

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

18 May 2022

**Council Meeting No. 470  
Council Chambers, Leongatha  
Commencing at 2.00pm**



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## OUR PURPOSE

***To serve in the best interests of the whole Shire, delivering quality services and advocating for community needs.***

### **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](http://www.southgippsland.vic.gov.au).

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 470 of the  
South Gippsland Shire Council will be held on Wednesday 18 May 2022  
in the Council Chambers, Leongatha commencing at 2.00pm

### TABLE OF CONTENTS

<b>1. PRELIMINARY MATTERS .....</b>	<b>5</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	5
1.2. WELCOME TO THE COUNCIL MEETING.....	5
1.3. OPENING PRAYER .....	5
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	5
1.5. APOLOGIES .....	6
1.6. CONFIRMATION OF MINUTES .....	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS .....	7
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF.....	8
<b>2. OBJECTIVE 1 - UNITED SHIRE.....</b>	<b>9</b>
2.1. SOCIAL AND AFFORDABLE HOUSING STRATEGY - DRAFT FOR PUBLIC EXHIBITION .....	9
<b>3. OBJECTIVE 2 - ECONOMIC PROSPERITY .....</b>	<b>14</b>
3.1. PROPOSED DRAFT GREAT SOUTHERN RAIL TRAIL (GSRT) VISITATION AND MARKETING PLAN - DRAFT FOR PUBLIC EXHIBITION .....	14
<b>4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE .....</b>	<b>19</b>
4.1. GARDNER LANE, POOWONG - TREE REMOVAL / REPLACEMENT OPTIONS .....	19
<b>5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION .....</b>	<b>23</b>
5.1. GENERAL REVALUATION 2022 - RATEABLE AND NON-RATEABLE PROPERTIES IN SOUTH GIPPSLAND .....	23
5.2. SUBMISSION TO MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MEETING - JUNE 2022 .....	29
5.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2021 TO MARCH 2022.....	35
5.4. FINANCIAL PERFORMANCE REPORT - JULY 2021 TO MARCH 2022.....	39
5.5. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987 (S11A) .....	43

5.6. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 MARCH TO 12 APRIL 2022 .....	45
5.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 19 MARCH 2022 TO 20 APRIL 2022 .....	48
<b>6. NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>52</b>
6.1. NIL .....	52
<b>7. COUNCILLOR REPORTS .....</b>	<b>52</b>
7.1. REQUESTS FOR LEAVE OF ABSENCE .....	52
7.2. COUNCILLOR UPDATES .....	52
7.3. COMMITTEE UPDATES.....	52
<b>8. URGENT OR OTHER BUSINESS .....</b>	<b>53</b>
<b>9. PUBLIC QUESTIONS .....</b>	<b>54</b>
9.1. PETITIONS AND JOINT LETTERS .....	54
9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	55
9.3. SUBMITTED PUBLIC QUESTIONS.....	56
<b>10. CLOSED SESSION .....</b>	<b>57</b>
10.1. PRIVATE COMMERCIAL INFORMATION - CONTRACT AWARD RTF/316 - INTERNAL AUDITOR CONTRACT AWARD .....	59
10.2. PRIVATE COMMERCIAL INFORMATION - REQUEST FOR TENDER - DESIGN AND CONSTRUCTION OF REPLACEMENT JETTY OR FLOATING PONTOON FOR TOORA (RFQ/301) .....	59
<b>11. MEETING CLOSED.....</b>	<b>59</b>



**Kerryn Ellis**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

Today's Meeting is being streamed live as well as recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*. Access to the live stream is available on Council's website.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming.

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***COVID Safe Plan***

Council Meetings are conducted in line with Council's *COVID Safe Plan*.

#### ***Public Questions***

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

### **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**

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

## **1.5. APOLOGIES**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No.469, held on Wednesday 20 April 2022 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

*Council's Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

*Council's Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- *Preparing Reports for Meetings*
- *Exercise of Delegated Power*
- *Exercise of a Statutory Function*

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.



## **2. OBJECTIVE 1 - UNITED SHIRE**

### **2.1. SOCIAL AND AFFORDABLE HOUSING STRATEGY - DRAFT FOR PUBLIC EXHIBITION**

Economy and Community

#### **Council Plan**

*Objective 1 - United Shire - Strategy 1.3 Deliver efficient and responsive services that enhance the health, safety and well-being of the community*

*Developing a strategic approach to social and affordable housing and advocacy for resourcing this sector supports Council's role in planning for and responding to health and wellbeing of the community. This is in line with Council's legislated role under the Public Health and Wellbeing Act 2008.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with the *Draft Social and Affordable Housing Strategy* (Strategy) for endorsement to be placed on public exhibition (refer **Attachment [2.1.1]**).

The *Draft Social and Affordable Housing Strategy* has been developed to support Council to facilitate affordable housing outcomes in South Gippsland, and set out principles and the role of Council.

Community submissions will be considered by Council prior to the final document being presented to Council for adoption. Council will give public notice of the release of the draft Strategy and publish it on Council's website. A number of community engagement methods will be provided from Thursday 19 May to Friday 10 June 2022.

#### **RECOMMENDATION**

**That Council:**

- 1. Endorses the Draft Social and Affordable Housing Strategy contained in Attachment [2.1.1] for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from Thursday 19 May to Friday 10 June 2022 for the Draft Social and Affordable Housing Strategy in accordance with the Community Engagement Strategy 2020 - 2024.**

## **REPORT**

Council approved the development of a Social and Affordable Housing Strategy at its 8 December 2020 Council Meeting with consultants Hornsby and Co. appointed in May 2021.

The development of a Strategy supports Council's role in planning for, and responding to the health and wellbeing of the community. This is in line with objectives of Council and our role under the *Public Health and Wellbeing Act 2008* and *Local Government Act 2020*.

Technical reports that support the development of the Strategy were brought together in a background report presented to Councillors at a briefing in March 2022. A Councillor workshop was held in April 2022 to confirm the *Draft Social and Affordable Housing Strategy* key actions.

### **Current challenges**

The draft Strategy identifies that the South Gippsland community faces significant challenges in addressing affordable housing and housing availability now, and into the future. The population is growing, the municipality does not contain a regional city centre to support affordable housing growth, and the increasing cost of housing in South Gippsland is making it more and more difficult to find long term accommodation.

There is a recognised housing crisis in Australia with Victoria having the lowest rate of social housing of any State. The lack of availability of worker accommodation is also identified as a key issue.

The dispersed nature of South Gippsland communities, and the state government policy settings that encourage investment in social and affordable housing in metropolitan or regional cities mean there is significant underinvestment in social housing in South Gippsland.

The draft Strategy finds that without change, the growing demand for housing in South Gippsland to meet the needs of people who are struggling to participate in the private housing market will only continue to increase.

Council understands that these challenges require support from all levels of government.

### **Identified needs**

Council supports the need for:

- Affordable housing – including emergency, transitional and social housing;
- Support services to help people access and sustain housing; and
- Local housing for local people.

Our current and future community want a great place to live, work and play and this will mean that affordable housing will be:

- Located in townships so that residents have good access to services;
- Well-designed to provide comfortable homes with good amenity for the residents and neighbours; and
- Part of vibrant and cohesive communities connected to a range of support services.

