



Glenelg Shire Council
Minutes of the Council Meeting held on
Tuesday 26 September 2023 at 7:00 pm at
Casterton Customer Service Centre
67 Henty Street, Casterton

1. Present.....	3
2. Opening Prayer	3
3. Acknowledgement of Country	3
4. Recording of Meetings	3
5. Receipt of Apologies	3
6. Question Time.....	3
6.1. Questions Taken on Notice at Previous meeting	3
6.2. Questions from the Gallery.....	6
7. Declarations of Conflict of Interest	9
8. Confirmation of Minutes	10
9. Presentations	10
10. Deputations	10
11. Notices of Motion.....	10
12. Petitions.....	10
13. Committee Reports	10
14. Management Reports.....	11
14.1. Councillor and Chief Executive Officer Leave of Absence Register.....	11
14.2. Oath of new Councillor	14
14.3. Glenelg Shire Council Financial Report August 2023	16
14.4. Audited Financial Statements and Performance Statement as at 30 June 2023	19
14.5. Delegations Update September 2023	23
14.6. Domestic Wastewater Management Plan - Year 1 Update	27
14.7. Lease Agreement between Glenelg Shire Council and Commonwealth of Australia represented by Geoscience Australia (GA).....	29
14.8. Community Grants (Round 1) 2023-2024 Program Allocations	33
14.9. Local Port of Portland Bay Annual Report 2022-2023	36
14.10. Portland Foreshore Multipurpose Facility Design and Location	38
14.11. Contract 2023-24-03 Local Freight Roads Projects – Portland - Mumbannar Wanwin Road Rehabilitation	41
15. Confidential Reports.....	44
16. Urgent Business	44
17. Closure of Council Meeting	45

1. PRESENT

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

Also in attendance were the Acting Chief Executive Officer (Mr David Hol), Acting Director Corporate Services (Mr Matthew Berry), Acting Director Community Services (Ms Jane Ruge), Director Assets (Mr Stuart Husband), Chief Information Officer (Ms Ann Kirkham) and Executive Assistant Corporate Services (Ms Rachael Currie) 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

Chief Executive Officer, Paul Phelan and Director Community Jayne Miller.

Chief Executive Officer, Mr Paul Phelan and Director Community Services Ms Jayne Miller.

6. QUESTION TIME

6.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Mr David Puntton of Portland asked the following questions:

- a. *At the Council meeting held on 25 July 2023, I was advised that there was no Heritage Grant money was provided to paint the Tyrendarra Church, in September 2022 at the Council meeting the church was awarded \$3000 to paint the church, as this was misleading information would the Director Corporates Services apologise to the ratepayers for providing misleading information at the July Council meeting ?*

The following response was provided by Mr David hol, Director Corporate Services.

In response I can advise that when this matter was previously raised with me prior to your question, I was informed that the painting was not part of the Heritage Grant and I subsequently relayed this information onto yourself at the meeting. As you are now aware this advice was not accurate and I apologise for any inconvenience that this confusion may have caused. A permit was applied for to change the colour of the building and this change in colour was approved through Councils Heritage advisor.

- b. *At the intersection of Palmer Street and Cameron Street with the causeway near Fawthrop Lagoon would it be possible to run some drainage under the path to eliminate the slip and trip hazards?*

Mr Stuart Husband advised that he would take the question on notice.

The following response was provided by Director Assets Mr Stuart Husband, Director Assets.

Thank you for attending the Council meeting and your question regarding a slip hazard due to water on the pathways at Fawthrop Lagoon. Council's Works Manager and Construction Engineer inspected the two areas you indicated on the pathways, leading from Cameron and Palmer Streets to the lagoon causeway. There is seepage from several points and a possible spring. Two treatments are currently being designed to address these areas and will be programmed in with other works in future.

- c. *At the July Council meeting around the 14 minute mark the Director Corporate Services made a disrespectful, offensive and objectional statement to a ratepayer who is asking a legitimate question, will the Chief Executive Officer direct the Director Corporate Services to publicly apologise for his slur at the July Council meeting?*

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

The following response was provided by Chief Executive Officer, Mr Paul Phelan.

I have reviewed the recording of the Council meeting referred to in your question, and I am not of the opinion that the response to your question was '*disrespectful, offensive or objectional*'.

Mr Matthew Jowett of Portland asked the following question:

- c. *With the completion of Alexandra Park facilities imminent, could you please provide an itemised (as possible) list of costs and overall cost of this facility? Could you also provide an estimate of the expected ongoing maintenance and running costs of this facility moving forward?*

Mayor Scott Martin advised that Council was briefed of the overrun of costs to this project and have been included in the current Budget, this is due to sky rocketing cost of materials since 2021 when the project began.

Mr Stuart Husband further advised that in terms of maintenance costs the facility goes through a defect's liability period for 12 months and will take the rest of the question on notice.

A further detailed response was provided by Director Assets Mr Stuart Husband, Director Assets.

The total costs for the Alexandra Park – Stage 2 are still being finalised and are forecast to be \$7.3M. The project budget was \$6.25M (\$5M funding) and we experienced a number of contract variations after construction commenced. Unlike other regional projects, this project fared well cost-wise and was not impacted as heavily by COVID, delays, materials and labour costs.

