

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

19 October 2022

**Council Meeting No. 476  
Council Chambers, Leongatha  
Commencing at 2:00PM**



# agenda



*South Gippsland  
Shire Council*

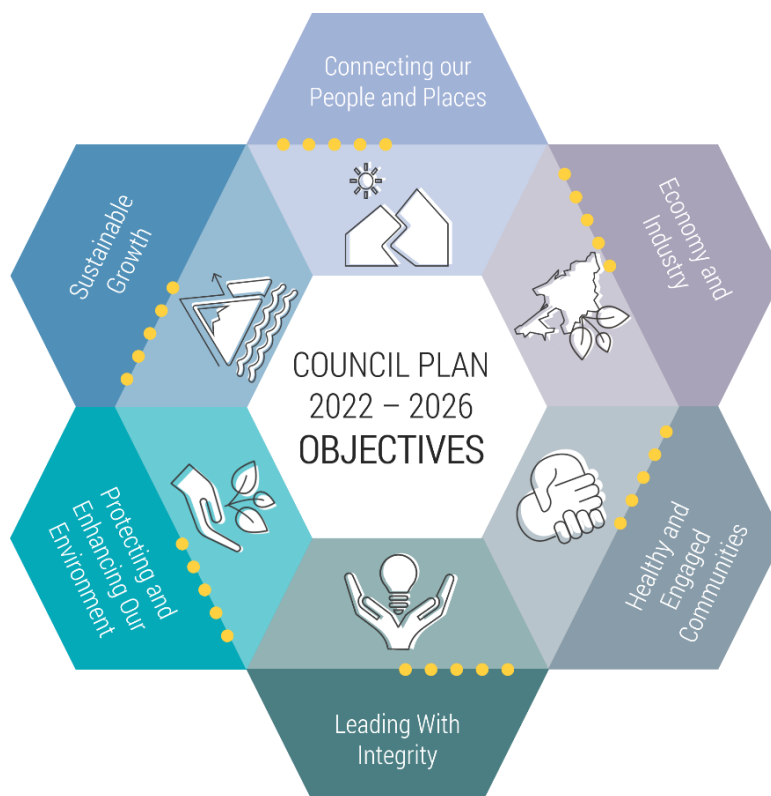
*Come for the beauty, Stay for the lifestyle*

## 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:



### 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.

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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. 476 of the South Gippsland Shire Council will be held on 19 October 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

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.

**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. 475, held on 21 September 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 - ECONOMY AND INDUSTRY

### 2.1. SOUTH GIPPSLAND ARTS ADVISORY COMMITTEE - TERMS OF REFERENCE AND EXPRESSION OF INTEREST

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

#### Council Plan

*Objective - Economy and Industry*

*This report relates to the Council Plan Major Initiative - Implement the annual actions of the Arts, Culture and Creative Industries Strategy. Forming an Arts Advisory Network is an action from the Arts, Culture and Creative Industries Strategy 2022-2026.*

#### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider for endorsement the proposed Terms of Reference (ToR) and Expression of Interest (EOI) for the establishment of a *South Gippsland Arts Advisory Committee (AAC)*.

This report recommends that Council endorses the Terms of Reference, commences an Expression of Interest process, and receives a future report to appoint members to form an Arts Advisory Committee.

#### RECOMMENDATION

**That Council:**

- 1. Endorses the establishment of a South Gippsland Arts Advisory Committee to support the implementation of actions from the Arts, Culture and Creative Industries Strategy;**
- 2. Endorses the Terms of Reference Attachment [2.1.1] and the Expression of Interest Attachment [2.1.2] process for the establishment of an Arts Advisory Committee;**
- 3. Undertakes an Expression of Interest process to recruit six independent members for an Arts Advisory Committee; and**
- 4. Receives a future report to appoint the independent members to the Arts Advisory Committee.**

## REPORT

The establishment of an Arts Advisory Committee is an action from the *South Gippsland Arts, Culture and Creative Industries Strategy 2022–2026 (Strategy)*, which was adopted by Council at the 20 July 2022 Council Meeting.

The Strategy was developed through extensive community and stakeholder engagement and has adopted the six themes from the current Council Plan as a framework.

Each of these themes have a range of specific and measurable actions connected to them with estimated timeframes, making up an Action Plan.

One action is to establish an Arts Advisory Group or Network, to help develop and review the Strategic Actions.

Council aims to achieve this by recruiting members from the community to form an Advisory Committee who will collaborate, provide support and advice towards the implementation of the Strategy's actions for each year.

A Terms of Reference (**Attachment [2.1.1]**) and Expression of Interest (**Attachment [2.1.2]**) have been developed for the formation of the Arts Advisory Committee (AAC).

### **Arts Advisory Committee**

The role of the AAC is to serve the arts and cultural interests of the Shire as a whole, and Committee members will be selected to best address the following key responsibilities:

- Have a thorough understanding of the Arts, Culture and Creative Industries Strategy 2022-2026
- Support Council in responsible decision-making for the implementation of the Arts, Culture and Creative Industries Strategy 2022-2026
- Formulate advice / feedback to Council for consideration in future projects

In seeking an EOI for membership to AAC, preference will be given to those with demonstrated skills and experience in areas representing the creative sector, including visual arts, performance, music, and literature, as well as from the creative industries, and arts management and governance.

It is hoped that participants will disseminate broad and non-confidential information about Council processes within their communities and networks acting as informal arts ambassadors of Council.

It is proposed that the Arts Advisory Committee be comprised of seven members, with six independent members being appointed through the EOI process, along with one member of Council's Arts Culture and Visitor Economy team. One independent member will be selected as Chair of the Committee.

It is proposed to hold up to four meetings a year that are aligned with the budget process and appointments would be for a term of two years.

A summary of the Committee details is included in the following table:

<b>Arts Advisory Committee</b>	<b>Details</b>
Number of members	Seven
Term	Two years
Frequency	Up to four committee meetings per year
Start Date	Proposed date of 1 March 2023
End Date	Two years after start date

## **CONSULTATION / COMMUNITY ENGAGEMENT**

### ***Expression of Interest Process***

The selection of AAC members will be determined at the conclusion of an Expression of Interest process.

A Terms of Reference and Expression of Interest document have been prepared to outline Committee information for any prospective members and list the skills and attributes that would be required.

The promotional process for interested participants will occur after the October Council Meeting for a three-week period, with a view to presenting a future report to Council to consider the appointment of members to the Arts Advisory Committee.

A clear set of criteria will also be developed to guide the selection process of committee members. Applications will be assessed by an internal panel using selection criteria which will consider specialist skills, knowledge, and experience, specifically;

- Skills and experience in the arts and creative industries sector, both locally and beyond
- Understanding of the complexities and opportunities involved in developing an arts program within a regional context
- Understanding of Council and governance processes

- Strong communication and personal engagement skills
- Skills and experience in working collaboratively and building and maintaining relationships in the community

### **RESOURCES / FINANCIAL VIABILITY**

The recruitment of Committee members and ongoing administration required for Committee Meetings will be resourced through existing budget allocations. Meetings are proposed to be conducted during office hours and Committee positions would be unpaid, however reimbursement of travel costs will be offered.

### **RISKS**

There may be a risk of engaging potential Committee members with personal or organisational agendas that are difficult to manage within a group setting.

