

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

Wednesday 15 November 2023

**Council Meeting No.488
Council Chambers, Leongatha
Commencing at 2:00pm**



minutes



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

PRESENT

COUNCILLORS:	Councillor Nathan Hersey, Mayor Councillor Clare Williams, Deputy Mayor Councillor Mohya Davies Councillor Sarah Gilligan Councillor Scott Rae Councillor Jenni Keerie Councillor Michael Felton Councillor John Schelling Councillor Adrian Darakai
NOT PRESENT:	
OFFICERS:	Kerryn Ellis, Chief Executive Officer Allison Jones, Director Performance and Innovation Tony Peterson, Director Sustainable Infrastructure Rena Littlejohn, Director Economy & Community Rhys Matulis, Coordinator Governance Stella Coppola, Corporate Reporting & Governance Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No.488 Wednesday 15 November 2023
Council Chambers, Leongatha, commenced at 2:00pm

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	6
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER	6
1.2. WELCOME TO THE COUNCIL MEETING	6
1.3. OPENING PRAYER	6
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	7
1.5. APOLOGIES.....	7
1.6. CONFIRMATION OF MINUTES.....	7
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS	8
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF	9
2. OBJECTIVE - ECONOMY AND INDUSTRY.....	10
2.1. COMMUNITY SUPPORT PACKAGE - FINAL REPORT	10
3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES.....	15
3.1. DRAFT CHILDREN AND FAMILIES PLAN - FOR ENGAGEMENT.....	15
4. OBJECTIVE - LEADING WITH INTEGRITY	19
4.1. QUARTER 1 ORGANISATIONAL PERFORMANCE REPORT	19
4.2. CEO EMPLOYMENT & REMUNERATION POLICY.....	23
4.3. AUDIT & RISK COMMITTEE 26 SEPTEMBER MEETING MINUTES	28
4.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 SEPTEMBER 2023 TO 12 OCTOBER 2023.....	31
4.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 SEPTEMBER 2023 TO 12 OCTOBER 2023	36
5. NOTICES OF MOTION AND/OR RESCISSION	40
5.1. NIL.....	40
6. COUNCILLOR REPORTS	40
6.1. REQUESTS FOR LEAVE OF ABSENCE.....	40
6.2. COUNCILLOR UPDATES.....	40
7. URGENT OR OTHER BUSINESS	45
8. PUBLIC QUESTIONS	46
8.1. PETITIONS AND JOINT LETTERS.....	46

8.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....47

8.3. SUBMITTED PUBLIC QUESTIONS48

9. CLOSED SESSION51

11.1. AWARD CONTRACT CON/387 - Leongatha Municipal Office
Redevelopment - Exterior Refurbishment

10. MEETING CLOSED.....53



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.487, held on Wednesday 18 October 2023 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Councillor Davies

SECONDED: Councillor Williams

That the Minutes of the South Gippsland Shire Council Meeting No.487, held on Wednesday 18 October 2023 in the Council Chambers, Leongatha be confirmed.

CARRIED UNANIMOUSLY

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.

Nil

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 Agenda Item 4.2. CEO EMPLOYMENT & REMUNERATION POLICY, as the matter relates to her employment and remuneration in her current role as Chief Executive Officer.

2. OBJECTIVE - ECONOMY AND INDUSTRY

2.1. COMMUNITY SUPPORT PACKAGE - FINAL REPORT

Directorate:	Economy and Community
Department:	Economy Community and Investment

Council Plan

Objective - Economy and Industry

This report relates to the major initiative in the Council Plan - Implement the annual action plan of the 2021 –2031 Economic Development Strategy.

EXECUTIVE SUMMARY

The purpose of this report is to present the final evaluation of the South Gippsland Shire Council COVID-19 Community Support Package Program and requests Council receives and notes the report.

RECOMMENDATION

That Council receive and note the Covid-19 Community Support Package Evaluation Report (Attachment [2.1.1]).

RESOLUTION

MOVED: Councillor Davies

SECONDED: Councillor Gilligan

That Council receive and note the Covid-19 Community Support Package Evaluation Report (Attachment [2.1.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The COVID-19 Community Support Package (CSP) was a connected set of initiatives that represented South Gippsland Shire Council's response to the COVID-19 pandemic. The aims of the CSP were to:

- Provide targeted support and stimulus activities specific to the South Gippsland community and economy;
- Provide relief to businesses, community groups, families and individuals suffering financial or social distress;
- Aid with recovery and work towards restoration of the community and South Gippsland economic life; and
- Provide vital economic, social, cultural, health and wellbeing outcomes.