As mentioned, ongoing maintenance costs will be estimates at best at this point in time. Council have entered the contract defects-liability period which requires the contractor to 'make good' defects which do not meet specification. This is also the period where we set up the maintenance program, including preventative maintenance. It is a new facility and therefore maintenance in the early stages of the asset lifecycle tend to be optimal.

The types of activities covered in the maintenance program include emergency and fire services, water reticulation and sewerage, stormwater, power and lighting, heating, ventilation and air-conditioning (HVAC), refrigeration, building envelope and internal fit-out.

The estimated on-going maintenance costs, using similar functional buildings and adding known new functionality within the Alexandra Park Facility, is expected to be between \$10K - \$20K per annum. As with all building maintenance, we use a combination of internal and contracted labour.

6.2. QUESTIONS FROM THE GALLERY

1. Portland Foreshore Multipurpose building

Mr Andrew Hays of Portland asked the following questions:

- a. *The Yacht Club has grave concerns about the proposed multi-purpose building. What is the benefit to the community of this proposed building?*

Mayor Scott advised the purpose and the benefit to the community is that it is available to the wider community, as a multiuser facility.

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

Mayor Scott advised that he take the question on notice.

- c. *Does Councillors feel adequate consultation on the building has occurred?*

Mayor Scott advised that he couldn't speak on behalf of all Councillors and appreciates the question and encourage you to speak to Councillors individually.

2. Portland Foreshore Multipurpose building

Mr Tom Doherty of Portland asked the follow 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.

- b. *Considering the location has now been confirmed to where the present location of the yacht club, should there be more public consultation?*

Mayor Scott advised that the location hasn't been confirmed as there is an item on the agenda tonight.

- c. *Does the Council required to sign an agreement with the Yacht Club, for the project to proceed and if not why not?*

Mr David Hol Acting Chief Executive Officer advised that there is no requirements for Council to have an agreement with the club to proceed. The club does have a current lease agreement with Council for the current site and in that lease are clauses to cease the lease of the building.

3. Consultation and major projects

Mr Matthew Jowett of Portland asked the following questions:

- a. *With some opposition to the currently proposed new multi purpose building to replace the Portland Yacht Club emerging, would it not be a better course of action to go back to the residents and stakeholders to determine if this is the best facility for the proposed location?*

Mayor Scott advised that there is an item on the agenda tonight to be dealt with.

- b. *In regards to the Alexandra Park facility, could you please confirm the cost for ratepayers is something in region of \$2.3 million to complete this building?*

Mr David Hol Acting Chief Executive Officer advised that the cost of the facility did go over Budget, Councils contribution was about \$1.3 million dollars towards the project, due to some variations Council has been utilising some funds from some funding streams to bridge the gap. Other funding streams are being used to help with the shortfalls.

- c. *With all the money that is being spent in Portland and Cape Bridgewater to improve the foreshore and deliver news facilities, could you please tell me what plans there are to give the same kind of attention to other areas of our Shire?*

Mayor Scott Martin advised that it depends on funding that is available and what the criteria is that funding. Previously funding opportunities were Council contribution were 3 or 4 to one costs from Council, majority of them are now 1 to 1 contribution. The Heywood Pool is a priority project.

Mr David Hol Acting Chief Executive Officer advised that the highly successful Local Roads and Community Infrastructure (program) (LRCI) funding is widely used across the Shire, Council is currently finalising with the relevant authority a number of projects across the Shire, including Casterton.

4. Communication and Casterton Airport

Mr David Headlam of Lake Mundi asked the following questions:

- a. *At the February meeting at the Nelson, I asked about communicating better with the community through the papers around the Shire, example Hamilton Spectator or Border Watch, so far nothing appears to have happened?*

Mayor Scott Martin fantastic question and think this is very important. Council have recently employed a new media staff member, Council will endeavor to provide more communication in this area.

- b. *Why does the Shire shy away from the public meetings/forums issues of importance?*

Mayor Scott Martin advised that you are referring to the Budget, I appreciate that a community forum is a great idea, some community members are comfortable to share their views in this environment and would prefer not to speak in an open forum and prefer a one on one type approach

- c. *Could you please provide an update on improving safety at the Casterton Airport, this has been raised previously?*

Mr Stuart Husband Director Assets advised that Council is currently working with the forestry company to clear the trees on the fence and reinstate the fence., along with some mitigation and vegetations strategies that are in place. Also included in this strategy is to remove the illegally dumped items from the public.

5. Budget Submissions

Mr Owen Stephens asked the following questions:

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.

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.

- b. *In the values of Glenelg Shire Council is Respect, I am asking for an public apology?*

Mayor Scott Martin advised that as noted in the agenda from the questions taken on notice at the previous meeting.

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

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

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.

Meeting is adjourned at 7.24pm.

Cr Wilson called point of order at 7.25pm, a motion is required to adjourn the meeting. Mayor Scott Martin advised that under the Meeting Rules a motion is not required to adjourn the meeting.

Cr Carr requested that Mr Humm be able ask the next question.

Meeting resumed at 7.28pm.

- 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.