The development of a Terms of Reference and EOI documentation as well as a clear set of selection criteria will reduce the risk of selecting inappropriate applicants. Any future conflict of interest matters relating to the function of the Advisory Committee will be managed in accordance with the requirements of the *Local Government Act 2020*.

### **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. South Gippsland Arts Advisory Committee - Terms of Reference - October 2022 [2.1.1 - 2 pages]
2. South Gippsland Arts Advisory Committee - Expression Of Interest - October 2022 [2.1.2 - 2 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

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

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

Arts and Culture Policy (C03)

Community Engagement Policy (C06)

Arts, Culture and Creative Industry Strategy  
Council Plan 2022-2026

**Legislative Provisions**  
Local Government Act 2020

### 3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

#### 3.1. PROPOSED DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2022 - 2025 - PUBLIC EXHIBITION

Directorate:	Economy and Community
Department:	Community Health and Safety

#### Council Plan

*Objective - Healthy and Engaged Communities*

*The Domestic Animal Management Plan (DAMP) will ensure domestic animals are managed effectively protecting the environment and the health and safety of the community.*

#### EXECUTIVE SUMMARY

The purpose of this report is to present the *Draft Domestic Animal Management Plan 2022-2025* (Draft DAMP) (**Attachment [3.1.1]**) for consideration and endorsement for community consultation from 20 October to 3 November 2022.

The Draft DAMP outlines the strategies that Council has to manage domestic animals within the municipality and is for the period 2022-2025.

#### RECOMMENDATION

**That Council:**

- 1. Endorses the Proposed Draft Domestic Animal Management Plan 2022-2025 contained in Attachment [3.1.1] for community consultation; and**
- 2. Approves commencement of the community engagement from 20 October 2022 to 3 November 2022 for the Proposed Draft Domestic Animal Management Plan 2022-2025.**

#### REPORT

Pet ownership has many benefits for health and wellbeing. The welfare of pets and protection of the community and the environment from nuisance dogs and cats are also important.

Under the *Domestic Animals Act 1994*, every Victorian local government must prepare a Domestic Animal Management Plan (DAMP) outlining how it will

manage dogs and cats within its municipal boundaries. The DAMP is renewed every four years.

Council's previous DAMP expired in 2021 and an interim one-year action plan was put in place until a further three-year plan could be developed with input from our new Council. A Draft DAMP has now been developed to support a strategic approach towards promotion of responsible pet ownership and providing balance to the needs of pet owners and non-pet owners in our community.

It will also seek to assist in the welfare of dogs and cats in our community, and protection of the community and environment from nuisance dogs and cats.

Part of the recommendation when the interim plan was adopted was to undertake an extensive public consultation process. To do this Council sought feedback from across the municipality, to better understand broader community views in relation to issues that affect the community. This feedback has been used to inform development of the new draft DAMP.

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

Extensive engagement activities were undertaken to inform the development of the Draft DAMP. The response rate to the consultation was a resounding success with 583 valid survey responses received through Council's survey (530 online and 53 hard copy). This represents a statistically significant sample of the population. The feedback received was considered in the development of the Draft DAMP.

The next stage of the development process is to release the Draft DAMP for the period 20 October to 3 November 2022 for further community consultation. Feedback received will be considered and used to finalise the DAMP.

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

The development and implementation of a Domestic Animal Management Plan is a requirement of councils under the *Domestic Animals Act 1994*. The plan:

- Promotes responsible pet ownership and the welfare of dogs and cats in the community;
- Protects the community and the environment from nuisance dogs and cats;

- Identifies a method to evaluate whether the animal management services provided by them are adequate; and
- Outlines the training programs for their Authorised Officers to ensure these Officers are capable in administering and enforcing the provisions of the Act.

The plan is will be implemented using existing resources and budget.

## **RISKS**

Domestic Animals can pose a public health, environmental, legal and economic risk. South Gippsland is an area that prides itself on its natural assets as well as living amenity. Inadequate management of domestic animals by Council poses a reputational risk to Council by possibly threatening these values and undermining the municipality's ability to attract more residents, businesses and tourists to the area.

Failure to have an endorsed *Domestic Animal Management Plan 2022-2025* submitted to the State Government (Animal Welfare Victoria) by 9 December 2022 would place Council in breach of s.68A of the *Domestic Animals Act 1994*.

## **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 Domestic Animal Management Plan 2022 - 2025 [3.1.1 - 34 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Pillar 5. Communications & Community Engagement

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

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

General Local Law 2014

Annual Budget

Council Plan 2022-2026

Domestic Animal Management Plan



**Legislative Provisions**

Domestic Animals Act 1994

Local Government Act 1989

Local Government Act 2020

### 3.2. MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2022-2025

Directorate:	Economy and Community
Department:	Economy Community and Investment

#### Council Plan

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

*The development of the Municipal Public Health and Wellbeing Plan 2022 - 2025 is consistent with the Council Plan Priority - Advocate for improved health services for our community. A Council Plan Major Initiative is to Develop and implement the 2022–2025 Municipal Public Health and Wellbeing Plan and include Council's Disability Action Plan.*

#### EXECUTIVE SUMMARY

The purpose of this report is to present Council with the final *South Gippsland Municipal Public Health and Wellbeing Plan 2022–2025* (the Plan) (**Attachment [3.2.1]**) for consideration and determination.

The Plan has been developed to support the good health and wellbeing of the South Gippsland community and visitors, and outlines the priorities and actions for delivery of services, programs and partnerships of Council and partner organisations.

#### RECOMMENDATION

##### That Council:

- 1. Endorses the South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025 (Attachment [3.2.1]);**
- 2. Publishes the South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025 on Council's website; and**
- 3. Provides the endorsed South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025 to the Department of Health and all Stakeholders and Partners included in the Plan.**

#### REPORT

There are many factors that can influence our community's health and wellbeing, such as where people live, the food we eat, our age, our culture, our

gender, whether we are employed, and access to transport and health services.

The *Public Health and Wellbeing Act 2008* directs each Victorian Local Government Authority to prepare a four-year health and wellbeing plan within twelve-months of Council elections.

The *Act* specifies that a Municipal Public Health and Wellbeing Plan is required to reference priorities of the State Health and Wellbeing Plan 2019–2023, local health and wellbeing data and include strategies to address climate change and prevention of family violence. The Plan must also be provided to the Department of Health, upon endorsement.

The South Gippsland Municipal Public Health and Wellbeing Plan (Plan) has been developed with guidance from the local community, health service providers and partner organisations.

This Plan builds on the important relationships between a range of organisations who work together to support the health and wellbeing of the South Gippsland community.

### ***Strategic Priorities***

Priorities and actions in the Plan have been informed by extensive community consultation undertaken as part of the process for development of the Council Plan and Community Vision, alongside an in-depth stakeholder consultation process, undertaken with the support of an external consultant.

In response to this engagement and local data, the following five Strategic Priorities have been developed for the next three years:

#### ***Equity***

- Access and inclusion and creating safe and respectful communities

#### ***Improving Mental Wellbeing***

- Healthy and engaged communities

#### ***Increasing Healthy and Active Living***

- Places and spaces for people to connect and making healthy choices

#### ***Increasing Healthy Eating***

- Local food for local people

### ***Tackling Climate Change***

- A protected environment and a supported, resilient community

The Plan will provide guidance to Council and a broad range of health and wellbeing service agencies and partners.