The South Gippsland Shire Council COVID-19 Community Support Package Evaluation Report (**Attachment [2.1.1]**) has sought to determine how the CSP achieved these aims and:

- Supported the achievement of the strategic goals and outcomes of the Council Plan;
- Responded to the social and economic impact of the COVID-19 pandemic on the South Gippsland Community;
- Was flexible and responsive to the needs of the community;
- Minimised the administrative burden on volunteers without undermining good governance and asset management principles;
- Provided opportunities to volunteer groups and organisations which would otherwise have limited access to funds to function or maintain community engagement within the community during COVID-19 restrictions; and
- Supported the sustainability of specific community and economic sectors and cohorts through COVID-19 restrictions and impacts.

The evaluation report includes:

- A review of the COVID-19 Community Support Package,
- Recommendations on how Council's response to any future emergency, through response and recovery initiatives could be improved.

- Consideration of the needs of the South Gippsland community in relation to support, relief and stimulus during significant emergencies and options/ opportunities for how those needs might be met in the future.
- Benchmarking the South Gippsland COVID-19 Community Support Package, against similar programs delivered by other Councils – **Attachment [2.1.2]** South Gippsland Shire Council COVID-19 LGA Benchmarking & Program Notes.
- Consultation with South Gippsland Shire Council Officers and recipients of support through the CSP Program – **Attachment [2.1.3]** South Gippsland Shire Council COVID-19 Consultation.

Evaluation Summary

The COVID-19 Support Package comprised 18 programs devised to support community, business and organisations throughout the COVID-19 pandemic. These programs were rolled out across 2020, 2021 and 2022.

Programs included:

- Community, Business and Recreation Support Grants Program provided community led projects to support young people, small business, community space support, activity for isolated communities and recreation maintenance.
- Fee Waivers and Fast Tracking of local payments – 710 local businesses supported with registration and permit fee waivers and 94% of suppliers paid within 14 days.
- Arts, Culture and Creative Industry programs – a suite of 11 programs designed to support artists and creative industry professionals (**Attachment [2.1.4]** – COVID 19 Creative & Cultural Program). This initial activation was followed by the creation of legacy art projects, such as the Art Cubes, Reconnect Music Festival and promotion of Visitor Economy activities through rebranding, training support and strategy development,
- Shop Local Campaign, activation and marketing campaign aimed at stimulating economic activity across South Gippsland including; shop local bags, furniture, advertising, and much more.
- Community Health and Wellbeing support with 52 organisations supported with COVID-19 safety kits, 16,000 community support brochures distributed, 80 community members undertaking Mental Health First Aid and 80 volunteers making face masks for vulnerable people.

The evaluation has demonstrated that the support package was a necessary and positive action for Council. In response to the evaluation consultation, the feedback from community and internal stakeholders has been overwhelmingly positive.

Some of the highlights of the package noted through the evaluation include;

- Staff teamwork and collaboration - learning from each other/ see how other parts of Council engage with the community;
- There was new opportunity to do important strategic work;
- Helped to retain community volunteers;
- Community feedback was very positive, particularly from volunteers who valued the extra support from Council;
- Grants were spent locally, providing extra benefits and support to local groups and initiatives;
- Improved relationships between Council and groups/ businesses;
- Resulted in investment into the Rail Trail;
- Amazing community outcomes of art projects;
- Events have brought people back into the region;
- Volunteers expressed gratitude for grants; and
- Created more optimism and positivity in the community.

The evaluation has provided Council with key learnings that can be used to inform any future significant events or emergencies. These include;

- Ensuring a response package is suitably resourced with an identified project manager to oversee the entire package; and
- Consideration of the potential for recovery time to be extensive and build that time into any future package.

CONSULTATION / COMMUNITY ENGAGEMENT

The consultant undertook extensive community consultation and engagement to ensure programs offered through the Support Package were able to be evaluated. This included interviews, surveys, one-on-one discussion and benchmarking against other programs.

RESOURCES / FINANCIAL VIABILITY

The preparation and presentation of an evaluation of the COVID-19 Support Package was included in the package budget.

