

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

Wednesday 17 July 2024

**Council Meeting No.496  
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*.

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

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.496 of the  
South Gippsland Shire Council will be held on Wednesday 17 July 2024  
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**

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

##### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting No.495, held on Wednesday 26 June 2024 in the Council Chambers, Leongatha be confirmed.**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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



## 2. OBJECTIVE - ECONOMY AND INDUSTRY

### 2.1. COAL CREEK COMMUNITY PARK AND MUSEUM STRATEGIC PLAN - DRAFT STRATEGIC PLAN

Directorate:	{Future Communities}
Department:	{Community, Customer & Visitor}

#### Council Plan

*Objective - Economy and Industry*

*Development of a Strategic Plan for Coal Creek Community Park and Museum is a major initiative of the 2023/2024 Council Plan.*

#### EXECUTIVE SUMMARY

The purpose of this report is to consider the Draft Coal Creek Community Park and Museum Strategic Plan (**Attachment [2.1.1]**) for endorsement to commence a period of community and stakeholder engagement.

#### RECOMMENDATION

**That Council endorses the Draft Coal Creek Community Park and Museum Strategic Plan (Attachment [2.1.1]) for community engagement from 18 July to 1 August 2024.**

#### REPORT

The development of a Strategic Plan for Coal Creek Community Park and Museum is an adopted 2023/24 Council Initiative. As part of this process, an extensive community engagement process commenced in January 2024, providing the South Gippsland community with an opportunity to have their say over the future of Coal Creek. To facilitate this community discussion, the Coal Creek Community Park and Museum Strategic Plan Discussion Paper was released for public engagement which outlined three potential futures for Coal Creek; Closure, New Direction or Revitalisation.

#### Community Engagement

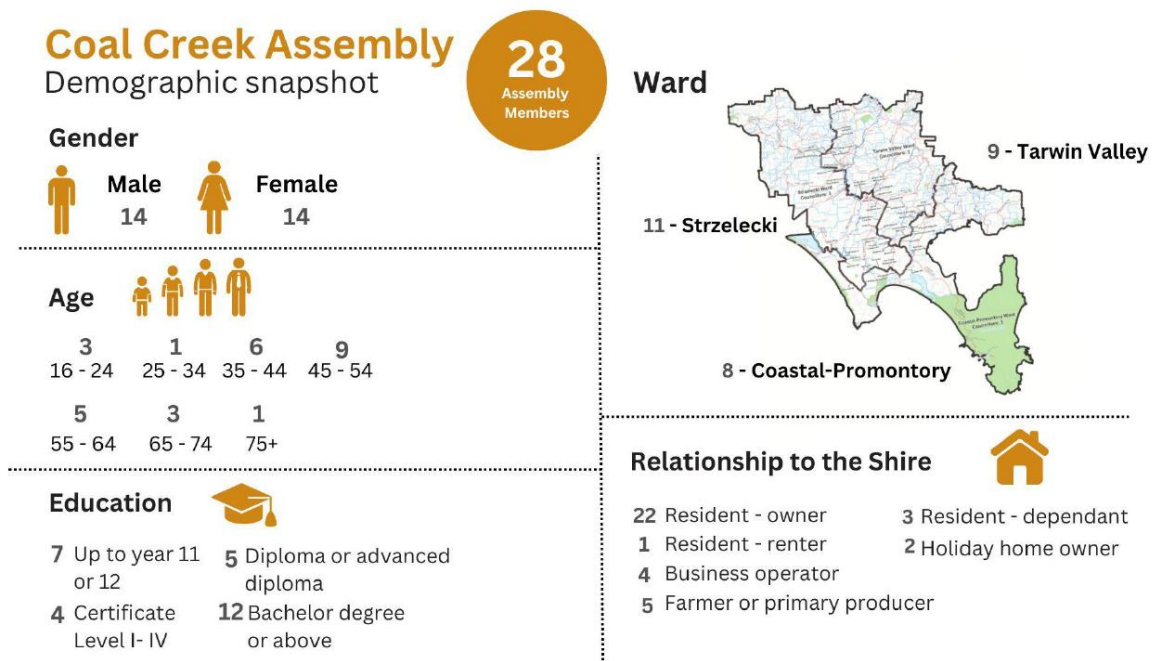
Broad community engagement closed 31 March 2024, with a summary of the feedback received provided in the attached report (**Attachment [2.1.2]** – Coal Creek Engagement Summary report). The engagement activities included an online and hard copy survey, intercept surveys conducted at pop-ups across the shire, and submissions by community groups and interested members of the community.

## Community Assembly

A Community Assembly was formed in March 2024 with recruitment to the assembly undertaken via an invitation process.

Invitations to participate were sent to more than 5,000 households across South Gippsland (approximately every third household) with 163 registering their interest. Random stratified sampling was used to select the panel, ensuring the panel met demographic goals agreed to by Council.

The below diagram provides a snapshot of the makeup of the Community Assembly.