The Plan further supports Council's Advocacy priorities particularly in relation to improving mental health support in the South Gippsland community.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Extensive engagement with external stakeholders and feedback through the Council Plan and Community Vision engagement contributed to the development of the South Gippsland Municipal Public Health and Wellbeing Plan.

The draft Plan was open for community consultation from 20 July to 7 August 2022. During this consultation period, six submissions were received. The submissions recognised the inclusion of health service partners within the Plan and ongoing partnership opportunities, and notes on the safety of walkers and recreation within Venus Bay.

Submissions and feedback received were noted, but have not resulted in any material changes to the final Plan.

### **RESOURCES / FINANCIAL VIABILITY**

Development and implementation of the *South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025* is resourced through existing budgets.

### **RISKS**

The *Public Health and Wellbeing Act 2008* directs each Victorian Local Government Authority to prepare a four-year health and wellbeing plan within twelve months of Council elections. Council could risk being in breach of this legislated requirement if it did not endorse the *South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025* by 31 October 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. Municipal Public Health and Wellbeing Plan 2022-2025 [3.2.1 - 24 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](#).*

Council Plan 2022-2026

### **Legislative Provisions**

Local Government Act 2020

Public Health and Wellbeing Act 2008

## 4. OBJECTIVE - LEADING WITH INTEGRITY

### 4.1. 2021/22 CARRY FORWARDS AND END OF YEAR FINANCIALS (END OF YEAR RESULTS)

Directorate:	Performance and Innovation
Department:	Financial Strategy

#### Council Plan

##### *Objective 4 – Customer Focused Organisation*

*The end of financial year report provides an overview of Council's financial performance for the period July 2021 to June 2022. The report provides communication to the community and Council regarding Council's financial performance and aligns with the Local Government Act 2020.*

#### EXECUTIVE SUMMARY

The end of year financial report 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 June 2022. The 2021/22 Annual Financial Statements are provided to Council for endorsement along with this report.

#### RECOMMENDATION

##### That Council:

1. **Notes the accounting surplus of \$8.944 million as at 30 June 2022;**
2. **Endorses the carry forward of operating funds of \$2.37 million to 2022/23; and**
3. **Endorses the carry forward of capital items of \$5.24 million (net) to 2022/23 to enable delivery of the committed capital works program.**

#### REPORT

The results in summary:

## Operating

Operating Result	Annual	Annual	Variance to	Annual	Variance to
	Actual	Forecast	Forecast	Adopted	Adopted Budget
	\$'000	\$'000	Fav/ (Unfav)	Budget	Fav/ (Unfav)
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>INCOME</b>					
Rates and charges	46,750	46,727	23	46,777	(27)
Statutory fees and fines	1,042	1,144	(102)	1,006	36
User fees	4,294	4,653	(359)	4,955	(661)
Grants - operating	22,547	19,900	2,647	6,947	15,600
Recurrent capital grants	2,385	2,385	0	2,385	0
Contributions - monetary (operating)	609	533	76	71	538
Net gain on disposal of PIPE	212	456	(244)	177	35
Other income	1,487	1,168	319	1,694	(207)
<b>Total Operating Income</b>	<b>79,326</b>	<b>76,966</b>	<b>2,360</b>	<b>64,012</b>	<b>15,314</b>
<b>EXPENSES</b>					
Employee costs	28,662	30,257	1,595	28,317	(345)
Materials and consumables	31,578	27,249	(4,329)	23,441	(8,137)
Bad and doubtful debts	17	0	(17)	0	(17)
Depreciation	12,162	12,078	(84)	14,599	2,437
Borrowing costs	21	37	16	71	50
Other expenses	6,862	3,233	(3,629)	3,090	(3,772)
<b>Total Operating Expenses</b>	<b>79,302</b>	<b>72,854</b>	<b>(6,448)</b>	<b>69,518</b>	<b>(9,784)</b>
<b>Underlying Surplus</b>	<b>24</b>	<b>4,112</b>	<b>(4,088)</b>	<b>(5,506)</b>	<b>5,530</b>
Non- recurrent Grants - capital	7,943	10,239	(2,296)	8,498	555
Contributions - monetary (capital)	235	464	(229)	464	229
Contributions - non monetary	1,629	903	726	413	(1,216)
Found assets	410	0	410	0	(410)
Gift and disposal of investment in WGRLC	(1,409)	0	(1,409)	0	1,409
Fair value adjustments for investment property	112	0	112	0	(112)
<b>Net Surplus/(Deficit)</b>	<b>8,944</b>	<b>15,718</b>	<b>(6,774)</b>	<b>3,869</b>	<b>5,985</b>

Council achieved an operating surplus of \$8.944 million as at 30 June 2022. This result was unfavourable (\$6.774 million) to the adopted budget of \$15.718 million primarily due to unbudgeted expenditure related to Natural Disasters and timing of the receipt of Capital Grants.

When assessing Council's financial projections as results, it is important to not only consider the operating net surplus or deficit for the year, but also the adjusted Underlying Result. This measure indicates an entity's ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions, to fund capital expenditure from its net result. It is recommended to achieve a surplus result.

- The year end operating underlying surplus for 2020/21 is \$24,000 as compared the budgeted deficit of \$5.506 million.

- The favourable year end result is primarily due to additional operating grants received for Storm events (please refer to Natural Disaster section below for further information) and the prepayment of the Victoria Grants Commission Allocation for 2022/23.

### Natural Disaster Expenditure and Funding

During the 2021/22 financial year funding was received for expenditure related to significant natural disasters events that have occurred since 2019. It is important to note that due to the nature of the funding process, there is generally a lag between events occurring and the year the revenue is received.

- A total of \$4.4 million in operating funding was received;
- A total of \$5.3 million in operating expenditure was committed;
- A total of \$3.6 million in capital expenditure was committed; and
- At the time of drafting this report, an additional \$1 million (approximately) is estimated to be able to be claimed for events in 2021/22.

### Capital

	Annual Actual \$'000	Annual Forecast \$'000	Variance to Forecast Fav/ (Unfav) \$'000	Annual Adopted Budget \$'000	Variance to Adopted Budget Fav/ (Unfav) \$'000
<b>Property</b>					
Buildings	8,906	13,117	4,211	15,068	6,162
Heritage buildings	180	275	95	275	95
<b>Total Property</b>	<b>9,086</b>	<b>13,392</b>	<b>4,306</b>	<b>15,343</b>	<b>6,257</b>
<b>Plant and equipment</b>					
Plant, machinery and equipment	1,652	2,147	495	2,919	1,267
Computers and telecommunications	728	1,756	1,028	956	228
<b>Total Plant and Equipment</b>	<b>2,380</b>	<b>3,903</b>	<b>1,523</b>	<b>3,875</b>	<b>1,495</b>
<b>Infrastructure</b>					
Roads	9,950	8,271	(1,679)	12,189	2,239
Bridges	(8)	0	8	0	8
Major culverts	637	754	117	256	(381)
Footpaths and cycleways	2,364	3,338	974	5,530	3,166
Drainage	65	110	45	476	411
Car parks	614	2,108	1,494	1,425	811
Land stabilisation	11	0	(11)	0	(11)
Waste	328	457	129	108	(220)
Other infrastructure	2,189	5,601	3,412	5,081	2,892
<b>Total Infrastructure</b>	<b>16,150</b>	<b>20,639</b>	<b>4,489</b>	<b>25,065</b>	<b>8,915</b>
<b>Total Capital Works Expenditure</b>	<b>27,616</b>	<b>37,934</b>	<b>10,318</b>	<b>44,283</b>	<b>16,667</b>



- The year-end capital forecasted expenditure is underspent by \$10.318 million.