RISKS

Nil

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. South Gippsland Shire Council COVID-19 - Community Support Package Evaluation Report [2.1.1 - 19 pages]
2. Appendix 2 - South Gippsland Shire Council COVID-19 - LGA Benchmarking & Program Notes [2.1.2 - 4 pages]
3. Appendix 3 - South Gippsland Shire Council COVID-19 - Consultation List [2.1.3 - 2 pages]
4. South Gippsland Shire Council COVID-19 - Creative & Cultural Program [2.1.4 - 29 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Annual Budget

Arts, Culture and Creative Industry Strategy

Community Strengthening Strategy

Council Plan 2022-2026

Economic Development and Tourism Strategy

Long-Term Financial Strategies

Long Term Financial Plan

3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

3.1. DRAFT CHILDREN AND FAMILIES PLAN - FOR ENGAGEMENT

Directorate:	Economy and Community
Department:	Children and Family Service

Council Plan

Objective - Healthy and Engaged Communities

Provision of early years infrastructure for kindergarten, childcare and maternal and child health supports child development and learning and is a core ingredient in developing attractive and sustainable communities for families.

EXECUTIVE SUMMARY

The Children and Families Plan (previously known as the Municipal Early Years Plan - MEYP) is part of Council's commitment to support children and families in South Gippsland to feel that they belong and can be happy, healthy, and develop to their full potential. Should Council adopt The Children and Families plan it will then replace Children and Families Plan 2016-2021.

The draft Children and Families Plan (Plan) **Attachment [3.1.1]**, encompasses children aged up to 12 years and their families and has been developed in partnership with service providers and the community.

The draft Plan was informed through extensive community consultation and engagement, background research and data analysis.

The draft Plan encompasses a whole of community approach and consists of strategies by Council, community and the wider service sector.

RECOMMENDATION

That Council endorses the Draft Children and Families Plan 2023-2027 Attachment [3.1.1] for community engagement.

RESOLUTION

MOVED: Councillor Williams

SECONDED: Councillor Davies

That Council endorses the Draft Children and Families Plan 2023-2027 Attachment [3.1.1] for community engagement for a period of two weeks commencing 16 November 2023.

MOVED: Councillor Heresy

SECONDED: Councillor Gilligan

That Councillor Mohya Davies speaking time be extended by 2 minutes.

CARRIED UNANIMOUSLY

The Motion before the Chair was CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Council has an important role in supporting children and families, as do many other organisations and services in South Gippsland. Council delivers Maternal and Child Health and Immunisation services, leads supported playgroups and new parent programs, operates a centralised registration system for kindergarten, and provides buildings and spaces where early years programs and services can operate from.

Council also provides universally accessible facilities and services which are very important in the lives of children and families such as playgrounds and open space, swimming pools and leisure centres, libraries, community events and social support services.

CONSULTATION / COMMUNITY ENGAGEMENT

Extensive consultation and engagement with families and children, early years services and government, health and community services agencies has been undertaken.

- Community Engagement (survey's, pop-ups and a focus group) May – June
- Targeted Discussions – June
- Councillor Workshop – August
- Steering Committee Workshop – August
- Councillor Briefing – October
- Steering Committee Briefing - October

Background research included an analysis of current and forecast demographics, examining the policy context for supporting children and families, assessing the existing services, programs and resources supporting children and families in South Gippsland and identifying how they may need to change.

Councillor and Steering Group workshops and briefings were conducted at key stages through the consultation process.

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Nil

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Draft Children and Families Plan 2023-2027 [3.1.1 - 23 pages]

CONFIDENTIAL ATTACHMENTS

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](#).

Annual Budget

Children and Families - A Plan for the Future in South Gippsland

Children and Families Plan

Council Plan 2022-2026

Community Engagement Strategy

Community Strengthening Strategy

Municipal Early Year's Plan

Youth Strategy

Legislative Provisions

Child Wellbeing and Safety Act 2005

Children, Youth and Families Act 2009

Children's Services Act 1996

Children, Youth and Families Regulations 2017

Children's Services Regulations 2020

4. OBJECTIVE - LEADING WITH INTEGRITY

4.1. QUARTER 1 ORGANISATIONAL PERFORMANCE REPORT

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by regular organisational performance reporting against the Council Plan 2022-2026 Measures and Annual Initiatives.

EXECUTIVE SUMMARY

The purpose of this report is for Councillors to consider the Organisational Performance Report for the time period of 1 July 2023 to 30 September 2023 (**Attachment [4.1.1]**) which includes the financial and organisational performance against the Adopted Budget and highlights progress of the 2023/24 Annual Initiatives for the 2022-2026 Council Plan (Council Plan).

