

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

20 September 2023

**Council Meeting No.486
Council Chambers, Leongatha
Commencing at 2:00pm**



agenda



*South Gippsland
Shire Council*

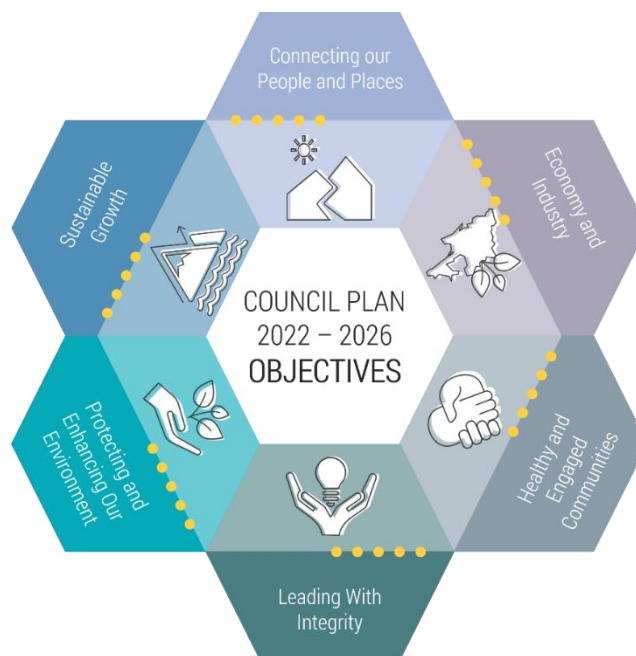
Come for the beauty, Stay for the lifestyle

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.

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

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.486 of the South Gippsland Shire Council will be held on Wednesday 20 September 2023 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

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

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 485, held on Wednesday 16 August 2023 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.

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.

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

Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Confidential Agenda Item 10.1. PERSONAL INFORMATION - Chief Executive Officer (CEO) Performance Review - September 2023, as the matter relates directly to her role.

2. OBJECTIVE - LEADING WITH INTEGRITY

2.1. SUMMARY OF STRATEGIC BRIEFINGS - 13 JULY 2023 TO 12 AUGUST 2023

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

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

The information provided in this report is recorded from sessions held between 13 July and 12 August 2023.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 19 July 2023	
Council Meeting Agenda Topic Discussion – 19 July 2023	Councillors Attending: Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie. Conflict of Interest:

Meeting Title	Details
	<p>Cr Hersey left the meeting at 10.03am and returned at 10.13am. Councillor Nathan Hersey has declared a general conflict of interest and a reasonable apprehension of bias or actual bias in Agenda Item 11.2 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as he has a close association with someone who has submitted a tender.</p> <p>Cr Keerie left the meeting at 10.03am and returned at 10.13am. Councillor Jenni Keerie has declared a general conflict of interest in Agenda Item 11.2 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as she manages an organisation that engages a member of a business that has submitted a tender.</p>
Summary of Monitor Reports	<p>Councillors Attending: Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie. Conflict of Interest: Nil disclosed.</p>
Procurement at South Gippsland Shire Council	<p>Councillors Attending: Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie. Conflict of Interest: Nil disclosed.</p>
2023 Community Satisfaction Survey Results	<p>Councillors Attending: Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie. Conflict of Interest: Nil disclosed.</p>
Wednesday 2 August 2023	
Planning Briefing	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie. Conflict of Interest: Councillor Adrian Darakai has declared a general conflict of interest in a Planning Application, as he</p>

Meeting Title	Details
	has a close association with the owner of the adjoining property. Cr Darakai left the meeting at 10.03am and returned at 10.13am.
Leongatha Railway Mural Project	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Cape to Cape Resilience Project	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton, Adrian Darakai and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Steep Slopes – Erosion Management Overlay	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Councillor Expenditure Update	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 9 August 2023	
Council Meeting Agenda Topic Discussion – 16 August 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 12.2 Award Contract CON/373 - Design and Construct Landslip Repairs at Various Locations, as she is a joint owner of a business that has made a submission to the tender process. The matter was not discussed.</p>
Planning Application - Wandilla Project	<p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p>

Meeting Title	Details
	Conflict of Interest: Nil disclosed.
Audit & Risk Committee Chair – Bi-Annual Report	Councillors Attending: Mohya Davies, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Council’s Advocacy Priorities 2023/24	Councillors Attending: Mohya Davies, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: 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

2.2. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JULY 2023 TO 12 AUGUST 2023

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 July 2023 to 12 August 2023. 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(h)(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.