### **Carry Forwards**

At 30 June each financial year, it is not uncommon for projects or programs not to be fully completed. For example, funding can be received during the financial year and also for projects that span multiple years. Council remains committed to deliver on these initiatives and therefore carries forward this funding by way of restricting the cash held in the operating surplus.

Recurrent operating budgets are not carried forward from one year to the next. The amounts carried forward are restricted to externally funded projects or significant non-recurrent projects that Council is committed to deliver. The Executive team approved the carry forwards listed in this report to be recommended to Council for endorsement.

This year has proven more challenging for Council's delivery of its capital works program due to supply chain delays, storm events, availability of contractors and pandemic restrictions. It is important that Council remains committed to delivering on projects which have been approved or already started.

Carry forwards recommended for 2021/22 include:

- Operating carry forwards of (net) \$2.369 million with the larger amounts related to Infrastructure projects that are not capital in nature; and
- Capital carry forwards of (net) \$5.235 million.

The amounts are listed as net as some projects include funding that will be received in the 2022/23 financial year. This regularly happens with capital works as the funding is usually received upon project completion.

Major Capital Works projects listed for carry forward include:

- Korumburra Community Hub including Commercial Streetscape Works
- Foster Indoor Stadium
- Early Years Renewal
- Great Southern Rail Trail Works
- Port Welshpool Boat Ramp Car Park Enhancement Works
- Sealed roads rehabilitation works at Toora and Venus Bay

- Leongatha and Korumburra Railway Precincts

### **CONSULTATION / COMMUNITY ENGAGEMENT**

This report provides a final summary of Council's year end position against Council's 2021/22 budget. Development of this budget included a community consultation component.

### **RESOURCES / FINANCIAL VIABILITY**

This report provides Council and the community with a final summary of Council's year end position for 2021/22, and assists to ensure Council's long term financial viability.

### **RISKS**

A failure to deliver a balanced underlying result will indicate that Council does not generate enough income to sustain its operations. Should Council not carry forward the budgets in this report, it risks failing to deliver its capital program and meeting grant funded milestones.

### **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

Pillar 8. Monitoring & Performance Review

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

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

Financial Management Policy (C86)

#### **Legislative Provisions**

Local Government Act 2020

## 4.2. 2021/22 ANNUAL REPORT - REPORT OF OPERATIONS - FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

#### *Objective - Leading with Integrity*

*The 2021/22 Annual Report finalises Council's reporting against the 2021/22 Report of Operations, Financial Statements and Performance Statement. The Annual Report provides an overview of Council's performance for the 2021/22 financial year and presents fairly the financial performance and operational position of Council to the community and aligns with the Local Government Act 2020.*

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council and the community with Council's audited financial and operational position as at 30 June 2022 via the process of the *2021/22 Annual Report*. As per ss.98 and 99 of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*, Council must prepare an Annual Report that provides a succinct end-of-year summary of Council's performance. Council is required to adopt an *Annual Report* for each financial year by 31 October.

The Annual Report must contain the following:

- Financial Statements (subject to audit by VAGO) (**Attachment [4.2.1]**);
- Performance Statement Indicators (subject to audit by VAGO) (**Attachment [4.2.2]**);
- Governance and Management Checklist (**Attachment [4.2.3]**);
- Report of Operations (**Attachment [4.2.4]**) including a recap on key achievements against the 2020-2024 Council Plan Strategic Objectives and 2021/22 Annual Initiatives and Local Government Performance Reporting Framework (LGPRF) Indicators; and
- A copy of the Victorian Auditor General's Office (VAGO) auditor's report for the Performance and Financial Statements.

These documents are presented to Council for endorsement, with the exception of the auditor's report which is not received until Council has endorsed the reports and the Financial and Performance Statements have been signed by the Principal Accounting Officer, the CEO and two Councillors.

The audited Financial Statements (**Attachment [4.2.1]**), Performance Statement (**Attachment [4.2.2]**) and the Governance and Management Checklist (**Attachment [4.2.3]**) for 2021/22 are presented to Council:

- To seek in-principle approval of the Statements; and
- To seek a resolution of Council authorising a Councillor representative on the South Gippsland Shire Council Audit and Risk Committee and one other Councillor to certify the Statements following audit completion; and
- The Mayor and Chief Executive Officer (CEO) to certify the Governance Management Checklist.

VAGO conducted an audit of Council's Financial Statements, Performance Statement and the Governance Management Checklist in the week of 26 September 2022. These documents were recommended for approval 'in principle' by the Audit and Risk Committee Meeting on 7 October 2022.

It is recommended that Council approves the Statements and Checklist in-principle and sign the Certification of the Performance and Financial Statements. Along with the signed Management Representation Letter, this will then be submitted to VAGO for the issuance of the Independent Auditor's Report which is required to be included as part of the Statements and the Annual Report.

Upon receipt of the Independent Auditor's Report, the audited Performance Statement and the Financial Statements will be combined with the Report of Operations (**Attachment [4.2.4]**) to form the full *2021/22 Annual Report*.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopts the 2021/22 Annual Report – Report of Operations (Attachment [4.2.4]) section of the 2021/22 Annual Report;**
- 2. Approves in-principle, subject to any final amendments arising from the Audit and Risk Committee review, the draft Annual Financial Statements (Attachment [4.2.1]), the draft Performance Statement (Attachment [4.2.2]) and the Governance and Management Checklist (Attachment [4.2.3]) for the year ended 30 June 2022;**

3. **Requires any amendments to these Attachments arising from the Audit and Risk Committee held on 7 October 2022 be included as the Minute Version for this Council report;**
4. **Authorises Mayor Mohya Davies and Councillor Sarah Gilligan, member of the Audit and Risk Committee, to certify the Financial Statements, and Performance Statement on behalf of Council, once the audit has been finalised;**
5. **Authorises Mayor Councillor Mohya Davies and the Chief Executive Officer Kerry Ellis to certify the Governance and Management Checklist (Attachment [4.2.3]), on behalf of Council;**
6. **Demonstrates the Councillors and Chief Executive Officer's willingness to certify the Financial Statements, Performance Statement and the Governance and Management Checklist by agreeing for their digital signatures be included in the appropriate signature locations in the Statements and Checklist;**
7. **Sends the Annual Financial Statements and the Performance Statement for the year ended 30 June 2022 to the Victorian Auditor-General's Office (VAGO) for certification;**
8. **Authorises the Chief Executive Officer to make any administrative and non-material changes to the Statements as recommended by the Victorian Auditor-General's Office (VAGO);**
9. **Upon receipt of the Independent Auditor's Report, include this with the Performance Statement and Financial Statements, combines these documents with the Report of Operations to be endorsed by Council at the 19 October 2022, to form the full 2021/22 Annual Report;**
10. **Once the 2021/22 Annual Report is combined in full, publish the 2021/22 Annual Report on Council's website.**

## **REPORT**

The *2021/22 Annual Report* is required to be prepared in accordance with ss.98 and 99 of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*. Local Government Victoria also annually provides the *Local Government Better Practice Guides* for the preparation of the various components of the Annual Report. These documents have guided Council in the required content of each section of the *2021/22 Annual Report*.