RECOMMENDATION

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2023 to September 2023 (Attachment [4.1.1]);**
- 2. Publishes the Organisational Performance Report to Council's website; and**
- 3. Presents the Organisational Performance Report to the December 2023 Audit and Risk Committee Meeting.**

RESOLUTION

MOVED: Councillor Keerie

SECONDED: Councillor Davies

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2023 to September 2023 (Attachment [4.1.1]);**
- 2. Publishes the Organisational Performance Report to Council's website; and**
- 3. Presents the Organisational Performance Report to the December 2023 Audit and Risk Committee Meeting.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan and supported by an adopted Budget that contains the first (annual) financial year and subsequent three financial years. These requirements are legislated under s.90 and 94 of the *Local Government Act 2020 (Act)*.

Council endorsed the 2023/24 Annual Initiatives (Annual Initiatives) as part of the 2022-2026 Council Plan at the 28 June 2023 Council Meeting. The Council Plan outlines the strategic objectives, priorities, major initiatives and measure of success indicators for the next four years.

2023/24 Annual Initiatives

Annual Initiatives are developed annually and include significant activities that progress the achievement of the objectives and priorities in the Council Plan. These Annual Initiatives are adopted each year in the Budget.

For connectivity, they are also captured each year as an update to the Council Plan. Progress against these Annual Initiatives and performance indicators are monitored and reported to Council within each Quarterly Performance Report.

Council adopted 34 Annual Initiatives for 2023/24, with 32 of these Annual Initiatives either completed or on track to be completed by 30 June 2024 and 2 initiatives to be monitored.

Capital Works

Capital expenditure to 30 September is \$4.4 million is largely on track to the forecast \$4.2 million. The minor variance is primarily due to timing, with an underspend on the Local Roads and Community Infrastructure program year to date.

Year to Date Financial Analysis

The proposed forecast result is for a \$0.5 million adjusted underlying surplus for the year ended 30 June 2024. The adjusted underlying result demonstrates Council's ability to generate a surplus in its ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions to fund capital works from its net result. A surplus or increasing surplus suggest an improvement in operations.

Council's proposed forecast Indebtedness Ratio as of 30 June 2024 is 26.3%, and is well within the ratio maximum of 40% or lower.

The movement between Adopted Budget and Approved Forecast is attributed to year end carry forwards from 2022/23, as endorsed by Council on 18 October 2023. A detailed mid-year budget review will be undertaken during quarter two and presented to Council with the Quarter 2 Organisational Performance Report.

CONSULTATION / COMMUNITY ENGAGEMENT

The Organisational Performance Report will be presented to Council's Audit and Risk Committee in December 2023.

RESOURCES / FINANCIAL VIABILITY

The 2023/24 Annual Initiatives are funded through the 2023/24 Annual Budget.

RISKS

The Organisational Performance Reports ensure the organisation remains in budget and also mitigates the risk of annual initiatives not being monitored throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not within budget, not being achieved, or without understanding the reasons for any delay or budget constraints.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Organisational Performance Report - July to September 2023 [4.1.1 - 28 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

Council Plan 2022-2026

Legislative Provisions

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

4.2. CEO EMPLOYMENT & REMUNERATION POLICY

Directorate:	Performance & Innovation
Department:	People & Culture

Council Plan

Objective - Leading with Integrity

This Policy ensures that the Council meets its obligations to support the ongoing high performance of the CEO through recruitment, professional development, performance planning and management and appropriate recognition and remuneration.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the revised *CEO Employment & Remuneration Policy (C71) (the Policy)*. The Policy has been reviewed and revised in order to:

- mitigate the impact of the *Election Period Policy (C30)* on the employment or recruitment of a Chief Executive Officer, and
- provide clarity with regard to the composition of the CEO Employment & Remuneration Committee, and
- clarify the process followed when briefing the Councillor group during the CEO Performance Review.

A copy of the current Policy is located in **Attachment [4.2.2]** and the proposed new policy in **Attachment [4.2.1]**.

A summary of the proposed changes can be found at **Table 1.1** in this report.

CEO Kerry Ellis declared a conflict and left the Chamber at 2.40 pm.

RECOMMENDATION

That Council endorses the revised *CEO Employment & Remuneration Policy (C71)* (Attachment [4.2.1]) in order to provide direction on Council's commitment to the application of good governance, transparency and fairness in all matters relating to the employment, management and remuneration of the Chief Executive Officer (CEO).