Cr Carr called a point of order, not asking the question at 7.32pm

- 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?*

Cr Hawker called a point of order, not asking the question at 7.33pm

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

7. DECLARATIONS OF CONFLICT OF INTEREST

Cr Michael Carr declared a general Conflict of Interest in item 14.8 Community Grants (Round 1) 2023-2024 Program Allocations and advised prior to this meeting.

Cr Scott Martin declared a general Conflict of Interest in item 14.8 Community Grants (Round 1) 2023-2024 Program Allocations and advised this prior to the meeting.

8. CONFIRMATION OF MINUTES**Recommendation**

That the minutes of the Council Meeting held on Tuesday 22 August 2023, as circulated, be confirmed.

MOTION**MOVED Cr Hawker**

That the minutes of the Council Meeting held on Tuesday 22 August 2023, as circulated, be confirmed.

SECONDED Cr Stephens**CARRIED**

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

AGAINST: Nil

9. PRESENTATIONS

Nil.

10. DEPUTATIONS

Nil.

11. NOTICES OF MOTION

Nil.

12. PETITIONS

Nil.

13. COMMITTEE REPORTS

Nil.

Cr Stephens requested that a minute of silence be observed for former Councillor Ken Saunders.

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 Wilson

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 Deputy Mayor Cr Smith

CARRIED

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

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

b. Legislative, Legal and Risk Management Considerations

Section 35 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

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

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

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

d. Financial Implications and Collaboration

Nil.

e. Governance Principles

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

Attachment List

Separately circulated as Confidential attachment.

14.2. OATH OF NEW COUNCILLOR

Director: David Hol, Acting Chief Executive Officer

Executive Summary

An extraordinary vacancy has occurred at Glenelg Shire Council due to the resignation of Councillor Anita Rank on Friday 30 June 2023.

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

Recommendation

That Council:

1. Note the tabling of the Oath of Office, made by a Councillor Northcott before the Chief Executive Officer.
2. Record this Oath of Office in the minutes of this meeting.

MOTION

MOVED Cr Stephens

That Council:

1. **Note the tabling of the Oath of Office, made by Councillor Northcott before the Chief Executive Officer.**
2. **Record this Oath of Office in the minutes of this meeting.**

SECONDED Cr Carr

CARRIED

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

AGAINST: Nil

Background/Key Information:

An extraordinary vacancy has occurred at Glenelg Shire Council due to the resignation of Councillor Anita Rank on Friday 30 June 2023. The vacancy will be filled through a countback of all the votes from the last general election held in October 2020. It will include all remaining eligible candidates who were not elected at the general election. Under Section 30 of the *Local Government Act 2020* (the Act):

- (1) A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

- (2) The oath or affirmation of office must be-
1. Administered by the Chief Executive Officer; and
 - 2.
 3. Dated and signed before the Chief Executive Officer; and
 - 4.
 5. Recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council Meeting.

In accordance with section 30(2)(c) of the Act, details of the Oath or Affirmation undertaken by the new Councillor is now tabled for inclusion in the minutes of this meeting.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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

e. Governance Principles

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

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

Attachment List

1. Signed Oath of Office - Cr John Northcott 28 August 2023 [**14.2.1** - 1 page]

14.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT AUGUST 2023

Director: David Hol, Director Corporate Services

Executive Summary

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

Recommendation

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

MOTION

MOVED Cr Carr

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

SECONDED Cr Stephens

CARRIED

FOR: Mayor Cr Martin, Deputy Mayor Cr Smith, Cr Hawker, Cr Stephens, Cr Wilson, Cr Carr 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 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 expenses have 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 \$1.817M 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 - August 2023 [**14.3.1** - 7 pages]

14.4. AUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT AS AT 30 JUNE 2023

Director: David Hol, Director Corporate Services

Executive Summary

The audit of Glenelg Shire Council's Annual Financial Report and Performance Statement for the year ended 30 June 2023 has been completed by RSD Chartered Accountants (RSD), the Victorian Auditor General's (VAGO) audit contractor.

Recommendation

1. That Council approve in principle the Audited Financial Report and Performance Statement (including Governance and Management Checklist) for the year ended 30 June 2023; and
2. That Councillors _____ and _____ be authorised to certify the Financial Report and Performance Statement; for the year ended 30 June 2023, in their final form after any changes recommended or agreed by the auditor have been made.

MOTION

MOVED Deputy Mayor Cr Smith

1. **That Council approve in principle the Audited Financial Report and Performance Statement (including Governance and Management Checklist) for the year ended 30 June 2023; and**
2. **That Councillors Carr and Stephens be authorised to certify the Financial Report and Performance Statement; for the year ended 30 June 2023, in their final form after any changes recommended or agreed by the auditor have been made.**

SECONDED Cr Wilson

CARRIED

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

AGAINST: Nil

Background/Key Information:

The Annual Financial Report is a statutory report and indicates the financial situation at the 30 June 2023. A draft was presented to the Audit and Risk Committee for consideration and discussion at its meeting on 14 September 2023.

The Local Government Performance Reporting Framework (LGPRF) was introduced by the State Government in 2014 to ensure that all Councils are measuring and reporting on their performance in a consistent way.

The 2022/23 draft Performance Statement and LGPRF Reports (including the Governance and Management Checklist) accompanying this report reflect the results and outcomes for the financial year.