The draft Strategy sets out overarching principles for affordable housing in South Gippsland with three key areas identified that reflect the role Council may consider. These include:

- Advocacy, engagement and partnerships;
- Land use planning; and
- Incentive and opportunities.

For each of these roles the draft Strategy sets out objectives and key opportunities for activation with more detailed actions and tasks in a separate action plan.

It is intended that an endorsed Strategy will be used by Council, the housing sector, support services, and the community to support advocacy and actions in relation to affordable housing.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Engagement with stakeholders and the collection of first-person stories contributed to the development of a background report presented to Councillors in March 2022.

The stakeholder engagement process identified housing needs and service needs within South Gippsland. Feedback identified the people at greatest risk of homelessness and most challenged to access affordable housing in South Gippsland.

First person stories added insight into the impacts of insufficient housing. Case studies and interviews with key community groups and organisations contribute to a greater understanding of opportunities for possible increase in affordable housing in South Gippsland.

Council will consider further community feedback of the Draft Strategy from a number of engagement methods.

### **RESOURCES / FINANCIAL VIABILITY**

*Victoria's Big Housing Build* is a four-year state government strategy to invest in social, community and public housing, announced in November 2020. Some rural and regional councils were allocated a minimum investment guarantee under the scheme however South Gippsland Shire Council was not. A Social and Affordable Housing Strategy will support Council in advocating for investment and increased services within the Shire through *Victoria's Big Housing Build*.

### **RISKS**

If a Social and Affordable Housing Strategy is not endorsed, opportunities to further support to address social and affordable housing may be delayed and/or reduced. Also, investment opportunities for social and affordable housing may not be prioritised by Housing Victoria. The status quo would remain with limited housing and significant disadvantage for vulnerable people in South Gippsland. Opportunities for a significant economic stimulus through funded housing construction may be delayed or missed.

### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. DRAFT Social and Affordable Housing Strategy South Gippsland [2.1.1 - 25 pages]

### **REFERENCE DOCUMENTS**

#### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

Pillar 5. Communications & Community Engagement

#### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

An Age-Friendly South Gippsland Plan  
Children and Families - A Plan for the Future in South Gippsland  
Children and Families Plan  
Council Plan 2020-2024  
Disability Action Plan  
Municipal Public Health and Wellbeing Plan  
South Gippsland's Good Governance Framework  
Social Community Infrastructure Blueprint  
South Gippsland Housing and Settlement Strategy  
Town Centre Framework Plans

**Legislative Provisions**

Aged Care Legislation Amendment (increasing Consumer Choice) Act 2016  
Charter of Human Rights and Responsibility Act 2006  
Child Safe Standards 2016  
Child Wellbeing & Safety Act 2005  
Children's Services Act 1996  
Children, Youth and Families Act 2009  
Disability Act 2006  
Disability Discrimination Act 1992  
Emergency Management Act 1986  
Family Violence Protection Act 2008  
Local Government Act 1989  
Local Government Act 2020  
Public Health and Wellbeing Act 2008  
Working with Children Act 2005  
Children's Services Regulations 2020  
Children, Youth and Families Regulations 2017  
Public Health and Wellbeing Regulations 2019

### **3. OBJECTIVE 2 - ECONOMIC PROSPERITY**

#### **3.1. PROPOSED DRAFT GREAT SOUTHERN RAIL TRAIL (GSRT) VISITATION AND MARKETING PLAN - DRAFT FOR PUBLIC EXHIBITION**

Economy and Community

##### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.1 Build a sustainable and growing economy that attracts and supports businesses, strengthen industry sectors, creates employment and establishes the Shire as the 'food hub'*

*Objective 2 - Economic Prosperity - Strategy 2.3 Deliver services that support the growth of the local and regional economy*

*The development of the Great Southern Rail Trail Visitation and Marketing Plan relates to Council Plan Major Initiative 2.2 - Develop a Visitation and Marketing Plan for the extended Great Southern Rail Trail (GSRT), and commence implementation to foster community and visitor attraction to the Trail.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with the Draft Great Southern Rail Trail Visitation and Marketing Plan 2022 (Draft Plan) for endorsement (refer **Attachment [3.1.1]**).

The Draft Plan has been developed with the assistance of brand and marketing specialists, Cupla Studio who have undertaken significant community and stakeholder engagement in its development.

Council will give public notice of the release of the Draft Plan and publish it on Council's website. A number of community engagement methods will be provided from Thursday 19 May to Sunday 2 June, 2022.

##### **RECOMMENDATION**

**That Council:**

- 1. Endorses the Draft Great Southern Rail Trail Visitation and Marketing Plan 2022 contained in Attachment [3.1.1] for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from 19 May to 2 June 2022 for the Draft Great Southern Rail Trail Visitation and Marketing Plan 2022 in accordance with the Community Engagement Strategy 2020 - 2024.**

## **REPORT**

The Great Southern Rail Trail (GSRT) follows the former path of the Great Southern Railway. It is currently 72km in length from Leongatha to Port Welshpool. The Trail is currently being extended and once complete, it will be approximately 135km in length and traverse from Nyora to Yarram.

The 2016 rebranding of the Great Southern Rail Trail included the creation of new signage, brand style guide and marketing collateral. There has been marketing of the Trail since the rebrand; however, with the continuous increase in length and popularity, Council acknowledged a specific visitation and marketing plan is required to further capitalise on the product and position the Trail as an iconic tourism asset.

The development of the Great Southern Rail Trail Visitation and Marketing Plan is a Council Plan initiative that is to be completed by 30 June 2022. The Plan is also an identified action of the Visitor Economy Strategy 2021 – 2031, adopted by Council on 21 July 2021.

Cupla Studio is the marketing consultant who has been engaged to develop the Plan. The project commenced in December 2021.

Key phases and stages in the development of the draft Great Southern Rail Trail Visitation and Marketing Plan has included:

- **Stakeholder workshops & Survey**
  - Stakeholder Workshops—six two-hour workshops with local businesses, stakeholders and interested community members
  - Community Survey—the purpose of the survey was to test the findings and recommendations that may inform the draft Plan.
- **Audit & Insights**
  - Review all existing research, plans, strategies and communications material related to the GSRT and visitor economy in the region.
  - Review similar competitor product in Victoria, Australia and internationally.
  - Development of stimulus for insights workshop, including all learnings from consultation.
- **Insights and Recommendations Workshop**

- Three-hour workshop session with the internal working group to present all learnings and recommendations. An interactive session around audience profiles, theme identification and action planning for the development of the draft Plan.
- **Audience Profiles**
  - Development of behaviour-based audience profiles to focus visitation planning and marketing activity.

The following findings and learnings from the key stages has helped informed the key actions and recommendations in the draft Plan.

### ***Inspiration and engagement***

Visitors, users & stakeholders want more awareness of the rail trail, inspiration of its unique offers and be engaged in more meaningful experiences.

### ***Practicality and planning***

There are significant logistical and mental barriers for people wanting to visit and use our rail trail. People need consistent, clear, and easy to use planning resources and information that will help build positive anticipation, meet their expectations, and manage their experiences on the rail trail.

