

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

21 September 2022

**Council Meeting No. 475  
Council Chambers, Leongatha  
Commencing at 2:00pm**



# agenda



*South Gippsland  
Shire Council*

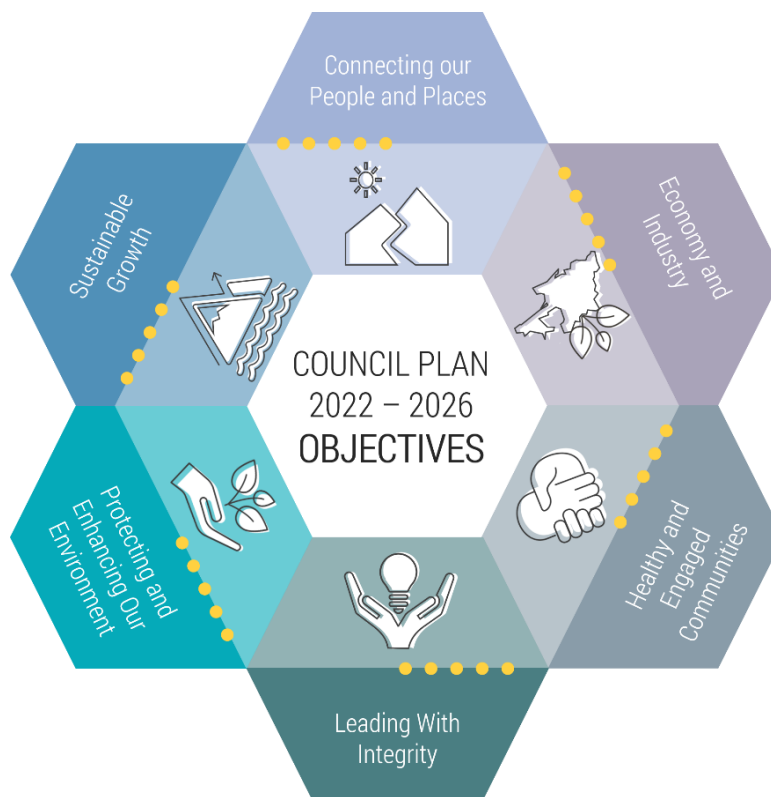
*Come for the beauty, Stay for the lifestyle*

## OUR COUNCIL VISION

***We care deeply about our people, the land and future of South Gippsland.***

***Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.***

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



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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. 475 of the South Gippsland Shire Council will be held on Wednesday 21 September 2022 in the Council Chambers, Leongatha commencing at 2:00pm

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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.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

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

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**

**Councillor Jenni Keerie was granted leave of absence from this Meeting at Council Meeting 17 August 2022.**

#### **1.6. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No. 474, held on 17 August 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.

**Councillor Clare Williams has declared that she has a general conflict of interest in Council Confidential Agenda Item 13.1 PLANT PURCHASE - 26 TONNE GVM HEAVY VEHICLE RIGID SEALED ROADS MAINTENANCE TRUCK (MAV CONTRACT NPN04-13) - PLANT NO. 657 in respect of a private interest and the business that she is a joint owner.**

## 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.

**Ms Kerryn Ellis, Chief Executive Officer has declared a material interest in Agenda Item 13.4. PERSONAL INFORMATION - Chief Executive Officer Performance Review, as the matter relates directly to her role.**



## 2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

### 2.1. STATE OF COUNCIL ASSETS - 2021/22 END OF YEAR REPORT

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

#### Council Plan

*Objective - Connecting our People and Places*

*By ensuring the assets which Council is custodian for are maintained and renewed to a standard to support service provision that meets current and future needs of the community.*

#### EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the use of predictive modelling tools to measure the current condition of Council's Infrastructure Assets, and to comply with Clause 7.2.3.7 of Council's *Asset Management Policy* (C04) to review and report to Council on the "state of the assets".

#### RECOMMENDATION

**That Council receives and notes this report in accordance with Clause 7.2.3.7 of Council's Asset Management Policy (C04) August 2021.**

#### BACKGROUND

Council's *Asset Management Policy (C04)* (Policy) – **Attachment [2.1.1]** – outlines the broad framework and principles for sustainable and effective management of Council's assets to meet current and future needs of the community.

South Gippsland Shire Council owns and maintains assets such as roads, footpath, buildings, drains, open space, recreation centres, plant, and equipment to support service provision to the community it serves.

"Asset Management" is the systematic process that guides the planning, acquisition, operation, and maintenance, renewal, and disposal of assets. Its objective is to maximise asset service delivery potential and manage related risks and costs over their entire lives.

The Policy applies to all Council-owned assets and all Council-managed assets that:

- Are used by the community;
- Support the delivery of services provided for the benefit of the South Gippsland community; and
- Are held by Council for future use.

The Asset Management vision for South Gippsland Shire Council is to provide community facilities and infrastructure assets that are sustainable, and that contribute to the economic viability, access and mobility, and improved lifestyle for the community.

Council assets are effectively managed throughout their lifecycle – operations, maintenance, renewal, upgrade, expansion, and disposal to support the delivery of Council services. Predicative modelling is utilised as an Asset Management tool in order to:

- Achieve targeted maintenance and rehabilitation works.
- Maximise efficiency in allocations of resources.
- Model a variety of intervention scenarios.
- Develop Capital Work Programs.
- Increase community satisfaction.

### ***Current State of the Assets***

Infrastructure assets are measured against a 0-6 asset condition grading scale as shown below.

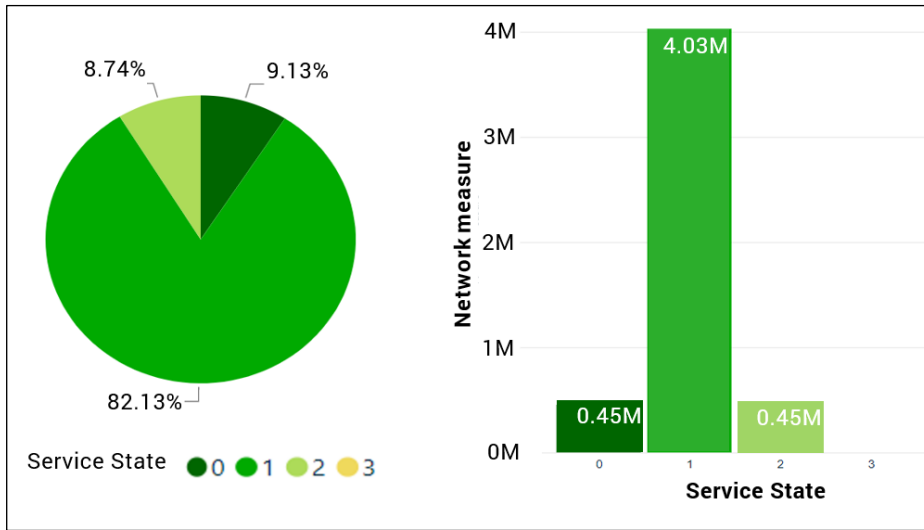
<b>Grading</b>	<b>Condition</b>	<b>Description</b>
<b>0</b>	New	Asset commissioned and handed over to Council
<b>1</b>	Very good	Only planned maintenance required
<b>2</b>	Good	Minor maintenance required plus planned maintenance
<b>3</b>	Fair	Significant maintenance required
<b>4</b>	Poor	Significant renewal/rehabilitation required
<b>5</b>	Very Poor	Physically unsound and/or beyond rehabilitation
<b>6</b>	End of Life (EoL)	Asset is no longer fit for purpose

### ***Sealed Roads***

Council owns and maintains a total of 2,080 kilometres of road network, with a replacement value of \$370M. Of the road network, 804.7 kilometres is sealed.

The average overall condition score for Council's sealed roads is 1.0. The breakdown of the current service state of Council's Sealed Roads is shown in the figure below.

