



## **Glenelg Shire Council**

### **Notice of Meeting and Agenda**

#### **Council Meeting Tuesday 17 December 2024**

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Notice is hereby given that a Council Meeting will be held in the Council Chamber, Glenelg Shire Offices, 71 Cliff Street, Portland commencing at **5:30 pm** on the above date for the purpose of transacting the business on the attached Agenda, together with such other business as the Chairperson may permit.

Helen Havercroft

**Chief Executive Officer**

Date of Issue: Thursday 12 December 2024

Invited: Mayor, Councillor Karen Stephens  
Deputy Mayor, Councillor Robyn McDonald  
Councillor Duane Angelino  
Councillor Michael Carr  
Councillor Matt Jowett  
Councillor Mike Noske  
Councillor John Pepper  
Chief Executive Officer, Ms Helen Havercroft  
Director Corporate Services, Mr David Hol  
Director Community Services, Ms Jayne Miller  
Director Infrastructure Services, Mr Aaron Moyne  
Chief Information Officer, Ms Ann Kirkham  
Chief Financial Officer, Ms Rebecca Campbell  
Executive Manager Governance, Mr Brett Jackson

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**1. PRESENT****2. ACKNOWLEDGEMENT OF COUNTRY**

On behalf of this Glenelg Shire Council, I respectfully acknowledge the traditional lands and waters of the Guditjara, Jardwadjali and Boandik people and their respective culture heritages. I acknowledge the elders past and present here at today's gathering and through them, to all Aboriginal people.

Aboriginal and Torres Strait Islander People provide an important contribution to Australia's cultural heritage and identity. We respectfully acknowledge the Aboriginal and Torres Strait community living throughout the Glenelg Shire and the contribution they make to the Glenelg Shire's prosperity and wellbeing.

**3. RECORDING OF MEETINGS**

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published. Council meetings may be livestreamed and the Chief Executive Officer will enable a copy of the recording to the public.

**4. RECEIPT OF APOLOGIES**

Cr Duane Angelino

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

**That the minutes of the Statutory Meeting held on Wednesday, 20 November 2024, as circulated, be confirmed.**

**That the minutes of the Council Meeting held on Tuesday, 26 November 2024, as circulated, be confirmed.**

**5.2. RECORD OF COUNCILLOR BRIEFINGS**

David Hol, Director Corporate Services

**Executive Summary**

This report shares the topics discussed at 2 Councillor briefings sessions that have been held as required by the Glenelg Shire Council Governance Rules.

**Recommendation**

**That Council receives the record of the Councillor briefings held on 26 November 2024 and 3 December 2024.**

**Background/Key Information:**

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

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

The objective of submitting the record to a Council meeting is to support the governance principle of transparency in Council decision making processes.

a. **Council Plan and Policy Linkage**

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

b. **Legislative, Legal and Risk Management Considerations**

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

c. **Consultation and/or communication processes implemented or proposed**

Not applicable.

d. **Financial Implications and Collaboration**

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

e. **Governance Principles**

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

**Attachment List**

1. Councillor Briefing Record 26 November 2024 [**5.2.1** - 1 page]
2. Councillor Briefing Record 3 December 2024 [**5.2.2** - 1 page]

## **6. DECLARATIONS OF CONFLICT OF INTEREST**

### **6.1. DECLARATIONS OF CONFLICT OF INTEREST**

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- The item for which they have a conflict of interest
- Whether their conflict is ***general*** or ***material***; and
- The circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

## **7. COUNCILLOR ACTIVITY REPORTS**

Councillor Activity Reports will recommence at the January Council Meeting, covering the period from the Statutory Meeting on 20 November 2024 until 31 December 2024.

**8. NOTICES OF MOTION****8.1. NOTICE OF MOTION 2 2024-2025 - WORKING GROUP**

CEO: Helen Havercroft, Chief Executive Officer

In accordance with the Council's Governance Rules, I give notice of my intention to move the following motion at the Council Meeting to be held on Tuesday 17 December 2024.