### ***Signage***

It is difficult for people to discover the rail trail locally, navigate to it from towns, and understand their position on it. People also seek signs along their journey to guide their understanding and appreciation of the rail trail, creating a more meaningful experience overall.

### ***Infrastructure and Support***

Lack of proper rail trail infrastructure (perceived and actual) frustrates users on their journey and operators who support customers using the rail trail. Township infrastructure and support is also a challenge for visitors due to poor available information, lack of actual offer, and disconnection between operators and the rail trail team.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

### ***Community Engagement***

There were six workshops (four online and two in person) facilitated in February 2022 with a total of 53 attendees. The workshops were designed by Cupla to understand the expectations and ambitions of identified stakeholders



with regards to the future marketing of the Trail, product innovation and the Trail's connection to the wider region and visitor experience.

A survey was developed and made available for community participation. The purpose of the survey was to test the findings and recommendations that may inform the draft Plan. A total of 277 people completed the survey for a two-week period.

A period of public exhibition from Thursday 19 May to Sunday 2 June, 2022 will allow further feedback from the broader South Gippsland community prior to Council considering the final Great Southern Rail Trail Visitation and Marketing Plan in June.

Council will consider further community feedback of the Draft Plan from a number of engagement methods, including an online survey, stakeholder meetings, community drop in sessions and writing to Council.

It is preferred that community members complete the online survey or attend one of the advertised drop-in sessions. The final Plan will be considered for adoption at the Council Meeting on 29 June 2022.

#### **RESOURCES / FINANCIAL VIABILITY**

The development of the Great Southern Rail Trail Visitation and Marketing Plan has been allocated within the 2021/22 Budget. Financial resources will be required to implement actions from the Plan in future budgets.

#### **RISKS**

If the draft Plan is not supported by Council for public exhibition, there is a risk that the project may not be completed by the intended June 2022 timeframe.

#### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

#### **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. GSRT Visitation Marketing Plan Draft [3.1.1 - 32 pages]

#### **REFERENCE DOCUMENTS**

##### **Council's Good Governance Framework**

Pillar 5. Communications & Community Engagement

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Annual Budget

Community Engagement Policy (C06)

Community Engagement Strategy

Council Plan 2020-2024

Economic Development and Tourism Strategy

General Local Law 2014

Public Transparency Policy (C75)

Social Media Policy (CE75)

South Gippsland's Good Governance Framework Municipal Public Health and Wellbeing Plan

### **Legislative Provisions**

Local Government Act 2020

Local Government Act 2020, s.9(c) - the economic, social and environmental sustainability of the municipal district, is to be promoted

Regional Development Victoria Regulations 2019

### **Regional, State and National Plan and Policies**

Connecting Regional Victoria 2016

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth (Destination Gippsland)

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

Gippsland Track & Trails Feasibility Study

## **4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE**

### **4.1. GARDNER LANE, POOWONG - TREE REMOVAL / REPLACEMENT OPTIONS**

Sustainable Infrastructure

#### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure - Strategy 3.3 Deliver services that enhance liveability and environmental sustainability for generations*

*This report considers how vegetation could be replaced following removal for upcoming roadworks in Gardner Lane Poowong.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to provide a number of options for the replacement of the trees earmarked for removal in Gardner Lane, Poowong as part of the upcoming roadworks.

It is proposed that Council develop a Tree Replacement Plan in the near future, which is intended to provide guidance on such matters.

It is therefore recommended that Council defers a decision on the replacement of trees to be removed in Gardner Lane, Poowong until a Tree Replacement Plan has been endorsed by Council and a detailed cost estimate established.

#### **RECOMMENDATION**

**That Council:**

- 1. Considers the options and costings for the replacement of trees to be removed in Gardner Lane, Poowong; and**
- 2. Defers a decision on the replacement of trees to be removed in Gardner Lane, Poowong until after a Tree Replacement Plan has been endorsed by Council and a detailed cost estimate has been established.**

#### **REPORT**

At the Council Meeting No.468 on 16 March 2022, Council resolved to receive a report on options for the replacement of trees to be removed due to upcoming roadworks in Gardner Lane, Poowong.

The vegetation to be removed is classified as *Damp Forest* native vegetation and covers an area of approximately 0.26 hectares. As the vegetation has been planted, the removal does not require a planning permit or the purchase

of offsets. Therefore, Council has no obligation to replace any of the removed vegetation.

If the vegetation was to be replaced in accordance with the relevant Revegetation Planting Standards, the proposed quantities and species to be planted are detailed in the following table:

**Table 1 - Replacement quantities and species**

<b>DAMP FOREST – PERCENTAGE COVER</b>	<b>SITE AREA = 0.26HA</b>	<b>REQUIRED NUMBER OF INDIGENOUS PLANTS</b>	<b>PLANTING DENSITY FOR THE 0.26 SITE</b>	<b>DAMP FOREST SPECIES (SUBJECT TO CHANGE BASED ON SPECIES PRESENT AT THE REVEGETATION SITE)</b>
Trees (Eucalypts)	200 per/ha	52 trees	1 per / 50m <sup>2</sup> (1 eucalypt per 50m <sup>2</sup> )	Eucalyptus globulus ssp. bicostata - Eurabbie Eucalyptus obliqua - Messmate Stringybark Eucalyptus ceypellocarpa – Mountain Grey Gum
Understorey Tree or Large Shrub (20% Cover)	50 plants per/ha (for each 5% cover in damp forest benchmark)	200 understorey trees and large shrubs	1 per / 13m <sup>2</sup> (1 understorey tree and/or large shrubs per 13m <sup>2</sup> )	Acacia melanoxylon – Blackwood Pomaderris aspera – Hazel Pomaderris Olearia argophylla - Musk Daisy-bush
Medium Shrubs (30% Cover)	200 plants per/ha (for each 5% cover in damp forest benchmark)	312 medium shrubs	1 per / 8.33m <sup>2</sup> (1 medium shrub per 8.33m <sup>2</sup> )	Olearia lirata - Snowy Daisy-bush Cassinia aculeata - Common Cassinia Goodenia ovata – Hop Goodenia Coprosma quadrafida - Prickly Currant-bush
Small Shrubs (1% Cover)	500 plants per/ha (for each 5% cover in damp forest benchmark)	130 small shrubs (based on 5%) 1%=26 small shrubs	1 per / 20m <sup>2</sup> (1 small shrub per 20m <sup>2</sup> )	
Large Tufted Graminoids – Grass Trees / Rushes (1% Cover)	500 plants per/ha (for each 5% cover in lowland forest benchmark)	130 small shrubs (based on 5%) 1%=26 small shrubs 1200	1 per / 20m <sup>2</sup> (1 large tufted graminoid per 20m <sup>2</sup> )	Elepidosperma laterale - Variable Sword Sedge Lomandra longifolia (P) Spiny-headed Mat-rush
<b>TOTAL NUMBER OF PLANTS REQUIRED</b>		<b>824 (ORDER 1000 HIKOS)</b>		

Under the proposed road arrangement, there is insufficient area available to replace vegetation within the available Gardner Lane road reserve.