**Figure 1 – Sealed Roads Overall Service State**

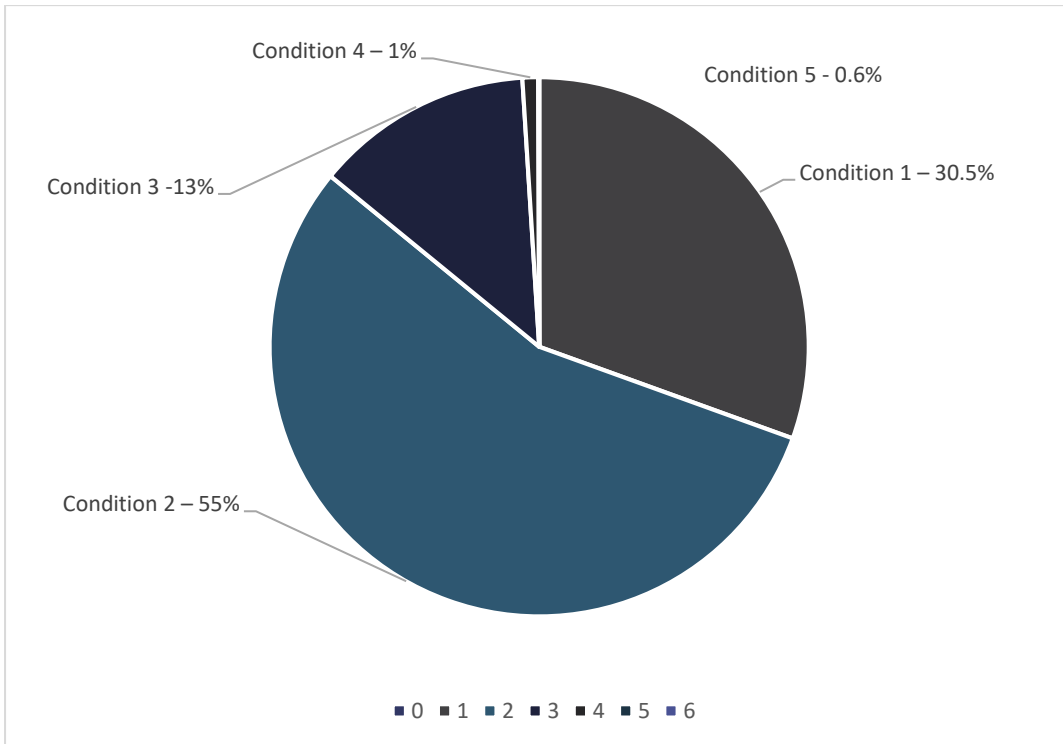


**Footpaths**

Council owns and maintains a total of 141.16 kilometres of pathways. The average overall condition score for pathways is 2.0.

The breakdown of the current service state of pathways is shown in the figure below.

**Figure 2 – Pathways Overall Service State**



## Buildings

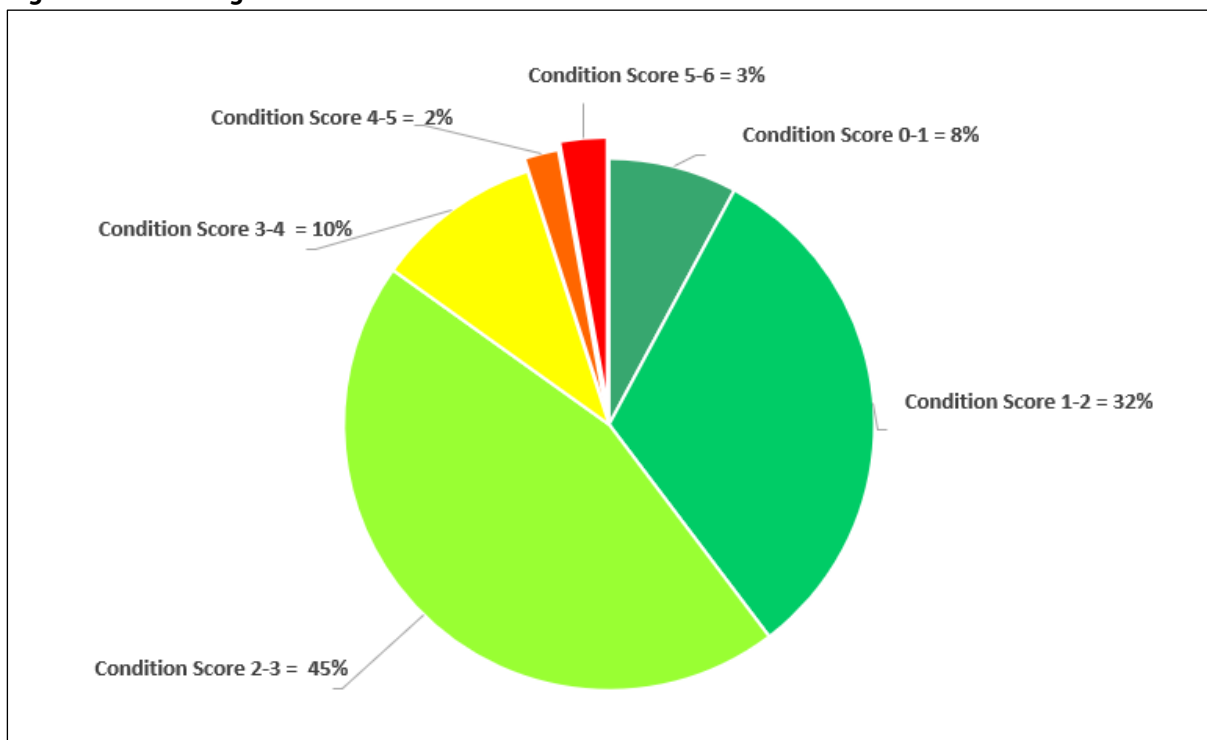
Council owns and maintains a total of 424 buildings and structures. This is made up of 349 buildings (has a roof and enclosed walls) and 75 structures (not enclosed on sides – e.g. rotunda, shelter, sound shell, observation tower).

A revaluation of the building portfolio was undertaken in the 2021/22 financial year. The current revaluation is \$109 Million (formally \$129 Million).

The variation in the revaluation is related to a renewed condition assessment, new unit rates, and methodology, as well as depreciation adjustments.

The breakdown of the current service state of buildings is shown in the figure below.

**Figure 3 – Building Portfolio Condition**



## Other Asset Classes

The next steps in the utilising of predictive modelling for effective asset management, includes applying it to the following asset classes:

- Bridges, Major Culverts, and Other Structures
- Stormwater Assets
- Open Space Assets

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

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**

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

1. Asset Management Policy (C04) [2.1.1 - 8 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

Pillar 6. Capability

Pillar 8. Monitoring & Performance Review

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

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

Asset Management Policy (C04)

Asset Management Strategy

### **Legislative Provisions**

Local Government Act 2020

### 3. OBJECTIVE - ECONOMY AND INDUSTRY

#### 3.1. GRANT APPLICATION - LIVING LOCAL & INVESTMENT FAST TRACK FUNDS

Directorate:	Economy and Community
Department:	Economy Community and Investment

#### Council Plan

*Objective - Economy and Industry*

*This report relates to the following Council Plan Major Initiatives:*

- *Develop and implement the Great Southern Rail Trail Management Plan, including the Visitation and Marketing Plan;*
- *Implement the annual actions of the Arts, Culture and Creative Industries Strategy; and*
- *Implement the annual action plan of the 2021 –2031 Visitor Economy Strategy to encourage tourism and visitation across the Shire.*

#### EXECUTIVE SUMMARY

The purpose of this report is for Council to endorse an application to the Victorian Government's Living Local Regional Fund and consider supporting a submission by Bass Coast Shire Council for an application to the Regional Jobs and Infrastructure Fund (RJIF) - Investment Fast-Track Fund.

Both funds are competitive Victorian Government programs that are open to a broad range of organisations including Local Government.

Submissions to the Living Local Regional Fund (LRIF) closed 14 August 2022 with an application submitted for the Great Southern Rail Trail (GSRT) Public Art project.

Submissions to the RJIF - Investment Fast-Track Fund closed 17 August 2022 with an application submitted by Bass Coast Shire Council (BCSC) for the Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project. Council is a key partner to this Project.