**That Council requests a report on the steps required to progress a 'Council and Traditional Owners' working group before 25<sup>th</sup> February 2025.**

Signed: Cr Michael Carr

Date: 5 December 2024

**Attachments**

1. Notice of Motion Working Group [8.1.1 - 1 page]

**8.2. NOTICE OF MOTION 3 2024-2025 - WORKING GROUPS**

CEO: Helen Havercroft, Chief Executive Officer

In accordance with the Council's Governance Rules, I give notice of my intention to move the following motion at the Council Meeting to be held on Tuesday 17 December 2024.

**That Council requests reports on establishing the following working groups on or before 25 March 2025.**

- a) Casterton Saleyards**
- b) Arts & Culture**
- c) Tourism & Economic Development**
- d) Buildings**

Signed: Cr Michael Carr

Date: 5 December 2024

**Attachments**

1. Notice of motion Working Groups **[8.2.1 - 1 page]**

## **9. MANAGEMENT REPORTS**

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

Director: Helen Havercroft, Chief Executive Officer

#### **Executive Summary**

The purpose of this report is to enable Council to consider a Leave of Absence request from Cr Angelino.

#### **Recommendation**

**That Council approves the Leave of Absence request from Cr Angelino for the 17 December Council Meeting.**

#### **Background/Key Information:**

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

Section 19 (Apologies) of the Glenelg Shire Council Governance Rules adopted on 23 January 2024 sets out at 19 (6) that Council will not unreasonably withhold its approval of a leave of absence request.

A leave of absence has been received from Cr Angelino.

#### **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 their 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 periodically 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**

1. Councillor and Chief Executive Officer Leave of Absence Register (1) [9.1.1 - 1 page]

## 9.2. COUNCILLOR AND STAFF INTERACTION POLICY

Director: David Hol, Director Corporate Services

### Executive Summary

This report seeks Council adoption of the updated Councillor and Staff Interaction Policy.

### Recommendation

**That Council adopts the revised Councillor and Staff Interaction Policy.**

### Background/Key Information:

In January 2023, the Local Government Inspectorate report undertaken on compliance with the implementation of the *Local Government Act 2020* resulted in 9 recommendations across Victorian Local Authorities.

One of these recommendations was for all Councils to develop policies covering Councillors and staff interactions. This was a recommendation that is over and above the specific policy obligations under the *Local Government Act 2020*.

Subsequently a draft was developed by Council staff and adopted by Council in July 2023.

Whilst the policy was not due for review until 2027, the recent Interim Municipal Monitor report highlighted that the policy now did not reflect some of the changes that were implemented as part of the Council action plan to the Municipal Monitor report, most notably, the cessation of the Councillor request process.

The policy has now been reviewed with the above changes included and further refined the reporting mechanisms to reflect Council staff current roles when supporting Councillors.

The revised policy for Councillor and staff interaction is now provided for Council consideration and adoption.

#### 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

Whilst the policy is not specifically mandated under the Act, the CEO is responsible under S46(3c) of the *Local Government Act 2020* for managing interactions between members of Council staff and Councillors ensuring that policies, practices and protocols that support arrangements for interaction are developed and implemented.

#### c. Consultation and/or communication processes implemented or proposed

The revised policy has been considered by Councils Governance Unit and the Executive Team.

d. Financial Implications and Collaboration

The policy does not commit to any additional expenditure.

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. DRAFT COUNCIL POLICY Councillor and Staff Interaction Policy December 2024 [9.2.1 - 10 pages]

### 9.3. COUNCILLOR ACCEPTABLE DEVICE USE POLICY

Director: Ann Kirkham, Chief Information Officer - Glenelg Futures

#### Executive Summary

Councillors are provided information technology devices to ensure they have the tools to undertake their role. The Councillor Acceptable Device Use Policy provides guidance on the appropriate usage to ensure information and data security is maintained.

#### Recommendation

**That Council adopts the Councillor Acceptable Device Use Policy.**

#### Background/Key Information:

Council supplies information technology (IT) devices to Councillors. The provision of devices imposes certain obligations and responsibilities to ensure Council information and data security is maintained.

Acceptable use of the Council's IT devices includes only taking action that is legal, ethical, reflect honesty, and demonstrate respect for intellectual property, commercial confidentiality, ownership of information and system security.

