr R McDonald

**AGAINST:** Cr Carr

*Cr Wilson called a point of order at 6.33pm, a motion is on the table which can not be spoken to that needs to be voted on.*

*Cr Carr called a point of order at 6.35pm, no one has spoken against or for the motion yet.*

**Background/Key Information:**

The Food and Fibre Strategy was reviewed at the August 2022 Council Briefing Session with the Economic Development Coordinator and Chief Executive Officer. Amendments were made to the document based on Councilor feedback from the briefing.

The attached document contains the changes discussed including linking more content back to the State Government's food and fibre plans. Minor changes are recommended by Council officers based on current resourcing allocation and to improve the readability of the document. Council provides an annual \$30,000 contribution to the regional Food and Fibre Great South Coast advocacy body and it is recommended continued partnership with this body rather than Council forming an additional steering committee and another layer of governance.

Some key focus areas of the Strategy:

- Promoting sustainable agricultural practices that enable our agricultural sector to adapt to changing environment conditions. Supporting growth in value and output, benefiting the wider community.
- Community capacity building by championing the needs and opportunities for the agriculture community, and the attraction of new and value-adding industries. Promoting innovation, diversification and increased production.
- Support appropriate digital network infrastructure to allow local food and fibre businesses to take advantage of the increasing digitisation of farm systems, food safety, market compliance, and optimise supply chain logistics for efficient market access.
- Support new freight infrastructure for existing industries and ensure appropriate infrastructure and frameworks are in place to support renewable energy supplies, efficient water supply/use, and waste management streams.
- Partnering with the regional Food and Fibre Great South Coast advocacy body to grow the value of regional food and fibre production to improve the prosperity and resilience of local communities.

a. Council Plan and Policy Linkage

*Glenelg Shire Council Plan 2021 – 2025*

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

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

Not applicable.

c. Consultation and/or communication processes implemented or proposed

The strategy proposes continuing a strong partnership with Food and Fibre Great South Coast to provide ongoing guidance on issues and opportunities related to agriculture.

d. Financial Implications and Collaboration

The Council provides an annual \$30,000 contribution to the regional Food and Fibre Great South Coast advocacy body.

e. Governance Principles

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

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

**Attachment List**

1. GSC - Food & Fibre Strategy [**10.4.1** - 16 pages]

**MOTION**

**MOVED Cr Carr**

**That Council elect Cr Wilson as temporary chairperson.**

**SECONDED Cr Martin**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

*Mayor Cr Stephens re declared a Conflict in item 10.5 Community Funding and Support Policy and left the meeting at 6:44 pm.*

## 10.5. COMMUNITY FUNDING AND SUPPORT POLICY

Director: Jayne Miller, Director Community Services

### Executive Summary

The purpose of this brief is to consider the proposed details on a revised Council Community Funding and Support Policy. The updated policy seeks to provide greater clarity to funding eligibility and where grant funding is to be allocated. Community consultation on the draft Policy is proposed.

### Recommendation

That Council commence the community engagement process in accordance with Council's Community Engagement Policy.

### **MOTION**

**MOVED Cr A McDonald**

**That Council:**

- 1. Commence the community engagement process in accordance with Council's Community Engagement Policy.**

*Cr Carr suggested an amendment to commence community consultation on 3 June 2024.*

*Cr R McDonald seconded the proposed amendment.*

*All Councillors voted FOR the proposed amendment which became the motion.*

- 2. Commence community consultation on 3 June 2024.**

**SECONDED Cr Martin**

**CARRIED**

**FOR:** Cr Carr, Cr Martin, Cr Northcott, Cr Wilson, Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

*Cr Martin called a point of order at 6:54pm, seeking clarification of Cr Carr's amendment.*

*Cr Carr called a point of order at 6:55pm, there is already a motion on the table that was seconded, Cr Carr provided an alternate motion if the first wasn't carried.*

Background/Key Information:

The Council's current Community Grants Policy was adopted by Council on 23 September 2008. This has formed the basis of supporting the Community grants programs over two rounds every year.

This Policy is supported by the Glenelg Shire Community Grants Program Guidelines that provide guidance on what gets funded and how much.