The LGPRF Framework consists of four indicator sets (Service Performance; Financial Performance; Sustainability; and Governance and Management) and is mandatory for inclusion in the annual report. Mandatory service reporting includes a variety of measures and data for the following services:

- Aquatic facilities
- Animal management
- Food safety
- Governance
- Libraries
- Maternal Child Health (MCH)
- Roads
- Statutory planning
- Waste collection.

These reports have been given 'in-principle' support from the External Auditors (RSD Audit) who are currently finalising the audit documents. They have advised that they don't anticipate any material changes to the accounts.

By giving 'in principle' approval to these Statements, Council is acknowledging that 'in principle' the information presented has been reviewed by it and recommended to it by the Audit and Risk Committee. Following certification by VAGO these Statements form part of Council's Annual Report which is then formally adopted by Council.

If the Financial Report for the year ended 30 June 2023 is substantially changed after being approved 'in principle' by Council, the amended Statements will be returned to Council for re-approval.

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

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 2020, and the *Local Government (Planning and Reporting) Regulations 2020*.

LGPRF reporting is mandatory for all Council's in Victoria under the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

c. Consultation and/or communication processes implemented or proposed

The draft Financial Report and Performance Statement was presented at the Audit and Risk Committee 14 September 2023.

The Financial Report and Performance Statement (including the Governance and Management Checklist) will be included in the Annual Report. In accordance with the *Local Government Act 2020*, the Annual Report must be presented to a Council Meeting (open to the public) before 31 October 2023.

The LGPRF template will also be submitted to Local Government Victoria (LGV) electronically within the nominated timelines. Once the review is complete, Council will email the approved template to LGV.

Councils are encouraged to consider media releases ahead of the public release of their data. The LGPRF provides an opportunity for Council's to improve the transparency and accountability of council performance to ratepayers.

d. Financial Implications and Collaboration

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2022/23 budget.

The LGPRF provides the Council with an ability to measure performance in various service areas and to compare results to other Council's. Financial resources administration time is provided for in the adopted budget.

e. Governance Principles

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

Attachment List

1. DRAFT Glenelg Shire Council LGMFR 2022-23 [**14.4.1** - 53 pages]
2. LGPRF Performance Statement V 21 Sep 23 [**14.4.2** - 14 pages]
3. 2022 23 LGPRF Governance Check List 21 Sep 23 [**14.4.3** - 3 pages]

14.5. DELEGATIONS UPDATE SEPTEMBER 2023

Director: David Hol, Director Corporate Services

Executive Summary

In accordance with the principles of good governance, continuous improvement and statutory compliance, the review of the Delegations and Authorisations has been undertaken. In accordance with Section 11(7) of the *Local Government Act 2020*, Council review delegations twice a year or in accordance with changes to various Acts.

The review includes the following Council Instruments of Delegations:

- Instrument of Delegation from Council to Members of staff (S6)
- Instrument of Delegation Waterway Manager
- Instrument of Delegation from the Port Manager to Members of Staff
- Instrument of Delegation Committee of Management *Crown Land (Reserves) Act 1978*
- S18 Instrument of Sub Delegation under the *Environment Protection Act 2017*

In addition, the following Instruments have been amended and will come into force when signed by the Chief Executive Officer on Wednesday 27 September 2023:

- Instrument of Sub-Delegation from the Chief Executive Officer to Council Staff (S7)
- Instrument of Delegation of CEO powers, duties and functions (S13)
- Instrument of Sub-Delegation by CEO under *Marine Safety Act 2010*
- Instrument of Delegation by CEO for VicSmart Applications under the *Planning and Environment Act 1987* (S14)

Recommendation

1. That Glenelg Shire Council approves the following Instruments which come into force upon this resolution being made and signed by the Council's Chief Executive Officer and the Mayor;
 - a. Instrument of Delegation from Council to Members of staff (S6)
 - b. Instrument of Delegation from the Port Manager to Members of Staff
 - c. Instrument of Delegation Waterway Manager
 - d. Instrument of Delegation Committee of Management *Crown Land (Reserves) Act 1978*

- e. S18 Instrument of Sub Delegation under the *Environment Protection Act 2017*
2. That upon coming into force of the above instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.

MOTION

MOVED Cr Hawker

1. **That Glenelg Shire Council approves the following Instruments which come into force upon this resolution being made and signed by the Council's Chief Executive Officer and the Mayor;**
 - a. **Instrument of Delegation from Council to Members of staff (S6)**
 - b. **Instrument of Delegation from the Port Manager to Members of Staff**
 - c. **Instrument of Delegation Waterway Manager**
 - d. **Instrument of Delegation Committee of Management *Crown Land (Reserves) Act 1978***
 - e. **S18 Instrument of Sub Delegation under the *Environment Protection Act 2017***
2. **That upon coming into force of the above instruments all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**

SECONDED Deputy Mayor Cr Smith

CARRIED

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

AGAINST: Nil

Background/Key Information:

Section 11(1) of the *Local Government Act 2020* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities.