The Community Assembly met on three separate occasions to consider the three options based on feedback from the broad community engagement undertaken, along with extensive information on the operational, financial and strategic considerations. The three options were debated and discussed through a rigorous process resulting in the option of New Direction being clearly highlighted as a priority. This option has formed the basis of a Draft Strategic Plan.

The rationale for the Community Assembly recommending New Direction is:

- **Increased opportunity:** It expands possibilities, opening Coal Creek up to fresh ideas and diversified funding sources.
- **Embracing progress:** There is a strong desire to move forward, avoid stagnation, and create a space that meets evolving community needs and interests.

- **Expanded vision:** It allows for the development of a vision that is new and transformative.
- **Financial sustainability:** It's crucial to address the current financial strain and opportunities for attracting new revenue streams.
- **Inclusivity:** To welcome diverse groups and interests to Coal Creek.
- **Preservation with purpose:** Whilst historical elements remain important, they may take a secondary role, allowing for innovative use of historical sites and a focus on broader educational opportunities.

The Community Assembly have recommended these themes are considered throughout the Draft Plan, with the following safeguards in place:

- Core heritage components, including the museum and steam train are preserved;
- Existing buildings are audited with a commitment to preserving those of high value;
- The essential character of the park is retained, including the focus on open space and nature (no roller coasters or water parks);
- Ongoing role for the volunteers and community groups like Friends of Coal Creek;
- The revenue generated through new directions is used to support and revitalise the heritage offerings; and
- All decision-making criteria are retained and considered important.

### **Draft Strategic Plan**

This Draft Strategic Plan (**Attachment [2.1.1]**) is now presented to Council for consideration to approve the release of the plan for public consultation.

The proposed structure of the Draft Strategic Plan is as follows:

- Background;
- What we heard from the community;
- Community Assembly process and recommendation;
- Vision for Coal Creek;

- Strategic directions:
  - Where we are today;
  - Where we are going;
  - How we are going to get there; and
- Relevant case studies.

The Draft Strategic Plan outlines actions against the strategic directions that are aligned to the below areas of focus;

### **1. Vision and value proposition**

- Vision for the future of Coal Creek.
- How it can best add value to South Gippsland.
- A review of naming and branding.
- The strategic narrative for 'new direction' - what does it mean and how we will get there.
- Signage, marketing and promotion.

### **2. Community participation**

- Community input into the strategic plan.
- The role of volunteers and community groups.
- A place for community events and celebrations.
- Attracting young families and young people.
- Removing barriers to access and opening up the park.
- Community-led activities.

### **3. Economic sustainability**

- Increasing visitor numbers.
- Opportunities to increase revenue, including events, venue hire, commercial partnerships, ticketing and entry fees.
- Reintroduction of food, beverage and retail.

- Funding opportunities, including grants and sponsorships.
- Addressing ageing assets and infrastructure, considering a review and rationalisation of buildings.

#### **4. Environment and open space**

- The role of Coal Creek as the largest Council managed open space in South Gippsland.
- Flora and fauna protection and education - earthworms and koalas.
- Connection to Country - the role of the Bunurong.
- Community involvement in environmental stewardship - environment and Landcare groups.

#### **5. Contribution to the regional economy**

- Coal Creek as the tourism gateway to South Gippsland.
- It's role in the tourism and visitor economy landscape.
- Options to enhance the visitor experience.
- Supporting art, culture and creative industries.
- Opportunities for local businesses, training and employment.

#### **6. Cultural heritage and history**

- The role of Coal Creek as the largest cultural heritage site in South Gippsland.
- Preservation of heritage buildings and assets.
- Managing the collection and museum.
- Strengthening engagement with traditional custodians and contributing to Council's commitment to reconciliation.
- Opportunities for environmental and cultural partnerships with the Bunurong and Gunaikurnai people.

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

An extensive community engagement process has been undertaken to develop the framework of the Draft Strategic Plan. This process has provided the

opportunity for the community and stakeholders to provide feedback on a future strategic direction for the Coal Creek Community Park and Museum.

### **RESOURCES / FINANCIAL VIABILITY**

The development of a Strategic Plan for the Coal Creek Community Park and Museum has been allocated within current budgets.

An allocation of \$50,000 to commence implementation of outcomes from the Coal Creek Strategic Plan, including detailed financial modelling and business case development, has been included in Council's Annual Budget 2024/2025. Coal Creek Community Park & Museum maintains an operational budget which does not include an ongoing Strategic Plan implementation budget.

Council is constrained by a rate capping environment and future implementation activities contained within the Strategic Plan will rely on sourcing external revenue streams and where appropriate, delivered within the annual adopted operational budget.

### **RISKS**

Should Council not proceed with the release of the Draft Strategic Plan it risks not achieving a Council Plan initiative to develop a Strategic Plan for the Coal Creek Community Park and Museum within its term.