Limitations are required regarding the use of the Council's IT devices to protect and maintain network security. All IT devices may be monitored for security and network management reasons and acceptance of this practice is a condition of use.

a. Council Plan and Policy Linkage

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

b. Legislative, Legal and Risk Management Considerations

There can be significant financial costs if data or information is not handled, used or disposed of in accordance with the Policies and procedures of Council

*Local Government Act 2020*; Section 40 - Reimbursement of expenses of Councillors and members of a delegated committee; Section 41 – Council Expenses Policy and Section 42 - Resources and facilities for the Mayor and Councillors.

*Privacy and Data Protection Act 2014*

*Public Records Act 1973*

*Freedom of Information Act (Vic) 1982*

Model Councillor Code of Conduct

Fraud and Corruption Control Policy

Privacy Policy

c. Consultation and/or communication processes implemented or proposed

The policy has been reviewed by the Director Corporate Services, Executive Manager Governance and the broader Executive Team.

d. Financial Implications and Collaboration

The costs associated are within the annual operating budget.

e. Governance Principles

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

Innovation and continuous improvement is to be pursued.

**Attachment List**

1. Councillor Acceptable Device Use Policy [9.3.1 - 4 pages]

#### 9.4. PORTLAND FORESHORE MULTI-PURPOSE PROJECT - PROJECT DELIVERY OPTIONS AND FUNDING AGREEMENT

Director: Aaron Moyne, Director Infrastructure Services

##### Executive Summary

This report presents Council with two (2) options for consideration associated with the Portland Foreshore Multipurpose Facility Project (the project). These options are the refurbishment of the existing Portland Yacht Club and Angling Club buildings, or the termination of the project, which involves the return of remaining project funding to the Victorian Government.

An options analysis has been undertaken, along with ongoing engagement with representatives from Regional Development Victoria (RDV), with it recommended that Council proceed with the refurbishment option and authorise the Chief Executive Officer (CEO) to negotiate a funding agreement variation and extension.

##### Recommendation

**That Council:**

- 1. Resolves to proceed with building refurbishment of the buildings currently in use by the Portland Yacht Club and Angling Club as part of the Portland Foreshore Multi-Purpose Facility.**
- 2. Authorises the Chief Executive Officer to negotiate a funding agreement variation and extension with Regional Development Victoria.**
- 3. Revokes recommendation 2-5 from the July 2024 Council meeting seeking alternate designs and further funding.**

##### Background/Key Information:

The Foreshore Project is a longstanding priority for Council with \$5 million of funding provided by the Victorian Government in 2021 through the *Regional Infrastructure Fund*, of which \$4 million has already been received by Council. The funding agreement for the Project establishes a Council requirement to provide matched funding to the value of \$1.2 million (on a 4:1 ratio).

Following the Council resolution of July 2024, and a subsequent Council briefing on 10 September 2024, officers have continued to work through options analysis and liaised with both RDV (grant manager) and the Department of Energy, Environment and Climate Action (DEECA), around available delivery solutions.

A single delivery option has emerged, being the refurbishment of the two existing foreshore buildings known locally as the Yacht Club and the Angling Club. This option has been reinforced through correspondence provided to Council by the Victorian Government in both July and October 2024, along with ongoing officer discussions with senior RDV representatives.

The Project, which obtained funding in 2021, was originally identified to replace two end-of-life assets on the foreshore with one new multi-purpose facility. This facility was

for the use of both clubs, currently occupying the respective buildings, and to provide benefit to the wider community as a multi-purpose building.

Through issues identified and experience with gaining landowner (public land manager) consent under the *Marine and Coastal Act 2018* for the original project location (south of the existing Yacht Club), DEECA identified the existing Yacht Club site as more likely to achieve consent. Based on this information, Council approved the change of location for the facility in October 2023 and the design was updated to reflect the change.

Following stakeholder engagement on the amended design in September/October 2023, involving strong public interest and feedback, RDV undertook further stakeholder engagement and requested DEECA complete a high-level analysis of several locations on the foreshore based on the consent requirements.

During this time, in accordance with the earlier Council resolution of 26 September 2023, a tender process was initiated for the construction of a two (2) storey multi-purpose facility at the Yacht Club site, which identified a deficit in the available budget to deliver the project.