The Glenelg Shire Council, together with a number of other Victorian municipalities, subscribes to the Maddock's Lawyers Delegations and Authorisations update service. This review is based on the Maddock's proforma documents with appropriate alterations identified by each Director and their staff. Updates are provided to Council staff via email and updates to each provision and Instruments are outlined, a copy of the update is provided as an attachment to this report.

The objectives of delegation and authorisation reviews are to:

- Achieve good governance;
- Ensure statutory compliance by incorporating recent legislative changes;
- Facilitate responsive and efficient customer service;
- Deliver continuous improvement in service delivery and decision making; and
- Make minor wording enhancements, where necessary, to improve the quality of the documents.

a. Council Plan and Policy Linkage

Leading Glenelg - Create shared visions within the Community, ensuring agreed outcomes

b. Legislative, Legal and Risk Management Considerations

Section 47 of the *Local Government Act 2020* provides that the Chief Executive Officer a Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act.

c. Consultation and/or communication processes implemented or proposed

Council staff listed in the schedule contained in the various Instruments of Delegation were provided with a copy of the draft delegations and authorisations and invited to provide comment prior to finalisation.

Documents are available for staff and Councillors who can view the Delegations prior to being adopted at the Council Meeting.

d. Financial Implications and Collaboration

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

e. Governance Principles

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

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

Attachment List

1. S 6 Instrument of Delegation- Members of Staff [**14.5.1** - 150 pages]
2. Instrument of Delegation from Port Manager to Members of Staff [**14.5.2** - 23 pages]
3. Waterway Manager for Local Port of Portland Bay [**14.5.3** - 14 pages]

4. Committee of Management under the Crown Land (Reserves) Act 1978 (Vic) 26 September 2023 [**14.5.4** - 12 pages]
5. S 18 Instrument of Sub- Delegation__under the Environment Protection Act 2017 [**14.5.5** - 6 pages]
6. Explanation of New and Changed provisions from Maddocks [**14.5.6** - 3 pages]

14.6. DOMESTIC WASTEWATER MANAGEMENT PLAN - YEAR 1 UPDATE

Director: David Hol, Director Corporate Services

Executive Summary

This report is provided to Council in accordance with the Domestic Wastewater Management Plan 2022-2027, adopted 26 July 2022.

Action 20 of the adopted plan requires that an annual review of the action plan is undertaken and progress reported to Council.

Recommendation

That Council receives the Domestic Wastewater Management Plan 2022-2027 - Year 1 Report.

MOTION**MOVED Deputy Mayor Cr Smith**

That Council receives the Domestic Wastewater Management Plan 2022-2027 - Year 1 Report.

SECONDED Cr Carr**CARRIED**

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

AGAINST: Nil

Background/Key Information:

The Domestic Wastewater Management Plan 2022-2027 has been prepared and adopted to provide a strategic framework and policy direction for the management of domestic wastewater within the Glenelg Shire Council for the five-year period between 2022 and 2027.

The plan provides a number of actions to be undertaken by Council to further develop wastewater management data within the municipality and introduces relevant risk reduction strategies based on findings.

This report details the progress in accordance with the action plan for the period from July 2022 to 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 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

Environment Protection Regulations 2021 and *State Environment Protection Policy (Waters)* requires Councils to develop and implement a Domestic Wastewater Management Plan every 5 years.

Upon sunseting of the *State Environment Protection Policy (Waters)* in 2023 it is proposed that a new legislative instrument to be called '*Obligations for Managers of Land or Infrastructure (OMLI)*' will take effect and carry the requirement for Domestic Wastewater Management planning within Local Government.

c. Consultation and/or communication processes implemented or proposed

This report will be published on Council's website following the Council meeting if required.

d. Financial Implications and Collaboration

Funding for the implementation of the Domestic Wastewater Management plan has been carried forward to 2023/2024 with a balance of \$10,000.

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.

Attachment List

1. Year 1 Report Domestic Wastewater Management Plan 2022 2027 [**14.6.1** - 8 pages]

14.7. LEASE AGREEMENT BETWEEN GLENELG SHIRE COUNCIL AND
COMMONWEALTH OF AUSTRALIA REPRESENTED BY GEOSCIENCE
AUSTRALIA (GA)

Director: David Hol, Director Corporate Services

Executive Summary

This report is to seek Council's approval for a new ten (10) year lease with one (1) x ten (10) year extension for a portion of the Portland Airport, between the Glenelg Shire Council and Commonwealth of Australia represented by Geoscience Australia (GA).

Recommendation

That Council:

1. Approves a new ten (10) year lease with one (1) x ten (10) year extension to be entered into with Commonwealth of Australia represented by Geoscience Australia (GA) for a portion the Portland Airport, 1260 Bridgewater Lakes Rd, Cashmore.
2. Sets the rental figure at \$1.00 (including GST) per annum.
3. Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.

MOTION

MOVED Cr Hawker

That Council:

1. **Approves a new ten (10) year lease with one (1) x ten (10) year extension to be entered into with Commonwealth of Australia represented by Geoscience Australia (GA) for a portion the Portland Airport, 1260 Bridgewater Lakes Rd, Cashmore.**
2. **Sets the rental figure at \$1.00 (including GST) per annum.**
3. **Authorises the Director Corporate Services to finalise and sign all documents relating to the proposed lease in part 1 of this resolution.**

SECONDED Deputy Mayor Cr Smith

CARRIED

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

AGAINST: Nil

Background/Key Information:

The Australian and New Zealand governments are working together to improve the accuracy of satellite navigation systems such as GPS.