Should Council proceed with the release of the Draft Strategic Plan, it will be necessary to communicate the constraints of the current financial environment to the broader South Gippsland community to manage any expectation of an increased Council financial investment in Coal Creek Community Park & Museum.

### **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 Coal Creek Community Park and Museum Strategic Plan [2.1.1 - 29 pages]
2. Coal Creek Engagement Summary Report 2024 [2.1.2 - 31 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction and Leadership

Pillar 3. Decision Making

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

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

Coal Creek Community Park Museum and Collection Policy (C05)

Arts, Culture and Creative Industry Strategy

Economic Development and Tourism Strategy

Annual Budget

Council Plan 2022-2026

**Legislative Provisions**

Gender Equality Act 2020

## 2.2. RENEWABLE ENERGY IMPACT AND READINESS STUDY

Directorate:	CEO Directorate
Department:	Regional Partnerships

### 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 Council with the South Gippsland and Latrobe City Renewable Energy Impact and Readiness Study (the Study) (**Attachment [2.2.1]**) for Council’s consideration and adoption.

This Study will assist in positioning South Gippsland for the arrival of nationally significant renewable energy projects to be established off the Gippsland coast in the coming years. It examines the readiness of key towns to service and support renewable energy projects, business and employment opportunities, skills development, supply chain requirements, housing and accommodation, infrastructure including ports and community readiness.

### RECOMMENDATION

**That Council adopts the South Gippsland and Latrobe City Renewable Energy Impact and Readiness Study (Attachment [2.2.1]).**

### REPORT

#### Background

The declaration of the Gippsland Renewable Energy Zone (GREZ) and the issuing of offshore wind energy project feasibility licences, provides South Gippsland, and the wider Gippsland region, with major economic opportunities, but also raises issues regarding facilitating and servicing this development.

Council made a submission in October 2022, in response to the Federal Government’s announcement that Gippsland will be the first site in Australia to be formally examined as a new offshore wind zone. The submission provided in principle support for renewable offshore wind energy in Gippsland and also outlines both the opportunities and concerns related to future proposed developments.



To understand and prepare for this, South Gippsland Shire Council (SGSC) and Latrobe City Council (LCC), in conjunction with Regional Development Australia (RDA) commissioned a Renewable Energy Impact and Readiness Study.

The Study informs Council regarding advocacy, land use planning, potential infrastructure requirements, and consideration of industry supply chains, business, and labour demands.

### **Energy production**

This Study is designed to help prepare South Gippsland for the arrival of nationally significant renewable energy projects to be established off the Gippsland coast in the coming years as State and Federal Government policy aims to target emission reductions to net zero by 2050.

Gippsland is expected to lead the national growth in offshore wind generation. Modelling prepared by the Australian Energy Market Operator (AEMO) includes a scenario with offshore wind generation in Gippsland commencing in 2027 and increasing to 5.5GW by 2038.

Concurrently, as a region, Gippsland is experiencing consistent investment interest in large scale solar, onshore wind, hydrogen and battery projects. The suite of renewable energy projects is emerging in the context of a region which generates the majority of Victoria's electricity and gas. Gippsland produces approximately 85 per cent of Victoria's electricity, 97 per cent of Victoria's natural gas and 26 per cent of Australia's oil.

Gippsland has well established energy production activities and supply chains associated with non-renewable resources which are in varying stages of reduced output and decommissioning.

Renewable energy projects are increasing rapidly and the energy transition in the region is underway. A particular challenge for Gippsland and Australia's transition to new energy is the relatively immature domestic supply-chain capability, particularly manufacturing.

Gippsland is experiencing several other issues impacting the economy and property markets which may interact with the impacts of renewable energy projects, such as limited industrial land availability, housing shortages and low unemployment.

### **Study Objectives**

The Study provides Council with the economic, social and land use evidence to ensure that key opportunities and impacts are understood and prepared for. It will assist Council's strategic planning and focus its advocacy efforts towards funding and other support.

This Study complements the recent work undertaken with Council's review of industrial land supply and expands on the recent Wellington Shire Renewable Energy Impact and Readiness Study.

The Study provides a general summary and analysis of planned renewable energy investment based on information available in 2023/24.

### **Project Outcomes**

The Study has examined issues such as the readiness of key towns to service and support renewable energy projects, economic issues, such as business and employment opportunities, skills development, supply chain requirements, housing and accommodation, infrastructure including ports and community readiness.

Some of the key issues and opportunities identified in the Study are:

- The requirement for minimum targets for local suppliers.
- The critical mass of investment may encourage further new business entrants.
- There is an undersupply of industrial land in Leongatha and Korumburra however significant vacant zoned industrial land is located near the ports at Barry Beach.
- Proximity to ports will be a key spatial driver.
- There may be about 8,000 jobs in development and construction phases and about 1,500 ongoing operational jobs.
- There are projected labour shortages in a number of key industries that will need to be addressed.
- Any increase in rental demand is likely to manifest into lower vacancy rates, higher rents and potential unmet demand for residents.
- Preparations for upgrades and local road networks will be required.