This report recommends that Council support submissions made to the two funds.

## RECOMMENDATION

That Council:

1. **Endorses the application for \$140,000 under the Victorian Government's Living Local Regional Fund for the Great Southern Rail Trail (GSRT) Public Art Project;**
  - a. **Allocating a Council contribution of \$140,000 from the current Great Southern Rail Trail (GSRT) Extension budget towards the Great Southern Rail Trail (GSRT) Public Art Project, if the grant is approved;**
  - b. **Noting that the application for the Great Southern Rail Trail (GSRT) Public Art Project was submitted to the Victorian Government's Living Local Regional Fund prior to the closing date of 14 August 2022;**
2. **Endorses to support the application submitted by the Bass Coast Shire Council for \$375,000 under the Victorian Government's Regional Jobs and Infrastructure Fund (RJIF) - Investment Fast-Track Fund for the Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project;**
  - a. **Allocating a Council contribution of up to \$25,000 from the current Great Southern Rail Trail (GSRT) Extension budget towards the Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project; if the grant is approved;**
  - b. **Enters into a Memorandum of Understanding with Bass Coast Shire Council for the duration of the Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project that will outline roles and responsibilities; and**
  - c. **Noting that the application was submitted by Bass Coast Shire Council was submitted to the Victorian Government's Regional Jobs and Infrastructure Fund (RJIF) - Investment Fast-Track Fund prior to the closing date of 17 August 2022.**

## REPORT

### Living Local Regional Fund (LRIF)

The Living Local Regional Fund objectives include:

- supporting the development, improvement and promotion of regional communities, shopping strips and activity centres as places of local economic activity and community gathering that work towards environmental sustainability

- delivering permanent co-funded projects or sustainable community events and related activity that reflect the needs of local people and enhance living, working, socialising and recreation in local areas
- enhancing community inclusiveness, belonging, and participation, particularly among new residents and new workers and to support young people and mental health
- focusing on smaller scale approaches to revitalising regional communities that can be delivered in partnership with local government, businesses, and community sector organisations and groups
- enhancing liveability, safety, accessibility and vibrancy of communities, shopping strips and activity centres
- enhancing opportunities for small business in community shopping strips to thrive; and
- progressing reconciliation with Traditional Owners through the encouragement of proposals to incorporate local and Aboriginal and Torres Strait Islander stories.

The LLRF is a competitive grants program open to eligible rural and regional local governments and incorporated (not-for-profit) organisations/associations.

Applicants may seek a minimum of \$20,000 and maximum of \$200,000 (exclusive of GST).

Councils will be required to make a minimum matching (1:1) contribution (cash and in-kind) of the grant being sought.

Total contributions may consist of up to 25 per cent of in-kind contributions.

### **Great Southern Rail Trail (GSRT) Public Art Project**

The scope of the GSRT Public Art project is to develop a series of public art installations in the form of murals at key locations along the GSRT between Koonwarra and Loch. The project also includes installing infrastructure to enhance the murals (i.e. seating)

The project scope and locations have been identified by Council Officers and are considered the most appropriate sites. The proposed locations are:

- South Gippsland Highway underpass at Koonwarra
- The rear of buildings on 39-43 Bair Street that extends over the Leongatha Railway Precinct that will be adjacent the rail trail,



- South Gippsland Highway concrete bridge just outside of Korumburra,
- Main Road concrete bridge near Fullers Way, Bena
- South Gippsland Highway concrete bridge pylons near Loch; and
- Loch-Poowong Road concrete bridge near Loch Railway precinct.

Project proposals have been developed by a consultant on behalf of Council for each of the locations, which details the scope, site considerations, procurement of artists and cost estimates.

The proposal also outlines the establishment of a Creative Community Consultative Panel (CCCP) to assist with the EOI process for artist selection and to ensure compliance with Council's procurement policy.

The establishment of the CCCP will ensure that there is community input of the murals without comprising artist integrity.

The total cost of the project is \$280,000 with a grant request of \$140,000.

### **Strategic Justification**

The GSRT Public Art project is strategically supported by the following Council documents and key actions:

- Visitor Economy Strategy - action to develop public art along the GSRT
- GSRT Visitor Experience and Marketing Plan - consistent with actions identified to partner with key community and cultural groups to improve community and visitor experiences on the trail
- Arts, Culture and Creative Industries Strategy – strategic action to establish and fund a recurrent Public Art Program within townships, along selected areas of the GSRT and in the environment.

The implementation of the Visitor Economy Strategy, Arts, Culture and Creative Industries Strategy and GSRT Visitor Experience and Marketing Plan are major initiatives in the Council Plan 2022-26.

### **Investment Fast-Track Fund (IFF)**

The IFF is part of the Regional Jobs and Infrastructure Fund (RJIF), the Victorian Government's flagship regional development fund central to driving growth and recovery in rural and regional Victoria.

RJIF has been allocated \$30 million in 2022-23 to leverage private sector investment to grow and diversify our regional economy and improve economic

and social outcomes to make regional Victoria an even better place to live, work and invest.

The IFF supports the planning and preparation of regional and rural development project proposals to strengthen the project's investment evidence base and accelerate investment readiness.

The IFF is a competitive grants program open to eligible rural and regional local governments, private sector businesses, businesses and industry groups, incorporated (not-for-profit) organisations/associations and utility and service providers and water cooperations.

Applicants may seek a maximum of \$500,000 (exclusive of GST) with the funding capped at a ratio of \$4 to \$1 of program funding against the cash contribution from the applicant.

### **Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project**

The Bass Coast Shire Council has identified an opportunity to seek funding for planning to be undertaken for the development of the Bass Coast Rail Trail (BCRT) from Woolamai to Nyora; linking it to the GSRT.

Both the GSRT and BCRT are included in a broader effort currently being undertaken by six regional Councils across Gippsland to develop the Gippsland Odyssey.

The Gippsland Odyssey is a multi-faceted cycling (and walking) experience based on a network of cycling routes spread across Gippsland that best highlight the region's myriad of environmental, cultural and heritage attractions, while creating important connections between rural communities.

The project will include relevant planning and investigations for a 25km trail that traverses both Bass Coast (21km) and South Gippsland (4km) municipalities.

The total cost of the project is \$500,000 with a grant request of \$375,000.

### **Strategic Justification**

The development of a rail trail between Woolamai and Nyora is an identified activity as part of the Gippsland Odyssey, which is an outcome of the Gippsland Tracks and Trails Feasibility Study.

The Study was completed in 2019 for Destination Gippsland, the six Gippsland Councils and the Gippsland Mountain Bike Club and included the concept of a long-distance cycling trail network.

The Study was adopted by Council on 22 April 2020.

Specifically, the Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project is supported by the following Council documents and actions:

- Visitor Economy Strategy – action to identify additional supporting rail trail infrastructure requirements (such as additional trail connections);
- GSRT Visitor Experience and Marketing Plan - Conduct feasibility and viability study into 'tributary trails' to provide more access points to the GSRT and to also extend the Trail experience into towns, providing 'micro' experiences for visitors and locals.
- Paths and Trails Strategy – Identified project for investigation noting that the rail reserve from Nyora to Woolamai in the Bass Coast Shire provides further connectivity options for the GSRT.

The implementation of the Visitor Economy Strategy and GSRT Visitor Experience and Marketing Plan are major initiatives in the Council Plan 2022-26.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

The development of the Visitor Economy Strategy, Arts, Culture and Creative Industries Strategy and GSRT Visitor Experience and Marketing Plan have all been developed through extensive community consultation.

Council has received letters of support from VicTrack and the owners of the buildings identified in the application; however, further consultation with any other affected landowners will be a key element of the next phase of these projects, if funded.

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

The estimated total project cost of the proposed GSRT Public Art project is \$280,000. It is recommended to seek grant funding of \$140,000 from the LLRF. Therefore, a contribution of \$140,000 is required by Council.

The Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project is estimated at \$500,000. It is recommended that Council contribute up to \$25,000 towards the project to cover the elements within South Gippsland based on the distance and funding ratio.

