

SOUTH GIPPSLAND SHIRE COUNCIL

Council Agenda

Ordinary Meeting of Council
22 April 2020

Ordinary Meeting No. 444
Council Chambers, Leongatha
Commencing at 2:00 pm



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.

Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings".

A copy of this policy is located on Council's website www.southgippsland.vic.gov.au.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 444 of the South Gippsland Shire Council will be held on 22 April 2020 in the Council Chambers, Leongatha commencing at 2:00 pm

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME AND CLOSURE OF MEETING TO GALLERY ATTENDANCE

Please ensure Mobile phones remain 'off' during the Council Meeting.

In light of the global spread of COVID-19 and the extraordinary situation we currently find ourselves in, Council is doing its best to manage the advice relating to the safety of our community and our staff.

Over the past week the Federal and State Governments have been increasingly clear in their directives about social gatherings.

To that end Council this has taken the unprecedented step of closing its doors to the public for this Ordinary Meeting.

The closure to the gallery is made in accordance with the Local Government Act 1989 - s.89(2)(g) – Matters affecting the security of Council property, and s.89(2)(h) – Any other matter which the Council considers would prejudice the Council or any person.

Access to the live stream will be the 'open' component of this Meeting.

The safety of the community and staff and the continuation of vital services remain Council's highest priorities.

With that in mind, the Administrators would like to thank staff for continuing to provide services to the community despite having to relocate virtually the entire workforce.

RECOMMENDATION

That Council:

1. Not allow members of the public to attend the 22 April 2020 Ordinary Meeting of Council in person.
2. Note that this decision is made to protect the health and wellbeing of all people required to be in attendance.
3. Note that by live streaming the Meeting it remains 'open' in keeping with s.89(2)(g)- Matters Affecting The Security Of Council Property and (h) - Any Other Matter Which The Council Or Special Committee Considers Would Prejudice The Council Or Any Person of the Local Government Act 1989.

1.3. OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past, present and emerging, their Spirits and Ancestors.

1.5. APOLOGIES

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 443, held on 25 March 2020 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Any interest that an Administrator or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

An interest may be by close association, financial, conflicting duties or receipt of gifts. If an Administrator or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Administrator or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Administrators should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Administrators are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide – October 2012*.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

2. STRATEGIC ITEMS

2.1. PROPOSED COUNCIL PLAN 2020 - 2024

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Proposed Council Plan 2020-2024, including the draft rolling four-year Strategic Resource Plan, (Proposed Council Plan) (**Attachment [2.1.1]**) outlines the strategic objectives, strategies and indicators of Council for the next four years. The new Proposed Council Plan requires formal consultation to seek the views of the community on the directions proposed in accordance with s.223 of the *Local Government Act 1989* (Act).

The Proposed Council Plan also contains the proposed 2020/21 Annual Initiatives (Annual Initiatives) to provide context for actions that will progress the Proposed Council Plan Objectives and Strategies in 2020/21. These are also captured in Section 2 of the Proposed Annual Budget 2020/21 (Proposed Budget) through which they will be funded. Formal s.223 public consultation and submissions will be sought on the Annual Initiatives through the Proposed Budget 2020/21.

Any changes required to the Annual Initiatives and/or the four year Strategic Resource Plan (SRP) following the public consultation phase, will be amended in both the Final 2020-2024 Council Plan and the Final Annual Budget 2020/21 ready for formal adoption by Council in June 2020.

The Proposed Council Plan in **Attachment [2.1.1]** is presented to Council for endorsement.

Once endorsed, formal public submissions will be sought on the Proposed Council Plan and Proposed Annual Budget from Tuesday 28 April 2020 until 5.00pm on Thursday 28 May 2020. These two strategic documents are interlinked.

A public hearing of submitters who wish to speak will be held, subject to actions required under Council's Business Continuity Plan relating to COVID-19.

A Special Committee of Council consisting of Administrators will be established to determine how to hear and consider the s.223 submissions and provide recommendations to Council.

RECOMMENDATION

That Council:

- 1. Endorses the Proposed Council Plan 2020-2024, including the Strategic Resource Plan, contained in Attachment [2.1.1], pursuant to s.125 and s.126 of the Local Government Act 1989;**

- 2. Approves commencement of the statutory procedures to invite public submissions on the Proposed Council Plan 2020-2024, in conjunction with the Proposed Budget 2020/21 pursuant to ss.125, 126 127, 129, 158, and 223 of the Local Government Act 1989.**
- 3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 2 above;**
- 4. Establish a Special Committee of Council consisting of Administrators to determine how to hear and consider the s.223 submissions and provide recommendations to Council;**
- 5. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID-19;**
- 6. Gives public notice on Tuesday 28 April 2020 and on Council's website of the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 in accordance with ss.125, 126, 127 and 129 of the Local Government Act 1989 and commences a s.223 public consultation process inviting written submissions from the community on the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 by 5.00pm on Thursday 28 May 2020;**
- 7. The public notice on Tuesday 28 April 2020, incorporates that:**
 - a. The Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020-2021, have been prepared;**
 - b. Copies of the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014, is available for inspection on Council's website www.southgippsland.vic.gov.au between 28 April 2020 and 28 May 2020;**
 - c. People that do not have internet access may request a hard copy of the Council Plan and Budget by contacting the Council on 5662-9200 by Thursday 21 May 2020: and that**
 - d. A person proposing to make a submission under s.223 of the Local Government Act 1989 must do so by 5.00pm on Thursday 28 May 2020. Late submissions will not be considered by Council;**
 - e. Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council.**
 - f. Separate submissions are to be lodged for each separate document.**

- g. Submissions are preferred to be sent via email for the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 to submission@southgippsland.vic.gov.au;**
 - h. All formal written submissions will be considered in accordance with s.223 of the Local Government Act 1989;**
 - i. Any person making a written submission is required to state in their submission(s) if he or she wishes to speak to their submission, or be represented by a person specified in their submission(s), at an open meeting to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID-19;**
 - j. Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the s.223 submissions;**
 - k. Individuals concerned with the use and public disclosure of their personal details are required to email submission@southgippsland.vic.gov.au and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 28 May 2020 to discuss concerns.**
 - l. The time, date and place for hearing of submissions to be determined by the Special Committee of Council; and**
 - m. Following consideration of the submissions, Council may or may not amend the final Council Plan 2020-2024 and Annual Budget 2020/21.**
- 8. Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing, as determined by the Special Committee of Council; and**
- 9. Requires the final Council Plan 2020-2024 be presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020.**

REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan and supported by a four-year Strategic Resource Plan. These requirements are legislated under s.125 of the Act.

Council considered a review of the Council Plan 2017-2021 – Revised 2019, in accordance with s.125 of the *Local Government Act 1989* (the Act), and determined it was appropriate to create a new four-year Council Plan to guide

the term of Administrators and the commencement of the new Council's term, to be elected in October 2021.

Council has worked together to develop the Strategic Objectives, Strategies and Strategic Indicators contained in the Proposed Council Plan 2020-2024 in **Attachment [2.1.1]**.

New Strategic Objectives have been developed being:

1. United Shire – shared community direction;
2. Economic Prosperity – corner stone for local employment and business growth;
3. Integrated Services and Infrastructure; and
4. Customer Focused Organisation.

Each Strategic Objective contains strategic directions and measures of success. The relevant Council services provided and adopted plans and strategies of Council that work towards achieving the Strategic Objectives are also articulated.

The Measures of Success seek to monitor relevant trends Council is aiming to influence. These indicators include measures that Council's actions can directly control the outcome of the results, along with measures that Council can influence the outcomes and some indicators outside of Council's influence but are relevant to assist with future planning.

A further section in the Proposed Council Plan sets out the Local Government Performance Indicators relevant to each Strategic Objective with targets Council is striving to achieve. These results of Council's performance in regard to these indicators will be reported at the end of each year in the Annual Report and on the State Government's 'Know Your Council' website. Council's performance can then be compared against all other Victorian Council's regarding these indicators.