The *2021/22 Annual Report – Report of Operations* (**Attachment [4.2.4]**) begins with a snapshot of Council's key achievements against the *2020-2024 Council Plan* Strategic Objectives and the *2021/22 Annual Initiatives*.

This is followed by four main sections:

- Operations Overview;
- Reporting Overview (against the Council Plan Strategic Objectives and LGPRF indicators);
- Governance Overview;
- Performance Overview (Audited Performance Statement Indicators and Financial Statement); and
- VAGO Independent Auditor's Report and certification.

#### ***Local Government Performance Reporting Framework (LGPRF) Indicators***

Council's LGPRF indicators and results are presented under each Strategic Objective of the Council Plan in *Section 2 – Reporting Overview* (refer to **Attachment [4.2.4]**). These indicators are compared against the previous three-year results as per guidelines and will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The LGPRF indicators also include material variation comments, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material variation comments are also included where a variance is + or – 10 per cent compared to the previous three years.

#### ***Governance Management Checklist***

The *Governance Management Checklist* (**Attachment [4.2.3]**) is in line with the *Local Government (Planning and Reporting) Regulations 2020* and the Act and requires certification by the Mayor and the CEO. It is recommended these certifications are made at the same time as the Financial and Performance Statements.

#### ***Financial and Performance Statements***

The Financial Statements (**Attachment [4.2.1]**) and Performance Statement (**Attachment [4.2.2]**) present fairly the financial performance and position of the Council for 2021/22 financial year. The annual accounts and financial statements are a key transparency and public assurance measure, providing information to the community about Council's financial position. These Statements are audited by VAGO.

The Performance Statement provided in (**Attachment [4.2.2]**) is in line with the required format and content as per the *Local Government Better Practice Guide – Annual Report – Performance Statement 2021/22* guidelines. Some LGPRF indicators are also included in the Performance Statement and are audited by VAGO.

There is a strong correlation between the *Long-Term Financial Plan*, the *Annual Budget* and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15-year financial framework. It should be noted that there may be differences in the financials quoted in this report as compared to the final Financial Statements due to the timing of the audit.

### **2021/22 Annual Financial Results**

#### **Accounting Surplus/Comprehensive Surplus**

It should be noted that at the time of preparation of this report, Council was still in the process of the external audit with the Victoria Auditor General's Office. Should there be differences in the final version, this will be circulated separately prior to the Audit and Risk Committee meeting on 7 October 2022.

Council is reporting an accounting surplus of \$8.944 million for the financial year 2021/22, however it is important to note that this includes items such as non-cash contributions, capital grants, loan redemptions and committed capital or operational expenditure for future years.

The comprehensive result is a surplus of \$68.432 million following the increase in value of Council owned infrastructure, land and buildings as adjusted in the Asset Revaluation Reserve.

#### **2021/22 Annual Results**

<b>Comprehensive Income Statement (Profit &amp; Loss)</b>	<b>2021/22 \$'000</b>	<b>2020/21 \$'000</b>	<b>Variance Fav/ (Unfav)</b>
Total Revenue	89,586	80,365	9,221
Total Expense	80,642	64,344	(16,298)
<b>Surplus/ (Deficit)</b>	<b>8,944</b>	<b>16,021</b>	<b>(7,077)</b>
Net asset revaluation increment/ share of other comprehensive income of associates and joint ventures	59,488	14,034	45,454
<b>Comprehensive result</b>	<b>68,432</b>	<b>30,055</b>	<b>38,377</b>

<b>Balance Sheet</b>	<b>2021/22 \$'000</b>	<b>2020/21 \$'000</b>	<b>Variance Fav/ (Unfav)</b>
Current Assets	52,549	49,181	3,368
Current Liabilities	19,969	16,482	(3,487)
Working Capital Ratio	2.63	2.98	(0.35)
Non-Current Assets	661,755	590,059	71,696
Non-Current Liabilities	10,839	7,694	(3,145)
Net Assets/ Total Equity	683,496	615,064	68,432

<b>Statement of Changes in Equity</b>	<b>2021/22 \$'000</b>	<b>2020/21 \$'000</b>	<b>Variance Fav/ (Unfav)</b>
Balance at beginning of financial year	615,064	585,009	30,055
Surplus / (deficit) for the year	8,944	16,021	(7,077)
Net Asset revaluation increment (decrement)	59,488	14,034	45,454
<b>Balance at end of financial year</b>	<b>683,496</b>	<b>615,064</b>	<b>68,432</b>

<b>Cash Flow Statement</b>	<b>2021/22 \$'000</b>	<b>2020/21 \$'000</b>	<b>Variance Fav/ (Unfav)</b>
Net cash inflows from operating activities	27,623	29,300	(1,677)
Net cash outflows from investing activities	(31,758)	(28,972)	(2,786)
Net cash inflows from financing activities	1,415	2,447	(1,032)
Net increase (decrease) in cash held	(2,720)	2,775	(5,495)
Cash at the beginning of the year	10,567	7,792	2,775
Cash at the end of the year	7,847	10,567	(2,720)

<b>Statement of Capital Works</b>	<b>2021/22 \$'000</b>	<b>2020/21 \$'000</b>	<b>Variance Fav/ (Unfav)</b>
Land	0	0	0
Buildings	9,086	1,286	7,800
Plant and Equipment	2,380	3,832	(1,452)
Infrastructure	16,150	23,555	(7,405)
<b>Total capital works expenditure</b>	<b>27,616</b>	<b>28,673</b>	<b>(1,057)</b>
Asset renewal expenditure	24,617	25,939	(1,322)
Asset expansion expenditure	2,119	1,259	860
Asset upgrade expenditure	880	1,475	(595)



Major differences in the annual financial statements results as compared to 2020/21 include:

### **Income Statement**

#### **Income has increased by \$9.2 million mainly due to:**

- Additional \$8.1 million in operating grants. This is primarily due to the early payment of the 2022/23 Victoria Grants Commission allocation of \$9 million (approximately 75%).

#### **Expenditure has increased by \$16.3 million mainly due to:**

- Increased materials and services costs of \$10.7 million primarily due to increased natural disaster costs of \$5.1 million, much of which funding may be claimed. Other material increases include landfill provision costs (\$1.7 million) due to significant changes in inflation and discount rates and increased expenditure on general contractors (\$2.0 million), mainly related to the Municipal Lighting Project (\$1.0 million), infrastructure and building maintenance costs (\$0.7 million) and election costs (\$0.3 million).
- Increased other expenses of \$4.9 million. This includes the Council resolution to gift and transfer its interest in the West Gippsland Regional Library Corporation to MyLi (\$1.4million) along with the write off of infrastructure assets of \$3.8 million as assets are replaced and the reclassification of some capital expenditure in the prior year to operating.

### **Balance Sheet**

- Increase of \$3.4 million in current assets is primarily due to increased cash, particularly those held in term deposits. It is important to note that this includes \$26.288 million in restricted funds for capital works to be completed, funds held in reserve and grants to be expended.
- Increase of \$71.6 million in non-current assets primarily due to the revaluation of Council's building assets (\$59.4 million) and the capitalisation of assets as part of the capital works program.
- Increase of \$3.5 million in current liabilities primarily due to the recognition of accrued expenses at balance day.
- Increase of \$3.2 million in non-current liabilities primarily due to the increase in landfill provision of \$1.8 million and interest bearing liabilities of \$1.4 million due to the drawdown of funds related to the development of the Korumburra Community Hub.