The Policy is now 16 years old and has been reviewed with the following key changes:

- New name of 'Community Funding and Support Policy';
- Provide clarity on funding eligibility while removing inconsistencies;
- Allowance for a nominal amount to support committees auspicing smaller groups (\$500)
- Provide clarity on all funding amounts available to community;
- Inclusion of a new Ageing Well Grants Stream (proposed in 24/25 Budget)
- Clearer direction on categories of community funding;
- Greater clarity around what is a decision of Council and what is decided under delegation;

The original Policy is contained in attachment 1. The new draft document is contained in attachment 2.

Community consultation on the draft is sought prior to final adoption of the new policy.

Once the policy is adopted guidelines for making submissions to the funding streams will be updated accordingly.

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 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

Community Grants processes are required to be undertaken in a fair and transparent manner.

c. Consultation and/or communication processes implemented or proposed

In line with Council's community engagement policy, a commitment to supporting an equitable engagement process, providing opportunities for public participation and involvement in planning and decision making process will be undertaken.

Consultation will be open for a period of three weeks with extensive promotion. This will be through community group networks and key stakeholder contacts, social media, website campaigns and a media release. Community will have an opportunity to submit a response through Glenelg Shire Your Say page and in hard copy, available at all Customer Service centres across the Shire.

Consultation period will be open for three weeks from 29 May – 19 June 2024.

d. Financial Implications and Collaboration

The revised Policy is within the allocated budget each financial year, which can be adjusted as Council finances allow or based on a decision of Council.

The Ageing Well Grant Program is a new fund (\$50,000) proposed for the 24/25 Budget.

e. Governance Principles

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 economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

**Attachment List**

1. Attachment 1 Community Grant Policy [**10.5.1** - 14 pages]
2. Attachment 2 Community Funding and Support Policy Clean Copy [**10.5.2** - 10 pages]

*Mayor Cr Stephens returned to the meeting at 6:57pm.*



## 10.6. GLENELG SHIRE COUNCIL RESPONSE TO MINISTER FOR LOCAL GOVERNMENT

Director: Craig Niemann, Chief Executive Officer

### Executive Summary

This report outlines the response from the Glenelg Shire Council in relation to the request from the Minister for Local Government on a response to the items raised in the report from the Municipal Monitors.

### Recommendation

That Council:

1. Approves the action plan in response to the letter from the Minister for Local Government on the nine recommendations raised by the Municipal Monitor report, and
2. Submits this action plan in response to the Minister for Local Government.

### MOTION

**MOVED Cr Wilson**

That Council:

1. **Approves the action plan in response to the letter from the Minister for Local Government on the nine recommendations raised by the Municipal Monitor report, and**
2. **Submits this action plan in response to the Minister for Local Government.**

**SECONDED Cr A McDonald**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

### Background/Key Information:

On the 8 April 2024, The Glenelg Shire Council received correspondence from the Minister for Local Government relating to the nine recommendations from the Municipal Monitors report.

The Minister requested that Council provide a response in the form of an action plan on how Council intends to address these recommendations by the 31 May 2024.

The attached action plan has been developed in response to the recommendations.

It is recommended that Council approve this action plan and forward the action plan to the Minister for Local Government by the 31 May 2024.

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

Municipal Monitors were appointed by the Minister for Local Government in accordance with the *Local Government act 2020*

c. Consultation and/or communication processes implemented or proposed

This action plan has been provided to Councillors and the Municipal Monitors during development.

d. Financial Implications and Collaboration

Costs associated with the Municipal Monitors and the actions arising from the report will be allocated from operating budgets and expenditure monitored monthly. This may result in unbudgeted expenses.

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**

1. Councillor Action Plan [**10.6.1** - 5 pages]

**11. URGENT BUSINESS**

Nil.

**12. QUESTION TIME****12.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

Nil.

**12.2. QUESTIONS FROM MEMBERS OF THE COMMUNITY****1. Local Laws, Budget and Governance**

Mr Gary Humm of Portland asked the following questions:

- a. *We have a worsening problem with 'dog faeces' on public walkways. Clifftop and beach walkers are increasingly dodging dog poo, including near child playgrounds. Council executive recently advised me of their statutory responsibilities including their obligations for Health and Safety in public spaces under The Public Health & Wellbeing Act 2008, hence the need for enforcing compliance. I have yet to see any patrols or presence by the Local Laws department. Over the past two years, how many instances have Local Laws officers fined or prosecuted dog owners for failing to comply with these dog poo regulations?*

Mayor Cr Karen Stephens advised that Local Laws officers are continually undertaking pro-active patrols throughout the Shire to address compliance on a number of issues. This is based on priorities, current issues and known incidents. Although the customer may not have seen these patrols it does not mean they are not occurring. There are 4 Local Laws officers patrolling some 6000sq Km.