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Davies

That Council endorses the revised *CEO Employment & Remuneration Policy (C71)* (Attachment [4.2.1]) in order to provide direction on Council's commitment to the application of good governance, transparency and fairness in all matters relating to the employment, management and remuneration of the Chief Executive Officer (CEO).

CARRIED UNANIMOUSLY

CEO Kerryn Ellis returned to the Chamber at 2.46 pm.

[Link to next Agenda Item.](#)

REPORT***CEO Employment & Remuneration Policy (C71) (the Policy)***

The Policy provides direction on Council's commitment to the application of good governance, transparency and fairness in all matters relating to the employment, management and remuneration of the Chief Executive Officer (CEO).

The current Policy (**Attachment [4.2.2]**) requires a review in order to resolve some challenges with regard to:

- The timing of the conclusion of the contract of employment for the current Chief Executive Officer.
 - o The Policy requires that the Committee make a recommendation to Council on whether to reappoint the Chief Executive Officer and if so, the proposed provision of any further contract. Given the timing of the conclusion of the contract, this would mean the Committee would make its recommendation to Council during the election period, in which the *Election Period Policy (C30)* is in place (previously referred to as the caretaker period). This would mean that Council would be unable to act upon that recommendation.
- The Policy wording with regard to the composition of the CEO Employment & Remuneration Committee.
- The approach that follows the CEO Employment & Remuneration Committee meetings, and the distribution of reports to Councillors.

Proposed

At the September 2023 meeting Council resolved that a review of the Policy be undertaken and to provide a report to Council at its November meeting. The review recommends the following changes to the Policy (refer **Attachment [4.2.1]** for the proposed new Policy).

Table 1.1

Clause Number	Current clause wording	Revised Clause
3.3	The Committee must include at least three councillors, one of whom will be the Mayor, and an independent Chairperson appointed by the Council who is	The Committee must include three councillors, one of whom will be the Mayor, and an independent Chairperson appointed by the Council who is

	entitled to be remunerated for their services. Council may appoint more than three Councillors if it wishes, however must not appoint other persons, excluding the independent chairperson, who are not Councillors.	entitled to be remunerated for their services. Council may appoint more than three Councillors if it wishes, however must not appoint other persons, excluding the independent chairperson, who are not Councillors.
3.4	A majority quorum of Councillors and the independent chairperson, must be present to transact business of the Committee. If the Mayoral election occurs during the recruitment period with a new Mayor elected, the Mayor at the time of commencement of the recruitment process will continue to be involved until such time as the CEO is appointed. This allows continuity within the process. The new Mayor, if not already appointed to the Committee, will join the Committee.	3.4 A majority quorum of Councillor members of the Committee and the independent chairperson, must be present to transact business of the Committee. 3.5 If the Mayoral election occurs during the recruitment period with a new Mayor elected, the Mayor at the time of commencement of the recruitment process will continue to be involved until such time as the CEO is appointed. This allows continuity within the process. The new Mayor, if not already appointed to the Committee, will join the Committee.
3.7	The Committee will provide a report to Council following each meeting.	Following each meeting, the Committee will brief the Councillor group. A report will then be provided to Council.
3.17	6 months prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on: 3.17.1. whether the CEO should be reappointed under a new Contract of Employment; 3.17.2. if the recommendation is to reappoint the CEO, the proposed provisions of the	No later than 6 months prior to the expiry of the current CEO's Contract of Employment, the Committee will provide a recommendation to Council on: 3.17.1. whether the CEO should be reappointed under a new Contract of Employment; 3.17.2. if the recommendation is to

	further Contract of Employment.	reappoint the CEO, the proposed provisions of the further Contract of Employment.
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CONSULTATION / COMMUNITY ENGAGEMENT

This report was prepared in conjunction with the CEO Employment & Remuneration Committee and the Councillor group.

RESOURCES / FINANCIAL VIABILITY

There are no resource or financial implications as a result of the consideration of this report.

RISKS

If Council does not address the issue of the impact of the *Election Period Policy* on the Policy, there is potential for Council to be without a Chief Executive in the lead up to or post the 2024 Council election.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Proposed - C71 CEO Employment and Remuneration Policy [4.2.1 - 9 pages]
2. Current - C71 CEO Employment and Remuneration Policy [4.2.2 - 9 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

CEO Employment and Remuneration Policy (C71)

Election Period Policy (C30)

Legislative Provisions

Local Government Act 2020

4.3. AUDIT & RISK COMMITTEE 26 SEPTEMBER MEETING MINUTES

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

Council's risk management and governance is strengthened by effective monitoring and reporting on the activities and advice by the Audit and Risk Committee.