It is recommended that Council's proposed total contribution for both applications of \$165,000 be funded from current funding allocated in the GSRT Leongatha to Nyora extension project.

## **RISKS**

If the proposed grant applications for the GSRT Public Art Project and Gippsland Odyssey Extension (Woolamai to Nyora) Planning Development Project are not supported, Council may miss an opportunity to seek funding for key initiatives consistent with Council's adopted Strategies.

This may delay similar opportunities to address key actions from the Strategies.

## **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 1. Direction & Leadership

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

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

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

Economic Development and Tourism Strategy

Paths and Trails Strategy

Annual Budget

Council Plan 2022-2026

GSRT Visitor Experience and Marketing Plan

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

Gippsland Track & Trails Feasibility Study

## 4. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

### 4.1. COMMUNITY ASSET COMMITTEES - ANNUAL REPORT 2022

Directorate:	Economy and Community
Department:	Economy Community and Investment

#### Council Plan

##### *Objective - Healthy and Engaged Communities*

*Community Asset Committees assist Council in achieving its priorities of creating places and spaces for people to connect and participate in local activities, sports and leisure, community events and enjoy our libraries, parks, gardens and coastal areas.*

#### EXECUTIVE SUMMARY

The purpose of this report is to confirm that Council's Community Asset Committees (CACs) have met their delegated obligations to responsibly manage community facilities as required under section 47(6) of the *Local Government Act 2020*.

Council is responsible for numerous community facilities, including recreation reserves, sports stadiums and town halls. To assist Council in operating these facilities, it partners with Community Asset Committees, previously known as Section 86 Committees.

Officers recommend that Council notes this report.

#### RECOMMENDATION

**That Council receives this report noting that South Gippsland Community Asset Committees for 2021/22 have met their annual obligations, as required by section 47(6) of the *Local Government Act 2020*.**

#### REPORT

Community Asset Committees (CACs) directly manage community assets and facilities on behalf of Council.

These CACs are appointed by South Gippsland Shire Council and have delegated responsibilities from the Chief Executive Officer, in accordance with the *Local Government Act 2020*.

It is a requirement for Council to confirm the annual operation of the Committees and that they have met their obligations under delegation.

Council has appointed 12 Community Asset Committees, each with delegated authority to manage Council assets and facilities to 2024.

Council's appointed Community Asset Committees are:

<b>Community Halls and Centres</b>	<b>Recreation Reserves &amp; Sports Stadiums</b>
Mirboo North Community Hall	Walter J Tuck Recreation Reserve
Foster Stockyard Gallery	Korumburra Recreation Reserve
Allambee South Community Hall	Foster Showgrounds
Sandy Point Community Centre & TP Taylor Reserve	John Terrill Memorial Park & Fish Creek Recreation Reserve
Port Welshpool & District Maritime Museum	Meeniyan & District Sports Stadium
Foster War Memorial Arts Centre	
Dumbalk Hall	

The activities and performance of CACs relate to the powers and functions of Committees to manage their respective facilities, which include:

- The power to enter into contracts and to incur expenditure under \$5,000 with approval being required from Council for contracts over \$5,000;
- The power to negotiate the use, including seasonal use agreements, of facilities with user groups and the power to approve programs operating from the community asset;
- The power to set user fees;
- The authority to undertake minor repairs up to the value of \$2,000; however, consent from Council's Building Coordinator must be gained for any maintenance item of \$2,000 that has not been anticipated in the Facility Maintenance Report; and
- The power to apply income received from facility users to the ongoing operation and management of the community asset.

It is considered that the 12 South Gippsland Shire Council Community Asset Committees have acted in accordance with their delegations, ensuring community assets and facilities are managed for the benefit of the South Gippsland community.

The CACs have met reporting requirements through the provision of financial statements, minutes of meetings, volunteer registrations and other administrative reports as required.

The past three years have been difficult for Community Asset Committees with reductions in facility use during the Covid pandemic resulting in a significant reduction in income to manage the facilities. As a result, Council has assisted them with the provision of fee waivers for insurance, and support provided through Community Support Package (CSP) Grants.

It is a testament to our communities' dedication to their facilities that each CAC has been successful in maintaining a functioning committee during this time.

All CACs are meeting existing reporting requirements; however, two Committees have indicated they may require additional support in the coming year to determine options for continued management into the future.

These options will be brought to Council pending further consultation with the CACs over the next 12 months.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

Community Asset Committees are a key stakeholder of Council and officers are in regular contact with them to ensure their ongoing support.

Council conducts routine and internal maintenance support and provides a number of Committees with regular maintenance allocations (Town Halls, Sports Stadiums and Recreation Reserves), and further assistance through governance support, advice and information on operational queries.

Further assistance to CACs through the updating of a 'Community Asset Committee Manual' is underway and consideration of a dedicated Community Asset Committee Information Portal on Council's website is being developed and will be used for hosting forms, reporting and other information.

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

Council provides maintenance support to Community Asset Committees to maintain their assets, through maintenance allocations or direct in-house support. These provisions are included in ongoing budget allocations.

#### **RISKS**

Community Asset Committees provide support to Council in the management of community facilities. Without their support, there would be a risk that some facilities would not operate to their potential and may impact on the community. This could also be an additional cost to Council.

## **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 4. Structure, Systems & Policies

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

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

Annual Budget

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

Asset Management Plan - Buildings (internal)

Asset Management Policy (C04)

Council Land Ownership Policy (C34)

Leasing Policy (C62)

Property Insurance Coverage Policy (C31)

South Gippsland's Good Governance Framework

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020



## 5. OBJECTIVE - LEADING WITH INTEGRITY

### 5.1. UPDATING OF COUNCIL MEETING PRAYER

Directorate:	Performance and Innovation
Department:	Governance

#### **Council Plan**

*Objective - Healthy and Engaged Communities*

*Council's commitment of supporting inclusion and valuing the different backgrounds and beliefs of the South Gippsland community is strengthened by this report.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider updating the prayer read at the start of Council's meeting.

#### **RECOMMENDATION**

**That Council update the prayer read during Council meetings to as follows:**

**As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.**

#### **REPORT**

All levels of government (Federal, State & Local) read a prayer or statement at start of each sitting day or meeting. Council has traditionally read a prayer at the start of each Council meeting and the current prayer has been in use for over a decade.

Councillors recently led a review of the Council prayer which aimed to ensure that the prayer captured the values and goals of the current Council and that the words used in the prayer reflected South Gippsland's diverse communities.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

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

Nil

## **RISKS**

The adoption of the renewed wording will strengthen and align to Council's commitment to create an inclusive environment which is key to building healthy communities.

## **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 2. Culture & Behaviour

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

Human Rights Policy (C52)

### **Legislative Provisions**

Charter of Human Rights and Responsibilities Act 2006

Racial and Religious Tolerance Act 2001

Equal Opportunity Act 2010

## 5.2. INSTRUMENT OF AUTHORISATION AND APPOINTMENT - PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Governance

### Council Plan

*Objective - Leading with Integrity*

*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

The purpose of this report recommends that Council adopts an Instrument of Appointment and Authorisation for the staff member Holly Sawyer 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 Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments and detailed in the report; and**
- 2. The Instruments 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.

One new Instrument is presented for adoption for new the Statutory Planning Coordinator, Holly Sawyer, enabling the staff member to fulfil the required duties as Statutory Planning Officer within the Planning & Building Services department.

The Instruments are contained in **Attachment [5.2.1]**.

#### **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 - Planning & Environment Act 1987 - Holly Sawyer - 21 September 2022 [5.2.1 - 1 page]

#### **REFERENCE DOCUMENTS**

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

7. Risk & Compliance

##### **Legislative Provisions**

Local Government Act 1989

Planning and Environment Act 1987

### 5.3. POLICY REVIEW: PROPOSED DRAFT GOVERNANCE RULES (C82) FOR COMMUNITY CONSULTATION

Directorate:	Performance and Innovation
Department:	Governance

#### Council Plan

*Objective - Leading with Integrity*

*Council's governance is strengthened by regularly reviewing its practices and procedures.*

#### EXECUTIVE SUMMARY

The purpose of this report is to present a Proposed Draft of Council's *Governance Rules (C82)*, including the *Election Period Policy (C30)* (refer **Attachment [5.3.1]**) for consideration and endorsement for community consultation from 22 September 2022 to 7 October 2022.