In accordance with the Local Law No. 2 2020, Part 9, clause 107(h)(iv), the following are presented to Council as documents sealed during the period from 13 July 2023 to 12 August 2023.

1. Consent to Public Authority – *Section 27 National Parks Act 1975 (Vic)*. Parks Victoria and South Gippsland Shire Council. Toora boat launching facility, car park and access Road, Corner Inlet Marine and Coastal Park. Seal applied 10 August 2023.

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

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 July 2023 to 12 August 2023.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 14 Ella Court, Leongatha for an existing shed on Lot 27 that may only be used in conjunction with the dwelling on Lot 28. If Lot 27 is sold to another person the shed has to be removed. Seal applied 26 July 2023.
2. Amended Section 173 Agreement between South Gippsland Shire Council and the owner of 90 Harmons Road, Foster for a 14 lot subdivision. Seal applied 9 August 2023.

Contracts Awarded, Varied or Extended

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 July 2023 to 12 August 2023.
 - a. Nil

2. Contracts awarded after a public tender process within the CEO's delegation between 13 July 2023 to 12 August 2023.
 - a. Nil
3. Contract variations approved by the CEO between 13 July 2023 to 12 August 2023.
 - a. Nil
4. Contract extensions approved by the CEO between 13 July 2023 to 12 August 2023.
 - a. Nil

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

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

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

2.3. INSTRUMENT OF APPOINTMENT - PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

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

- 1. The member of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument and detailed in this report; and**
- 2. The Instrument of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

One new Instrument is presented for adoption for new Technical Planning Officer Tom Robb, enabling him to fulfil the required duties as a Technical Planning Officer within the Planning & Building Services department.

The Instrument is contained in **Attachment [2.3.1]**

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. S11A Instrument of Appointment Tom Robb 20 September 2023 [2.3.1 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

3. OBJECTIVE - SUSTAINABLE GROWTH

3.1. COASTAL STRATEGY

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

The Coastal Strategy will support decision making around sustainable use and development in response to emerging environmental risks.

EXECUTIVE SUMMARY

The South Gippsland Coastal Strategy September 2023 (The Strategy) (**Attachment [3.1.1]**) provides strategic direction for the planning of South Gippsland's coastal areas, including the small coastal communities. The Strategy has been informed by extensive community consultation; around 800 comments and submissions have helped identify the issues and opportunities facing these coastal areas and how we can respond to them.

The Strategy is an overarching policy document that helps inform Council's existing operations, as well as supporting future growth and risk management. It will be used to guide sustainable land use and development planning in South Gippsland Shire's coastal areas, alongside the other non-planning scheme related actions identified in the Strategy. The Strategy also sets out further work that must be undertaken to effectively respond to increasing environmental risks in our coastal areas, as our understanding of the impacts increase over time. It outlines Council's actions, and those that involve collaboration with other key partners, including other levels of government, to achieve Strategy objectives.

RECOMMENDATION

That Council:

- 1. Adopts the South Gippsland Coastal Strategy September 2023 (Attachment [3.1.1]).**

2. Notes all the submissions made in the preparation of the South Gippsland Coastal Strategy September 2023 and acknowledges the community for their contribution.

REPORT

The South Gippsland Coastal Strategy September 2023 is the culmination of extensive engagement with the community and key stakeholders to determine the issues and opportunities facing the South Gippsland coastline and its communities.

The Strategy was prepared based on the growing realisation that increasing development pressures in South Gippsland's coastal settlements, combined with increasing environmental risk factors (notably fire and coastal inundation), had the potential to significantly expose more people and property to risks associated with climate change. It was recognised that it must be effectively and pro-actively managed.

Venus Bay is the most evident example of these growing risks, with its large supply of vacant residential lots, increasing new dwelling approvals and a growing permanent population, all set in a location exposed to high fire risk and flood-compromised road access. This is anticipated to worsen into the future. Similar factors are evident in many of the Shire's other coastal townships to varying extents. Port Welshpool is another notable at-risk location given its remaining residential subdivision potential on low-lying land in the Land Subject to Inundation Overlay (LSIO). State Government policy requires councils to plan for the impacts of climate risk, and it was evident at the commencement of the Coastal Strategy project that more was required of Council to effectively manage the growing risks facing the Shire.