### **Action Plan**

The Study includes a number of Strategic Directions and Action Plan which cover four themes:

#### Supply Chain

- Supply chain focuses on supporting and promoting the existing business base to integrate into the renewable energy developments.

- Position the Gippsland region to attract national and global suppliers to the renewable energy sector.
- Plan for Gippsland to become a primary hub for renewable energy supply chain

#### Jobs and Skills

- Attract develop and grow a regional labour force to service employment needs.

#### Housing and Accommodation

- Plan for diversity of housing and accommodation needs across Gippsland.
- Encourage key worker housing to accommodate temporary and seasonal labour force needs.
- Plan and logically sequence residential development in South Gippsland's larger settlements.

#### Infrastructure

- Advocate for the Port of Corner Inlet to become an Operations Hub to service the Offshore wind industry.
- Address civil infrastructure barriers to urban development in key residential and industrial locations.
- Ensure transport and transmission readiness through early investigations and strategic planning.

An indicative timeframe, lead and partner stakeholders are recommended for each action. It is acknowledged that the implementation of actions will be subject to future resourcing, budgeting and prioritisation to be determined by each Council.

Individual renewable energy projects remain subject to relevant consultation and Government approval processes, whereby specific project impacts will need to be further assessed on a 'case by case' basis in accordance with statutory requirements.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Engagement was undertaken with a range of government agencies, industry, ports and offshore wind developers and proponents.

### **RESOURCES / FINANCIAL VIABILITY**

The Study will inform a range of Council's planning and advocacy initiatives over the next few years.

Council has applied with Wellington Shire Council for funding from the Federal Government's Regional Precincts and Partnerships program to assist with planning for some key elements of the Study.

Some activities will be funded through existing budget allocations and further funding will be sought from federal and state government programs

### **RISKS**

The development of the Study is designed to help mitigate strategic and operational risks and maximise local benefits and opportunities from the proposed developments.

This will occur by assisting Council to plan for appropriate land use planning and service provision. By doing so, it will help mitigate against the risks to our economy into the future. It will also provide the ability to maximise the local benefits and opportunities for the community.

### **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 and Latrobe City Renewable Energy Impact and Readiness Study 2024 Final Report [2.2.1 - 149 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 5. Communications & Community Engagement

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

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

South Gippsland Economic Development Strategy

South Gippsland Visitor Economy Strategy

South Gippsland Council Plan 2022-2026

South Gippsland Advocacy Strategy 2022

South Gippsland Advocacy Priorities 2024

Sustainability Strategy 2016-20

#### **Legislative Provisions**

Offshore Electricity Infrastructure Act 2021

South Gippsland Planning Scheme

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

Victorian Offshore Wind Energy Implementation Statement 3

### 3. OBJECTIVE - LEADING WITH INTEGRITY

#### 3.1. AUDIT AND RISK COMMITTEE - 11 JUNE 2024 MEETING MINUTES / CHAIR BIENNIAL UPDATE

Directorate:	Performance and Innovation
Department:	Financial Strategy

#### **Council Plan**

*Objective - Leading with Integrity*

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

#### **EXECUTIVE SUMMARY**

##### ***Draft Minutes***

The draft minutes of the Audit and Risk Committee meeting held on 11 June 2024 (**Attachment [3.1.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit and Risk Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Jenni Keerie (Council member)

##### ***Bi Annual Chair Report***

December 2023 to June 2024 Bi Annual Chair Report (**Attachment [3.1.2]**) is provided to Council for noting.

#### **RECOMMENDATION**

**That Council:**

1. **Notes the draft Audit and Risk Committee Minutes – 11 June 2024 (Attachment [3.1.1]); and**
2. **Notes the Audit and Risk Committee Chair report to Council by Committee Chair Jennifer Johanson (Attachment [3.1.2]).**

## REPORT

### ***Draft Minutes***

The matters considered by the Audit and Risk Committee at the 11 June 2024 meeting are contained in (**Attachment [3.1.1]**).

### ***Bi Annual Chair Report***

The Audit and Risk Committee Charter requires the Committee Chair to provide a report to Council twice yearly summarising the activities undertaken and raising any issues of concern. The report was presented in person to Councillors on Wednesday 10 July, providing the opportunity for Councillors to make further enquiry on matters of interest. It is now presented to Council for formal consideration. The report from the Committee Chair is provided in (**Attachment [3.1.2]**).

## CONSULTATION / COMMUNITY ENGAGEMENT

The draft Audit and Risk Committee Minutes for 11 June 2024 (**Attachment [3.1.1]**) have been provided to the Audit and Risk Committee Chair for feedback, and will be formally accepted by the Committee at the next meeting.

The bi-annual report from the Committee Chair (**Attachment [3.1.2]**) was circulated to the Committee as a part of the 11 June 2024 meeting and was accepted by the Committee as noted in the meeting minutes.