SouthPAN is a joint initiative of the Australian and New Zealand Governments to provide Satellite-Based Augmentation System (SBAS) services for Australia and New Zealand.

The Satellite-Based Augmentation System (SBAS) is comprised of reference stations, telecommunications infrastructure, computing centers, signal generators, and satellites that provide improved positioning and navigation services in Australia, New Zealand, and its maritime region.

Geoscience Australia (GA) in collaboration with Toitū Te Whenua Land Information New Zealand (LINZ) are working on the development, deployment, and operation of SouthPAN, which will be the first SBAS in the Southern Hemisphere.

The surveyed site located at the Portland Airport, 1260 Bridgewater Lakes Rd, Cashmore has been identified as a suitable location for the installation of a ground-based reference station, used to support satellite navigation.



Below images are indicative of reference station site layout (not to scale) including the equipment to be installed, consisting of a generator with fuel tank, three



Generator w/ ATS, and fuel tank
Pad approximately 1.2 meters by 1.2 meters

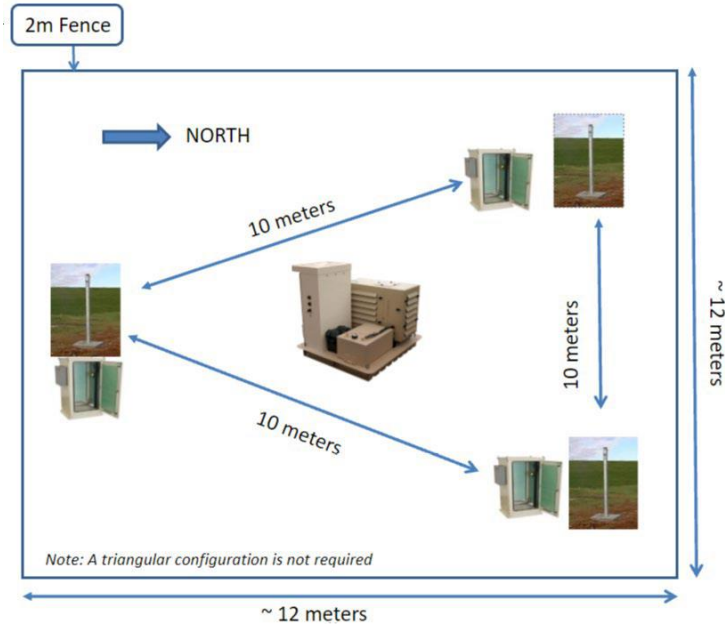


- Four inch diameter tube
 - Mount is nominally 2.5 meters high
 - Antenna with radome secured on top of mount
- Concrete pad
 - 40.6 centimeters by 40.6 centimeters
 - Construction of pad to ensure movement of antenna less than 1 cm horizontal and vertical



NEMA 3R
Size:
66 centimeters wide
76 centimeters deep
81 centimeters tall

antennas, and three shelter sheds.



The site will have power, communications and a security fence installed to protect the equipment from damage.

SouthPAN services will improve positioning from current GPS services with an accuracy of between 5 to 10 metres to as little as 10 centimetres. The Australian aviation community will use this system for navigation.

The project is a major space initiative for the Federal Government, requiring access to the site for the length of project, initially 20 years.

The proposed lease term is ten (10) years with one (1) x ten (10) year option.

The annual peppercorn rent of \$1.00 is reflective of Council's commitment to Access and Technology by providing improved positioning services from current GPS services. Geoscience Australia (GA) will pay for the power used at this site and will be responsible for all installation and ongoing maintenance costs.

a. Council Plan and Policy Linkage

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

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

d.

Community Consultation was conducted via YourSay Glenelg in February 2023 and advertised on Council's Facebook page. Five (5) submissions were received with the general consensus being that the proposal is in line with Council's commitment to promoting Access and Technology within the Glenelg Shire.

Consultation between the Tenant and GSC Airport Manager relating to the new lease has occurred.

e. Financial Implications and Collaboration

The financial obligations of the lease will be included within budget provisions. Geoscience Australia will be responsible for installation and maintenance of relevant infrastructure.

e. Governance Principles

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

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

Attachment List

Nil

14.8. COMMUNITY GRANTS (ROUND 1) 2023-2024 PROGRAM ALLOCATIONS

Director: Jayne Miller, Director Community Services

Executive Summary

The first round of the Community Grants Program for 2023-2024 was open for a four-week period from 3 July 2023 to 4 August 2023. A total of 73 applications were received and assessed. A total of 50 applications were assessed as eligible, with an overall funding allocation of \$79,548.77 for projects valued at \$309,217.39.

Council officers have evaluated the applications according to the criteria adopted by Council. This report presents the recommendations made by officers.

Mayor Cr Martin re declared a Conflict in item 14.8 Community Grants (Round 1) 2023-2024 Program Allocations left the meeting at 7:51 pm.