Annual Major Initiatives are incorporated as a separate section outlining the actions Council plans to implement in the 2020-2021 financial year. These actions work towards achieving the strategies and vision for each Strategic Objective. These are also captured in Section 2 of the Proposed Annual Budget 2020-2021 from where they are funded.

The Strategic Resource Plan is the final component included in the Council Plan. This captures the forecast resources required for the coming four years to implement the Council Plan and Council's operations. This information is captured from the Proposed Annual Budget 2020-2021 and the next three years forecast estimates from the Long-term Financial Plan.

This Proposed Council Plan, including the Annual Initiatives and the SRP, is presented to Council for endorsement. Formal submissions will then be sought and heard, prior to the presentation of a final Council Plan 2020-2024 for adoption in June 2020.

It is recommended that formal consultation be undertaken on the Annual Initiatives through the Proposed Annual Budget 2020/21, in accordance with ss.127, 129 and 223 of the Act. Any changes to the SRP or the Annual Initiatives arising from the consultation phase will be updated in the final Council Plan 2020-2024 and presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020.

Community members interested in making a submission regarding the Annual Initiatives are encouraged to refer to the Proposed Annual Budget 2020/21 report, being considered by Council at today's meeting, for details on the timeline and process for making a formal submission.

CONSULTATION

Council has considered community feedback, Managers feedback and Administrator ideas in the development of the Proposed Council Plan over the course of workshops held between October 2019 and March 2020. Information from various Council Departments has also been included to inform the review, the development of Initiatives and any budgetary implications.

Further public consultation will be undertaken through formal written s.223 submissions to be conducted from 28 April to 28 May 2020.

RESOURCES

Financial implications normally arise as a result of the directions and priorities Council sets for the four-year term. Council has considered these implications through the development of the Proposed Council Plan, Proposed Annual Budget and Long-Term Financial Plan (LTFP).

RISKS

Consideration of the financial implications required to implement the strategic directions of Council aims to mitigate the risk of overcommitting Council to achieve outputs and outcomes it does not have the resources to support. The Financial Strategies, outlined in the Proposed Annual Budget and in the SRP, provide guidance for Council in determining how to responsibly plan for future service provision. Adherence to these strategies will further mitigate this risk.

Council is required to adopt a Council Plan for its four-year term and review it annually in accordance with s.125 of the Act. The Council Plan must contain Strategic Objectives, Strategies to achieve the Objectives for at least four years, Strategic Indicators to monitor the achievement of the Objectives and a rolling four-year SRP to deliver the Council Plan. Without these sections, Council risks breaching the legislative requirements set out in the Act. Proposed Council Plan contains all of these sections.

Council is required to manage the requirements imposed for self-distancing and limiting personal interaction with others during the COVID-19 pandemic. These restrictions have created challenges for Council in meeting legislative requirements of the *Local Government Act 1989* and transition requirements of the *Local Government Act 2020* for 'open' meetings of Council and Special Committees. Overarching these requirements is the responsibility of Council to protect the health and well-being of staff and Administrators. Public health and well-being throughout this time is also of priority to Council. To best address the current situation, Council will need to undertake the Hearing of Submissions in the safest manner possible for all involved. Speakers to submissions will be advised of how their submissions will be heard prior to the Hearing Meeting.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Proposed Council Plan 2020-2024 [2.1.1 - 34 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Revised Council Plan 2017-2021 incorporating the Strategic Resource Plan

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

2.2. PROPOSED ANNUAL BUDGET 2020/21

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Council Budget is a fundamental document for Council as it outlines our future financial and other resource planning to support delivery of the Council Plan. At its core, the Council Budget notes our aspirations for the year ahead – how we intend to serve the community with the services and facilities we provide. The budget incorporates community feedback and input about future community priorities.

The three formal steps required by the Local Government Act 1989 (the Act) in relation to the Annual Budget are:

- Preparation (s.127);
- Public submission process (s.223); and
- Adoption (s.130).

This report recommends that Council formally prepare the Proposed Annual Budget 2020/21 in accordance with s.127 of the Act and advertise it under s.129. The proposed budget has been substantially reviewed over the last month to take account of the impacts of COVID-19 on the South Gippsland community and businesses. This proposed budget includes a \$2M provision for a community support package to enable community and business recovery from the COVID-19 crisis.

RECOMMENDATION

That Council:

- 1. Endorses the Proposed 2020/21 Annual Budget contained in Attachment [2.2.1], pursuant to s.127 of the Local Government Act 1989;**
- 2. Acknowledges adjustments may be required to the Proposed 2020/21 Annual Budget prior to final adoption in response to the fast-changing circumstances developing from the COVID-19 virus;**
- 3. Approves commencement of the statutory procedures to invite public submissions on the Proposed Budget 2020/21, in conjunction with the Proposed Council Plan 2020-2024, pursuant to ss.125, 129, 158, 129 and 223 of the Local Government Act 1989.**
- 4. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 3 above;**

5. **Establish a Special Committee of Council consisting of Administrators to determine how to hear and consider the s.223 submissions and provide recommendations to Council;**
6. **Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID-19;**
7. **Gives public notice on Tuesday 28 April 2020 and on Council's website of the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 in accordance with ss.125, 127 and 129 of the Local Government Act 1989 and commences a s.223 public consultation process inviting written submissions from the community on the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 by 5.00pm on Thursday 28 May 2020;**
8. **The public notice on Tuesday 28 April 2020, incorporates that:**
 - a. **The Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024, have been prepared;**
 - b. **Copies of the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014, is available for inspection on Council's website www.southgippsland.vic.gov.au, between 28 April 2020 and 28 May 2020; and that**
 - c. **People that do not have internet access may request a hard copy of the Council Plan and Budget by contacting the Council on 03 5662 9200 by Thursday 21 May 2020: and that**
 - d. **A person proposing to make a submission under s.223 of the Local Government Act 1989 must do so by 5.00pm on Thursday 28 May 2020. Late submissions will not be considered by Council;**
 - e. **Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council;**
 - f. **Separate submissions are to be lodged for each separate document;**
 - g. **Submissions are to preferred to be sent via email for the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 to submission@southgippsland.vic.gov.au;**
 - h. **All formal written submissions will be considered in accordance with s.223 of the Local Government Act 1989;**
 - i. **Any person making a written submission is required to state in their submission(s) if he or she wishes to speak to their submission, or**

- be represented by a person specified in their submission(s), at an open meeting to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID-19;
- j. **Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the s.223 submissions;**
 - k. **Individuals concerned with the use and public disclosure of their personal details are required to email submission@southgippsland.vic.gov.au and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 28 May 2020 to discuss concerns.**
 - l. **The time, date and place for hearing of submissions to be determined by the Special Committee of Council; and**
 - m. **Following consideration of the submissions, Council may or may not amend the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024.**
9. **Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing, as determined by the Special Committee of Council;**
10. **Requires the final Annual Budget 2020/21 be presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020; and**
11. **Notes that the Community Support Package report is being presented at the 22 April 2020 Ordinary Meeting of Council.**

REPORT

Implementation

The tabled Proposed Annual Budget 2020/21 document in **Attachment [2.2.1]** is the Budget for the purposes of preparing a budget under s.127 of the Local Government Act 1989 (the Act).

The Proposed Budget follows the Better Practice Guidelines and Model Budget issued by Local Government Victoria (LGV) in accordance with the Local Government (Planning and Reporting) Regulations 2014.

Council is required to give 28 days' notice of its intention to adopt the Proposed Annual Budget 2020/21 (**Attachment [2.2.1]**). During this public exhibition period the general public can consider the budget and make formal written submissions to the Chief Executive Officer pursuant to s.223 of the Act. An opportunity to speak to submissions will be provided to submitters upon request. Any written submission must be considered by Council before the adoption of the Budget.

A public hearing of submitters who wish to speak will be held, subject to actions required under Council's Business Continuity Plan relating to COVID-19.