Local Laws staff have advised that while over the last two years there have been a combined 85 domestic animal prosecutions and infringements, Council officers have not been able to confirm non-compliance with the specific local law provision during this period in relation to dog faeces to enable prosecution.

It is important to note that cleaning up after dogs is part of the responsibility of the pet owner.

- b. *With this upcoming budget suggesting yet another rate rise the community is justifiably concerned. Over the past three years we have witnessed:*

- *2022: >19% rate rise*
- *2023: 3.2% rate rise*  
*5 figure unplanned, unbudgeted expenditure items*  
*Project cost blow out of more than 30%*
- *2024: Drawdown on \$7m loan to cover wages*  
*Further rate rise forecast*  
*Green bins & water tower mural both declined*

*This produces a projected average 3 year rate increase of more than 8% annually. Why should our community, considering this emerging pattern, have confidence in these current financial strategies?*

Mayor Cr Karen Stephens advised that firstly, there are factual inaccuracies in the premise of the question.

As highlighted in the budget discussions, Council costs are increasing at a greater amount than the rate cap.

The Community can have confidence that the current financial strategies of minimising unnecessary expenditure, limiting further debt, maintaining service delivery levels and standards, all whilst achieving this all within the rate cap amount reflects prudent financial management.

- c. *The Cape Bridgewater Pacific Hydro Windfarm Supreme Court process (VSC 254) costs were reported in Council as more than \$200,000, and considering the cost of Supreme Court matters, including the unplanned and unbudgeted adjunct costs (details withheld) it could quite possibly have been \$350-\$500,000. This Supreme Court action resulted because Council representatives prematurely sought to seek changes to the Act before an ongoing VCAT appeal had concluded, thus triggering a Supreme Court challenge, with costs awarded against the Council. What mechanisms are now in place to ensure that there is no repeat of this administrative failure?*

Mayor Cr Karen Stephens advised that again the resident has provided a question with inaccuracies within the context.

The bias allegation against Council failed at the Supreme Court and therefore there is no administrative fault to consider.

## 2. CEO Contract and Footpath Trading Permit Feedback

Mr Matthew Jowett of Portland asked the following questions:

- a. *Like most residents, I was pleased to hear that this Council has recently appointed a new CEO. Without divulging any confidential information in regards to this case, how long generally would a CEO's contract term length be for?*

Mayor Cr Karen Stephens advised that generally, across the industry, CEO contracts are provided for 5 years which is the maximum term under the Local Government Act.

- b. *With the new fee that has been proposed for the Footpath Trading Permit, how many objections has the Council received on this subject?*

Mayor Cr Karen Stephens advised that Council has received 23 feedback responses to the recent draft budget relating specifically to Footpath trading fees.

These will be considered by Council at the June Council meeting.

**13. CONFIDENTIAL REPORTS****13.1. CONFIDENTIAL REPORTS - CLOSE MEETING****Recommendation**

That the Council Meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider the following reports:

- 13.1 Aboriginal Scholarships 2024
- 13.2 Contract 2023-24-39 CBD Amenities Upgrade
- 13.3 Contract 2023-24-43 Enterprise Resource Planning (ERP) Solution

**MOTION**

**MOVED Cr Wilson**

**That the Council Meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider the following reports:**

- 13.1 Aboriginal Scholarships 2024**
- 13.2 Contract 2023-24-39 CBD Amenities Upgrade**
- 13.3 Contract 2023-24-43 Enterprise Resource Planning (ERP) Solution**

**SECONDED Cr Martin**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott, Cr Wilson,  
Cr A McDonald and Cr R McDonald

**AGAINST:** Nil

**14. RESUMPTION OF PUBLIC MEETING**

Following the consideration of confidential items the Council Meeting was re-opened to members of the public at 7.52pm.

**15. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7:53 pm.

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