## 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. Audit and Risk Committee - Minutes 11 June 2024 [**3.1.1** - 20 pages]
2. Audit and Risk Committee - Activity Report June 2024 [**3.1.2** - 6 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

### 3.2. CHANGES TO COUNCIL MEETING TIMETABLE 2024

Directorate:	Performance and Innovation
Department:	Governance

#### Council Plan

*Objective - Leading with Integrity*

*Council's transparency and governance is demonstrated at its Council Meetings where decisions are made on behalf of the community.*

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of two changes to the 2024 Council Meeting schedule, that was set at Council Meeting 13 December 2023.

#### RECOMMENDATION

**That Council:**

- 1. Move Council Meeting No.498 originally set for 18 September 2024 to Wednesday 11 September 2024, 2.00pm, to be held in the Council Chambers, Leongatha.**
- 2. Call an Additional Meeting for Wednesday 2 October 2024, 2.00pm, to be held in the Council Chambers, Leongatha.**
- 3. Provide public notice of meeting changes.**

#### REPORT

##### Background

The Local Government Act 2020 (the Act), Part 3 Division 2 sets out the requirements relating to procedures and proceedings relating to council decision making. One of the ways in which Council decision making is undertaken is by resolution at a Council Meeting, and it is a requirement under the Act that the conduct of Council Meetings be set out in its Governance Rules.

As per Council's Governance Rules (C82)(the Rules), Clause 12.1 provides that Council may by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public and Clause 13.1 provides that Council may by resolution call an additional Council Meeting.



### **Change of the Date for September Council Meeting**

At its 2023 December Meeting Council determined to hold Council Meeting No. 498 on Wednesday 18 September 2024, 2.00pm.

The *Local Government Amendment (Governance and Integrity) Bill 2024* which passed both houses of the Victorian Parliament in June, has subsequently amended the start date for the Election period for the up and coming 2024 Council Elections. During the Election period Council is prohibited under section 69(2) of the *Local Government Act 2020* from making major policy decisions. By moving the Council Meeting to the week prior, Wednesday 11 September 2024, 2.00pm, Council will be able to consider any necessary business before the start of the Election period.

### **Additional Council Meeting**

An Additional Council Meeting is proposed for Wednesday 2 October 2024, 2.00pm, to be held in the Council Chambers, Leongatha to consider approval in principle of the performance and financial statements for submission to Victorian Auditor-General's Office for certification, so they can be included as part of the Annual Report scheduled to be considered by Council at its Council Meeting on the 16 October 2024.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation that ensures that legislative requirements are adhered to ensures the smooth transaction of Council Business.

### **RESOURCES / FINANCIAL VIABILITY**

Nil

### **RISKS**

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

### **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)

**Legislative Provisions**

Local Government Act 2020

Local Government (Electoral) Regulations 2015

### 3.3. ELECTRONIC SURVEILLANCE DATA USAGE POLICY

Directorate:	Performance and Innovation
Department:	Digital and Technology

#### Council Plan

*Objective - Leading with Integrity*

*The policy ensures that Council is meeting its obligations under the Surveillance Devices Act 1999 and the Privacy and Data Protection Act 2014 by putting controls around the introduction, use and management of surveillance activities and data.*

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council’s consideration and endorsement of the *Electronic Surveillance Data Usage Policy (C89)* (the Policy), which is a new Policy to Council. This Policy has been created to ensure:

- That all Councillors, Council employees, contractors, volunteers, and members of the public understand the regulations and processes involved in conducting surveillance activities, and how the data is managed.
- Mitigate the risks involved in introducing, conducting, and managing surveillance activities and data, in line with the *Surveillance Devices Act 1999* and *Privacy and Data Protection Act 2014*.

A copy of the proposed Policy is contained in **Attachment [3.1.1]**.

#### RECOMMENDATION

**That Council endorses the *Electronic Surveillance Data Usage Policy (C89)* (Attachment [3.1.1]).**

#### REPORT

The *Surveillance Devices Act 1999* and the *Privacy and Data Protection Act 2014* regulate and control the implementation, use and retrieval of surveillance activities, systems, devices, and the data they create and hold.

This Policy aims to provide Council with directions to meet these legislative requirements, and help officers and members of the public, who interact with Council and its surveillance activities, have confidence in how surveillance data is being handled. This is becoming increasingly important as more services are being provided online, and Council and Community members alike, pursue protection of assets such as buildings.

This Policy is new, and Council has not had one that covers the breadth of surveillance activities and data that this new policy proposes to cover.

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

This Policy has been reviewed by Council's Audit and Risk Committee.

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

There are no resource or financial considerations involved in adopting this Policy.

#### **RISKS**

This Policy will help mitigate risks identified in Council's Operational Risk Register, specifically those regarding privacy governance and cybersecurity. If Council chooses not to adopt this Policy, there is a risk of reputational or financial damage due to mismanagement of data and surveillance activities, causing breaches of relevant legislation.

