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**Glenelg Shire Council**  
**Minutes of the Council Meeting held on**  
**Tuesday 28 November 2023 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 John Northcott, and Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Greg Wood), Director Corporate Services (Mr David Hol), Director Community Services (Ms Jayne Miller), Director Assets (Mr Stuart Husband), Chief Information Officer (Ms Ann Kirkham) and Executive Assistant Corporate Services (Ms Rachael Currie) Executive Assistant CEO Department (Ms Laura Van Oosten).

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

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## **4. RECEIPT OF APOLOGIES**

Nil.

## **5. QUESTION TIME**

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

#### **1. Christmas and New Years 2023**

Ms Gerri Torpy of Narrawong asked the following question:

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

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

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

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

## 2. Pacific Green Technologies Battery Project

Mr Tim Walls of Portland asked the following question:

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

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

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

Thank you for your question Mr Walls.

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

## 5.2. QUESTIONS FROM THE GALLERY

### 1. Financial information

Mr Matthew Jowett of Portland asked the following questions:

- a. *For the comprehensive income statement for the period ended October 2023/24 there was a of surplus of \$1,086,163 in the adopted Budget for the 2023/24 but the forecast budget shows an \$8,228,952 surplus. Which figure do you believe this Shire will achieve?*

Mayor Stephens advised that Council will do a review of the Budget, which included carry forwards and this will be included in the quarterly reports.

- b. *In relation to the former Council leased facility at 56 Percy Street. Can you please explain what were the financial repercussions for breaking this lease?*

Mayor Stephens advised that the information is commercial in confidence and will remain so.

### 2. Community Engagement

Mr Gary Humm of Portland asked the following questions:

- a. *Are you Madame Mayor, therefore able to identify and respect the merits and importance of group & community networking via public forums for key community issues such that it would be implausible for any organisational leadership, or in this case, Glenelg Shire Council, to deny such procedural opportunities in consideration of both current and future key fiscal and planning matters?*

Mayor Stephens advised that Council has an adopted community engagement policy and that details how Council engages with the community.

- b. *Would you Madame Mayor, please explain whether Council has inadvertently chosen to re-focus its priorities to that of developing what appears on the surface to be a Commercial Hospitality Leasehold Franchise at a time when it should be addressing the base responsibilities of Rates, Rubbish & Roads ?*

Mayor Stephens advised that Council sets out the Council Plan for directives for the term of this Council. Every year Council has a Budget which goes out for community consultation, which is clear what Council determines are in that Budget and Council Plan and this is what Council deliver for the community.

- c. *In regards, to the change of time for Council meetings, what due diligence did Council carry out to evaluate the actual "benefits to the community" that served as the catalyst for this decision?*

Mayor Stephens advised Council reviewed what other Councils were doing across the sector and most Councils are meeting at 10am, 2pm or 4pm some do meet at 5pm. Council is only one of two Councils that meet at 7pm, it was a decision that was made for the staff and Council that the time would be changed to 5.30pm. The livestreaming of these meetings means that everyone can be included.

### 3. Portland Cable Trams

Mr Des Hein of Portland asked the following questions:

- a. *Can Council guarantee that Portland Cable Trams will not be disrupted during the demolition of the Yacht Club and the construction of the new building?*

The Acting Chief Executive Officer Mr Greg Wood advised that Council cannot guarantee that there won't be any disruption but will ensure that its kept to a minimum.

- b. *Why is the Portland Cable tram a major stakeholder of this project when they clearly are not?*

The Acting Chief Executive Officer Mr Greg Wood advised that Portland Cable Trams are a stakeholder and have advised in the earlier question in regard to disruption. Mayor Stephens advised further that there may be times of disruption and the Cable Trams will be advised with plenty of time to any disruption caused.

### 4. Elected Councillors

Mr David Punton of Portland asked the following questions:

- a. *Are the Councillors democratically elected with to represent the residents of the Glenelg Shire Council without political interference?*

Mayor Stephens advised that yes they are democratically elected through the electoral process without democratic interference.