EXECUTIVE SUMMARY

The draft minutes of the Audit and Risk Committee meeting held 26 September 2023 (**Attachment [4.3.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Jenni Keerie (Council member)
- The Mayor Cr Nathan Hersey (ex-officio observer)

RECOMMENDATION

That Council notes the draft Audit and Risk Committee Minutes – 26 September 2023 (Attachment [4.3.1]).

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Keerie

That Council notes the draft Audit and Risk Committee Minutes – 26 September 2023 (Attachment [4.3.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The matters considered by the Audit and Risk Committee at the 26 September 2023 meeting are contained in (**Attachment [4.3.1]**).

CONSULTATION / COMMUNITY ENGAGEMENT

The draft Audit and Risk Committee Minutes for 26 September 2023 (**Attachment [4.3.1]**) have been circulated to the Audit and Risk Committee for feedback which is included in the attached, and will be formally accepted by the Committee at the next meeting.

RESOURCES / FINANCIAL VIABILITY

Budget allowances for Council's three Independent Audit and Risk Committee Members' attendance fees are included within Council's current and forward budgets.

RISKS

Council must establish an Audit and Risk Committee under s.53 of the Local Government Act 2020. The Committee supports Council in discharging its oversight responsibilities as set out in the Audit and Risk Committee Charter, including risk management.

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 Audit Risk Committee Minutes - 26 September 2023 [**4.3.1** - 19 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

Legislative Provisions

Local Government Act 2020

4.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 SEPTEMBER 2023 TO 12 OCTOBER 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 September and 12 October 2023.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Darakai

SECONDED: Councillor Schelling

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Meeting Title	Details
Wednesday 13 September 2023	
Council Meeting Agenda Topic Discussion – 20 September 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Confidential Agenda Item 10.1. Chief Executive Officer (CEO) Performance Review - September 2023, as the matter relates directly to her role. The item was not discussed.</p>
Planning & Building Enforcement & Local Laws Prosecutions	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Rating Differentials	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Council's Advocacy Priorities for 2023/24	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 20 September 2023	
Council Meeting Agenda Topic Discussion – 20 September 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Confidential Agenda Item 10.1. Chief Executive Officer (CEO) Performance Review - September 2023, as the matter relates</p>

Meeting Title	Details
	directly to her role. Ms Ellis left the meeting at 9.51am and returned at 10.22am.
Budget & Council Planning Approach 2024/2025	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Recommendations from Operation Sandon	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Councillor Feedback 2023	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 27 September 2023	
Renewable Energy Briefings	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Arawata and Surrounding Community – Local Roads Survey	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Biodiversity Protection Plan for South Gippsland	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 4 October 2023	
Children and Families Plan	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey, Michael Felton and Jenni Keerie.

Meeting Title	Details
	Conflict of Interest: Nil disclosed.
General Local Laws Review	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Michael Felton. Conflict of Interest: Nil disclosed.
Councillor Priorities 2024/2025	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Coal Creek Strategic Plan	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 11 October 2023	
Council Meeting Agenda Topic Discussion – 18 October 2023	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
CEO Remuneration Policy Review	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
End of Financial Year Results and Review	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Strategic Risks	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, 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 Act 2020

4.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 SEPTEMBER 2023 TO 12 OCTOBER 2023

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

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 September 2023 to 12 October 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.

RESOLUTION

MOVED: Councillor Davies

SECONDED: Councillor Darakai

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

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 September 2023 to 12 October 2023.