Options for the replacement of native vegetation are listed in the following table:

**Table 2 - Replacement of native vegetation**

OPTION	ESTIMATED COST
1. Do not replace vegetation	\$0
2. Replace vegetation at the nearby Bass Valley revegetation site	\$10,000
3. Negotiate with adjacent landowners for Council to conduct revegetation on their properties	\$20,000
4. Negotiate with local Landcare groups to install Council supplied plants	\$5,000
5. Purchase offsets through a broker	\$10,000

Council does not have a current policy position regarding the replacement of vegetation, where it is not required by other legislative provisions. It is proposed that Council develop a Tree Replacement Plan in the near future, which is intended to provide consistency and guidance on if and how such removed vegetation should be replaced.

It is therefore recommended that Council defers a decision on the replacement of trees to be removed in Gardner Lane, Poowong until after a Tree Replacement Plan has been endorsed by Council and a detailed cost estimate has been established.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The road discontinuance for part Gardner Lane Poowong was subject to a public submission and hearing process throughout December 2021 to February 2022. The proposed vegetation removal did not form part of any submissions made.

The landowners adjacent to the proposed Gardner Lane roadworks are aware of the need to remove the vegetation and have not made any objections to this.

Development of a Tree Replacement Plan is a proposed Council Major Initiative included in the Draft Council Plan for 2022 - 2026, which was advertised for public feedback from 21 April 2022 to 15 May 2022.

## **RESOURCES / FINANCIAL VIABILITY**

A budget of \$251,000 has been allocated in the Council's Capital Works Program for the roadworks in Gardner Lane.

Whilst the preliminary estimate indicates that the roadworks can be completed within the current budget allocation, it is unknown if there will be sufficient budget available for any vegetation replacement activities.

It is proposed that the required budget will be reviewed upon completion of detailed design and sale of the road.

## **RISKS**

If the removed vegetation is not replaced, Council's environmental sustainability credentials could be questioned from parts of the community potentially leading to reputational damage.

Conversely, if Council replaces the vegetation despite having no clear policy position or obligation to, it may set a precedent that could become difficult to sustain and impact future budgets.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

**Council's Good Governance Framework**  
Pillar 3. Decision Making

**Council Policy / Strategy / Plans**  
SGSC Native Vegetation Planting Guide

### **Legislative Provisions**

Planning and Environment Act 1987

Flora and Fauna Guarantee Act 1988

Environment Protection and Biodiversity Conservation Act 1999

### **Regional, State and National Plan and Policies**

DELWP – Native Vegetation - Revegetation Planting Standards 2006

## 5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 5.1. GENERAL REVALUATION 2022 - RATEABLE AND NON-RATEABLE PROPERTIES IN SOUTH GIPPSLAND

Performance & Innovation

#### Council Plan

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council is required to "cause a General Valuation of rateable and non-rateable leviable land" for the 2022 General Valuation as per legislated requirements.*

#### EXECUTIVE SUMMARY

A General Valuation of all rateable and non-rateable leviable properties in the Shire of South Gippsland is required annually. The 2022 General Valuation has been completed and Council is required to formally adopt it.

It is important to note that a General Revaluation does not result in additional rate revenue for Council. Councils **do not get more money** due to property prices increasing. The revaluation simply re-apportions the amount that each ratepayer contributes.

All references to "the Act" are references to the *Valuation of Land Act 1960* (as amended).

#### RECOMMENDATION

**That Council:**

- 1. Receives and adopts the General Valuation 2022 (Attachment [5.1.1]) - Report of General Valuation Under s.7AA(1)) of the Act;**
- 2. Submits a copy of the valuation return to the Valuer General seeking certification as to its general trueness and correctness; and**
- 3. Notes the Statutory Declaration of Council's Valuer (Attachment [5.1.2]) - Signed – Statutory Declaration 2022 – Revaluation Return).**

#### REPORT

Background In accordance with s.11 of the Act, a General Valuation of all rateable properties in the Shire of South Gippsland is required annually.

Council formally resolved to undertake the 2022 General Valuation under s.10 of the Act at the Ordinary Meeting of Council 19 May 2021.

The General Valuation of all rateable and non-rateable leviable properties in the Shire has now been completed by Council's in-house valuation team under the supervision of Council's Valuer. Council is required to formally adopt this.

The valuer appointed must make a statutory declaration under Sec13DH (2) and 13DO of the Valuation of Land Act 1960 stating the valuation and return is impartial and true to the best of that person's judgment and will be made by that person or under that person's immediate personal supervision. The Statutory Declaration is in **Attachment [5.1.2]**.

This is the last valuation return where Council is the Valuation Authority. The Valuer General Victoria will become the Valuation Authority for the South Gippsland Shire Council from 1 July 2022 pursuant to amendments to the *Valuation of Land Act 1960*. Council will continue to maintain the valuation data base; however, the Valuer General Victoria will provide all future rating valuations.

### Discussion

The 2022 General Valuation is based on levels of value as at 1 January 2022. The valuation reflects market-based changes in the relativity between property values over the previous 12 months. The level of value reflects the prevailing market conditions as at the 1<sup>st</sup> of January 2022.

The Site Value (SV), Capital Improved Value (CIV) and Net Annual Value (NAV) totals for rateable and non-rateable leviable properties are required for reporting purposes. There is a total of 20,605 assessments. The table below details the change in value over the previous 12 months at rollover.

### Rateable and Non-Rateable Leviable Assessments

Level of Value	Site Value	Capital Improved Value	Net Annual Value
2021	\$6,171,792,000	\$10,665,711,000	\$550,521,150
2022	\$8,699,385,000	\$14,592,472,000	\$744,749,350

The table below details the Capital Improved Value of rateable assessments only at rollover. There are 20,270 rateable assessments.



## Rateable Assessments

Level of Value	Capital Improved Value
1 January 2021	\$10,539,089,000
1 January 2022	\$14,436,572,000

The total Capital Improved Value of all rateable properties has increased by \$3,897,483,000 reflecting a 36.98 per cent increase from 2021. This overall increase of 36.98 per cent includes all properties across the Shire with subgroups and individual properties reflecting changes above and below the average. The following includes a general statistical overview of the valuations as every individual property may vary from the average.

It should be noted that the commentary is not a differential rating category analysis.

### Residential Properties

An overall gain of 38.93 per cent was posted across all residential Australian Valuation Property Classification Code categories.

The townships towards the western end of the Shire within a closer proximity to the Melbourne urban fringe such as Loch and Nyora have stabilised for this revaluation but still remain popular. Some smaller townships including Loch and Poowong that had previously shown higher increases show a lower than average increase this revaluation whilst Stony Creek, Welshpool and Toora reflected a higher percentage value increases this revaluation coming up from a lower base. Leongatha increased by 29.2 per cent and was similar to Korumburra at 28.11 per cent. Foster increased by 26.05 per cent. Most of the other non-coastal towns increased at similar levels between 28 and 32 percent.