- b. *Who controls the Councillors within the Glenelg Shire Council?*

Mayor Stephens advised that the Councillors control the Councillors.

- c. *Who is able to remove the Chief Executive Officer and member of the executive in Glenelg Shire Council?*

Mayor Stephens advised that the CEO is employed by Council and the CEO is the Chief Executive Officer of the staff and the operations of Council.

5. Multipurpose Building

Mr Michael Doherty of Portland asked the following questions:

- a. *In regards to the Multipurpose Building on the foreshore, has Council put together a business case on how much annually the facility will cost to run and a forecast on potential annual earnings? That includes maintenance, cleaning, insurance, utilities, Council staff hours to manage the facility and is Council confident that it will not be a financial burden on the rate payer?*

Mayor Stephens advised that all projects go through due diligence and yes Council has.

- b. *Is the core business of Council to run a commercial function centre, and is Council confident it can manage functions that mostly run outside business hours, taking this revenue stream away from the local community sporting club that currently offers that service now?*

Mayor Stephens advised that once the current facility is completed there will be lease options for Council, this will be determined as its completed.

- c. *Do you Mayor Stephens publicly support this new multipurpose building with the confidence that the negative impact on the community sporting club (the Portland Yacht Club) that was built by its members and have provided the community with a sport and recreational pathway to ALL members of the public, is it worthy sacrifice backed by community support for the need of this new facility?*

Mayor Stephens advised that its an agenda item on tonight's meeting agenda and will show my support when voting.

**6. DECLARATIONS OF CONFLICT OF INTEREST**

Nil.

**7. CONFIRMATION OF MINUTES****Recommendation**

That the minutes of the following meetings are as circulated, be confirmed:

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

**MOTION****MOVED Cr Carr**

That the minutes of the following meetings are as circulated, be confirmed:

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

**SECONDED Cr Martin****CARRIED**

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

**AGAINST:** Nil

**8. PRESENTATIONS**

Nil.

**9. DEPUTATIONS**

Nil.

**10. NOTICES OF MOTION**

Nil.



## **11. PETITIONS**

### **11.1. PETITION - HEYWOOD OLD SCHOOL**

David Hol, Director Corporate Services

#### **Executive Summary**

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

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

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

#### **Recommendation**

That Council:

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

#### **Attachment List**

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

## **MOTION**

**MOVED Cr Carr**

#### **Recommendation**

That Council:

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

**SECONDED Cr Martin**

**CARRIED**

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

**AGAINST:** Nil

**12. COMMITTEE REPORTS**

Nil.

### **13. MANAGEMENT REPORTS**

#### **13.1. COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER**

Director: Greg Wood, Chief Executive Officer

##### **Executive Summary**

The purpose of this report is to enable Council to consider the Councillor and Chief Executive Officer Leave of Absence Register.

##### **Recommendation**

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 35 (1) (e) (4) (6) of the *Local Government Act 2020*.

##### **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 Cr Northcott**

###### **CARRIED**

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

**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.*

## 13.2. GLENELG SHIRE COUNCIL FINANCIAL REPORT

Director: David Hol, Director Corporate Services

### Executive Summary

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

### Recommendation

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

### **MOTION**

#### **MOVED Cr Carr**

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

#### **SECONDED Cr Northcott**

#### **CARRIED**

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

**AGAINST:** Nil

### Background/Key Information:

The 2023/2024 Annual Budget was adopted by Council on 27 June 2023.

This report provides information on the current status of Council's financial position and performance and includes:

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Cash Flows; and
- Statement of Capital Works.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

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

- (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
  - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances.
- c. Consultation and/or communication processes implemented or proposed
- The finance report is prepared monthly for Council and submitted to the Audit and Risk Committee quarterly.
- d. Financial Implications and Collaboration
- The resourcing of the preparation of the financial report and year-end audit of the financial statements is provided for in the adopted budget.
- The financial report is a key document that is required to monitor Council's budget and financial result.
- The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2023/2024 budget.
- The information in this report contributes to various strategic planning documents under Council's strategic planning framework, including the Annual Budget, Financial Plan and Revenue and Rating Plan.
- e. Governance Principles
- The ongoing financial viability of the Council is to be ensured.