#### RECOMMENDATION

**That Council:**

- 1. Endorses the 'Proposed South Gippsland Shire Council Governance Rules (C82)' (Attachment [5.3.1]) that incorporate the *Election Period Policy (C30)*, pursuant to section 60 of the *Local Government Act 2020*; and**
- 2. Approves commencement of the community consultation from 22 September 2022 to 7 October 2022 for the Proposed *Governance Rules (C82)*, in accordance with the *Community Engagement Policy (C06)*.**

#### REPORT

##### Background

Under the *Local Government Act 2020 (Act)* all Councils are required to have Governance Rules as per s.60 of the Act which outlines the requirement for each council to develop, adopt and keep in force Governance Rules to be used for Council meetings and delegated and/or joint delegated committees of Council.

The Victorian Government recently passed the *Regulatory Legislation Amendment (Reform) Act 2022* which from 2 September 2022 onwards will enable Council to

permanently conduct virtual meetings in accordance with their Governance Rules.

The changes to the Act require Councils to include a process to approve or decline virtual attendance at Council and delegated committee meetings in their Governance Rules.

Excluding the legislative update reference above, Council as part of the Council Plan 2022/23 major initiatives requested that the Governance Rules be reviewed in line with good governance practices.

Council officers have reviewed the Governance Rules to accommodate the legislative update, as well as a detailed review in line with the 2022/23 major initiative outline in the Council Plan.

### **Changes for Community Consultation**

There are five key areas that have changed within the Governance Rules, which include:

#### Virtual Attendance at Council meetings

- A new rule has been added to Chapter 2, called *Request to attend Council meetings and meetings of Delegated Committees*. This rule will be numbered section 76.

#### Public Question Time

- Updated rule 56.8 in Division 8 to allow the Chair to give preference in relation to the order of questions read, to questions asked by persons who have not submitted a question in the previous 12 months and allow the Chair to nominate a Councillor to read a submitted question.

#### E-Petitions

- A new rule 57.16 has been added to Division 9 to allow the submission of E-Petitions, if the E-Petition meets all the requirements under rule 57.

#### Election of Mayor and Deputy Mayor

- Remove rule 7.10.6 & 7.10.7 as these relate to drawing of lots to determine the winning candidate which is inconsistent with the Act.

### Administrative updates

- In Chapter 2, rules 76 and 77 will now be rules 77 and 78 due to the addition of a new rule 76.
- In Chapter 6, update rule 1.4.4 to say sub-clause 1.4.3 instead of sub-clause (c).

### **CONSULTATION / COMMUNITY ENGAGEMENT**

A community consultation process will occur from 22 September 2022 to 7 October 2022 in accordance with the *Community Engagement Policy (C06)*.

Community members interested in making a submission regarding the Proposed Draft *Governance Rules (C82)* are encouraged to make a submission via Council's community engagement platform Your Say South Gippsland or sending a written submission addressed to the Coordinator Governance at [council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au).

Following the public community consultation, the Proposed *Governance Rules (C82)* will be presented to Council for endorsement at the 19 October 2022 Council Meeting.

### **RESOURCES / FINANCIAL VIABILITY**

The implementation of the Governance Rules will be managed through existing budgets.

### **RISKS**

Council is required under the Act to adopt a set of Governance Rules and in line with the Victorian Government *Regulatory Legislation Amendment (Reform) Act 2022* which came into effect on 2 September 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**

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

1. Proposed Draft Governance Rules (C82) - September 2022 [5.3.1 - 75 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 4. Structure, Systems & Policies

**Council Policy / Strategy / Plans**

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

Councillor Code of Conduct Policy (C14)

Governance Rules (C82)

**Legislative Provisions**

Local Government Act 2020



## 5.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 JULY 2022 - 12 AUGUST 2022

Directorate:	Performance and Innovation
Department:	Governance

### Council Plan

*Objective - Leading with Integrity*

*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 July and 12 August 2022.

### RECOMMENDATION

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

Meeting Title	Details
<b>Wednesday 13 July 2022</b>	
<b>Construction Costs – Capital Works Program Impact</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Council Meeting Agenda Topic</b>	<b>Councillors Attending:</b>

Meeting Title	Details
<b>Discussion 20 July 2022</b>	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Submission Hearing – Planning Application Wanke Road, Mirboo North – Develop land with Dwelling and shed</b>	<p><b>Councillors Attending:</b></p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b></p> <p>Councillor Sarah Gilligan left the Council Chambers with a declared private interest by close association that has given rise to a general conflict of interest in Planning Application 2021/391 - 9 Wanke Road, Mirboo North - Develop land with dwelling and shed.</p>
<b>Policy Review: Procurement Policy</b>	<p><b>Councillors Attending:</b></p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 20 July 2022</b>	
<b>Tour of CIVIC Centre works</b>	<p><b>Councillors Attending:</b></p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Council Meeting Agenda Topic Discussion – 20 July 2022</b>	<p><b>Councillors Attending:</b></p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>New Policy: Councillor Development Policy</b>	<p><b>Councillors Attending:</b></p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p>

<b>Meeting Title</b>	<b>Details</b>
	<b>Conflict of Interest:</b> Nil disclosed.
<b>Aquatic Strategy Review</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Regulation and Enforcement – Local Laws and Planning</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 27 July 2022</b>	
<b>Community Leadership Program</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 3 August 2022</b>	
<b>Domestic Animal Management Plan</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Social &amp; Affordable Housing</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Community Grants Review</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>

Meeting Title	Details
<b>Wednesday 10 August 2022</b>	
<b>Agenda Topic Discussion – 17 August 2022</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Councillor Sarah Gilligan left the Council Chambers with a declared private interest by close association that has given rise to a general conflict of interest in Council Agenda Item 3.2 Planning Application 2021/391 - 9 Wanke Road, Mirboo North - Develop land with dwelling and shed.</p>
<b>Council Meeting Prayer</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>State of Council Assets</b>	<p><b>Councillors Attending:</b> Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Clare Williams.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 17 August 2022</b>	
<b>Agenda Topic Discussion – 17 August 2022</b>	<p><b>Councillors Attending:</b> Mohya Davies. Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Councillor Sarah Gilligan left the Council Chambers with a declared private interest by close association that has given rise to a general conflict of interest in Council Agenda Item 3.2 Planning Application 2021/391 - 9 Wanke Road, Mirboo North - Develop land with dwelling and shed.</p>
<b>Regional Profile and Census</b>	<p><b>Councillors Attending:</b> Mohya Davies. Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p>

Meeting Title	Details
	<p><b>Municipal Monitor:</b> Prue Digby  <b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Venus Bay Services Sewerage</b></p>	<p><b>Councillors Attending:</b>                      Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Michael Felton and Adrian Darakai.  <b>Municipal Monitor:</b> Prue Digby  <b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Wednesday 24 August 2022</b></p>	
<p><b>Governance Rules and Councillor Code of Conduct</b></p>	<p><b>Councillors Attending:</b>                      Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Michael Felton and Adrian Darakai.  <b>Municipal Monitor:</b> Apology  <b>Conflict of Interest:</b> Nil disclosed.</p>

**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)

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

## 5.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JULY 2022 TO 12 AUGUST 2022

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

### Council Plan

*Objective - Leading with Integrity*

*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 13 July 2022 to 12 August 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 13 July 2022 to 12 August 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 424 Lang Lang-Poowong Road, Nyora for a two lot subdivision and creation of a carriageway easement. Seal applied 10 August 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 13 July 2022 to 12 August 2022.
  - a. CON/324 for the Leongatha Municipal Office Refurbishment was awarded to Beachley Construction Pty Ltd signed by the CEO 20 July 2022.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 July 2022 to 12 August 2022.
  - a. Nil
3. Contract variations approved by the CEO between 13 July 2022 to 12 August 2022.
  - a. CON/216 for the Provision of Linemarking Services was awarded to Laser Linemarking Pty Ltd 1 July 2019. A contract variation was recommended due to global economic impacts on the industry and contractor. A Contract Variation of an average of 7 percent increase per scheduled rate totalling \$13,842.50 was signed by the CEO 13 July 2022.