### Coastal Towns

Values in most coastal townships reflect the highest rates of change. Others showed increases more in line with the rural townships. High demand during 2021 resulted in Sandy Point increasing by 49.87 per cent and Waratah Bay following with a similar increase of 49.19 per cent. The highest increases are noted to be Venus Bay at 79.02% and Promontory Views at 67.89 per cent. Sales in these groups reflect very high demand to secure vacant allotments. Increases in vacant land values in these market groups comes from a relatively low base in comparison to land values in other towns such as

Leongatha and Korumburra which influenced the percentage increase statistic. Improved sales were also strong in these groups.

### ***Premium Coastal Properties***

Premium coastal lifestyle properties followed the trend of the coastal towns reflecting an overall increase of 61.89 per cent.

### ***Commercial Property***

Leongatha commercial has strengthened with less vacancies than last year with an overall value increase of 27.10 percent. The commercial category includes large national traders through to small owner-occupied offices. National traders performed well in line with national trends where name brands with long leases attracted strong interest. Korumburra commercial property values increased by 20.01 per cent after high increases in the more recent previous general valuations. Foster increased by 22.37 per cent and Mirboo North had an increase of 26.66 per cent. Demand for commercial properties with secure leases remains strong. Corporate tenants with long leases remain popular with investors. Vacancy rates in most areas are slowly dropping, post lockdowns, with increased visitors and new residents to the region. Rents have somewhat stabilised and capital values have increased in most commercial markets.

### ***Industrial Property***

The value of Industrial property increased by 16.37 per cent. This is skewed slightly downward by specialised industrial properties such as wind farms and quarries which are depreciating assets due to obsolescence, reducing resources and limited permitted life spans.

The non-specialized industrial market reflects a positive increase Leongatha increased 28.85 percent and Korumburra 32.08 per cent. Demand for both vacant and improved industrial property in these areas remains consistent and again a reflection of activity in the area and popularity with owner occupiers. The state-wide trend towards increased demand for industrial land and improved industrial property is evident in the South Gippsland market also.

### ***Rural Property***

The demand for larger high-quality dairy properties remains strong. Demand for premium undulating grazing land has remained steady. Steeper, more remote land has again experienced increased demand over the period with some high increases noted in more desirable and better located properties.

The majority of properties under 50ha with existing dwellings have increased in value by varying degrees. The residential content of these properties generally reflects a higher value gain the closer in proximity they are to the coast or larger urban areas. "Prom Country" in particular has become more desirable during the Covid pandemic. Limited supply and increased demand have put upward pressure on the values in this area. These properties have skewed the overall statistical increase of the rural category upwards to an overall increase of 35.93 per cent.

The well-established farming districts have experienced an increase in CIV levels since the 2021 revaluation. The premium areas of Leongatha and Korumburra rural have remained steady with increases of 29.36 per cent and 32.58 per cent respectively. The Tarwin South, Waratah North and Yanakie Rural followed on from the coastal towns and premium properties increases with a 43.48 per cent increase. Meeniyan rural areas increased 42.61 per cent. Rural properties in the hills had similar increases to Korumburra and Leongatha. These areas include hobby farms as well as larger grazing holdings

### ***Non-Rateable – Leviale Properties***

This category includes properties exempt from rates however are assessed for Fire Services Property Levy. The majority of properties in this category include; water authority assets, local government assets, some electrical assets and places of worship. The value of this category increased by 23.12 per cent, largely a reflection of increased underlying land values.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The General Valuation of the municipality has been completed in accordance with Council's statutory obligations and Council is now required to formally adopt the 2022 general valuation.

### **RESOURCES / FINANCIAL VIABILITY**

The costs associated with the return of the 2022 general valuation and 2023 general valuation are contained within the 2022/23 and 2023/24 budgets.

Valuation of Land Act 1960 - ss.10, 11, 13DC, 13DA and 13H.

2022 Valuation Best Practice Specifications Guidelines prepared by the Valuer-General under s.5AA of the Valuation of Land Act 1960.

## **RISKS**

If the recommendations contained in this report are not adopted, the Council will be unable to declare the rates and charges and adopt the annual budget in a timely manner, thus putting at risk Council's ability to function effectively.

Valuation Best Practice reports for Stage 1,2 and 3 of the revaluation have been audited and certified by the Valuer General Victoria.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Report of General Valuation 2022 [5.1.1 - 1 page]
2. Statutory Declaration 2022 Revaluation signed Redacted (003) [5.1.2 - 1 page]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 4. Structure, Systems & Policies

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Rating Strategy

### **Legislative Provisions**

Valuation of Land Act 1960

## 5.2. SUBMISSION TO MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MEETING - JUNE 2022

Performance and Innovation

### **Council Plan**

*Objective 1 - United Shire*

*Objective 2 - Economic Prosperity*

*The recommendations in this report address the Council Plan Objective 'United Shire' by presenting Notices of Motion developed from extensive community feedback, representing the collective voice of the community. This report also identifies an opportunity for Council to advocate to higher levels of government to decrease the financial burden of Council, through calling on State and Federal governments to increase and implement funding programs.*

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council consideration of Notices of Motion for the Municipal Association of Victoria (MAV) State Council Meeting to be held on Friday 24 June 2022. Each council in Victoria can lodge Notices of Motion (NOM) that have a state-wide significance to local government for the MAV members to consider.

In the past, Council will present one or more NOM's which align strongly with Council's advocacy priorities, community feedback and strategic plans.

This report presents six NOMs based on key themes from recent community engagement and the emerging Advocacy themes outlined in Council's current Draft Council Plan 2022-26. These include:

- Increased funding towards roads projects
- Improved telecommunications and internet connectivity
- Improved pest and weed management
- Increase funding for early education infrastructure
- Responsive maintenance and management of state owned assets
- Improved public Transport to and within Regional Victoria

## **RECOMMENDATION**

**That Council endorse these Notices of Motion to the Municipal Association of Victoria's (MAV) State Council:**

### **Roads Motion**

That the Victorian Government support the Advocacy requests outlined in MAV's Transport Advocacy Strategy 2022 'Locals Know What Locals Need' Rural and Regional Overview:

- Deliver \$20 million annually for a local road blackspot treatment and prevention program.
- Expand the current Rural Roads Support package.
- Deliver \$11 million over two years for a black hole funding program.

And in addition, re-instate the Fixing Country Roads program to assist councils to improve the current state of their local roads to enhance the connectivity, reliability, and efficiency of regional communities.

### **Connectivity Motion**

That the Victorian Government strongly advocate on the expansion of the Federal Government's Mobile Black Spot Program, and fair and equitable access to the NBN across regional Victoria.

### **Pest and Weed management Motion**

That the Victorian Government increase funding to support the delivery of Pest and Weed mitigation and management programs. Including providing funding for strategic research and programs that help farmers manage weeds and pests on their properties.

### **Early Years Infrastructure**

That the MAV advocates to the State Government to Increase funding for Early Education services infrastructure requirements to deliver on the State Government's kindergarten reform agenda, including funding to establish Community Hubs, for the co-location of key community services.

### **State owned assets and land**

Advocate for responsive maintenance and management for state owned assets, including improved processes with State government departments regarding State and Crown Land.