A Special Committee of Council consisting of Administrators will be established to determine how to hear and consider the s.223 submissions and provide recommendations to Council.

Council may endorse the Proposed Annual Budget (**Attachment [2.2.1]**) as presented or consider any further amendments, prior to the commencement of the public consultation period.

CONSULTATION

Council has considered community feedback in the development of the Budget over a number of workshops held between October 2019 and February 2020. Information from various Council Departments and other sources has also informed the Budget, including:

1. Verbatim comments from community members from the 2019 Customer Satisfaction Survey;
2. Community ideas and feedback from various community engagement activities held during 2019 and in previous years;
3. The Council Plan; and
4. Council's strategic risk register.

Further public consultation will be undertaken through formal written s.223 submissions to be conducted from 28 April to 28 May 2020.

RESOURCES

The Budget is the primary document of Council that identifies the resources needed to carry out Council's functions and meet its objectives. These resources include cash, infrastructure, property, plant and equipment, and people.

RISKS

One of the principles of sound financial management under s.136 of the Act is that Council manages financial risks prudently, having regard to economic circumstances. Council's Audit Committee regularly considers reports in relation to Council's strategic risks.

The risk of not adopting a Budget by the statutory deadline of 30 June 2020 is that Council will suffer reputational damage and be constrained in its ability to raise the necessary funds to carry out its functions and meet its objectives.

Council is required to manage the requirements imposed for self-distancing and limiting personal interaction with others during the COVID-19 pandemic. These restrictions have created challenges for Council in meeting legislative

requirements of the *Local Government Act 1989* and transition requirements of the *Local Government Act 2020* for 'open' meetings of Council and Special Committees. Overarching these requirements is the responsibility of Council to protect the health and well-being of staff and Administrators. Public health and well-being throughout this time is also of priority to Council. To best address the current situation, Council will need to undertake the Hearing of Submissions in the safest manner possible for all involved. Speakers to submissions will be advised of how their submissions will be heard prior to the Hearing Meeting.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. 2020-21 Proposed Annual Budget [2.2.1 - 82 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Council Plan 2017-2021

Legislative Provisions

Local Government Act 1989

2.3. COMMUNITY SUPPORT PACKAGE

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council has a clear leadership role in responding to the impact that the COVID-19 virus and current restrictions, have placed on social interaction, economic activity and community life in the Shire.

It is critical that Council consider those measures and activities that can provide the greatest benefit to the health and well-being of residents, whilst also supporting local businesses in an attempt to uphold consumer and business confidence in South Gippsland into the future.

Federal and State Governments have announced packages in an effort to support individuals, families, and as many businesses as possible. Council is committed to empowering businesses and the local community. A Community Support Package focussed on supporting the South Gippsland community and businesses to remain Healthy, Connected and Innovative has been developed for endorsement.

The \$2 Million budget allowance for a Community Support Package creates an opportunity to focus on investments in community support and economic stimulus, with particular focus on those who are isolated and most in need.

Following Council's approval of the Community Support Package a detailed implementation plan will be developed, and a project delivery team established. The plan will include a community engagement and reporting process.

RECOMMENDATION

That Council:

- 1. Endorses the COVID-19 Community Support Package of up to \$2 Million to support the South Gippsland community and businesses to remain Healthy, Connected and Innovative; and**
- 2. Notes the Community Support Package complements other response actions being coordinated through the Federal Government, State Government and other relevant bodies including the Municipal Emergency Management Planning Committee.**

REPORT

The COVID-19 virus has had a profound impact on all areas of the South Gippsland community. It has isolated many people, increased risk and vulnerability for significant groups, and reduced business and economic activity across the Shire.

Council has a clear and significant leadership role in responding to these impacts.

Council's COVID19 Community Support Package complements recent announcements by Federal and State Governments regarding support packages for individuals, families and businesses. This package does not seek to replicate these measures and activities. It identifies existing gaps in available support and implements mechanisms to provide targeted support and stimulus specific to the South Gippsland community and economy and to provide relief to businesses, community groups, families and individuals suffering financial or social distress. The aim is to provide an immediate response to this crisis, aid with recovery and work toward restoration of our community and economic life.

The key action areas in the Community Support Package are outlined in **Attachment [2.3.1]** and will help our community and businesses to remain:

- **Healthy:** Address the social, mental and physical health impacts of isolation and restrictions on the community, including supporting people experiencing vulnerability, through outreach and support programs
- **Connected:** Connecting people, business, communities and industries. Develop and implement initiatives to improve communication, community connectedness, mutual support and social resilience through on-line platforms and other engagement activities.
- **Innovative:** Doing things new and differently. Empower the South Gippsland business, community and cultural sectors to creatively respond to the impact of COVID-19, and emerge with a strong foundation.

Some of these actions can be undertaken directly by Council, some in partnership with other service providers, and others by third parties. There is also the potential for some initiatives to be co-funded by the State and Federal Government or other organisations.

It should be noted that in addition to the Community Support Package, the South Gippsland Shire COVID-19 Pandemic Relief and Recovery Plan is also being developed on request by the Municipal Recovery Manager based on the State Relief Plan for COVID 19. The purpose of this plan is to assist in reducing the impact of the Pandemic on the community and guide South Gippsland Shire Council in resourcing and assisting agencies in relief and recovery functions. These two plans will work together in a complementary way to ensure the South Gippsland community is supported in its recovery by Council and all relevant partner agencies.

Following Council's approval of the Community Support Package a detailed implementation plan will be developed, and a project delivery team established, along with a regular reporting mechanism back to Council.

Funding of the package within the budget has seen \$0.5M redistributed from deferred and reduced spending in infrastructure projects. The remainder comes from cash reserves. This has required reprioritization in the forward capital program over the coming four financial years to ensure cash flow remains strong.

Consideration was given to an option of reducing the rate rise for 2020/21. Looking at 2020/21 in isolation, a 0% rise would equate to approximately an \$809K impact, or an average of \$40 per rateable property. However, the flow on effect of such a decision equates to \$22.4M over the 15-year Long Term Financial Plan (including CPI impacts) and is not a financially sustainable option. The scope of the Community Support Package is considered to be a more appropriate way of assisting the community and provides a more targeted range of support, whilst ensuring Council's long-term financial sustainability.

The Community Support Package aligns with the Municipal Emergency Management Plan and is comparable to strategies adopted or being considered in other municipalities in Gippsland.

Project plans will be developed for each initiative and an evaluation framework established to measure their impact and to ensure the package can meet any emerging needs.

CONSULTATION

The actions identified in this briefing have been informed by internal consultation and collaboration across all disciplines of the organisation as well as the Municipal Emergency Management Planning Committee the Business Emergency Leadership Group.

Council staff have also consulted with other municipalities, including Latrobe City Council and Bass Coast Shire Council. Each municipality is experiencing similar issues and, several opportunities for collaboration have been identified.

RESOURCES

A budget amount of up to \$2M, to support the South Gippsland community response to the impact of the COVID-19 pandemic is included in Council's draft budget.

Resources required for specific projects within the package will be costed and allocated in accordance with the detailed implementation plan to be developed.

RISKS

If Council does not develop a series of actions to support the community there is a risk of further economic downturn and a negative effect on the health and wellbeing of residents within the Shire, particularly vulnerable members of the community.

There is reputation risk to Council if the community does not see council taking a lead in this area. Neighbouring Councils at Bass Coast and Latrobe have announced similar stimulus packages recently.

The package has been designed to minimise long-term financial risk to Council and is targeted to areas of greatest need. Coordinating with the Municipal Emergency Management Planning Committee, State and Federal Government and other municipalities, will also ensure an approach which reduces duplication and maximises impact. The package will be flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business when COVID19 restrictions are eased.

With the majority of council staff currently working from home, there will be challenges to developing and implementing new innovative programs and initiatives in the current and post COVID-19 environment.