4. Contract extensions approved by the CEO between 13 July 2022 to 12 August 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. OBJECTIVE - SUSTAINABLE GROWTH

### 6.1. PROPOSED ROAD DISCONTINUANCE - REAR OF 8 CLARENCE STREET LOCH

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

#### Council Plan

*Objective – Connecting our people and places*

*The road discontinuance and sale proposes to consolidate unused road reserve into private ownership which will enhance the well-being and liveability of the current/future landowners and improve the amenity of the area. Council will also benefit as this will reduce Council's potential liabilities over the road.*

#### EXECUTIVE SUMMARY

The purpose of this report is to commence statutory procedures to consider discontinuing part road reserve abutting the rear of 8 Clarence Street, Loch and sell the land to the owner of 8 Clarence Street, Loch.

Council has been contacted by the owner of 8 Clarence Street, Loch requesting that Council discontinue the part unused road reserve at the rear of their property (shown in **Figure 1**) and sell the land to the owner as the road is unused and not required for the general public traffic.

#### RECOMMENDATION

**That Council:**

- Commences the statutory procedures to consider the discontinuance of part unused road shown as R1 on lodged plan no.1877 and part CA30 Parish Jeetho West (shown in Figure 1) with an area of 78 square metres and consider the sale of land to the abutting owner of 8 Clarence Street, Loch, for not less than a valuation received within six months prior to the sale, pursuant to s206, s207A, s223 and Schedule 10 clause 3 of the Local Government Act 1989;**
- Gives public notice on Council's website and in local newspapers in the week commencing 27 September 2022 in accordance with s.223 of the**

**Local Government Act 1989 on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 26 October 2022;**

3. **Authorises the Chief Executive Officer to undertake the administrative procedures to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the proposal (item 1 above);**
4. **If submissions are made to the public notice:**
  - a. **Authorise the Chief Executive Officer to fix the time, date, and place of a meeting for the section 223 hearing for persons who wish to be heard in support of their submission; and**
  - b. **Receives a further report to consider submissions and determine the outcome at the next available Council meeting.**
5. **If no submissions are received to the public notice:**
  - a. **Implement the proposal in recommendation 1; and**
  - b. **Publish the road discontinuance notice in the Victorian Government Gazette.**

## REPORT

Council has been contacted by the owner of 8 Clarence Street, Loch requesting that Council discontinue part unused road at the rear of their property and sell the land to them as the road is unused and not required for the general public traffic. A road closure plan is included in **Figure 1** showing the section of road to be discontinued and sold, and a locality / aerial plan showing 8 Clarence Street is included in **Figure 2**.

**Figure 1 – Plan Showing Road to be Discontinued and Sold**

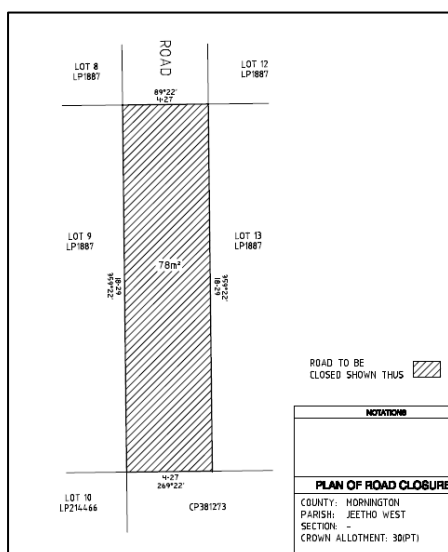


Figure 2 – Locality / Aerial Plan – 8 Clarence Street, Loch



The road reserve is currently vacant and unused and abuts the rear of 8 Clarence Street, Loch (shown bordered red in figure above).

This section of unused road proposed to be discontinued and sold is not on Council’s Public Road Register, not used by public traffic, and appears to be part of the overall property.

If the road discontinuance and sale is successful, the purchaser will be required to consolidate the land from the road reserve with their abutting land.

In 2021, Council approved a similar proposal to discontinue and sell another part of the road reserve to the owners of 10 Clarence Street, Loch.

**CONSULTATION / COMMUNITY ENGAGEMENT**

Officers have consulted an Independent Certified Practising Valuer to determine the market value of the land. The valuation has been included in **Confidential Attachment 14.1.1**.

To discontinue a road and sell it to the adjoining owner, Council must call for public submissions in accordance with s.207A and s.223 of the Local Government Act 1989.

**RESOURCES / FINANCIAL VIABILITY**

Applicant – The applicant has paid for the surveying for the road discontinuance plan and title plan.

Council – Officer’s time and advertising of the public notice and Victorian Government Gazette Notice.

### **RISKS**

The proposed road discontinuance and sale of the part unused road reserve will reduce Council’s liabilities over the road and improve the general amenity of the area.

### **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 this matter.

### **ATTACHMENTS**

Nil

### **CONFIDENTIAL ATTACHMENTS**

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [14.1.1] - Valuation - 8 Clarence Street Loch** is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) private commercial information, 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.

The grounds for designation have been made as the valuation contains commercial in confidence information relating to land disposal.

### **REFERENCE DOCUMENTS**

#### **Council’s Good Governance Framework**

Pillar 3. Decision Making

Pillar 7. Risk & Compliance

#### **Legislative Provisions**

Local Government Act 1989

## 6.2. RENEWABLE OFFSHORE WIND ENERGY

Directorate:	Economy and Community
Department:	Economy, Community and Investment

### Council Plan

*Objective - Economy and Industry*

*This report relates to the Council Plan 2022/23 Major Initiative - Implement the annual action plan of the 2021–2031 Economic Development Strategy.*

*Renewable energy is recognised as a strategic objective within Council's Economic Development Strategy: 1.2 - Understand the opportunities and implications from development of the new energy sector.*

### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider a draft submission in response to the Federal Government's announcement that Gippsland will be the first site in Australia to be formally examined as a new offshore wind zone. Submissions on the Federal Government announcement are open until 7 October 2022.

This report recommends that Council endorse a submission to this announcement, which provides in principle support for renewable offshore wind energy in Gippsland and also outlines both the opportunities and concerns related to future proposed developments.

### RECOMMENDATION

**That Council:**

- 1. Endorses the submission to the Federal Government for Offshore Renewable Energy Infrastructure Area Proposal: Bass Strait Off Gippsland, which provides 'in principle' support towards offshore renewable energy projects, excluding the proposed zone's visual impacts, identified adjacent to south western coastline and bays of the municipality, recognising that:**
  - a. the energy landscape is changing and that there is a sense of urgency to prepare and react to developments proposed in or around South Gippsland;**
  - b. there is a lack of information on the direct and indirect impacts that proposed projects located near the South Gippsland coast may have**

- on the South Gippsland community and the position of the community is not yet fully understood;**
- c. there are areas of community interest and concern that will need to be addressed further, before Council can support the proposals with confidence;**
  - d. the Federal Government and Offshore Wind Energy Proponent's community engagement processes continue to be promoted and inclusive of the community with Council an active participant;**
  - e. the Gippsland Proposed Area for investigation and its proximity to shore has raised community concerns, especially their tourism and visual amenity impact and closeness to South Gippsland's iconic natural attractions, environment, seascapes and main tourism and coastal holiday townships – Venus Bay, Walkerville, Waratah Bay, Sandy Point and Tidal River (Wilson's Promontory National Park);**
  - f. Council does not currently support the proposed two zones closely adjacent to south western coastline and bays of the municipality, preferencing zones to be further off the coast, until further information is confirmed to reduce the potential impacts on coastal visual amenity;**
  - g. the proposed projects would bring welcome employment and investment opportunities;**
  - h. there is a significant shortfall of housing to accommodate rapid increases in new workforces or population;**
  - i. local government is not appropriately resourced to meet rapid increases in the demand for services, planning and infrastructure, including upgrading assets and facilities and requests resourcing and funding support from other levels of government to help address these challenges and maximise opportunities for the community;**
  - j. there needs to be a greater understanding of direct community benefits and potential offsets for our community, including but not limited to, potentially reduced electricity tariffs for community and locally impacted land holders;**
  - k. the coastal and marine environment must be protected and that any proposed developments do not have an adverse impact; and**
  - l. proposed 'on land' transmission routes utilise existing infrastructure and transmission routes, including placing transmission lines**

**underground, to minimise the impacts to existing land use such as farming and tourism.**

- 2. Continue to work with Offshore Renewable Wind Energy proponents, developers, businesses, State and Federal Government towards achieving beneficial outcomes for the South Gippsland community.**

## **REPORT**

The Victorian Government has announced its commitment to developing an offshore wind industry to support the transition toward a net-zero emissions economy by 2050, creating new jobs and delivering economic opportunities for all Victorians.