Cr Carr re declared a Conflict in item 14.8 Community Grants (Round 1) 2023-2024 Program Allocations left the meeting at 7:51 pm.

Deputy Mayor Cr Smith assumed the chair.

Recommendation

That Council:

1. Approves the allocation of funds for the Community Grants Program
2. Round 1 2023-2024, as per the recommendations in the attachment Community Grants (Round 1) 2023-2024 Assessment Recommendations.
3. Invite and contact all successful applicants for Round 1 2023-2024 to a Presentation Night.

MOTION**MOVED Cr Stephens**

That Council:

1. **Approves the allocation of funds for the Community Grants Program Round 1 2023-2024, as per the recommendations in the attachment Community Grants (Round 1) 2023-2024 Assessment Recommendations.**
2. **Invite and contact all successful applicants for Round 1 2023-2024 to a Presentation Night to be held on Wednesday 18 October 2023.**

SECONDED Cr Wilson**CARRIED**

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

AGAINST: Nil

Cr Carr returned to the meeting at 7:53 pm.

Mayor Cr Scott Martin returned to the meeting at 7.53pm and assumed the Chair.

Background/Key Information:

Glenelg Shire Council allocated \$162,000 in the 2023-2024 budget for the purpose of the Community Grants Program. These grants are offered to the community in two rounds which are usually conducted around July and February each year, with half the total budget (\$81,000) notionally available for distribution in each round.

GRANT CATEGORY	NUMBER OF APPLICATIONS RECOMMENDED IN ROUND ONE	TOTAL VALUE OF APPLICATIONS
Arts, Culture & Heritage	2	\$1,995.00
Community Events	11	\$27,200.00
Community Strengthening	10	\$10,021.00
Public Halls	4	\$5,743.91
Recreation	23	\$34,588.86
TOTAL	50	\$79,548.77
ROUND ALLOCATION		\$81,000.00

Officers have evaluated applications according to the criteria adopted by Council and made recommendations to allocate the funds in a fair and equitable distribution.

Council Officers recommended allocations are outlined within the separate attachment to this report, with a total of \$79,548.77 recommended to be allocated to clubs/groups.

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.

b. Legislative, Legal and Risk Management Considerations

There are no specific legislative or legal considerations associated with the Community Grants Program.

c. Consultation and/or communication processes implemented or proposed

The Community Grants Policy adopted by Council defines how the grants program is to be promoted to the community, and what communication processes need to be followed for management of each round.

A presentation event for the awarding of grant allocations will be scheduled.

d. Financial Implications and Collaboration

The Community Grants Program is a recurrent item in the annual budget. Council has allocated \$162,000 in the 2022-2023 budget for the purpose of the Community Grants Program.

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.

Innovation and continuous improvement is to be pursued.

Attachment List

Separately circulated as Confidential attachment.

14.9. LOCAL PORT OF PORTLAND BAY ANNUAL REPORT 2022-2023

Director: Stuart Husband, Director Assets

Executive Summary

This report is to present the Local Port of Portland Bay Annual Report to Council for endorsement and forwarding to the Department of Transport and Planning to meet Council's obligations under the Management Agreement.

Recommendation

That Council:

1. Adopt the Local Port of Portland Bay Annual Report for 2022-2023, including the audited financial statements.
2. Approve a copy of the Local Port of Portland Bay Annual Report 2022-2023 to be submitted to the Department of Transport.
3. Endorse the Local Port of Portland Bay Annual Report 2022-2023 for printing and publication.

MOTION

MOVED Deputy Mayor Cr Smith

That Council:

1. **Adopt the Local Port of Portland Bay Annual Report for 2022-2023, including the audited financial statements.**
2. **Approve a copy of the Local Port of Portland Bay Annual Report 2022-2023 to be submitted to the Department of Transport.**
3. **Endorse the Local Port of Portland Bay Annual Report 2022-2023 for printing and publication.**

SECONDED Cr Stephens

CARRIED

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

AGAINST: Nil

Background/Key Information:

Glenelg Shire Council is Port Manager of the Local Port of Portland Bay (Trawler Wharf) and operates the facility under a Management Agreement with the Victorian Government's Department of Transport and Planning.

A requirement of the Management Agreement is “The Port Manager will, no later than 30 September in each year of the term, prepare and submit to Department of Transport and Planning an Annual Report on the outcomes of the previous financial year’s business plan and budget”.

The report covers statutory requirements such as audit certification of financials, the Safety and Environmental Management Plan (SEMP), capital and recurrent works and incident reporting.

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.

b. Legislative, Legal and Risk Management Considerations

Council has obligations as manager of the Local Port under the *Port Management Act 1995*. A requirement of the Management Agreement between Council and the Department of Transport and Planning is that an annual report is produced. It also outlines statutory requirements which must be included.

c. Consultation and/or communication processes implemented or proposed

Consultation has been undertaken with Council’s Finance Unit, as well as the Department of Transport and Planning regarding format, content and financials.

d. Financial Implications and Collaboration

The design and publication of the Annual Report is covered in the Local Port budget, which is provided by Department of Transport and Planning.

e. Governance Principles

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

Innovation and continuous improvement is to be pursued.