A series of Council briefings were held to update Councillors on the potential budget issue and DEECA's assessment of possible locations. Following these briefings, a report was presented to the July 2024 Council Meeting, whereby Council resolved to halt the existing works, secure the existing funding and assess options for 3 possible locations for the facility (the Yacht Club site, a new location south of the Maritime Discovery Centre and a new location adjacent to the TS Henty). These locations have been considered by both DEECA and RDV and by Council officers through an options analysis.

Following an initial assessment of five (5) options across three (3) locations, in consultation with RDV and DEECA, a briefing was provided to Councillors on 10 September 2024 to discuss the project and options matrix. This matrix identified that the only viable option to meet both the landowner and funding agreement requirements is the refurbishment of the existing buildings. This has been further directed in correspondence received from RDV in July and October 2024.

As it stands, the only option for Council to retain project funding and deliver a community multipurpose outcome, is through the refurbishment of the existing buildings. Discussions between officers and RDV have clearly indicated that if Council cannot deliver upon this outcome, the remaining project funding will need to be returned to the Victorian Government, with no guarantee it will be provided for any future project.

RDV have also expressed an expectation that the balance \$1m of the \$5m funding is unlikely to be provided to Council, whilst the project needs to be delivered in accordance with the current funding ratio of \$4:1, with a Council contribution provided. Any remaining funding at project end will need to be returned by Council.

Whilst the options are limited based on the options analysis, MACA constraints and RDV position, officers' view is that the refurbishment outcome still presents benefit to Council, stakeholders, and the community, through the upgrade of two existing

buildings, which will extend their useful life, improve their condition and amenity as part of the Portland Foreshore Precinct, and achieve a multipurpose outcome.

### **OPTION 1: Refurbishment Option**

Refurbishment works to both buildings will not only provide a deliverable to satisfy the Funding Agreement and RDV, but will also provide renewed facilities for use by the community and clubs. Refurbishment will extend the life of the buildings and reduce escalating maintenance costs, with a focus on ensuring the buildings meet the building code, all-abilities access and necessary regulatory requirements.

With the age of the buildings, these works are expected to be sizeable. Indicatively, it is anticipated that proposed refurbishments will include roof replacement, new windows, doors, floor coverings, service upgrades, heating/cooling, toilet and kitchen upgrades, and other works to bring the building up to National Construction Code standards. Additional works may be included, including potential external design changes and treatment, subject to both budget and any MACA limitations.

Initial engagement undertaken by RDV with the two clubs (the Yacht Club and Sports Fishing Club) has indicated they support this outcome. Council officers have engaged further with both Clubs in December 2024, who maintain their support for a refurbishment outcome which maintains existing building footprint.

In accordance with consultation and information from DEECA, to avoid the requirement for MACA Consent, works will be limited to the buildings only, with no change to footprint.

To complete the refurbishment works the following will be completed:

#### **1. Engagement and Consultation**

Engagement will re-commence, and the Communications and Engagement Plan will be updated to ensure that users, key stakeholders and the community are updated with the progress and works to be completed including the benefits of the work to be done.

This process will commence in January 2025 and build upon ongoing discussions held with both the Yacht Club and Sports Fishing Club.

#### **2. Refurbishment Assessment**

Council officers have commenced initial building assessments, using existing building condition information and through inspection. A suitably qualified professional will be engaged to complete a Refurbishment Assessment, to understand the scope, feasibility and estimated cost of the refurbishment of both buildings.

A procurement process is being undertaken and a Refurbishment Assessment is expected to be delivered in January/February 2025, which will be utilised to confirm project scope, planning, design and subsequent funding agreement variation and extension.



**OPTION 2: Project Termination**

If Council determines not to proceed with the refurbishment proposed in Option 1, a project termination process will be initiated requiring funding to be returned back to the Victorian Government (approximately \$3.6m). This expectation has been made clear to Council via correspondence and information received from RDV.

Termination of the project and a return of funding is likely to lead to negative Council, stakeholder and community impacts, through the retention of end-of-life assets requiring alternate funding for maintenance and renewal, increased building condition deterioration and financial pressure on Council, future funding risks and wider reputational risks with both community and Government.

Based on the full project evolution, community feedback, government liaison and current project options, termination of the project will have an adverse economic and community impact, which does not utilise the available funding for existing asset refurbishment and utilisation.