The Federal Government has announced Gippsland to be the first site in Australia to be formally examined as a new offshore wind zone. They have also set a target of net zero emissions by 2050 and is looking to reduce emissions by 43 per cent, and reach 82 per cent of Australia's electricity generated from renewable sources, by 2030.

The offshore projects proposed off Gippsland's coast could help the Government meet these targets. These projects could also offer the local community opportunities and benefits.

The Gippsland region is well suited for potential projects, particularly offshore wind, because:

- It has strong, consistent winds;
- It is close to electricity markets and existing connections to the grid;
- Industry is very interested in developing projects in the area; and
- The Victorian Government has prioritised the area for development of an offshore wind industry.

The Federal Government has also stated that the construction, maintenance and ongoing operations of offshore renewable energy projects must maximise integration and support of the local Gippsland economy.

## **Energy Production and Opportunity**

There are major shifts in the way energy will be produced into the future with renewable energy targets, incentives and investments driving these changes, both globally and locally.

New sources of energy, such as offshore wind energy, are planned to complement or replace existing forms of energy production.

Gippsland, and in particular, the surrounding coastal areas of South Gippsland, Bass Coast and Wellington Shires, are currently the focus of several major renewal energy proposals and opportunities.

These include the following:

- Star of the South;
- Great Southern - Macquarie Group/Corio;
- Great Eastern - Macquarie Group/Corio;
- Seadragon (Flotation Energy);
- Marinus Link; and
- Delburn Wind (land based).

Following Council's participation in the recent Renewable Energy Forum in Sale, officers have been notified of several more potential developments around South Gippsland and are working with proponents.

This is an opportunity for government, land owners and prospective businesses to consider South Gippsland as an area that may benefit from some of the investment, employment and supply chain opportunities close to our municipality.

Other existing wind energy generation developments in South Gippsland include Bald Hills Wind Farm and Toora Wind Farm.

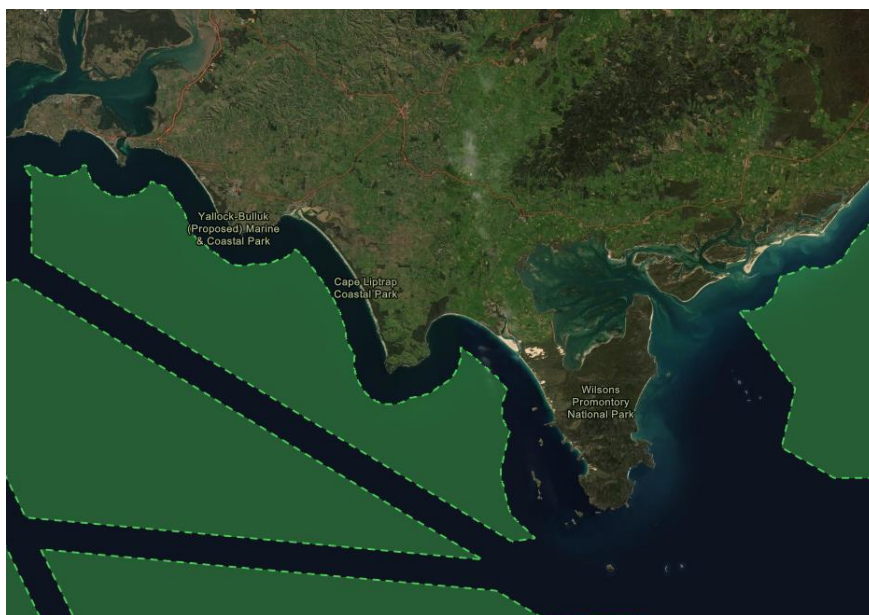
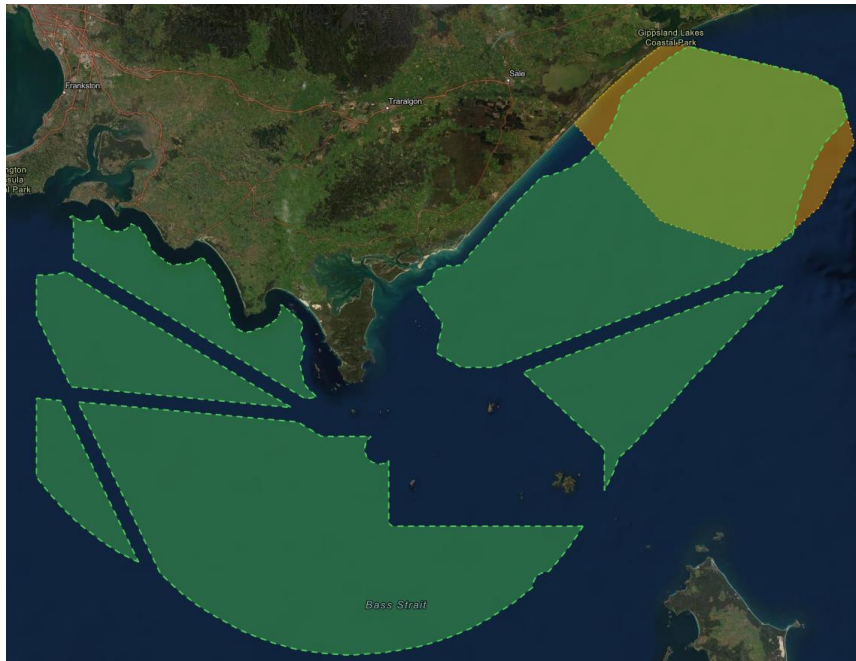
It is anticipated that these proposed projects will also increase interest in industrial land usage, manufacturing and ports infrastructure to service and capitalise on future developments and South Gippsland's strategic proximity to proposed locations.

All this interest has the potential to generate a lot of economic activity and investment in our local community, potentially leading to the establishment of new industries, training and upskilling of local workforce and the creation of jobs.



## Gippsland Proposed Area

Image: Bass Strait



## Federal Government Consultation and Federal Approvals Process

The Federal Government has stated that wind farm developers are required to seek feedback on their projects and must demonstrate, to the satisfaction of the Offshore Infrastructure Regulator, how they will share the area with existing users.

Once the consultation period has ended, the Minister will consider all submissions and the potential impacts offshore renewable energy projects may have on other users and interests.

Feedback from Council and the community will help inform the Minister's decision on whether the proposed area is suitable for offshore renewable energy.

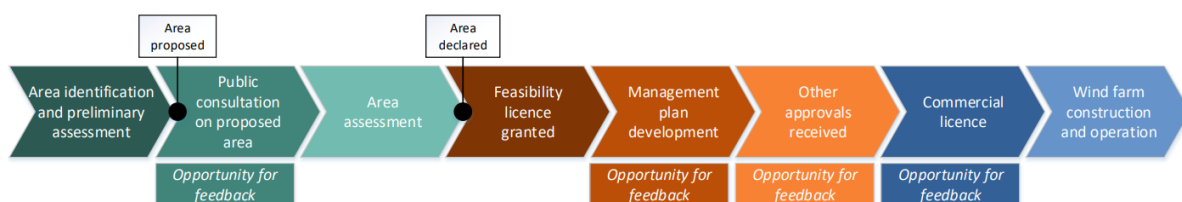
If the Minister declares the area and feasibility licences are granted, developers will be allowed to investigate an area and begin planning their project.