## **Public Transport**

That the MAV call on the Victorian Government to improve public transport to and within Regional Victoria, through provision of better bus routes, more frequent train services, better integrated transport hubs, improving connections to areas that are underserved, and providing the option for people to travel on buses with bikes.

### **REPORT**

Each year councils can put forward Notices of Motion relating to matters of strategic and preferably state-wide significance to local government for consideration at the MAV State Council meeting. Decisions of the MAV State Council constitute policy directions of the MAV and remain active until the issue is resolved.

The Motions, if supported by Council, addresses the MAV Strategic Outcomes:

- Economically sound Councils
- Healthy, diverse and thriving communities
- Well-planned, connected and resilient built environment
- Changing climate and circular economy

The Roads Motion also supports and reflects the Advocacy requests outlined in MAV's *Transport Advocacy Strategy 2022 'Locals Know What Locals Need' Rural and Regional Overview*.

Should these Motions be carried at the State Council Meeting, MAV will then make representations on behalf of Local Government to the State and Federal Governments as appropriate to advocate for these matters.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The development of these six proposed Motions has been informed by the recent community engagement in developing Council Integrated Plans. For example:

#### **Roads Motion**

Road improvements and upgrades are a key priority for the South Gippsland Community as identified in the December 2021- February 2022 Community Vision engagement and the March 2022 Regional Profile Project engagement.

When asked 'What would make South Gippsland a better place to live, work and play?'

- 31% of respondents said road improvements.

- 23% of respondents ranked roads as their number one priority for South Gippsland.

The importance of 'improving the safety and condition of our sealed and gravel roads networks' is reflected in the current Draft Council Plan 2022-26, theme two: Connecting our People and Places. Under this heading Council is proposing to 'Advocate for improved regional connection and improved maintenance of the infrastructure.' The Roads Motion reflects these elements of the Draft Council Plan.

### **Connectivity Motion**

Connectivity, including better access to reliable internet and telephone service, also featured in recent community feedback. Internet service and reliable mobile phone coverage were raised by the community as not just lifestyle preferences but essential safety requirements for the community, especially in emergencies. It was noted that for farmers, "our paddocks are our workplaces" and that "even calling for help is risky". Further support for the community in using technology had been identified especially during the shift to working and studying from home.

We know that in 2016 only 73.1% of homes has an internet connection and there are still areas in South Gippsland and many parts of regional Victoria with neither 3G nor 4G mobile telephone coverage.

The Draft Council Plan 2022-26 identifies the priority to:

- Advocate for whole of Shire digital telecommunication coverage and emergency backup planning.

### **Pest and Weed Management Motion**

Protection of the natural environment was a key theme of recent community feedback. In particular, the protection of wildlife received 166 comments, and regeneration and protection of native vegetation received 146 comments. Some examples of verbatim feedback include:

- "Protect the environment, biodiversity and nature, so it can protect our community."
- Emphasis on protecting habitat and wildlife.

In South Gippsland there are 90 species that are classified as near threatened, vulnerable, endangered, or critically endangered.

The Draft Council Plan 2022-26 identifies the priority to plan and implement bio-link corridors to increase the percentage of tree cover and habitat in our

---



Shire, and support our community including landowners to partner with Council in implementing bio-links. This priority will be achieved through major initiatives to:

- Partner with land managers, farmers and Landcare to develop and implement weed and pest mitigation programs; and
- Advocate for improved pest management and control including feral animals within the Shire.

### **Early Years Infrastructure**

The draft Council Plan 2022-26 identifies the priority:

- Advocate for increased access to early years services including kindergarten, playgroups, childcare and for equitable access to health and social service for our community.

This priority is a response to community feedback around waitlists and poor access to childcare services locally. Council recognises the need for increased infrastructure to manage and plan for the growth of these services, particularly in the response to the State Governments Kindergarten Reform agenda.

### **State Owned Assets and Land**

Council and the community recognise the opportunity for State government to be more responsive and responsible in managing its assets. Council continuously receive numerous customer requests and feedback from the community relating to State assets in dis-repair.

### **Public Transport**

The draft Council Plan 2022-26 identifies the priority:

- Plan and advocate for public and community transport solutions to connect residents to our larger service towns and health services.

Community feedback during the December 2021 to February 2022 Community Vision engagement period identified 'improved public transport' as the third most mentioned subcategory under the theme 'Access, Movement and Connectivity' with 94 individual comments relating to public transport improvements.

## **RESOURCES / FINANCIAL VIABILITY**

There are no resource implications to Council if this Notice of Motion is endorsed.<Click to type - indicate any resources or financial implications>

## **RISKS**

If this Motion is not endorsed, Council will not be presenting any Motions to the MAV State Council Meeting for 2022.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 3. Decision Making

Pillar 6. Capability

Pillar 7. Risk & Compliance

### **Council Policy / Strategy / Plans**

*Attachments are available on Council's website at the following [LINK](#).*

Advocacy Priority Projects - [Priority Projects | South Gippsland Shire Council](#)

### **Legislative Provisions**

Local Government Act 2020

### **Regional, State and National Plan and Policies**

MAV Transport Advocacy Strategy 2022 'Locals Know What Locals Need'

Rural and Regional Overview - [Transport Advocacy | MAV website](#)

### 5.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2021 TO MARCH 2022

Performance & Innovation

#### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by regular organisational performance reporting against the Council Plan 2020-2024 Measures and Annual Initiatives.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider the Organisational Performance Report July 2021 to March 2022, including progress against the *2021/22 Annual Initiatives* for the *2020 – 2024 Council Plan*.

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 an adopted Budget that contains the first (annual) financial year and subsequent three financial years. These requirements are legislated under s.90 and 94 of the *Local Government Act 2020 (Act)*.

Council endorsed the *2021/22 Annual Initiatives (Annual Initiatives)* as part of the *Council Plan 2020-2024 (Council Plan)* at the 23 June 2021 Council Meeting. The Council Plan outlines the strategic objectives, strategies and indicators of Council for the next four years.

These Annual Initiatives further the implementation of activities to progress the achievement of the Council Plan Objectives and Strategies for the 2021/22 financial year. The Annual Initiatives are also captured in Section 2 of the Budget 2021/22 (Budget), through which they are funded.

The Organisational Performance Report for the period July 2021 to March 2022 (refer to **Attachment [5.3.1]**) is presented to Council and provides detailed reporting on Council's performance against these Annual Initiatives, Performance Indicators, and Capital Works Program.

The Organisational Performance Report (**Attachment [5.3.1]**) will also be presented to Council's Audit and Risk Committee in June 2022.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the Organisational Performance Report for the period July 2021 to March 2022 (Attachment [5.3.1]);**
-

2. **Publishes the Organisational Performance Report (Attachment [5.3.1]) to Council's website; and**
3. **Presents the Organisational Performance Report (Attachment [5.3.1]) to the June 2022 Audit and Risk Committee Meeting.**

## **REPORT**

### **Background**

Council endorsed the *2021/22 Annual Initiatives* (Annual Initiatives) as part of the *Council Plan 2020-2024* (Council Plan) at the 23 June 2021 Council Meeting.

The Council Plan includes key Strategic Objectives, Strategies and a series of indicators called 'Measures of Success' (Indicators).