A communications plan to inform and consult with the community will be developed to ensure that the Community Support Package is understood by the community, implemented effectively and is able to respond to emerging needs.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Community Support Package - COVID-19 [2.3.1 - 1 page]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget 2019/20

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Municipal Emergency Management Plan

Economic Development and Tourism Strategy

Legislative Provisions

Local Government Act 1989

2.4. BUSINESS CONTINUITY PLAN - OPERATIONAL RESPONSE TO COVID-19 PANDEMIC

Development Services Directorate

EXECUTIVE SUMMARY

Council's Business Continuity Plan (BCP) was activated on 11 March 2020 after the World Health Organisation declared the COVID-19 pandemic. The BCP is a key part of Council's risk management framework and seeks to identify and mitigate against risks which may adversely impact business operations during a disaster.

In addition to providing the normal day-to-day services, councils play critical roles in supporting their communities during the response and recovery periods of a disaster. A large loss of staff due to infection during a pandemic compromises Council's ability to support its community.

COVID-19 is a disease caused by a new form of coronavirus. It is a respiratory illness that was first reported in December 2019 in Wuhan City in China. A State of Emergency was declared in Victoria on the 16 March 2020. As at 15 April 2020, the virus is affecting 210 countries and territories. Over 2 million cases have been recorded worldwide, with over 6,400 reported in Australia.

The Business Recovery Team (BRT) met on 16 March 2020 and is responsible for implementing the BCP. The BRT also plans for the staged recovery of Council's operations in preparedness for the end of the pandemic. The role of BRT differs from the Municipal Emergency Management Planning Committee (MEMPC) who lead the community response and recovery effort in emergency situations.

Despite the disruption caused by the Covid-19 pandemic, Council functions and community support services continue to be delivered as business as usual as far as practicable. For example:

- Customer service team whilst working remotely is connected to the network enabling them to respond to customer enquiries and raise work orders;
- Capital works, waste services, parks and gardens and road maintenance activities continue to be undertaken as planned with amended work practices to include social distancing;
- Immunisation and maternal child health functions continue to be delivered as essential community services with amended work practices to include social distancing; and
- Local laws vehicles are fitted with technology enabling them to work remotely and respond to matters such as stock on road.

This report provides an update on actions taken by the BRT to continue Council's operations as business as usual (as far as practicable) in response to the COVID-19 pandemic.

RECOMMENDATION

That Council:

- 1. Note that its Business Continuity Plan has been activated in response to the COVID-19 pandemic;**
- 2. Note that a Business Recovery Team has been established to oversee implementation of the Business Continuity Plan;**
- 3. Note that as far as practicable operations are continuing as business as usual whilst implementing the social distancing requirements of the State and Federal Governments;**
- 4. Acknowledge the efforts of the community and staff in adapting to the social and business disruptions brought about by the COVID-19 pandemic; and**
- 5. Continue to update the community on any changes to operations or services in response to the COVID-19 pandemic.**

REPORT

COVID-19 Pandemic

On 11 March 2020, the World Health Organisation declared the COVID-19 outbreak a pandemic.

COVID-19 is a disease caused by a new form of coronavirus. It is a respiratory illness and symptoms include fever, coughing, a sore throat and shortness of breath. The virus can spread from person to person, however good hygiene practices can help prevent infection. It was first reported in December 2019 in Wuhan City in China and has since been transported and spread person to person across the world.

As at 15 April 2020 the virus is affecting 210 countries and territories. Over 2 million cases have been detected, resulting in approximately 127,000 deaths. In Australia there are over 6,400 reported cases and 63 related deaths.

The National cabinet including all Premiers and Chief Ministers of the States and Territories met on the 15 March. A State of Emergency was declared in Victoria on the 16 March. A range of social distancing and isolation controls have since been introduced by the State and Federal Governments to the reduce speed of transmission (flattening the curve).

Due to the declared pandemic and potential impact of the COVID-19 virus to Council's business operations, the Business Continuity Plan (BCP) was activated on 11 March 2020.

Business Continuity Plan (BCP)

Business continuity planning is the process of creating systems to prevent and recover from potential threats to business operations. The BCP ensures that staff and assets are protected whilst being able to function quickly in the event of a disaster.

The BCP defines the risks that can affect Council's operations. Risks include natural disasters, human disasters and cyber-attacks. The plan includes:

- Determining how risks will disrupt operations;
- Implementing procedures to mitigate against risks;
- Testing; and
- Review.

Departmental sub-plans support the BCP. They provide further operational detail and guidance for teams at a local level.

Business Continuity Plan (BCP) Preparedness

The BCP is an important part of Council's Risk Management Framework. The BCP and its processes are subject to regular review. Extensive past planning activities and works ensure Council has an agile workforce that can respond to disaster recovery situations. Examples include:

- Upgrade of IT infrastructure and software to support a business recovery environment;
- Implementation of Skype for Business for communications;
- System and website improvements to facilitate electronic lodgement of forms and payments;
- Reconfiguration of hardware to enable remote access;
- Establishment of a separate disaster recovery site which remains ready for switch over if required;
- Upgraded council Virtual Private Network (VPN) to increase capacity; and
- Increased bandwidth on fibre broadband connection to avoid degradation of service.

Social Distancing

The Victorian Government has mandated social distancing controls following the declaration of a State of Emergency on 16th March 2020. Stage 3 restrictions are in place until at least 11 May 2020 and mandates only four reasons to leave home:

- shopping for what you need - food and essential supplies;
- medical, care or compassionate needs;
- exercise in compliance with the public gathering requirements; and
- work and study if you can't work or learn remotely.

To ensure that social distancing requirements are observed, public facilities have been closed. Closed facilities include libraries, swimming pools, caravan parks, public halls, facilities managed by Section 86 Committees, Council-managed parks and reserves and Coal Creel Community Park and Museum.

These measures meet the Government's objectives and help protect those most vulnerable in the community.

Service Provision

Despite the disruption caused by the Covid-19 pandemic, Council functions and community support services continue to be delivered as business as usual as far as practicable. For example:

- Council Ordinary Meetings occurring with public viewing by live streaming;
- Customer service team whilst working remotely is connected to the network enabling them to respond to customer enquiries and raise work orders;
- Planning applications are being processed by staff connected to Council's network;
- Project commitments in the 2019/20 Council Plan continue to be progressed;
- Capital works, waste services, parks and gardens and road maintenance activities continue to be undertaken as planned with amended work practices to include social distancing;
- Immunisation and maternal child health functions continue to be delivered as essential community services with amended work practices to include social distancing; and

- Local laws vehicles are fitted with technology enabling them to work remotely and respond to customer enquiries and matters such as stock on road.

Key Business Recovery Actions

- Responding to the pandemic as business as usual in an unusual environment;
- Administration staff working from home and/or in the field with remote access to Council's network undertaking regular duties;
- Operations team undertaking regular duties with amended work practices to include increased hygiene and social distancing controls;
- Immunisation and other essential community services implementing social distancing controls into work practices;
- Reallocation of resources to support teams responding to an increased volume of business and public enquiries related to the COVID-19 pandemic;
- Implementation of working in isolation protocols, including communications and support services for staff;
- Communicating to the public changes to operations through the website, Facebook posts, media releases, noticeboard and newsletters;
- Working closely with Victoria Police to assist and report breaches of the public gathering restrictions; and
- Established an agreement with the RSPCA for support pound services (if required).

Next Steps

The next steps are to:

- Continue to monitor implementation of the BCP and respond to the evolving COVID-19 pandemic; and
- Planning for a staged recovery of Council's operations in preparedness for the end of the pandemic.

CONSULTATION

The BRT meet regularly to monitor implementation of the BCP, address operational matters arising, coordinate staff communications and advise the Chief Executive Officer on matters related to the COVID-19 pandemic.

The Incident Controller briefs the Executive and Administrators.

Daily reporting to Local Government Victoria.

The BRT receives updates and shares information with the Municipal Emergency Management Planning Committee (MEMPC).