The Coastal Strategy Discussion Paper, which was released for community consultation in 2022, sought to respond to the growing risks by recommending changes to reduce risk. This was primarily by planning scheme responses that remove identified greenfield residential growth areas from coastal township structure plans, and by restricting second dwellings on a single lot and further subdivision in all coastal townships. The Coastal Strategy includes actions that are not directly related to climate change and land development, however the primary focus in the development of the Strategy was its focus on how to reduce cumulative risk whilst also noting the high costs that will likely occur if no action is taken.

The extensive consultation process that occurred in the preparation of the Coastal Strategy has revealed that strong community support exists for Council to take a proactive approach in managing the Shire's future risks by controlling development in coastal areas. This level of support is consistent with the

'community outcomes' captured in the South Gippsland Community Vision 2040, which identifies the need to plan for extreme weather, a changing environment, and building more resilience. Most of the residents who engaged were aware of the threat of fire, coastal inundation, dune erosion and road access challenges, and have welcomed the preparation of a Strategy that sets out how issues can be managed.

It has also been broadly acknowledged that coastal councils need to be more proactive in managing development risk, and that agencies such as Melbourne Water and catchment management authorities are increasingly recommending that new development (including single dwellings on residential lots) do not proceed in high-risk coastal areas. Landowners, and people looking to purchase land in coastal communities, are unlikely to be aware of the decision-making authority that these agencies can have around development of land. This is (in part) because planning schemes, including the South Gippsland Planning Scheme, do not currently have planning zones and overlay controls to clearly and transparently communicate how coastal risk is being assessed. Implementation of the recommendations of the Coastal Strategy into the planning scheme will assist in addressing this issue.

There is also a greater role for the State Government in providing coastal councils with the planning scheme tools that can be applied more consistently across the State to better manage coastal risk; especially when assessing the use and development of public and private coastal land in at risk locations.

During the various stages of implementation, the Coastal Strategy will assist the community to better identify and respond to coastal climate risk. It demonstrates a proactive approach and makes it clear that Council and the community acknowledge the risks, set actions to respond to those risks, and recognise that ongoing work is required.

This position is consistent with 'Victoria's Climate Change Strategy' that states "Our climate is changing. We need to act now".

CONSULTATION / COMMUNITY ENGAGEMENT

The Coastal Strategy Discussion Paper attracted over 770 comments and submissions, and most recently the Draft Coastal Strategy attracted 36 submissions. The **Attachment [3.1.2]** provides a summary of the submissions made to the Draft Coastal Strategy.

Throughout the community engagement process, there has been a series of drop-in sessions in towns along the coast and throughout the Shire, as well as a Community Dialog Session held in Foster that provided a deeper discussion around key issues.

RESOURCES / FINANCIAL VIABILITY

The Coastal Strategy was prepared from existing budget allocations without external funding support. Implementation of some of the actions in the Coastal Strategy will require future budget allocation / grant funding support (e.g. coastal hazard assessments) and will be assessed on their merits as part of future budget considerations.

RISKS

A role of Council's land use and development planning function is to identify and mitigate against risk to life and property. Risks associated with coastal processes are dynamic, and coastal councils require a contemporary policy basis upon which to make decisions around coastal management and development. The Coastal Strategy seeks to respond to the currently known risks within the legislative and regulatory parameters of councils to manage coastal risks.

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 Coastal Strategy - September 2023 [3.1.1 - 35 pages]
2. South Gippsland Coastal Strategy - Round Two Engagement Report 2023 [3.1.2 - 7 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](#).

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

4. NOTICES OF MOTION AND/OR RESCISSION

Nil

5. COUNCILLOR REPORTS

5.1. REQUESTS FOR LEAVE OF ABSENCE

5.2. COUNCILLOR UPDATES

6. 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 19 October 2022, 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.

7. PUBLIC QUESTIONS

7.1. 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 19 October 2022.

7.2. 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.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

7.3. 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 19 October 2022.

8. 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)(f) Agenda item 10.1 – Chief Executive Officer (CEO) Performance Review - September 2023, designated as personal information,**
 - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. **The grounds for designation have been made to protect the privacy of an individual's personal information.**
2. **Per s.3(1)(g) Agenda items 10.2 – Award Contract CON/369 Construction of Cell 5 (STAGE 1) - Koonwarra Landfill, designated as private commercial information,**

- a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
- b. The grounds for designation have been made as the information is deemed commercial-in-confidence, being information that would prejudice Council's position in commercial negotiations if prematurely released.**

9. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 18 October 2023 commencing at 2pm in the Council Chambers, Leongatha.