The four Strategic Objectives of the *2020-2024 Council Plan* are:

- United Shire – *shared community direction*;
- Economic Prosperity – *corner stone for local employment and business growth*;
- Integrated Services and Infrastructure - *enhance liveability*; and
- Customer Focused Organisation – *accountable decision making*.

The Indicators are monitored and reported to Council in each Quarterly Performance Report.

Annual Initiatives are developed annually and include significant activities that progress the achievement of the Objectives and Strategies in the Council Plan. These Annual Initiatives are adopted each year in the Budget. The current Annual Initiatives are in the *2021/22 Budget* adopted at the 23 June 2021 Council Meeting. For connectivity, they are also captured each year as an update to the Council Plan. Progress against these Annual Initiatives are also reported to Council within each Quarterly Performance Report.

The alignment of the Council Plan, Organisational Performance Report and Council Agenda topics in Council Meetings all outline the various activities and initiatives that work towards achieving the Council Plan Strategic Objectives and Strategies.

The Organisational Performance Report – July 2021 to March 2022 has been prepared and is presented to Council for consideration. It is contained in **Attachment [5.3.1]**.

## Discussion

This report provides an overview of the major activities undertaken by Council in the three quarters of the 2021/22 financial year (1 July 2021 to 31 March 2022). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 85 per cent of the Council Plan 2020-2024 Measures of Success indicators are on track or target achieved.
- 88 per cent of the Annual Plan initiatives for 2020/21 are either target achieved or on-track as at end of March 2022.
- Proposed Drafts of the Integrated Plans have been finalised and are on schedule to be presented to the 20 April 2022 Council Meeting for consideration and endorsement for the final stage of community consultation. These Plans include:
  - Community Vision 2040
  - Council Plan 2022 - 2026
  - Financial Plan 2022/23 - 2031/32
  - Revenue and Rating Plan 2022 - 2026
  - Budget 2022/23 - 2025/26
  - Asset Plan 2022/23 - 2031/32
- Successful completion of Council's *Community Leadership Program* with 20 participants completing the second intake of the Program.
- The South Gippsland's *Municipal Emergency Management Plan 2021-2025* developed by the South Gippsland Municipal Emergency Management Planning Committee (MEMPC) adopted by Council at the December 2021 Council Meeting.
- Consultant appointed for the *Visitation and Marketing Plan* for the Great Southern Rail trail (GSRT) and first Proposed Draft near completion.
- Successful completion of the *Councillor Transition Program* in which Councillors have completed the mandatory induction requirements as per the *Local Government Act 2020*.

## CONSULTATION / COMMUNITY ENGAGEMENT

---

The Organisational Performance Report (**Attachment [5.3.1]**) will be presented to Council's Audit and Risk Committee in June 2022.

### **RESOURCES / FINANCIAL VIABILITY**

The *2021/22 Annual Initiatives and Capital Works Program* are funded through the *2021/22 Annual Budget*.

### **RISKS**

The Organisational Performance Report (**Attachment [5.3.1]**) mitigates the risk of annual initiatives and capital works activities not being monitored throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not being achieved, without understanding the reasons for any delay.

### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. Organisational Performance Report - July 2021 to March 2022 [**5.3.1** - 38 pages]

### **REFERENCE DOCUMENTS**

#### **Council's Good Governance Framework**

Pillar 8. Monitoring & Performance Review

#### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

2021/22 Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives  
Council Plan 2020-2024

#### **Legislative Provisions**

Local Government Act 2020

Local Government Better Practice Guide – Performance Framework Indicator Workbook, Strategic Resource Plan 2020 and Planning and Reporting

## 5.4. FINANCIAL PERFORMANCE REPORT - JULY 2021 TO MARCH 2022

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*The Financial Performance Report provides an overview of Council's financial performance for the period July 2021 to March 2022. The report provides timely communication to the community and Council regarding Council's financial performance and aligns with the Local Government Act 2020*

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the Financial Performance report (refer **Attachment [5.4.1]**) which has been prepared in accordance with section 97 of the *Local Government Act 2020* (the Act) and provides an overview of Council's financial performance for the period July 2021 to March 2022.

The results in summary:

The **operating** surplus as at 31 March 2022 is favourable to forecast by \$2.2M. This favourable variance is largely due to higher operating grants related to the June 2021 Storm event, noting this is fully offset by associated costs.

**Capital works** expenditure is tracking at \$16.15M as compared to the year to date forecast of \$21.24M, mainly due to timing of plant and machinery purchases and infrastructure works.

Proposed **operating** forecast changes for Quarter 3 mainly relate to:

- Brought forward allocation for Federal Assistance Grants - Victoria Grants Commission \$5.5M
- Grant funding (and equal expenditure) for 2021 Storm Event \$2.2M
- Deferred (carry forward to 2022/23) expenditure related to Boat ramps \$0.2M

Proposed **capital** forecast changes for Quarter 3 mainly relate to:

- Savings in IT expenditure \$0.3M

- Works to be carried forward to 2022/23 for the main office refurbishment \$0.6M
- Plant and Fleet budgets to be carried forward to 2022/23 \$0.6M

## **RECOMMENDATION**

**That Council receives and notes the Financial Performance Report July 2021 to March 2022 including the proposed forecast changes.**

## **REPORT**

Section 97 of the *Local Government Act 2020* (Quarterly budget report) states that:

“That Council:

1. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to Council at a Council meeting which is open to the public.
2. A quarterly budget report must include:
  - a. A comparison of the actual and budget results to date; and
  - b. An explanation of any material variations; and
  - c. any other matters prescribed by the regulations.

Council each year sets an Annual Budget within the framework of a 15-year Long-Term Financial Plan. Guidance is provided by the Long-Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

1. Comparing year-to-date actual financial performance with the year-to-date budgets.
2. Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
3. Monitoring the longer-term financial ramifications against the originally adopted Long-Term Financial Plan.



The financial performance indicators that were used to develop the annual and long-term budgets are used to monitor projected financial outcomes at year-end as well as the longer-term financial ramifications. At the end of the financial year, comprehensive financial statements and performance statements are produced, subject to external audit and included in the Annual Report.

Financial Performance Report July 2021 to March 2022 contains detailed reporting in (refer **Attachment [5.4.1]**).

### **Section 1 - Financial Performance Statement**

This section provides an overview of Operating performance and expenditure on the Capital Works program. It also provides details of Council's cash position and outstanding debtors.

### **Section 2 - Financial Statements**

This section lists the following financial statements (including variance commentary) as at 31 March 2022:

- Balance Sheet
- Cash Flow Statement

### **Section 3 – Annual Year to Date Financial Analysis**

This section provides key financial sustainability indicators for the adopted budget and the full year forecast.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

The proposed forecast changes are in line with actuals and forecasted pre-payment of the 2022/23 Victoria Grants Commission allocation. The forecasted changes are favourable to the original adopted budget. Proposed changes to the capital budget mainly relate to projects to be carried forward to the 2022/23 financial year and some additional savings related to IT expenditure.