Council's response to the COVID-19 pandemic and changes to service are communicated through media release and Facebook.

Signage has been erected at locations across the shire at facilities, reserves, playgrounds and boat ramps which are closed or have limited access.

RESOURCES

The BRT is operated within existing labour resources and budgets.

RISKS

The BCP and BRT identify and mitigate against risks affecting staff wellbeing and service delivery during disaster recovery events.

The length and severity of the COVID-19 pandemic is yet to be determined and the evolving nature of the situation requires close monitoring. New and evolving risks are being identified and investigated as a result of the pandemic, for example risks related to staff, budget and contracts.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Risk Management Policy (C35)

Risk Management Framework (C35)

Legislative Provisions

Local Government Act 1987

2.5. NEW POLICY: COVID-19 PANDEMIC RATES AND CHARGES HARDSHIP POLICY (C81)

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The draft *COVID-19 Pandemic Rates and Hardship Policy (C81)* in Attachment [2.5.1] has been developed to provide financial relief to individuals and businesses who are suffering from financial hardship and need assistance with rates and charges as a result of the COVID-19 pandemic.

RECOMMENDATION

That Council adopts the COVID-19 Pandemic Rates and Hardship Policy (refer Attachment [2.5.1]).

REPORT

The updated *Rates and Charges Hardship Policy (C53)* was recently endorsed by Council on 26 February 2020. This was initially developed in 2013 to formalise processes to provide relief to individual rate payers experiencing financial hardship and requesting assistance.

The draft Policy (C81) is necessary to respond to the specific issues arising from the changing landscape during the COVID-19 Pandemic.

Key principles covered by the proposed policy are as follows:

- Extension of hardship eligibility from residential to all categories;
- Waive the requirement to have hardship evidenced by a qualified financial counsellor;
- Payment plan and/or deferred payment date to be agreed upon, with payment settled prior to 30 June 2021; and
- No interest charged.

The Policy (C81) will be reviewed if Council cashflow is compromised.

CONSULTATION

The Finance department has been consulted regarding the proposed changes and implementation. The Executive Leadership Team has endorsed the draft Policy.

RESOURCES

The outstanding balance of rates as at 1 April 2020 is \$9.6M.

The majority of rates for financial year 2019/20 were invoiced and settled prior to the pandemic, with February being the annual payment date. The standard payment options for next financial year (2020/21) have payment options in

place (monthly, quarterly and annual) that should allow ratepayers to select an option that suits them and allows payment beyond the expected pandemic timeframe. Council will be encouraging ratepayers to utilise these options before entering into an agreement for deferral of next year's rates.

RISKS

The proposed policy will have an impact on cash flow. This risk is mitigated through limiting the policy to rates for 2019/20 and retaining the right to review the policy if cash is compromised.

Council reputation may be impacted if a response to rates hardship in this exceptional circumstance is not implemented.

Payment plans will be monitored by Council's Rates department. If the debt is still outstanding at 1 July 2021, Council's existing *Debt Recovery on Unpaid Rates and Charges Policy* and *Rates and Charges Hardship Policy* will apply.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. C81 COVID-19 Pandemic Rates and Hardship Policy - April 2020 [2.5.1 - 4 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget 2019/20

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Debt Recovery on Unpaid Rates and Charges Policy (C15)

Rates and Charges Hardship Policy (C53)

Legislative Provisions

Local Government Act 1989

3. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

3.1. SANDY POINT CARAVAN AND CAMPING GROUND - CONSULTATION FINDINGS APRIL 2020

Development Services Directorate

EXECUTIVE SUMMARY

The South Gippsland Shire Council Plan 2017-2021 includes the strategy '*Undertaking investigations to support the future of caravan and camp grounds at Sandy Point*'. This Strategy is a response to the likelihood that the privately owned Sandy Point Caravan Park will be replaced by incremental subdivision and residential development in the near future. The investigation focused on seeking to identify sites where a new privately owned and operated caravan and camping ground might choose to locate should market demand support its development.

Council has investigated potential site options and undertaken extensive community consultation. Of the four options presented to the public three have been identified as having some characteristics suitable for development, however significant development constraints (notably fire / flooding) remain challenges.

This report represents the conclusion of the project and is presented to Council to summarise the results of the investigation. It identifies potential site options on which the private sector may choose to pursue the future development of a caravan and camping ground.

RECOMMENDATION

That Council adopts the Sandy Point Caravan and Camping Ground Site Investigation document (Attachment [3.1.1]), with potentially suitable sites identified subject to further investigation by prospective private sector operators, as a conclusion to the project.

REPORT

The Victorian coast continues to remain an attraction for intrastate, interstate and overseas visitors. Traditional short stay caravan and camping grounds provide tourism and economic benefits to towns such as Sandy Point and the region as a whole. They offer low cost holiday accommodation options for families in a tradition that remains highly valued by many Australians and Council would like to see this continue in Sandy Point.

In 2018 the current owner of the caravan park (Sandy Point Holiday Park) submitted a planning permit application to subdivide the caravan park to create residential lots. This proposal would see the remainder of the caravan park

subdivided into an additional 14 lots. Development of the proposed lots would effectively end the use of the land for a caravan park.

The caravan park is located in the Township Zone and the owner is acting within their rights to propose changing the use from a caravan and camping ground to residential development. With the completion of this investigation it is anticipated the owner will proceed with the proposed subdivision planning permit application.

The investigation undertaken initially identified four sites in Sandy Point that could be possible areas for a future caravan and camping ground. The results of this investigation were detailed in the Sandy Point Caravan and Camping Ground Site Investigation Report (refer to **Attachment [3.1.1]** 26 June 2019 Ordinary Meeting of Council Minutes). The four sites identified were (see below in **Figure 1**):

1. Site One – West of Sandy Point;
2. Site Two – Southeast of the Sandy Point Township;
3. Site Three – North of Sandy Point Township; and
4. Site Four – Existing Caravan Park Site.

Figure 1: Sandy Point Caravan and Ground possible Site Locations



Each site has significant constraints however at the 26 June 2019 Ordinary Meeting of Council, Council identified Site One as the preferred location and this site was used for the consultation process. Site Two is subject to a reservation for the protection of the coastline. This reservation is of high significance and would require an Act of Parliament for it to be removed. This is only one of the many issues facing this site and consequently it is not suitable and has been removed from the siting options.

CONSULTATION

Community consultation commenced on Monday 30 September 2019 and included a drop-in session and attendance at a community meeting. From the consultation, 202 Our Say surveys were completed and 51 mail/email submissions were received. Whilst there was a large number of responses to the consultation with a number of different views presented, the overwhelming majority of the feedback received expressed the view that the caravan park should remain where it is and Council should take action to improve the current facility.

Consultation Responses

From the 202 responses to the Our Say survey, 160 said they did not support the preferred proposed location (Site 1) whilst 36 supported the location.

Key concerns raised were:

1. Fire risk – the site is covered by the Bushfire Management Overlay and CFA have previously predicted that the greatest risk of fire to the township comes from the west, exposing Site 1 to heightened fire risk;
2. Flood risk – the land is covered by the Land Subject to Inundation Overlay (LSIO). Development of a caravan park in the LSIO may potentially expose more people to flood risk;
3. There are already many accommodation options in the area specifically rental housing properties (approx. 300+) via Air BnB, Stayz and the local Real Estate Agents. The Caravan Park is not needed. Camp sites are rarely used out of peak season;
4. Outside the township boundary - an outlying caravan park would lose connection with the community;
5. Safety concerns relating to traffic and beach access – the beach adjoining Site 1 is unpatrolled and access to town centre/patrolled beach would be via car or walking on road. This is unsafe and there isn't enough parking. It extends the township outside of the walkability footprint which is contrary to the township plan's Urban Design Framework;
6. Loss of agricultural productivity due to Site 1 being in the Farming Zone;
7. It would ruin the outlook and amenity of the area and increased noise. It would also reduce property values of houses nearby;
8. Waste water disposal – no mention was made of how waste would be disposed of, reticulated sewer is required and this may be a cost put back onto residents;

9. Potable water – drawing more water from the bores may cause them to be contaminated with salt water. Biosecurity if wastewater disposal fails and the impact it would have on the bore water;
10. Council's involvement and motives in seeking to identify a site for a private commercial use. Concerns were expressed that Council is intervening in the private sector to an extent not normal for a council. This raises perceptions of a conflict of interest; and
11. Existing caravan park needs to be retained, cleaned up and returned to original state. Comments were received that Council should compulsory acquire the caravan park.