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

Attachment List

1. Local Port of Portland Bay PROOF 180723 [**14.9.1** - 13 pages]
2. PBLP Finance Report 2023 [**14.9.2** - 16 pages]

14.10. 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. Endorse Option 3 Location as the location for the design and construction of the Portland Foreshore Multipurpose Facility.
2. Inform the community of the outcome of the landowner's preferred location and feedback regarding predicted sea-level rise risks.

MOTION

MOVED Cr Carr

That the Portland Foreshore Multipurpose Facility Design and Location lay on the table.

SECONDED Cr Wilson

CARRIED

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

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 [**14.10.1** - 1 page]

14.11. CONTRACT 2023-24-03 LOCAL FREIGHT ROADS PROJECTS –
PORTLAND - MUMBANNAR WANWIN ROAD REHABILITATION

Director: Stuart Husband, Director Assets

Executive Summary

This report is to brief Council on the tender evaluation process for the Local Freight Roads Projects – Portland - Mumbannar Wanwin Road Rehabilitation under Contract 2023-24-03 and provides recommendations regarding the awarding of this contract.

Recommendation

That Council:

1. Award Contract 2023-24-03 for Local Freight Roads Projects – Portland - Mumbannar Wanwin Road Rehabilitation to Porthaul Civil Pty Ltd.
2. Authorise the Director Assets to negotiate terms and conditions to be included in the contract.
3. Authorise the Chief Executive Officer to execute all documents relating to this contract.
4. Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.

MOTION

MOVED Cr Stephens

That Council:

1. **Award Contract 2023-24-03 for Local Freight Roads Projects – Portland - Mumbannar Wanwin Road Rehabilitation to Porthaul Civil Pty Ltd.**
2. **Authorise the Director Assets to negotiate terms and conditions to be included in the contract.**
3. **Authorise the Chief Executive Officer to execute all documents relating to this contract.**
4. **Authorise the Director Assets to complete all financial payments and endorse variations as applicable relating to this contract.**

SECONDED Cr Hawker

CARRIED

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

AGAINST: Nil

Background/Key Information:

Mumbannar-Wanwin Road gained funding through the Local Freight Roads Projects – Portland (previously Portland Diversification Projects). The Local Freight Roads Projects – Portland delivers targeted heavy vehicle access upgrades to local roads servicing key industrial sites and timber routes in Glenelg Shire. The project contributes to the implementation of Council's Portland Industrial Land Strategy, priority road upgrades identified in successive Timber Industry Road Evaluation Studies, and the strategic aims of the Green Triangle Region Freight Action Plan.

The project aims to improve the safety and efficiency of plantation timber extraction in the south of the Shire, as well as stimulating economic activity and jobs growth through the provision of enabling infrastructure in Portland's industrial precinct.

Project components to improve heavy vehicle access along timber routes in Glenelg Shire address the recommendations of successive Timber Industry Road Evaluation Studies, which identified improvements to Mumbannar-Wanwin and Wilsons Roads within the top five priority road projects in the Southwest Region.

Public Tenders were called on Monday 10 July 2023 and closed at 3pm on Thursday 3 August 2023. At the closure of the tender submission period a total of six (6) submissions were received from the following:

- Berne Fleming Civil Pty Ltd;
- Fulton Hogan Industries Pty Ltd;
- Bild Infrastructure Pty Ltd;
- Gambier Earth Movers Proprietary Limited;
- Porthaul Civil Pty Ltd ; and
- Mibus Bros (Aust) Pty Ltd.

The Tender Evaluation Panel considered the tender submissions, taking into account the selection criteria and weighting which covers tender price, resources and capacity, quality, reliability and past performance, OHS management systems, economic contribution to the Glenelg Shire and environmental sustainability considerations.

The Tender Evaluation Panel has recommended that Council award Contract 2023-24-03 Local Freight Roads Projects – Portland - Mumbannar Wanwin Road Rehabilitation to Porthaul Civil Pty Ltd.

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.

If this contract is not awarded there is a risk that these fully funded project works may not be delivered in accordance with the funding agreement and works will not progress past this point. Funding may then have to be returned.

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

Funding for these works has been received through the Local Freight Roads – Projects – Portland. Expenditure associated with Mumbannar-Wanwin Road works and maintenance has been incorporated into current and future Council budget forecasts.

e. Governance Principles

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

Attachment List

Separately circulated as Confidential attachment.

15. CONFIDENTIAL REPORTS

Nil.

16. URGENT BUSINESS

1. Council support Voting Yes in Referendum

MOTION

MOVED Cr Wilson

That Council determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 2.5.3 of the Glenelg Shire Council Governance Rules adopted 27 September 2021.

SECONDED Mayor Cr Martin

LOST

FOR: Mayor Cr Martin and Cr Wilson

AGAINST: Deputy Mayor Cr Smith, Cr Hawker, Cr Stephens, Cr Carr and Cr Northcott

17. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 8:00 pm.

I HEREBY CERTIFY THAT PAGES 1 TO 45 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR SCOTT MARTIN
MAYOR

24 October 2023

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OATH OF OFFICE

Section 30(1), *Local Government Act 2020*

OATH

"I swear that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement".

John Northcott

Councillor

Declared at Portland this 28th day of August 2023 before me.

Paul Phelan

Chief Executive Office