## Statement of Changes in Equity

Overall, equity has increased by \$68.4 million which is primarily due to the revaluation of building assets (\$59.4 million).

## Cash flow Statement

- Cash related to operating activities decreased by \$1.7 million primarily due to increased expenditure on materials and services, mainly related to natural disasters.
- Cash spent on investing activities increased by \$31.8 million in line with the capital works program.
- Cash provided by financing activities decreased by \$1.0 million primarily due to the repayment of borrowings and a decrease in draw down of loan funds in the 2021/22 year.

## Statement of Capital Works

Council spent \$27.6 million in the 2021/22 financial year. This mainly related to the major projects including the Early Years Building Renewal Program, the Korumburra Community Hub, the Foster Indoor Stadium Redevelopment Project and the roads sealing and re-sealed programs. By far, the greatest capital expenditure works was classified as renewal (\$24.6 million).

## Victorian Auditor General's Office: Financial Sustainability Ratios

Council uses financial sustainability ratios (as defined by the Victorian Auditor- General's Office) to monitor trends and performance and assess longer term financial risk.

Indicator	2021/22	2020/21	2019/20	2018/19	2017/18
<b>Net result (%)</b> Net result/Total revenue	10.0%	19.9%	-3.9%	7.9%	10.8%
A positive result indicates a surplus, and the larger the percentage, the stronger the result. Council's five-year average, being 8.9% is greater than 0%, this indicates Council's ability to generate surpluses consistently. The extraordinary result in 2019/20 was due to a non-cash once-off impairment of assets due to change in land under roads valuation methodology.					
<b>Adjusted underlying result</b> Adjusted underlying surplus/Adjusted underlying revenue	-1.7%	5.8%	-7.5%	2.2%	7.3%

Indicator	2021/22	2020/21	2019/20	2018/19	2017/18
<p>Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business.</p> <p>Included in the 2021/22 result are:</p> <ul style="list-style-type: none"> <li>- Gifting/ disposal of interest in West Gippsland Regional Library \$1.4 million</li> <li>- Write off of infrastructure assets \$3.8 million</li> </ul> <p>Had these once-off non-cash items not occurred, the result would have been a positive result of \$1.6 million or 2.0%. It is also important to note that there is approximately \$1 million of storm event costs for which Council will be applying to receive funding for in 2022/23. Council's five-year average, being 1.2% is less than 5%, this indicates that Council generates sufficient surpluses to fund operations. The extraordinary result in 2019/20 was due to a non-cash once-off impairment of assets due to change in land under roads valuation methodology.</p>					
<b>Liquidity (ratio)</b> Current assets/Current liabilities	2.63	2.98	3.46	2.98	3.10
<p>A ratio of one or more means there is more cash and liquid assets than short-term liabilities. A ratio greater than 1 means an entity can sufficiently fund its short-term liabilities.</p> <p>Council's five-year average, being 3.0 suggests that there is no immediate issues with repaying short-term liabilities as they fall due.</p>					
<b>Internal financing (%)</b> Net operating cash flow/Net capital expenditure	100.0%	102.2%	135.7%	144.8%	119.1%
<p>This measures the ability of an entity to finance capital works from generated cash flows. As Council's five-year average, being 120.4%, is greater than 100%, this confirms that Council is generating enough cash from operations to fund new assets.</p>					
<b>Indebtedness (%)</b> Non-current liabilities/own-sourced revenue	21.6%	15.2%	10.3%	7.4%	12.7%
<p>The higher the percentage, the less the entity is able to cover non-current liabilities from the revenues the entity generates.</p> <p>Council's five-year average, being 13.4%, is well below the benchmark of 40%. This suggests that there are no concerns over the ability to repay debt from own-source revenue:</p>					
<b>Capital Replacement Ratio (ratio)</b> Cash outflows for property, plant and equipment / Depreciation	2.36	2.41	1.34	0.97	1.36

Indicator	2021/22	2020/21	2019/20	2018/19	2017/18
<p>Comparison of rate of spending on infrastructure with its depreciation. A ratio higher than 1 indicates that spending is faster than the depreciation rate.</p> <p>Council's five-year average, being 1.7, is above the benchmark of 1.5, thus confirming that there is a low risk of insufficient spending on asset renewal.</p>					
<b>Renewal gap (ratio)</b> Renewal and upgrade expenditure/depreciation	2.28	2.30	1.18	0.84	1.31
<p>Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. A ratio higher than 1 indicates that spending on existing assets is faster than the depreciation.</p> <p>Council's five-year average is 1.6, which is above the benchmark of 1.00. This indicates that there is a low risk of insufficient spending on the renewal of existing assets.</p> <p>It is a positive sign for Council that this ratio has been higher for the most recent 2 financial years, mainly due to the delivery of significant projects which are classified as renewal works.</p>					

### Building revaluation

With the cessation of in-house valuers from 1 July 2022, it was timely to transition the building assets from a spreadsheet to the Assetic / Brightly software so that building assets (including valuations) can be managed more transparently and accurately.

Assetic / Brightly use a valuation methodology based on first principles and unit rates supplied by Rawlinson's Construction Handbook 2022 that is proven and accepted by VAGO. In this method, the gross floor area is multiplied by an appropriate unit rate for the service/construction type of that building.

The revaluation included a physical inspection of each asset listed on the spreadsheet and a condition score applied. It became apparent from the physical inspection that:

- Some of the assets listed were in fact not building assets at all and needed to be transferred to other asset categories such as tennis courts, pools, and improvements;
- A small number of assets could not be found or had been demolished during new projects and therefore needed to be disposed of from our records;
- Some assets that were not previously recognised, were found;

- Some assets were in a condition that was very different to that listed on the current spreadsheet, and;
- Some assets were valued with very high unit rates that could not be justified.

These factors have meant significant valuation adjustments and the differences were the result of inspecting every individual building asset, which was not an exercise previously undertaken.

	<b>Replacement Value \$'000</b>	<b>Accumulated Depreciation \$'000</b>	<b>Written Down Value \$'000</b>
<b>Buildings as valued at 30/6/21</b>	<b>164,805</b>	<b>113,941</b>	<b>50,964</b>
Less			
Buildings disposed	(6,177)	(5,460)	(717)
Buildings transferred to other classes	(28,144)	(22,410)	(5,734)
Buildings Pre-Valuation	130,484	88,065	42,419
Valuation adjustment	(21,523)	(53,560)	32,037
<b>Buildings 30/6/22</b>	<b>108,961</b>	<b>34,505</b>	<b>74,456</b>

Even though the replacement value of building assets has decreased, the accumulated depreciation has decreased by a significantly higher value which has result in an increased book value of \$32.037 million. This is largely due to building assets having been over depreciated in previous years. Building depreciation in future years will be lower than what is currently projected in Council's Long Term Financial Plan.

### **Completion of the 2021/22 Annual Report**

Pursuant to s.99(2) of the *Local Government Act 2020*, Council must approve 'in principle' the draft Financial Statements and Performance Statement prior to formally submitting the accounts for VAGO audit. Due to the timing constraints noted within this Council report and the requirements of the Auditor General, it is standard practice to complete audits prior to Council approving the draft Statements.

A meeting of the Audit and Risk Committee (Committee) was held on 7 October 2022, which included reviewing the draft Financial and Performance Statements, the Final Management Letter and Closing Report 2021/22, Governance Management Checklist and 2021/22 Annual Report - Report of Operations with Council's auditors. Any amendments to the Statements arising

from the Committee's review, were advised prior to this Council Meeting and subsequently updated before being sent to the Auditor General.