Comments received supporting Site One included:

1. Need to make sure we have accommodation for those that aren't lucky enough to own a holiday house or can't afford housing rentals such as Air BnB, Stayz etc. Beachside holiday accommodation is very expensive and affordable accommodation options are important;
2. Not having available camping encourages free camping where appropriate facilities aren't provided. Developing Site 1 would avoid the growth in ad hoc camping;
3. It would bring 'new' visitors to the area and support the local retail / service economy;
4. Caravan holidays are increasing in popularity and more options are needed;
5. Need somewhere for travellers with their own vans to go; and
6. The current caravan park is not attractive nor a viable option. Most of the park is taken up with annuals (permanent caravans).

Potentially Suitable Future Caravan and Camping Sites

Through the consultation process a number of land owners approached Council about the prospect of developing a caravan and/or camping ground on their property (see below in **Figure 2**). These sites correspond with the site identified originally in the project.

Figure 2: Potentially Suitable Future Caravan and Camping Site Locations, Sandy Point



All sites identified above are located in the Farming Zone. A caravan and camping ground is a permitted use in the Farming Zone, however any application would need to also consider the following overlays and address them in their planning application:

Bushfire Management Overlay (BMO)

If the development is in the BMO then consultation with the CFA would be required and the development would need to ensure bushfire protection measures are in place to manage risk.

Land Subject to Inundation Overlay (LSIO)

Any development that falls into the LSIO would need to ensure it address any drainage or flooding issues on the property. This might be through the requirement to raise floor levels for any permanent structures. Any proposed development in the LSIO is required to be referred to the WGCMA.

Environmental Significance Overlay (ESO3 & ESO5)

Whether the ESO3 (Coastal settlements control) and ESO5 (Erosion control) are triggered by the development will depend on what is being proposed. These overlays are in place to ensure that the development of

the land does not affect identified environmental values and qualities of particular areas within the Shire in this case coastal areas.

Significant Landscape Overlay (SLO3)

The purpose of the SLO3 is to conserve and enhance the character of significant landscapes. New development in the SLO needs to demonstrate that it can be achieved without being visually unsightly.

These sites have also been identified as being in an area of Aboriginal Cultural Heritage Sensitivity meaning a cultural heritage management plan may be required.

Other major considerations in the development of a caravan and camping ground at these sites would be the ability to supply potable water and the disposal of wastewater from the park. Depending on the proposed size and type of the park the EPA may need to be consulted in designing wastewater management system.

Council's role in supporting the development of a new caravan and camping ground

The Sandy Point Caravan Park is a private business and any new caravan and camping ground developed in the locality should also be run by the private sector. While Council supports the continuation of this use in the township, it is not the role of Council to actively work with one developer, at one preferred site, in order to secure a business that returns a profit to the private sector.

To avoid such market intervention, it is proposed to conclude this project by presenting this report to Council with the identified sites as options on which the private sector may choose to pursue the future development of a caravan and camping ground. The Sandy Point Caravan and Camping Ground Site Investigation has been amended to include the details of these sites (refer to **Attachment [3.1.1]**).

It is noted that no planning scheme changes are required for a planning permit application to be made now to use and develop land in the Farming Zone for a caravan and camping ground.

RESOURCES

This project is being completed within current staff resources.

RISKS

The report identifies possible potential sites for the future development of a caravan park and camping ground by prospective operators. It does not recommend changes to the Planning Scheme or one site over another and as such there is limited risk to Council.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Sandy Point Caravan and Camping Ground - Site Investigation Report April 2020 [3.1.1 - 16 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Council Plan

Legislative Provisions

Residential Tenancies (Caravan Parks and Movable Dwellings) Regulations 2010

3.2. POLICY REVIEW: COAL CREEK COMMUNITY PARK AND MUSEUM COLLECTION POLICY (C05)

Development Services Directorate

EXECUTIVE SUMMARY

Review of Coal Creek Community Park and Museum's Collection Policy (C05) (the Policy) (**Attachment [3.2.1]**) including the recommended removal of the Curatorial Advisory Committee (CAC) and Legislation updates.

RECOMMENDATION

That Council:

- 1. Adopts the reviewed Coal Creek Community Park and Museum Collection Policy (C05) (Attachment [3.2.1]); and**
- 2. Notes the change from a proposed Curatorial Advisory Committee to a museum professional to fulfil the recommendation of the Museum Accreditation Program.**

REPORT

The Policy was adopted in May 2016. In the 2016 Policy the role of the CAC was included in the Policy. The CAC was originally made up of nine members, consisting of representatives from the Korumburra Historical Society, persons with extensive knowledge in relation to South Gippsland's history and a South Gippsland Shire Councillor. The CAC was established when South Gippsland Shire Council handed management of the Coal Creek Community Park and Museum (Coal Creek) to the Friends of Coal Creek in 2000. Council resumed management of the site in 2007. Since 2017, the CAC has not functioned, largely due to changes in Councillors and the increasing age of the remaining public members.

While undergoing the accreditation process in 2015 it was recommended by the Museum Accreditation Program (MAP) Managers that the CAC be removed from Council's Policy and that a museum professional be engaged when required. This recommendation was based on the potential for conflicts of interest, and for incorrect or conflicting information being received by the Coal Creek Management from members who have no formal training in the museum or heritage areas.

Additionally, some of the previously cited legislation and codes of ethics have undergone revisions and updates and these updated pieces of legislature and Codes have been added to the reviewed Policy. The updates include:

- Commonwealth Copyright Act 1968 (Updated June 2017);
- Underwater Cultural Heritage Act 2018;

- Privacy and Data Protection Act 2014;
- Heritage Act 2017;
- Code of Ethics for Art, History and Science Museums (MA 1999); and
- Firearms and Victorian Museums (MAVIC)

CONSULTATION

This recommendation has been made in consultation with the Museum Accreditation Program Managers.

RESOURCES

This requires no additional resources.

RISKS

If the CAC continues to be an advisory committee it is possible that incorrect or conflicting information may be passed onto the Curatorial Officer, as membership on the CAC does not require formal education in the museum or heritage sector. The Committee may also be a source of conflicts of interest surrounding the acquisition or deaccession of certain items for personal gain.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Coal Creek Community Park Museum and Collection Policy (C05) - April 2020
[3.2.1 - 5 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Economic Development and Tourism Strategy
Procurement Policy (C32)

Legislative Provisions

Aboriginal Heritage Act 2006, section 24
Code of Ethics for Art, History and Science Museums 1999
Commonwealth Copyright Act 2017
Crown Lands Reserves Act 2013
Fire Arms and Victorian Museum (MAVIC)
Heritage Act 2017
International Council of Museums Code of Ethics for Museums 2006
Local Government Act 1989, sections 3C, 3D and 3E
Museums Act 1983

National Museum of Australia Collection Care and Preservation Policy 2012
Privacy and Data Protection Act 2014
Public Records Act 1973
Underwater Cultural Heritage Act 2018
Victorian Information Privacy Act 2018

4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT

4.1. GIPPSLAND TRACKS AND TRAILS FEASIBILITY STUDY

Infrastructure Directorate

EXECUTIVE SUMMARY

The Gippsland Tracks and Trails Feasibility Study (the Study) provides an assessment of trails across Gippsland and makes recommendations on opportunities for improving the current trails-based experiences – refer to **Attachment [4.1.1]**. This includes the prioritisation and planning for improvements to existing trails and the development of future tracks and trails.