## **RISKS**

Quarterly financial reporting is essential in ensuring that the organisation remains within budget.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. Financial Performance Report - July 2021 to March 2022 [5.4.1 - 16 pages]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 8. Monitoring & Performance Review

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Annual Budget

### **Legislative Provisions**

Local Government Act 2020

## **5.5. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987 (S11A)**

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.*

### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an appointment and authorisation for staff member Stephen Fowkes under the *Planning and Environment Act 1987*.

### **RECOMMENDATION**

**That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:**

- 1. The members of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument and detailed in the report; and**
- 2. The Instrument of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer 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.**

### **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 as well as changes in the legislation.

A new Instrument is presented for adoption for Stephen Fowkes enabling Stephen to fulfil the required duties as Building & Planning Compliance Coordinator within the Planning & Building Services department.

The Instrument is contained in **Attachment [5.5.1]**.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

Failure to adopt, update 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**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. S11A Instrument of Appointment - P&E Act - Stephen Fowkes - 18 May 2022  
- unsigned [5.5.1 - 1 page]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 3. Decision Making

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

## 5.6. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 MARCH TO 12 APRIL 2022

Performance and Innovation

### Council Plan

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.*

### EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020, section 9(2)(i), s.9(3)(b) and s.58*, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 March and 12 April 2022.

### RECOMMENDATION

**That Council receives and notes this report.**

### REPORT

Meeting Title	Details
<b>Wednesday 16 March 2022</b>	
<b>Agenda Topic Discussion for Council Meeting 16 March 2022</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Cr Williams left the room with a declared direct material conflict of interest in Confidential Agenda Item 12.2 PRIVATE COMMERCIAL INFORMATION - Request for Meeting Title Details Tender - Port Welshpool Boat Ramp Parking Facility</p>

<b>Meeting Title</b>	<b>Details</b>
	Enhancement Project (RFT/314) as she is a joint owner of a business that has made a submission to the tender process.
<b>Venus Bay Infrastructure and Planning</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Reconciliation Action Plan – Project Scope</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Strategic Asset Plan</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 30 March 2022</b>	
<b>Integrated Planning</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai, Nathan Hersey</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<b>Sunday 3 April 2022</b>	
<b>Integrated Planning</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai and Nathan Hersey.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<b>Wednesday 6 April 2022</b>	
<b>Audit &amp; Risk Committee Chair Report</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan</p>

Meeting Title	Details
	<p>Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Apology</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>

**REFERENCE DOCUMENTS**

**Council's Good Governance Framework**

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

## **5.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 19 MARCH 2022 TO 20 APRIL 2022**

Office of the Chief Executive

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation.*

*Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.*

### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 19 March to 20 April 2022. Council's *Procurement Policy (C32)* 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 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a



Council resolution, then Council must be advised of such use on a regular basis.

'Section 173 Agreements' are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 19 March 2022 to 20 April 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 775 Ameys Track, Foster North in relation to subdivision of land of two lots. Seal applied 20 April 2022.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 56 Greens Road, Loch and 210 Loch Poowong Road, Loch in relation to subdivision of subject land. Seal applied 20 April 2022.

### **Contracts Awarded, Varied or Extended**

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded by Council after a public tender process, signed by the CEO between 19 March 2022 to 20 April 2022.
  - a. CON/314 for the Port Welshpool Boat Ramp Parking Facility Enhancement Project was awarded to Hugh Patrick Pty Ltd trading as Bj's Earthmoving. Signed by the CEO 28 March 2022.
2. Contracts awarded after a public tender process within the CEO's delegation between 19 March 2022 to 20 April 2022.
  - a. Nil
3. Contract variations approved by the CEO between 19 March 2022 to 20 April 2022.
  - a. CON/270 for the Foster Indoor Stadium Redevelopment was awarded to Becon Constructions Pty Ltd and commenced in February 2021. Variations which exceed the contingency allowance are recommended,

these include underfloor drainage and pump, hydrant booster cabinet & gates, additional asphalt, additional stormwater pit, drain, & bollards, additional stormwater pit lid and concrete removal. A Contract Variation of \$32,448.44 (excluding GST) was approved by CEO after consultation with the Mayor on 30 March 2022.

- b. CON/312 for the Energy Efficient Street Lighting Bulk Replacement was awarded to Magnetic Power Services and commenced in January 2022. Variations which exceed the contingency allowance are recommended to allow for the installation of an additional 230 LED lights to replace existing mercury vapour lights, as part of Council's current Energy Efficient Street Lighting Bulk Replacements program. A Contract Variation of \$90,000 (excluding GST) was approved by CEO after consultation with the Mayor on 31 March 2022.
  - c. CON/309 for the Pavement Rehabilitation, Mount Eccles Road was awarded to Downer EDI Works Pty Ltd and commenced in February 2022. Variations which exceed the contingency allowance are recommended, these include Pavement Soft Spots – Major Area Dig Outs, and Buried Culvert Remediation. A Contract Variation of \$41,451.41 (excluding GST) was approved by CEO after consultation with the Mayor on 04 April 2022.
4. Contract extensions approved by the CEO between 19 March 2022 to 20 April 2022.
- a. Nil

#### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

#### **ATTACHMENTS**

Nil

#### **REFERENCE DOCUMENTS**

##### **Council's Good Governance Framework**

Pillar 3. Decision Making

##### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures)

and Common Seal)  
Procurement Policy (C32)

**Legislative Provisions**

Local Government Act 1989  
Local Government Act 2020  
Planning and Environment Act 1987

## **6. NOTICES OF MOTION AND/OR RESCISSION**

### **6.1. NIL**

## **7. COUNCILLOR REPORTS**

### **7.1. REQUESTS FOR LEAVE OF ABSENCE**

### **7.2. COUNCILLOR UPDATES**

### **7.3. COMMITTEE UPDATES**

## 8. 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 Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, 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 Council Meeting or by Officers under delegation.

It is necessary for the Councillor 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 Councillor....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 Council's Governance Rules 2020 (clause 22) 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 Councillors 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.

## 9. PUBLIC QUESTIONS

### 9.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

## 9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at a former 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: [Governance Rules \(C82\)](#) – adopted August 2020.*

**Nil**

### 9.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Council Business Team by 9.00am on the Monday morning preceding the 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 Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 1.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in 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 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 Meeting by the CEO or Mayor.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.



## 10. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

### RECOMMENDATION

**That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:**

1. **Per s.3(1)(g) Agenda item 12.1 PRIVATE COMMERCIAL INFORMATION - Contract Award RTF/316 - Internal Auditor Contract Award, designated as private commercial information,**
  - a. **being information provided by a business, commercial or financial undertaking that –**
    - i. **Relates to trade secrets; or**
    - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
  - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor's tender information submitted for consideration.**

- 2. Per s.3(1)(a) Agenda item 12.2 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Design and Construction of Replacement Jetty or Floating Pontoon for Toora (RFQ/301), designated as private commercial information;**
  - a. being information provided by a business, commercial or financial undertaking that –**
    - i. Relates to trade secrets; or**
    - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
  - b. The grounds for designation have been made as the information is deemed commercial-in-confidence, being information that would prejudice Council's position in commercial negotiations if prematurely released.**

## **11. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 15 June 2022 commencing at 2pm in the Council Chambers, Leongatha.