During the feasibility licence period, (up to seven years), developers must develop a management plan and consult with the local community, demonstrating how they will share the area with other users.

The management plan must be approved by the Offshore Infrastructure Regulator before an application for a commercial licence can be granted.

Developers must also ensure they have received all other relevant approvals, and undertake any other consultation processes, before they can apply for a commercial licence.

This includes environmental approvals. If the commercial licence is granted, which is for a period of 40 years, the construction of the wind farm can commence.



## Current engagement with Proponents/Developers

Preliminary information from proponents and developers regarding the scale, location and impact of these proposals has been varied. This has mainly reflected the stage of development and engagement of each proposed project.

Therefore, some proposals have provided comprehensive information, whereas others are limited in their detail. This limits understanding of the overall potential benefits or impacts to the community and economy for South Gippsland, at this point in time.

Council's submission seeks to understand the likely economic, environmental and community impacts that these projects may have in order to effectively plan and maximise the local economic benefits, while adequately representing the expectations of the community.

### **Identified opportunities**

These may include:

- New industries and employment, investment and investor confidence, continued economic growth, training and skills development;
- Legacy investment: housing, infrastructure, ports, services;
- Stable and resilient energy supply;
- Investment in sustainability and renewables, new energy and new economy;
- Transition of impacted communities from coal and 'old energy';
- Modelling and creating new good governance methods: leadership and regulatory role for the state, with strong local and regional partnerships and improving stakeholder engagement; and
- Council's role as a key advocate supporting community engagement and economic development and investment attraction facilitation.

### **Identified challenges or concerns**

These may include:

- Ensuring there is effective and integrated, early and coordinated engagement across the region;
- Consistent stakeholder engagement and collaboration;
- Consistent leadership and regulation from government;
- Infrastructure coordination and competing demands on project pipeline;
- Limited industrial land and housing availability;

- Management and protection of environmental and tourism assets – potential conflict;
- Support for impacted community and landowners;
- Impact on community of influx of workers: legacy benefits, housing, services, infrastructure;
- Expectations on Council and government for adequate investment;
- Social licence: risk of poor community outcomes, perception of poor process, misinformation and fear in the community, i.e. land acquisition and amenity impacts for transmission route;
- Resourcing the impact on Council: participating in highly technical studies, consulting and representing community views and local objectives, support and advice to state government and private sector proponents; and
- Understanding and carefully managing Council's competing roles.

### **Draft Submission**

The following points are included in the draft submission:

- Council makes a submission through the Federal Government Consultation process that provides 'in principle' support towards offshore renewable energy projects;
- Council recognises that the energy landscape is changing and that there is a sense of urgency to prepare and react to developments proposed in or around South Gippsland;
- Council recognises that there is a lack of information on the direct and indirect impacts that proposed projects located near the South Gippsland coast may have on the South Gippsland community and the position of the community is not yet fully understood; and
- Council acknowledges that there are areas of community interest and concern that will need to be addressed further, before Council can support the proposals with confidence.

These include:

- Ensuring that the Federal Government and Proponent's community engagement processes are adequately promoted and inclusive.

Council is keen to be an active participant and wants to support a collaborative process.

- Confirming the Gippsland Proposed Area for investigation and proximity to shore – concerns have been raised about the proposed offshore zones, especially their tourism and amenity impact and closeness to South Gippsland’s iconic natural attractions, environment, seascapes and main tourism and coastal holiday townships – Venus Bay, Walkerville, Waratah Bay, Sandy Point and Tidal River (Wilson’s Promontory National Park).

There are concerns within the community that the coastal views of the turbines will have a negative impact on the community, amenity and our natural attractiveness.

Council may consider opposing the current proposed zone closely adjacent to south western coastline and bays of the municipality and seek assurance that the proposed zones are further off the coast to reduce the impacts on our coastal visual amenity.

- Recognising housing availability and land development constraints – the proposed projects would bring welcome employment and investment opportunities; however, there is a significant shortfall of housing to accommodate rapid increases in new workforces or population.

Managing the demand and preparedness of this potential growth would require a balanced approach so as to preserve town character, protect rural land and the environment. This, along with addressing the impacts to local rental availability and addressing current workforce, social and affordable housing gaps.

- Concerns that local government is not appropriately resourced to meet potential increases in the demand for services, planning and infrastructure, including upgrading assets and facilities.

Council would seek resourcing and funding support from other levels of government to help address these challenges and maximise opportunities for the community.

- Obtaining a greater understanding of direct community benefits and potential offsets for our community, including but not limited to potentially reduced electricity tariffs for community and locally impacted land holders.

- Understanding the impacts on the environment – ensuring that the coastal and marine environment is protected and that the proposed developments do not have an adverse impact.
- Confirming transmission routes – preference is for utilising existing infrastructure and transmission routes, placing transmission lines underground and that impacts to existing land use such as farming and tourism is minimised.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

This report recognises that the submission process is part of the initial consultation phase proposed by the Federal Government.

Council, along with local media, has promoted the Federal Government announcement and submission process to the South Gippsland community through multiple communication channels including print, website, newsletters and social media.

The Federal Department of Industry, Science and Resources has established a dedicated website and engagement program to inform the community of the announcement. <https://consult.industry.gov.au/oei-gippsland>

The Federal Department of Climate Change, Energy, the Environment and Water hosted a Gippsland Offshore Renewable Open House Information Session in Leongatha on Thursday 1 September 2022. The session was an opportunity for people to ask questions, discuss issues of importance and learn more about making a submission on the Gippsland area under consideration.

Submissions on the Federal Government announcement are open until 7 October 2022.

### **RESOURCES / FINANCIAL VIABILITY**

There are no material implications for Council to consider at present other than the allocation of internal resources to monitor and manage Council's position. This is consistent with actions identified in the Economic Development Strategy.

Future financial implications are yet to be fully understood.

### **RISKS**

There are potential strategic, political and public relations risks identified both from taking action, or remaining silent.

The risk of not making a submission may hamper future positioning with regards to attracting the best economic and social outcomes for our community, as these programs are public and many in the community are aware of them.

Making a submission will demonstrate to the community, State and Federal Government Council's interest and identified concerns with the proposed developments.

#### **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 1. Direction & Leadership

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

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

Economic Development and Tourism Strategy

Advocacy Strategy

##### **Legislative Provisions**

*Environment Protection Act 1994*

*Environment Protection Act 2017*

*Marine and Coastal Act 2018*

*Planning and Environment (Planning Schemes) Act 1996*

*Planning and Environment Act 1987*

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

### **7.1. NIL**

## **8. COUNCILLOR REPORTS**

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

### **8.2. COUNCILLOR 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 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.

## 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 *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.

## 10.2. 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**

### 10.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance 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 2.00pm 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.

## 11. 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 items 13.1 – Plant Purchase - 26 Tonne GVM Heavy Vehicle Rigid Sealed Roads Maintenance Truck (MAV Contract NPN04-13) - Plant No. 657, 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)(g) Agenda items 13.2 – 2 x Contract Extensions - Kerbside Garbage & Recycling Services (SGC13/08) & Litter Bin Collection Services (SGC12/09), 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 contractors tender information submitted for consideration.**
- 3. Per s.3(1)(g) Agenda items 13.3 – Request for Tender (RFT/330) Design & Construction of Upgraded AFL Sports Floodlighting Systems at Four Locations, 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.**
- 4. Per s.3(1)(f) Agenda item 13.4 – Chief Executive Officer (CEO) Performance Review - September 2022, designated as personal information,**
  - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
  - b. The grounds for designation have been made to protect the privacy of the Chief Executive Officer's personal information.**

## **12. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 19 October 2022 commencing at 2pm in the Council Chambers, Leongatha.