The Gippsland Local Government Network (GLGN) initiated the project with the final report presented to the network in October 2019. A recommendation from GLGN was for each council to formally endorse the Study and continue to support the Study's recommendations in partnership with Destination Gippsland, Mountain Biking Gippsland, Parks Victoria, and the Department of Environment, Water, Land, and Planning (DELWP).

The Study compliments Council's long-term vision to develop Australia's longest rail trail in partnership with adjoining municipal councils which would extend from Clyde (City of Casey) to Yarram (Wellington Shire Council). The current rail trail is 71km in length and runs from Leongatha to Port Welshpool.

The Study also strengthens Council's position with respect to pending funding applications for the expansion of this facility by extending the rail trail an additional 36km towards Melbourne from Leongatha to Nyora. Grant applications have been submitted requesting \$500,000 through Regional Development Victoria for the Leongatha to Korumburra section, and a further \$800,000 through Sport and Recreation Victoria for the Korumburra to Nyora section. It is also noted that Wellington Shire Council has submitted grant funding applications for the Welshpool to Alberton sections of the Great Southern Rail Trail (GSRT) under both the Federal Government's Building Better Regions Fund and well as through Regional Development Victoria.

RECOMMENDATION

That Council:

- 1. Endorses the Gippsland Tracks and Trails Feasibility Study and publish on Council's website (Attachment [4.1.1]);**
- 2. Notes that Baw Baw Shire Council, Bass Coast Shire Council, East Gippsland Shire Council, Latrobe City Council, and Wellington Shire Council will also be endorsing the Gippsland Tracks and Trails Feasibility Study (Attachment [4.1.1]); and**

3. Continues to work with the relevant stakeholders to implement the actions of the Gippsland Tracks and Trails Feasibility Study (Attachment [4.1.1]).

REPORT

The Gippsland Tracks and Trails Feasibility Study is an initiative of the GLGN with project partners being Destination Gippsland and the Gippsland Mountain Bike Club Inc.

The Study provides a common vision and goal for investment, collaboration, and governance for Gippsland tracks and trails into the future as they relate to attracting visitors to Gippsland.

The Study recommends several iconic trail experiences, with the vision:

“Gippsland will be recognised as a world class trails destination offering a diversity of outstanding landscapes and experiences.”

For South Gippsland Shire, the following signature experiences recommended in the study impact on the municipality.

Signature Walks

Wilson's Promontory Circuit Track and upgrade (planning as initial step) – offers a renowned multi day walk that includes the lighthouse in the southernmost part of mainland Australia, coastal forests, and pristine beaches. With an experience upgrade that may include re-looking at the accommodation options on the trail (noting that the current plan of management may have to be changed), it will continue to present as one of Victoria's great walks.

Signature Multi-use Trails

The Gippsland Trail – packaging existing main rail trails and multi-use trails in Gippsland as the Gippsland Trail, and undertaking strategic connections between various existing elements will, over time, provide a strong offering that can be undertaken or packaged into sections, or sold as a multi-day trail. The trail would link into the outer Metropolitan transport network near Clyde.

Further scoping/feasibility (including trail alignment, market analysis, and economic assessments) is now being undertaken for three of the identified signature products. This project is funding the feasibility into the Gippsland Trail, with Destination Gippsland funding the feasibility into both the Central Gippsland Mountain Biking Hub and the Epic Mountain Bike Trail. These plans will enable the projects to be ready for funding bids in the future.

A Gippsland Trails Coordinating Forum has been established. The role of the forum is aimed at coordinating and ensuring the region's organisations work collectively to pursue the recommendations in this plan.

CONSULTATION

A number of government and industry organisations have been involved in the preparation of the Gippsland Tracks and Trails Feasibility Study.

The Study will be publicly launched once each of the Gippsland councils have had the chance to endorse the document.

If Council endorses the Study, any future reviews of Council's Paths and Trails Strategy and the Social Community Infrastructure Blueprint, will need to take into consideration the Gippsland Tracks and Trails Strategy.

RESOURCES

The total project budget is \$133,328. The project received \$66,664 of funding through the Australian Government's Regional Jobs and Investment Packages. The remaining funds came from equal contributions by each of the six Gippsland local governments, Destination Gippsland, and the Gippsland Mountain Bike Club Inc.

The South Gippsland Shire Council's contribution to the Study was \$8,330 along with staff resources to manage the contract.

The Study proposes a trail hierarchy for trail-based funding decisions across Gippsland. Investment may come from councils, land managers, private enterprise, and State and Federal Government.

Several case studies are presented in the Study which demonstrate the regional and economic benefits of trails.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Gippsland Tracks and Trails - Feasibility Study [4.1.1 - 117 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Parks & Trails Strategy

Social Community Infrastructure Blueprint

5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE

5.1. AUDIT COMMITTEE MEETING - 10 MARCH 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The minutes of the Audit Committee Meeting held on 10 March 2020 (**Attachment [5.1.1]**) are provided to Council for noting.

RECOMMENDATION

That Council notes the Audit Committee Minutes – 10 March 2020 (Attachment [5.1.1]).

REPORT

The matters considered by the Audit Committee at the 10 March 2020 meeting are contained in **Attachment [5.1.1]**).

CONSULTATION

The Audit Committee Report (**Attachment [5.1.1]** – Audit Committee Minutes – 10 March 2020) has been circulated to the Audit Committee for feedback.

RESOURCES

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including proposed fee increase) and an outsourced internal auditing function are made within Council's current and forward budgets.

RISKS

A failure by Council to effectively monitor the activities and advice provided by the Audit Committee could lead to:

- Not effectively managing risks and compliance obligations under Council's Risk Management Framework;
- Increase the likelihood of adverse impacts to Council's operations; and
- Not achieving some strategic objectives set within the *Council Plan*.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. MINUTES - SGSC - Audit Committee Meeting - 10 March (Council Report Version) [5.1.1 - 5 pages]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Council's Audit Committee Charter (C08)

Council Plan

Legislative Provisions

Local Government Act 1989

6. NOTICES OF MOTION AND/OR RESCISSION

6.1. NIL

7. PROCEDURAL REPORTS

7.1. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report recommends that Council adopts an Instrument of Appointment and Authorisation (Instrument) under the *Planning and Environment Act 1987* (the Act) to a new employee who has been appointed to a position within the Regulatory Services department.

RECOMMENDATION

That Council:

- 1. Resolves that, in the exercise of the powers conferred by s.224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instrument of Appointment and Authorisation (Instrument of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987 (Attachments [7.1.1]):**
 - a. The member of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument;**
 - b. The Instrument of Appointment and Authorisation come into force immediately when the common seal of Council is affixed to the instrument and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable; and**
 - c. The Instrument of Appointment and Authorisation be sealed.**

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel. The employee identified in the attached Instrument has recently been recruited to a position within the Regulatory Services department.

RISKS

Failure to adopt or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. S11A - Instrument of Appointment and Authorisation - Planning and Environment Act - 22 April 2020 [7.1.1 - 1 page]

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

Planning and Environment Act 1987

7.2. ASSEMBLY OF COUNCILLORS - 22 FEBRUARY TO 21 MARCH 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council is committed to making relevant, timely and useful information available for members of the public with the aim of enhancing transparency. The matters listed in this report were presented or considered at either an Advisory Committee Meeting, Strategic Briefing Session or Public Presentation Session between 22 February and 21 March 2020.