As Council's approval is only in-principle, based on the draft Financial Statements and Performance Statement, opportunities for changes to the Statements may arise, particularly after final review by VAGO. To cover such changes, s.99(3) of the Act requires Council to appoint two Councillors to certify the Statements following any amendments that may arise after finalisation of the audit.

Upon receipt of the Independent Auditor's Report, the audited Financial Statements (**Attachment [4.2.1]**) and the Performance Statement (**Attachment [4.2.2]**) will be combined with the Report of Operations (**Attachment [4.2.4]**) to form the full *2021/22 Annual Report* and published on Council's website.

Due to legislative requirements, Council is no longer required to send a copy of the full Annual Report to the Minister of Local Government. As per s.99(6) of the *Local Government Act 2020*:

*"The auditor must provide the Minister and the Council with a copy of the report on the performance statement as soon as is reasonably practicable; and*

*The auditor is required under Part 3 of the Audit Act 1994 to report on the financial statements to the Council within four weeks and to give a copy of the report to the Minister."*

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The unaudited Financial Statements and Performance Statements, Report of Operations and Governance Management Checklist were endorsed by the Audit and Risk Committee on 7 October 2022.

The draft 2021/22 unaudited Financial Statements and Performance Statements are being presented to Council at the 19 October 2022 Council Meeting for endorsement in-principle and to be signed for approval by Council.

Upon endorsement by Council, VAGO is to provide an 'Independent Auditors' Report' for certification and approval of the Performance Statement and Financial Statements. These certificates will be combined into the full *2021/22 Annual Report* in accordance with the Act.

The final *2021/22 Annual Report* will be published on Council's website.

**RESOURCES / FINANCIAL VIABILITY**

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed and designed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

**RISKS**

Completion of the Annual Report along with certified Financial and Performance Statements is an annual legislative requirement of the *Local Government Act 2020*. To not complete the Annual Report and requirements would be a breach of s.98 and 99 of the *Local Government Act 2020*.

**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. 2021/22 Financial Statements - DRAFT October 2022 [4.2.1 - 56 pages]
2. 2021/22 Performance Statement - DRAFT October 2022 [4.2.2 - 18 pages]
3. 2021/22 Governance and Management Checklist - DRAFT October 2022 [4.2.3 - 5 pages]
4. 2021/22 Annual Report - Report of Operations - DRAFT October 2022 [4.2.4 - 140 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

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

**Legislative Provisions**

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Local Government Better Practice Guide – Annual Report – Report of Operations 2021/22

Local Government Better Practice Guide – Annual Report – Performance Statement 2021/22

Local Government Better Practice Guide – Annual Report Local Government  
Better Practice Guide – Annual Report – Performance Reporting Indicator  
Workbook 2021/22



### 4.3. POLICY REVIEW: GOVERNANCE RULES (C82) AND COUNCILLOR CODE OF CONDUCT (C14) - FINAL ADOPTION

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 the community consultation feedback on the proposed draft of Council's *Governance Rules 2022 (C82)*, including the *Election Period Policy (C30)* (refer **Attachment [4.3.1]**) and the proposed draft of the *Councillor Code of Conduct (C14)* for consideration and endorsement.

#### RECOMMENDATION

**That Council:**

- 1. Adopts the South Gippsland Shire Council *Governance Rules 2022 (C82)* (Attachment [4.3.1]) that incorporate the *Election Period Policy (C30)*, pursuant to s.60 of the *Local Government Act 2020*, this version will replace the previous version 2021; and**
- 2. Adopts the *Councillor Code of Conduct (C14)* (Attachment [4.3.2]), pursuant to s.139 of the *Local Government Act 2020*, this version will replace the previous version adopted on the 16 February 2022.**

#### REPORT

##### GOOD GOVERNANCE RULES

At the Council Meeting held on the 21 September 2022, Council resolved to release its draft Governance Rules for feedback/consultation. During the consultation period for the draft Governance Rules, the document was made available on the Council website and was viewed on 23 occasions, but no feedback was received from the community.

The Governance Rules have been reviewed due to:

- An update to the *Local Government Act 2020* due to the passing of Regulatory Legislation Amendment (Reform) Act 2022 and
- A review of the Governance Rules is a Council Plan 2022/23 major initiative to ensure the rules are contemporary and are in keeping with good governance practices

The draft Governance Rules, released for engagement/consultation proposed the following changes:

#### ***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).

#### **COUNCILLOR CODE OF CONDUCT**

Under s139 and 140 of the Act, all Councils are required to have a Councillor Code of Conduct (Code) and code can be amended any time by formal resolution of Council supported by at least two-thirds of the Councillors.

Councillors recently undertook a review of the Code as part of a workshop held in August 2022 to ensure that the Code was in keeping with the values of

the Council and the provisions were contemporary and are in keeping with good governance practices.

There are two key areas that are proposed to change within the Code:

- Removing the provision for residents to complain under the Code about the conduct of a councillor to the Mayor or Deputy Mayor (page 5) and
- Changes to the wording of the shared values (page 6).

The removal of the provision for residents to complain about the conduct of a Councillor to the Mayor or Deputy Mayor, is proposed as the current provision is not in keeping with requirements of the *Local Government Act 2020* (Act). The Act doesn't support or require such a provision as the Code is designed to manage behaviour within the Councillor group and complaints from residents are better directed to either the Victorian Ombudsman or the Local Government Inspectorate as legislated integrity bodies with legislative functions and powers.

The proposed changes to the wording of the shared values is to ensure the values are in keeping with the values of the current Councillor group and are in line with the values adopted as part of the Council Plan early this year.

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

A community consultation process occurred from 22 September 2022 to 7 October 2022 in accordance with the *Community Engagement Policy (C06)* in relation to the Proposed South Gippsland Shire Council *Governance Rules 2022 (C82)*.

During the consultation period for the draft Governance Rules, the document was made available on the Your Say website and was viewed on 9 occasions, but no feedback was received from the community.

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

The implementation of the Governance Rules and Councillor Code of Conduct can be accommodated within existing budgets and resources.

#### **RISKS**

All Council policies should be regularly reviewed and updated to ensure they are up to date with legislative requirements, are contemporary and in keeping good governance practices and manage risk effectively.

**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. Governance Rules (C82) - 19 October 2022 [4.3.1 - 75 pages]
2. Councillor Code of Conduct (C14) - 19 October 2022 [4.3.2 - 26 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](#).*

Community Engagement Policy (C06)

Councillor Code of Conduct Policy (C14)

Governance Rules (C82)

**Legislative Provisions**

Local Government Act 2020

#### 4.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 AUGUST 2022 - 12 SEPTEMBER 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 August and 12 September 2022.

### RECOMMENDATION

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

### REPORT

Meeting Title	Details
<b>Wednesday 17 August 2022</b>	
<b>Council Meeting</b> <b>Agenda Topic</b> <b>Discussion</b> <b>17 August 2022</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai. <b>Municipal Monitor:</b> Prue Digby <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.
<b>Venus Bay Services Sewerage Feasibility</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai. <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed.
<b>Wednesday 24 August 2022</b>	
<b>Governance Rules and Councillor Code of Conduct</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai. <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed.
<b>Wednesday 7 September 2022</b>	
<b>South Gippsland Branding Identity</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie and Clare Williams. <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed.
<b>Renewable Energy and Offshore Windfarms</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Adrian Darakai and Clare Williams. <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed.
<b>Sustainable Environment Part 1</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Adrian Darakai and Clare Williams. <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed.
<b>Integrated Planning Reflections</b>	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, Clare Williams and Adrian Darakai. <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed.