### **Attachment List**

1. Financial Statements 2023 2024 - October 2023 - FINAL [**13.2.1** - 7 pages]

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

Director: David Hol, Director Corporate Services

#### Executive Summary

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

#### Recommendation

That Council:

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

#### MOTION

##### **MOVED Cr Wilson**

That Council:

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

##### **SECONDED Cr Martin**

##### **CARRIED**

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

**AGAINST:** Nil

#### Background/Key Information:

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



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

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

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

a. Council Plan and Policy Linkage

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

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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



d. Financial Implications and Collaboration

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

e. Governance Principles

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

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

**Attachment List**

Nil

### 13.4. AUDIT AND RISK COMMITTEE NOMINATIONS

Director: David Hol, Director Corporate Services

#### Executive Summary

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

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

#### Recommendation

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

#### **MOTION**

**MOVED Cr Wilson**

**That Council appoints Cr Northcott to the vacant Councillor representative position on the Audit and Risk Committee for the remainder of the current Council term.**

**SECONDED Cr Martin**

**CARRIED**

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

**AGAINST:** Nil

#### Background/Key Information:

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

The membership will include the following:

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

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

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

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

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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

e. Governance Principles

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

### **Attachment List**

Nil

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

Director: Jayne Miller, Director Community Services

#### Executive Summary

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

#### Recommendation

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

#### **MOTION**

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

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

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

##### **CARRIED**

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

**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

Nil.

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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

e. Governance Principles

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

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

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

### **Attachment List**

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

### 13.6. AUSTRALIA DAY COMMUNITY FUNDING

Director: Jayne Miller, Director Community Services

#### Executive Summary

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

#### Recommendation

That Council:

1. Notes the funding provided to community led Australia Day/26 January events to be held in 2024:
  - Merino/Digby - \$400
  - Nelson - \$400
  - Heywood - \$1,000
2. Provides funding, subject to CEO approval, of up to the following amounts for Australia Day/26 January community led events, to be held in January 2024:
  - Casterton - \$1,000
  - Dartmoor - \$400
  - Portland - \$2,000
3. Review community group feedback from January 2024 and report back to Council prior to January 2025.

#### MOTION

#### **MOVED Cr Martin**

That Council:

1. **Notes the funding provided to community led 26 January events to be held in 2024:**
  - **Merino/Digby - \$400**
  - **Nelson - \$400**
  - **Heywood - \$1,000**
2. **Provides funding, subject to CEO approval, of up to the following amounts for 26 January community led events, to be held in January 2024:**
  - **Casterton - \$1,000**
  - **Dartmoor - \$400**
  - **Portland - \$2,000**
3. **Review community group feedback from January 2024 and report back to Council prior to January 2025.**

**SECONDED Cr Northcott****CARRIED****FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott and Cr Wilson**AGAINST:** Nil*Background/Key Information:*

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

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

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

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

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

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

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

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

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

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

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

Some suggestions for community to consider when making application:

- The community led events should be hosted on any day one week before or after 26 January
- The community led event must be in the Glenelg Shire Council
- Funding is for one event per township
- Only incorporated, community-based not-for-profit groups operating in the Glenelg Shire Council will receive funding, which is in alignment with Council's Community Grant Guidelines
- Community groups can use funds to their discretion for activities such as venue costs, staging/equipment costs, marketing/promotional costs, catering costs, performer/artist fees

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

Not Applicable.

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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



e. Governance Principles

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

Innovation and continuous improvement is to be pursued.

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

**Attachment List**

Nil

### 13.7. PORTLAND FORESHORE COMMUNITY PAVILION – TENDERING FOR CONSTRUCTION

Director: Stuart Husband, Director Assets

#### Executive Summary

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

#### Recommendation

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

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

#### MOTION

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

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

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

##### **SECONDED Cr Martin**

##### **CARRIED**

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

**AGAINST:** Nil

Point of Order called by Cr Martin at 6.36pm - disorder.