#### **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 Electronic Surveillance Data Usage Policy C89 [3.3.1 - 10 pages]

#### **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems & Policies

##### **Legislative Provisions**

Local Government Act 2020

Privacy and Data Protection Act 2014

### 3.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 MAY TO 12 JUNE 2024

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

The purpose of this report is to provide a summary of the information presented to Councillors during 13 April to 12 May 2024.

This aligns with the principles of the *Local Government Act 2020* and supports transparency around Council decisions and actions.

#### RECOMMENDATION

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

#### REPORT

Meeting Title	Details
<b>Wednesday 15 May 2024</b>	
<b>Council Meeting Agenda Topic Discussion – 15 May 2024</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p> <p><b>Conflict of Interest:</b> Councillor Nathan Hersey has a declared material conflict of interest in Council Meeting Agenda item 3.3 PLANNING SCHEME AMENDMENTS DEVPLN/2022/2 - 99 BENA ROAD KORUMBURRA – RESIDENTIAL SUBDIVISION DEVELOPMENT PLAN. Cr Nathan Hersey left the meeting at 9.59am and returned at 10.00am when the matter was discussed.</p>
<b>Long Jetty and Wilsons Prom Holiday Park</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>

Meeting Title	Details
<b>Coal Creek Community Park and Museum</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>2023/24 Community Grants - Round 2</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p> <p><b>Conflict of Interest:</b> Councillor Jenni Keerie has declared a material interest in Confidential Agenda Item 11.1 2023/24 Community Grants - Round 2, as she is employed by an organisation that auspiced one community grant application and auspiced the funds for another community grant application on behalf of another organisation.</p> <p>Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 11.1 2023/24 Community Grants - Round 2, as she is a joint owner of a business that provided a quote to a community grant application.</p> <p>Councillor Clare Williams has declared a general conflict of interest in Confidential Agenda Item 11.1 2023/24 Community Grants - Round 2, as she is a member of community group that has made a community grant application.</p> <p>Councillor Mohya Davies has declared a general material conflict of interest in Confidential Agenda Item 11.1 2023/24 Community Grants - Round 2, as she is the Chair on an organisation that has made a community grant application.</p> <p>The matters with a declared conflict of interest were not discussed.</p>
<b>Landcare - Memorandum of Understanding</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Budget Submission Discussion</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey.</p>

Meeting Title	Details
	<b>Conflict of Interest:</b> Nil disclosed.
<b>Wednesday 22 May 2024</b>	
<b>Community Presentation – Korumburra Recreation Centre</b>	<b>Councillors Attending:</b> Clare Williams, John Schelling, Michael Felton and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Community Presentation – Lyrebird Arts Council</b>	<b>Councillors Attending:</b> Clare Williams, John Schelling, Michael Felton and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Community Presentation – Karli Duckett, Photographer</b>	<b>Councillors Attending:</b> Clare Williams, John Schelling, Michael Felton and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Community Presentation – Leongatha Lyric Theatre</b>	<b>Councillors Attending:</b> Clare Williams, John Schelling, Michael Felton and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Wednesday 5 June 2024</b>	
<b>Budget Review</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Fair Access for Recreation Facilities Policy</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Municipal Association of Victoria (MAV) Motions</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Coal Creek Community Park and Museum</b>	<b>Councillors Attending:</b>

Meeting Title	Details
	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Planning Briefing</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Councillor Mohya Davies has declared a general material conflict of interest in Planning Briefing meeting - 270 Soldiers Road, Fish Creek, as a family member is employed by the planning consulting services that is acting for the applicant. Cr Mohya Davies left the meeting at 1.22pm and returned at 1.30pm when the matter was discussed.</p>
<p><b>Foster Structure Plan</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Wednesday 12 June 2024</b></p>	
<p><b>Financial Reserves Policy</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Early Years Position Paper</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Offshore Wind Licenses Update</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>



Meeting Title	Details
<b>Waste &amp; Resource Recovery Plan</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Great Southern Rail Trail</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.

**STAFF DISCLOSURE**

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

**ATTACHMENTS**

Nil

**REFERENCE DOCUMENTS**

**Council’s Good Governance Framework**

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

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

Governance Rules (C82)

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government Act 2020

### 3.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 MAY 2024 TO 12 JUNE 2024

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 May 2024 to 12 June 2024. 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 *General Local Law 2024*, Part 5 - Administration, clause 65 – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner described by sub-clause (5), 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 *General Local Law 2024*, Part 5 - Administration, clause 65 (6), the following are presented to Council as documents sealed during the period from 13 May 2024 to 12 June 2024.

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 June 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 *General Local Law 2024*, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 May 2024 to 12 June 2024.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 292 and 330 Lower Franklin Road, Foster for a two lot subdivision. Seal applied 5 June 2024.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 5 Stanfield Court, Leongatha for a three lot subdivision. Seal applied 5 June 2024.