**Summary**

The refurbishment option presented in Option 1 presents the highest and best use outcome of the two (2) available options provided to Council, which will deliver two refurbished foreshore buildings for enhanced condition, presentation, stakeholder and community use.

To formally proceed with the refurbishment option, the following high-level steps (with indicative timeframes) need to be undertaken:

1. Council resolution to proceed with the refurbishment option, or alternatively terminate the project (December 2024)
2. Building Refurbishment Assessment undertaken (January/February 2025)
3. CEO and officers negotiate and proceed with funding agreement variation and extension with RDV to enable the refurbishment option to be delivered (January-March 2025)
4. Further public consultation and engagement with community (early-mid 2025)
5. Final detailed design, tender process (including any further Council contract decision) and project delivery (mid-late 2025/early-2026).

A detailed work program and schedule will be developed following any Council decision and in working with RDV.

Should Council choose not to proceed with the refurbishment option, RDV have made clear their position that the funding agreement will be terminated, and the remaining funding will be required to be returned. This would be an undesirable outcome with risks and impacts as outlined.

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

Meeting all relevant codes, legal, statutory, and regulatory requirements has been included in the scope of work for the provision of the Refurbishment Assessment and in ongoing project delivery.

An updated risks assessment will be undertaken as part of project planning if Council resolves to proceed with the refurbishment option. Existing identified risks include:

- A return of or claw-back of existing funding provided to Council by the Victorian Government.
- Project delivery risks through planning, design, approval and delivery.
- Financial risk in managing project delivery within budget based on refurbishment scope and extent.
- Reputational risk with both community and Government if appropriate engagement and communications are not maintained.

c. Consultation and/or communication processes implemented or proposed

Consultation and engagement will continue to be undertaken in line with the Council's Community Engagement Policy. The project has been identified as a high-risk project which requires a carefully tailored approach.

Two (2) community consultation phases have been completed for the project, one as part of the Portland Foreshore Masterplan and the other with the initial concept design options for the facility in October 2022.

An updated Consultation and Engagement plan will be completed to note the changes to the project scope and in preparing for any funding agreement variation and extension.

d. Financial Implications and Collaboration

RDV have confirmed that payment of the remaining \$1m is unlikely to be forthcoming even with the refurbishment of the existing facilities.

Council will still be required to provide the same ratio of matched funding (\$4:1) for the refurbishment works, as committed within the original funding agreement.

\$1.2m is currently allocated within Council's 2024-2025 Budget which, based on potential refurbishment delivery, will need to be utilised either in-part or full. This will become clearer as the Refurbishment Assessment is completed to confirm the project scope, including detailed design, project tender and delivery.

e. Governance Principles

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

A governance framework will form a key component of the updated Project Management Plan, if the refurbishment option is supported.

**Attachment List**

1. SIGNED - Letter - Glenelg Shire Council CEO (30 July 2024) [9.4.1 - 2 pages]
2. Reply letter Glenelg Shire Council (letter from Minister 1 October 2024) [9.4.2 - 2 pages]

**10. URGENT BUSINESS**

**11. QUESTION TIME****11.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING****1.     Hooked on Portland 2025 Change of Date Consultation**

- a.    Are you able to update Council on what consultation did take place [with community groups]?*

Although no formal community consultation was conducted, community groups have provided substantial feedback to support the date change for 2025, and these anecdotes were integral to the rationale behind this operational decision. While accommodation providers were not specifically consulted, it is understood by the tourism and events team that most festival attendees are residents. Consultation with Fruitbowl Productions, the Victorian Fisheries Authority, and First Nations groups expressed support for a change in date for 2025.

**11.2. QUESTIONS FROM MEMBERS OF THE COMMUNITY**

**12. CONFIDENTIAL REPORTS****Recommendation**

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

**12.1 Contract 2024-25-03 Bentinck Street Rehabilitation & Asphalt Works**

**12.2 Contract 2024-25-01 Glenelg Shire Council Road Resealing Program 2024-2025**

**12.3 Contract 2024-25-24 Glenelg Shire Road Rehabilitation Program – West Strathdownie Road 2024/2025**

**13. CLOSURE OF COUNCIL MEETING**