The matters summarised in this report satisfy Council's requirements under the *Local Government Act 1989*, s.80A(2):

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable—

- a. reported at an ordinary meeting of the Council; and*
- b. incorporated in the minutes of that Council meeting.*

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Tuesday 25 February 2020	
Municipal Emergency Management Planning Committee	<p>Administrators Attending: Julie Eisenbise</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Pandemic Plan • Terms of Reference • Major Public Events • Learnings from East Gippsland Fires • Future presentations – Earthquakes • Regional Emergency Management Planning Committee (Covers the 6 Gippsland Council Shires) – withdrawal of Emergency Management Victoria support • Training Opportunities – CFA online courses
Ordinary Meeting Agenda Topic Discussion 26 February 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 26 February 2020.</p>
Wednesday 26 February 2020	
Major Road Projects Victoria – Sth Gippsland Black Spur, Koonwarra to Meeniyan	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered an update from Major Road Projects Victoria regarding the development of the South Gippsland Black Spur - Koonwarra.</p>
Ordinary Meeting Agenda Topic Discussion 26 February 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 26 February 2020.</p>

Meeting Title	Details
Wednesday 26 February 2020	
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Hiring Council Building Facilities Policy • Government Grant Funding • Planning matters • Town entry signage
2020 Community Satisfaction Survey Preparation	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the questions to be asked in the annual Customer Satisfaction Survey.</p>
Tuesday 3 March 2020	
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Strategic briefings scheduling
Wednesday 4 March 2020	
Economic and Development Tourism Committee Update	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the progress of the development of an Economic and Development Tourism Committee.</p>
South Gippsland Event – Meeniyar Garlic Festival	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators were provided an external presentation from Mr David Jones, Chair of Meeniyar Festivals and Events Incorporated. Event management aspects of the Festival including funding and support were considered.</p>

Meeting Title	Details
Wednesday 4 March 2020	
Sandy Point Caravan & Camping Ground	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered an investigation to support the future caravan and camp grounds at Sandy Point.</p>
Draft Council Plan and Annual Initiatives	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered Draft Council Plan and Annual Initiatives.</p>
Planning Briefing	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered Planning Items including:</p> <ul style="list-style-type: none"> • Strategic Planning Project List • Planning Applications of Interest • Decisions from December 2019 • VCAT Decisions • Applications received December 2019
Landfill Levies	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the release of the State Government's "Recycling Victoria, A New Economy" on 26 February 2020 that will result in a significant rise in landfill levies, effective from 1 July 2020.</p>
Executive Update	<p>Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Enforcement matter • Council support for coast guard services • Strategic land purchase Foster • Council Community Grants Program

Meeting Title	Details
Wednesday 11 March 2020	
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Planning matter • Government funding • Priority project update
Business Continuity Plan (COVID-19)	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Business Continuity Plan in relation to the COVID-19 virus, including issues and risks to Council.</p>
Community Vision Development	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Community Vision project scope and timelines.</p>
Gippsland Shared Services Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered an update on the Gippsland Shared Service (GSS) Initiative.</p>
Ordinary Meeting Agenda Topic Discussion 25 March 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 25 March 2020.</p>

Meeting Title	Details
Wednesday 18 March 2020	
Business Continuity Plan (COVID-19)	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a Business Continuity Plan on external businesses in South Gippsland and the implications of the COVID-19 virus.</p>
Community Leadership Program - Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a Community Leadership Plan update.</p>
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Council association membership. • Council's Business Continuity Plan update in relation to COVID-19 virus.
Ordinary Meeting Agenda Topic Discussion 25 March 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 25 March 2020.</p>
<p>Municipal Early Years Plan Update 2019/20</p> <p>Open Session</p>	<p>Administrators Attending: Julie Eisenbise, Christian Zahra</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Municipal Early Years Plan Update 2019/20.</p>

Meeting Title	Details
Wednesday 18 March 2020	
Policy Review: Investment of Council Funds Policy	Administrators Attending: Julie Eisenbise, Christian Zahra Conflict of Interest: Nil disclosed Matters Considered: The Administrators considered a review of the Investment of Council Funds Policy (C24).
Executive Update	Administrators Attending: Julie Eisenbise, Christian Zahra Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • State Government Conventional Gas Policy changes

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Public Participation in Meetings with Council Policy (C65)

Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

7.3. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 16 FEBRUARY TO 15 MARCH 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Acting Chief Executive Officer (CEO) which occurred during the period from 16 February to 15 March 2020. Council's adopted Procurement Policy and Instrument of Delegation to the Chief Executive Officer (CEO) requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

Under the *Local Government Act 1989* (the Act), each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Local Law No. 3 2010, Part 9, clause 107(f)(iv) – the Common Seal of Council, states that 'If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.' Council's Instrument of Delegation to the CEO also delegates to the CEO the power to 'use the Common Seal of Council subject to that use being reported to Council'.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 16 February to 15 March 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Fishermans Road Venus Bay in relation to the development of land with dwelling: Seal applied 19 February 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Balook Street Mirboo North in relation to the development of land with two dwellings and a two lot subdivision. Seal applied 19 February 2020.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 130 Wintles Road Leongatha South and 230 Koonwarra-Pound Creek Road Leongatha South in relation to subdivision of the land into two lots. Seal applied 19 February 2020.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 5 Canterbury Road Venus Bay in relation to the development of land with dwelling. Seal applied 3 March 2020.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 9 Pluto Drive Venus Bay in relation to the development of land with dwelling. Seal applied 3 March 2020.
6. Section 173 Agreement between South Gippsland Shire Council and the owner of 4805 South Gippsland Highway Toora in relation to a two lot subdivision of land. Seal applied 5 March 2020.
7. Instrument of Appointment and Authorisation to three Officers appointed under s.147(4) of the *Planning and Environment Act 1987* and s.232 of the *Local Government Act 1989* – Seal applied 26 February 2020.
8. CON/242 for Design and Construct Toilet blocks in Korumburra Coleman Park & Waratah Bay Caravan Park. Seal applied 28 February 2020.
9. CON/243 for Relocation of Electrical Mains and Upgrade of Street Lighting – Bair Street, Leongatha. Seal Applied 28 February 2020.
10. CON/244 for Infrastructure Asset Management Modelling Software. Seal applied 2 March 2020.

Contracts Awarded, Varied or Extended

1. Contracts awarded after a public tender process within the CEO's delegation between 16 February to 15 March 2020:
 - a. CON/241 for Removal of Rail Assets – Great Southern Rail Trail Extension – Leongatha to Nyora. Signed 24 February 2020.
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 16 February to 15 March 2020:

Nil

3. Contract variations approved by the CEO between 16 February to 15 March 2020:

Nil

4. Contract extensions approved by the 16 February to 15 March 2020:

Nil

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989, ss.5 and 186

8. ADMINISTRATOR REPORTS

8.1. REQUESTS FOR LEAVE OF ABSENCE

8.2. ADMINISTRATORS UPDATES

8.3. COMMITTEE UPDATES

9. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Administrators unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Ordinary Meeting of Council or by Officers under delegation.

It is necessary for the Administrator wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Administrator....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Administrators to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

10. PUBLIC QUESTIONS

10.1. PETITIONS AND JOINT LETTERS

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by an Administrator. A petition presented to the Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to an Administrator at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Administrator presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

10.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at the former Ordinary Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.

Nil

10.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by 9.00am on the Monday morning preceding the Ordinary Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Ordinary Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' during an Ordinary Council Meeting on the prescribed form. These questions will be taken on notice, included in the Minutes and responses provided at the next Ordinary Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Ordinary Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Ordinary Meeting by the CEO or Mayor.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.

11. CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, section 89(2).

According to section 89 of the Local Government Act 1989, Council may consider items in closed session. There must be a resolution to move 'In-Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In-Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. Closed ITEM 13.1 CONTRACTUAL MATTER pursuant to section 89(2)(d) a contractual matter;
2. Closed ITEM 13.2 PREJUDICIAL MATTER pursuant to section 89(2)(h) - a matter which the Council or Special Committee considers would prejudice the Council or any person; and
3. Closed ITEM 13.3 CONTRACTUAL MATTER pursuant to section 89(2)(d) a contractual matter of the Local Government Act 1989.

12. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 27 May 2020 commencing at 2pm in the Council Chambers, Leongatha.