### **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 May 2024 to 12 June 2024.
  - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 13 May 2024 to 12 June 2024.
  - a. CON/393 for the Great Southern Rail Trail; Manufacture, Supply and Install Signage between Nyora and Yarram awarded to Hugh

Patrick Pty Ltd, trading as BJs Earthmoving, signed by the CEO 4 June 2024.

3. Contract variations approved by the CEO between 13 May 2024 to 12 June 2024.
  - a. Nil
4. Contract extensions approved by the CEO 13 May 2024 to 12 June 2024.
  - 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)

General Local Law 2024

Procurement Policy (C32)

#### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

## 4. OBJECTIVE - SUSTAINABLE GROWTH

### 4.1. FOSTER FLOOD STUDY

Directorate:	Future Communities
Department:	Planning and Building Services

#### Council Plan

##### *Objective - Sustainable Growth*

*This report relates to the Council Plan by considering flooding risk in planning for the future growth for the Foster township and its immediate surrounds. The Council Plan states that “Council will proactively work with landholders and land management agencies in preparing for changes in weather patterns, extreme storms, flooding and coastal erosion and the impacts of climate change.”*

#### EXECUTIVE SUMMARY

The purpose of this report is to consider the adoption and future implementation of the Flood and Drainage Study for Foster and Surroundings Catchments which was completed by Council in 2019, see **Attachment [4.1.1]** – Main Report, **Attachment [4.1.2]** – Appendix Part 1 and **Attachment [4.1.3]** – Appendix Part 2. The Flood Study makes a series of recommendations, including the introduction of flood overlay mapping into the South Gippsland Planning Scheme.

To assist councils to implement completed flood studies, the State Government has initiated the [‘Regional flood-related amendments program’](#). The program provides successful grant applicants with funding to implement adopted flood studies into planning schemes. Funding applications close on 30 June 2025.

To be eligible to apply for grant funding, Council is required to first adopt the Flood Study, and demonstrate a commitment to its future implementation into the planning scheme. This report recommends these actions be taken, and that a grant funding application be made to assist with the implementation of the flood study recommendations as detailed in **Attachment [4.1.4]**. As part of the same process, it is proposed to introduce updated planning scheme flood mapping in the Tarwin River catchment which more accurately maps flood susceptible areas as detailed in **Attachment [4.1.6]**.

When prepared, the planning scheme amendment will involve extensive public consultation and provide interested parties the ability to make submissions to Council, and an Independent Planning Panel, ahead of any changes being made to the South Gippsland Planning Scheme.

## RECOMMENDATION

That Council:

1. **Adopts the:**
  - a. **Flood and Drainage Study for Foster and Surrounding Catchments Engeny Water Management - July 2019 (Attachments [4.1.1], [4.1.2] and [4.1.3]).**
  - b. **Updated West Gippsland Catchment Management Authority's Tarwin River Catchment flood mapping for inclusion in the Land Subject to Inundation Overlay (Attachment [4.1.6]).**
2. **Submits a grant funding application to the State Government's 'Regional Flood-related amendments program' to fund the introduction of planning scheme flood overlay controls generally in accordance West Gippsland Catchment Management Authority prepared map in Attachment [4.1.4] and Attachment [4.1.6]).**
3. **Works with the West Gippsland Catchment Management Authority to refine the proposed planning scheme flood overlay control application areas and related planning scheme ordinance provisions.**
4. **Supports the updating of the South Gippsland Planning Scheme's flood overlay controls with the most up to date flood data as generally in accordance with the maps in Attachment [4.1.4] and Attachment [4.1.6].**

## REPORT

### Flood Study Findings and Recommendation

The Flood Study was prepared using State Government grant funding in response to a flooding event in Foster during July 2016, which inundated properties near Boundary Road. The project considered the catchments of both Stockyard Creek and Bennison Creek. It sought to improve land use planning and emergency responses through the development of computer-based flood models and the generation of detailed flood extent, depth, height and velocity information for a range of flood events.

The modelling found that 121 existing building footprints are impacted by a predicted one per cent Annual Exceedance Probability (AEP) 2030 flood event (equivalent to the 1-in-100-year Average Recurrence Interval, ARI, flood event).

The Flood Study includes several recommendations including:

*Consider undertaking a planning amendment to define Special Building Overlays (SBO) and Land Subject to Inundation (LSIO) in Foster and the Stockyard Creek respectively. This will allow SGSC to control future*

*redevelopments and subdivisions and over time will help to improve the level of service experienced by properties by lifting new floor levels above the predicted flood levels.*

At present, no planning scheme overlay controls apply in Foster that specifically address flooding. This presents a risk of development occurring without knowledge of the flood risk or appropriate actions (e.g. raising finished floor levels) being taken to mitigate flood risk. The extent of landowner knowledge of the flood risk is unclear; however, the Flood Study mapping is currently available on the West Gippsland Catchment Management Authority (WGCMA) [online flood portal](#). Although publicly available, there is presently no statutory requirements for Council or other development approving authorities (including private building surveyors) to consider this mapping as part of land use and development approvals.