Point of Order called by Cr Martin at 6.43pm - disorder.

#### Background/Key Information:

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

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

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

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

The key benefits for the community are:

- A true multipurpose facility for the use of the whole community, while incorporating exclusive-use space for the Portland Yacht Club.
- Increased connection for the community to Portland foreshore via a modern facility with all-abilities access.
- Function, retail and café spaces at Portland Bay shoreline and close to surrounding greenspaces.
- Optimal use of one-off Victorian Government funding to provide this building on Portland's foreshore.

The process of informing the community has included:

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

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

As at 17 November, the poll results were:

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

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

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

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

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

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

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

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

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

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

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

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

All legal and legislative requirements have been considered.

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

c. Consultation and/or communication processes implemented or proposed

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

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

d. Financial Implications and Collaboration

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

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

e. Governance Principles

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

### **Attachment List**

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

### 13.8. RECRUITMENT OF CHIEF EXECUTIVE OFFICER

Director: David Hol, Director Corporate Services

#### Executive Summary

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

#### Recommendation

That Council:

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

*Mr Greg Wood Chief Executive declared a material conflict of interest in item 13.8 Recruitment Chief Executive Officer and left the meeting at 6.45pm*

#### MOTION

**MOVED Cr Wilson**

That Council:

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

**An amendment was proposed to amend point 4 of the recommendation by Cr Carr to appoint the Mayor Councillor Stephens as the Chair of the committee.**

**Cr Wilson confirmed his agreement with the amendment which now becomes the motion before Council.**

**The new motion becomes.**

**That Council:**

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

**SECONDED Cr Martin**

**CARRIED**

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

**AGAINST:** Nil

*The Chief Executive Officer returned to meeting at 6.49pm.*

*Background/Key Information:*

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

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

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

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

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

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

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

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

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

c. Consultation and/or communication processes implemented or proposed

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

d. Financial Implications and Collaboration

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

e. Governance Principles

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

### **Attachment List**

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



**14. CONFIDENTIAL REPORTS****Recommendation**

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

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

**MOTION****MOVED Cr Wilson**

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

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

**SECONDED Cr Northcott****CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott and Cr Wilson  
**AGAINST:** Nil

**Recommendation**

That the Council Meeting be opened to members of the public and that the details of items 14.1 and 14.2 be released as deemed appropriate by the Chief Executive Officer.

**MOTION****MOVED Cr Wilson**

**That the Council Meeting be opened to members of the public and that the details of items 14.1 and 14.2 be released as deemed appropriate by the Chief Executive Officer.**

**SECONDED Cr Carr****CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott and Cr Wilson  
**AGAINST:** Nil

### **15. URGENT BUSINESS**

#### **1. Hooded Plover at Cape Bridgewater Beach**

##### **MOTION**

**MOVED Cr Carr**

**That Council consider the matter as Urgent busie**

**determine that this item be designated as urgent business, within the Council Meeting, in accordance with clause 2.6.3 of the Glenelg Shire Council Governance Rules adopted 27 September 2022.**

**SECONDED Cr Martin**

**CARRIED**

##### **MOTION**

**MOVED Cr Carr**

**That Council:**

- 1. Receives the letter from Mr Matt Fowles dated 21 November 2023 concerns regarding Boat Launch Access Closure at Cape Bridgewater**
- 2. Writes to the Department of Energy, Environment and Climate Action (DEECA) requesting that they put suitable protection measures in place for the protection of the hooded plovers whilst maintaining access to Cape Bridgewater beach for the launch of vessels.**

**SECONDED Cr Martin**

**CARRIED**

**FOR:** Mayor Cr Stephens, Cr Carr, Cr Martin, Cr Northcott and Cr Wilson  
**AGAINST:** Nil

**16. CLOSURE OF COUNCIL MEETING**

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7:06pm.

**I HEREBY CERTIFY THAT PAGES 1 TO 35 CONFIRMED AND ARE A TRUE AND CORRECT RECORD.**

Cr Karen Stephens  
MAYOR

12 DECEMBER 2023

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