1. Nil

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 September 2023 to 12 October 2023.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 100 Weavers Road and 55 Kennys Road Nyora for a boundary realignment. Seal applied 19 September 2023.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of Lots 149 and 150 on Certificate of Title Volume 11126 Folio 565 for a multi lot subdivision. Seal applied 4 October 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 September 2023 to 12 October 2023.
 - a. CON/365-B for the Management and Operation of Selected Aquatic Venues within South Gippsland; Toora and Foster Outdoor Pools was awarded to EC and CA Bennett and signed by the CEO 18 September 2023.
 - b. CON/369 for the Construction of Cell 5 (Stage 1), Koonwarra Landfill awarded to Goldsmith Civil & Environmental Pty Ltd signed by the CEO 6 October 2023.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 September 2023 to 12 October 2023.
 - a. CON/372 for the Provision of Environmental Auditing, GITA and Third Party CQA Services awarded to Bajwa EnviroConsult Pty Ltd and signed by the CEO 4 October 2023.
3. Contract variations approved by the CEO between 13 September 2023 to 12 October 2023.
 - a. Nil
4. Contract extensions approved by the CEO between 13 September 2023 to 12 October 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

5. NOTICES OF MOTION AND/OR RESCISSION

Nil

6. COUNCILLOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

RECOMMENDATION

The Motion that Council grant leave of absence to Councillor Adrian Darakai for Council Meeting 13 December 2023 was withdrawn.

6.2. COUNCILLOR UPDATES

The Deputy Mayor, Councillor Clare Williams, addressed Council by Reporting on attendance at or made comments on:

- **Leongatha Community Garden where Councillor Williams handed out life membership awards to two members.**
- **Remembrance Day Leongatha**
- **Railway Station Mural Leongatha**
- **Korumburra Hub Development**
- **Local Laws Review**
- **Draft Children and Families Plan encouraging the community to continue to engage with Council and put in submissions.**
- **Art Cubes**
- **Fishy Stories Literature Festival in Fish Creek**

Councillor Michael Felton addressed Council by Reporting on attendance at or made comments on:

- **The larger than usual Gallery attendance, acknowledging their presence and reminded attendees that the Local Laws Review is a first draft and would not be voted on in this meeting as some may have thought.**
- **Encouraged the community to subscribe to Council's In The Know.**
- **Coal Creek and local swimming pools, encouraging community involvement in these assets which are currently under review.**
- **Korumburra Hub**
- **Loch Barefoot Bowls Burger and Chips night**
- **Paid respects to two very long serving local police members who have both recently retired, with a combination of just over 70 years of service between them.**

Councillor Jenni Keerie addressed Council by Reporting on attendance at or made comments on:

- **Local Laws, encouraging community input.**
- **Korumburra Business Association Annual General Meeting where Councillor Keerie held the position of Chair**
- **Opening of the Bena Art Show**
- **Korumburra community meal, acknowledging the volunteers who run this community service and the wonderful connection of people through this initiative.**
- **Korumburra Community Hub**
- **Remembrance Day service Coleman Park**
- **Encouraged community feedback on the traffic and pedestrian movement study on the education precinct in Princess Street Korumburra.**

- **Congratulated everyone involved in the development of the South Gippsland Coastal Strategy which was acknowledged with a State Award for Planning Excellence. Also, the recognition for South Gippsland as being leaders in this space.**
-

Councillor Scott Rae addressed Council by Reporting on attendance at or made comments on:

- **Local Laws – thanked all those who have engaged and provided feedback.**
 - **Phillip Island Scout Hall for the scouting district annual report and awards night. Encouraged volunteers.**
 - **Remembrance Day Toora**
-

Councillor John Schelling addressed Council by Reporting on attendance at or made comments on:

- **Korumburra Business Association Annual General Meeting**
 - **Mock interviews for year 10 students at Leongatha Secondary College**
 - **75 years celebrations at Leongatha Kindergarten**
 - **By Laws proposals**
 - **Friends of Agnes Falls – failed to reach a quorum to continue**
 - **Beena Art Show**
 - **Remembrance Day Hallston Hall – mentioning the artists new collage of those who served in the local areas.**
 - **Highlighted the second year as Councillors.**
 - **Falls Road and Korumburra Road**
 - **Farmers**
-

- **Acknowledged the Fish Creek Football Netball Club loss of premises due to a recent fire.**
-

Councillor Mohya Davies addressed Council by Reporting on attendance at or made comments on:

- **Conclusion of the Ready Committees – the roundup for Foster and Mirboo North**
 - **Remembrance Day**
 - **Fishy Tales**
-

Councillor Sarah Gilligan addressed Council by Reporting on attendance at or made comments on:

- **Tarwin Lower Primary School fundraiser for a playground**
 - **Korumburra Hub opening**
 - **Remembrance Day – Tarwin Lower**
 - **Passing of Venus Bay artist Kevin Mortenson**
 - **South Gippsland Shire Council Coastal Strategy Award**
 - **Friends of Agnes Falls annual general meeting**
-

Councillor Adrian Darakai addressed Council by Reporting on attendance at or made comments on:

- **Mirboo North Recreation Reserve annual general meeting which was also attended by advocates and representatives of the Mirboo North Scouts Group.**
 - **Leongatha Gymnastics Club 30 Years celebration**
-

- **Friends of Mossvale Park**
 - **Councillor Darakai welcomed and acknowledged the large amount of gallery attendees.**
 - **Local Laws Review**
 - **Encouraged the community to read Council's Annual Performance Report**
-

Councillor Nathan Hersey, the Mayor addressed Council by Reporting on attendance at or made comments on:

- **South Gippsland Shire Council Coastal Strategy Award**
- **Opening of the Korumburra Hub**
- **Remembrance Day Meeniyan**
- **Councillor Mohya Davies ten years of service to South Gippsland Shire and the community, as a Councillor including serving as Mayor in 2021 .**
- **The Mayor reflected on his role as Mayor over the past year, thanking Councillors and the people of South Gippsland.**

7. 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.

Nil

8. PUBLIC QUESTIONS

8.1. 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.

Nil

8.2. 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

8.3. 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.

Mrs Sarah Freeman submitted written questions, a response is provided in these Minutes.

Question 1

How does the shire council intend to ensure that the whole community is aware of the things going on in the community?

Response

Council uses a wide variety of different methods to communicate and engage with the local community. This includes a fortnightly email newsletter, a weekly full-page advert in local papers, a Council Facebook page and Council's website, amongst other methods. There is also a dedicated engagement website at yoursay.southgippsland.vic.gov.au. For some larger engagements (such as the General Local Law) pop-up events are held where people can learn more and provide feedback face-to-face.

There is an expectation that residents will also take proactive steps to keep themselves informed via the many communications avenues that are available.

Question 2

Can the allocated time frame for feedback be extended?

Response

The current round of Local Law consultation was extended by a week following community requests for additional time, and this extended time has now closed. Another round of engagement will occur after the current feedback has been considered and any required changes have been made to the draft Local Law.

Question 3

Is the public allowed to attend council meetings and have a say in the decisions that are being made?

Response

Council meetings are open to the public to attend, and the public can also ask questions of the Council by submitting them prior to the meeting. Community members can have their say by providing feedback via community engagements and via correspondence. Mayor/Deputy Mayor catch ups are also held regularly, as well as Councillor drop-ins.

Mr Gus Blaauw submitted written questions, a response is provided in these Minutes.

Question 1:

Is the “the acknowledgement of the traditional custodians” delivered by Cr Gilligan at Council meeting dated 18 October 2023 a Council position or Cr Gilligan’s personal opinion?

Response

As Cr Gilligan stated at the Council meeting the statement made before the acknowledgement of the traditional custodians was a personal opinion. Cr Gilligan also undertook the Acknowledgement of Country as provided in the agenda.

Question 2:

Code of Conduct enforces Councillors to differentiate between a Council position and a Personal opinion. Councillors must provide evidence. Please provide evidence that Cr Gilligan complied when delivering the “acknowledgment”.

Response

Cr Gilligan during the statement used the word I and not Council, clearly defining the statement as a personal opinion and not the position of Council. To support this the Mayor requested Cr Gilligan read Council’s acknowledgement of the traditional custodians which Cr Gilligan did.

Question 3:

Cr Gilligan “acknowledgement” conflicts with many Shire’s residents’ opinions. Councillors must represent all Residents and demonstrate respect for their opinions, beliefs, and rights. Did Councillors comply with this obligation?

Response

Like the community, all Councillors hold individual opinions and views which are different on various topics and are not required to be aligned or bipartisan. Council welcomes the sharing of different views to enhance the conversations and debates which occur within our community and in this chamber. Cr Gilligan did read out the acknowledgement as published in the agenda.

9. 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 11.1 – Award Contract CON/387 - Leongatha Municipal Office Redevelopment - Exterior Refurbishment (Request for Tender RFT/387), designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**

RESOLUTION

MOVED: Councillor Schelling

SECONDED: Councillor Gilligan

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 11.1 – Award Contract CON/387 - Leongatha Municipal Office Redevelopment - Exterior Refurbishment (Request for Tender RFT/387), designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**

CARRIED UNANIMOUSLY

10. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 22 November 2023 – Election of Mayor and Deputy Mayor commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 3.52 pm

Confirmed this 13^h day of December 2023

Councillor Nathan Hersey, Mayor