**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

## 4.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 AUGUST 2022 TO 12 SEPTEMBER 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 August 2022 to 12 September 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 August 2022 to 12 September 2022.

- Nil

#### **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 August 2022 to 12 September 2022.
  - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 13 August 2022 to 12 September 2022.
  - a. CON/328 for the Design, Supply & Installation of Solar Photovoltaic (PV) Systems to Leongatha Municipal Building was awarded to RACV Solar Pty Ltd signed by the CEO 17 August 2022.
  - b. CON/256 for the Panel of Civil Works, Plant Hire and Haulage was awarded to Drouin Tree Services Pty Ltd, Meluca Group Pty Ltd and Wiltrack Earthmoving Pty Ltd signed by the CEO 31 August 2022.
  - c. CON/258 for the Panel of Dry Hire of Plant & Equipment was awarded to Orange Hire Pty Ltd, Hugh Patrick Pty Ltd (T/A BJs Earthmoving), Coates Hire Pty Ltd and Environmental Services Group Pty Ltd signed by the CEO 31 August 2022

- d. CON/259 for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to Burdett Sand, Soil & Stone Pty Ltd signed by the CEO 31 August 2022.
3. Contract variations approved by the CEO between 13 August 2022 to 12 September 2022
    - a. Nil
  4. Contract extensions approved by the CEO between 13 August 2022 to 12 September 2022
    - a. CON/187 for the Multifunction Device Replacement and Ongoing Support was awarded to Chris Humphrey Office National Pty Ltd. A second extension of 1 year has been approved, signed by the CEO 24 August 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

#### **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

## 5. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT

### 5.1. MUNICIPAL EMERGENCY MANAGEMENT PLAN - UPDATE

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

#### Council Plan

*Objective - Protecting and Enhancing our Environment*

*The South Gippsland Municipal Emergency Management Plan (MEMP) has been developed and adopted by the South Gippsland Municipal Emergency Management Planning Committee (MEMPC). Council's role is to participate in the preparation and maintenance of the MEMP as a legislated member of the MEMPC.*

#### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an annual update on activities achieved by the South Gippsland Municipal Emergency Management Planning Committee to maintain and improve the *South Gippsland Municipal Emergency Management Plan (MEMP) 2021-2024*.

#### RECOMMENDATION

**That Council receives and notes this report (refer Attachment [5.1.1]), noting the work completed by the South Gippsland Municipal Emergency Management Planning Committee to maintain and improve the South Gippsland Municipal Emergency Management Plan (MEMP) 2021-2024.**

#### REPORT

Local Government plays a critical role in emergency management. As the tier of government closest to community, Council has a thorough understanding of local needs.

Using these strong community connections, Council can identify many of the opportunities available to enhance resilience, and relief and recovery outcomes at a local level.

Under *Section 59F* of the *Emergency Management Act 2013*, South Gippsland Shire Council must establish a Municipal Emergency Management Planning Committee (MEMPC), which has the function of planning for all emergencies.

***Municipal Emergency Management Planning Committee (MEMPC)***

The MEMPC is the peak planning body for emergency management within the municipal district. It is the forum for government and non-government agencies to develop shared procedures, arrangements, and frameworks to support communities.

The South Gippsland MEMPC was established in April 2021.

Whilst Council has established a MEMPC, this is not a Committee of Council and they report to and are accountable to the Gippsland Regional Emergency Management Planning Committee (REMPC).

The MEMPC consists of representatives from:

- Council;
- State Emergency Service (SES);
- Country Fire Authority (CFA);
- Victoria Police;
- Red Cross;
- Department of Families, Fairness and Housing (DFFH);
- Regional Roads Victoria;
- Parks Victoria;
- Gippsland Ports;
- Salvation Army;
- Victorian Council of Churches; and
- other organisations and agencies involved in response, relief, and recovery activities in the community.

Council representatives include staff from Council's Emergency Management team. The Manager Economy Community and Investment is delegated as the Chair of the Committee and Councillor Jennie Keerie is the current nominated community representative on the Committee.

***Emergency Management Planning***

Emergency management planning is an integrated, multi-agency and collaborative effort. All participating MEMPC agencies are required to

contribute their expertise and resources to the development and implementation of the Municipal Emergency Management Plan (MEMP). MEMP's are required to be approved on a three-year basis and have an annual review process.

The current South Gippsland MEMP 2021-2024 was adopted by the MEMPC at its quarterly meeting in August 2021.

The MEMP aligns with both the Victorian State Emergency Management Plan and the Gippsland Regional Emergency Management Plan, and was endorsed by the Gippsland REMPC in September 2021.

### ***Completed Actions***

Since the Plan's endorsement, the MEMPC has completed an annual review of the South Gippsland Community Emergency Risk Assessment process and have developed a Risk Treatment Plan to seek to reduce the likelihood and consequence of local emergency risks.

This has led to the development of Fire Management and Severe Weather Arrangements documents that recognise the shared efforts of MEMPC agencies in the protection and preservation of life, property, and the environment in South Gippsland.

The South Gippsland MEMPC Communications and Engagement Plan has also been developed by the Committee to share information across agencies on these activities, and to identify where opportunities for joint community engagement can be realised.

A review of South Gippsland MEMPC Terms of Reference is completed every January and has led to the inclusion of important new members including Bushfire Recovery Victoria, Department of Health and service clubs such as Lions and Rotary.

As a member of the MEMPC, Victoria Police's Municipal Emergency Response Coordinator (MERC) led the development of an 'Extreme Weather After Action Review' for the June 2021 storm events. This resulted in improved understanding of capacity and capability, contacts, and operational facilities of MEMPC member agencies.

This Review also led to improved communications and 'situation awareness' sharing with MEMPC members and the Incident Control Centre.

MEMPC members have also provided input into recovery planning and resilience building processes associated with this event.

The MEMPC look to continuously improve the Plan and associated documents to support communities before, during and after emergency events. An updated version of the MEMP is due to be adopted at the MEMPC meeting in November 2022.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Ongoing consultation is completed by the MEMPC with its member agencies throughout the life of the MEMP.

### **RESOURCES / FINANCIAL VIABILITY**

There are no financial implications identified, all costs associated with implementing the proposed recommendations are included in current budgets.

### **RISKS**

Emergency management legislation requires South Gippsland Shire Council to chair the MEMPC, and to participate in the preparation and maintenance of the MEMP through the MEMPC.

Council has committed to providing secretariat support to the MEMPC.

### **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. 2021 South Gippsland Municipal Emergency Management Plan [5.1.1 - 82 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

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

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

Council Plan 2022-2026

General Local Law 2014

Municipal Emergency Management Plan

#### **Legislative Provisions**

Catchment and Land Protection Act 1994

Country Fire Authority Act 1958

Emergency Management Act 1986  
Local Government Act 2020

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

**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.*

### 9.3. 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.

## 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 items 12.1 – PRIVATE COMMERCIAL INFORMATION - Gippswide Kerbside Organics Processing Tender (RFT2021002), 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.

## **11. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 16 November 2023 commencing at 2pm in the Council Chambers, Leongatha.