### **Planning Scheme Amendment Provisions**

A planning scheme amendment will be required to implement the proposed planning controls recommended by the Flood Study. The WGCMA has prepared draft mapping for implementation (refer to **Attachment [4.1.4]**). The mapping represents the one per cent AEP flooding estimated at the year 2030. This mapping will be further refined before any amendment exhibition occurs. Map refining will be considered where development has occurred since the original Flood Study was completed, where the proposed flood control is primarily in a road reserve, and where smoothing and filling of the overlay control shape may assist map interpretation.

The draft flood mapping in the vicinity of O'Connell Road and Parkside Crescent will require review because the recent development of the subdivision will have changed land surface levels, and the installation of underground drainage will have changed stormwater discharge flows. These alterations may be sufficient to not apply flood overlay controls in this locality. These issues are being further investigated with the WGCMA.

The draft flood mapping recommends application of the [Floodway Overlay \(FO\)](#) to Stockyard Creek (with some additional inclusions) and the [Land Subject to Inundation Overlay \(LSIO\) Schedule 1](#) to the balance of the flood affected area. The FO is applied to areas of fast-moving flood waters where the risk to life and property is highest. The FO is a more restrictive flood overlay tool than the LSIO, which is typically applied on more shallow and slower moving flood waters. How flood overlay controls should be applied is set out by [Planning Practice Note 12](#).

The LSIO is extensively used in the South Gippsland Planning Scheme, however the FO will require introduction into the scheme. Most of the proposed FO affected area is public land. Where private land is affected, this is typically

readily evident as flood prone, and as a result, it is unlikely that the introduction of the FO will present a significant burden on landowners or public authorities. The most significant impacts of the FO will be around Apex Court, Foster where the FO will impact some residential lots – refer to **Attachment [4.1.5]**.

To reduce the burden of the flood controls on landowners it is proposed to include in the LSIO and FO a provision that a planning permit is not required for new development on urban zoned land (including new dwellings and dwelling additions) that are 300mm above the 1% AEP flood height. This means that the internal habitable areas of a dwelling must be 300mm above an estimated 1% AEP flood event. It is expected that most landowners with knowledge of the flood risk will want to build above the flood risk height, so the exemption provides an incentive and reduces the administrative and cost burden on the landowner involved in gaining a planning permit. A similar approach is in place in the LSIO Schedule at Port Welshpool where a planning permit height exemption has been in operation since 2016 with success.

### **Tarwin River Catchment Mapping Updates**

Land susceptible to flooding in the Tarwin River catchment was included in the LSIO in 2016 by planning scheme amendment C81. The WGCMA has recently updated parts of the catchment's mapping based on new land contour data which allows for more accurate mapping of the maximum extent of a 1% AEP flood event. The updated mapping is available for public viewing on the [WGCMA flood mapping portal](#). The new mapping mostly covers the same area as the existing LSIO however is notable for extending further north along the Tarwin River East Branch and more extensive application at the western end of Buffalo Tarwin Lower Road refer to **Attachment [4.1.6]**.

To ensure the Planning Scheme's risk mapping is up to date, it is proposed to include the updated LSIO mapping for the Tarwin River catchment when the proposed planning scheme amendment is prepared.

### **Planning Scheme Amendment Processing**

Assuming a grant application is successful, the WGCMA has agreed to provide technical assistance to Council in the processing of a planning scheme amendment, including representation at any independent planning panel required to consider public submissions.

The Flood Study used modelling of the best available data up to 2018. As this modelling is now over six years old, the consideration of climate change impacts may not be as expected by current best practice flood modelling. It is likely that the draft mapping may under-represent the actual flood risk in some parts of Foster. Whilst this is acknowledged, the Flood Study nevertheless remains the best available information, and should be adopted regardless. Floodplain managers are now recommending flood studies be reviewed every



five to ten years to account for changing climatic conditions and more accurate rainfall data.

A future review of the Foster Flood study would need to make use of the latest available LiDAR (land contour) data, rainfall information and more closely consider the impacts of climate change, and update flood mapping accordingly.

If grant funding is secured and a planning scheme amendment prepared, the Foster and Tarwin River Catchment flood overlay controls could be in the South Gippsland Planning Scheme towards the end of 2025.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Preparation of the Flood Study involved community engagement in 2017 and 2018, including community drop-in sessions. The community were invited to share local knowledge about past flooding in Foster, any drainage or flood concerns, and provide feedback on the draft flood modelling that was prepared.

The introduction of flood overlay controls can generate community concern because of the potential impacts on land values, insurance premiums and building costs. It is important that all potentially affected landowners and occupiers are informed of the amendment when it is prepared and provided the opportunity to make a submission to the amendment. Any submission that cannot be resolved will be referred to an independent planning panel for consideration. The recommendations of the panel must be considered by Council before Council can make a final decision on any amendment.

Submitters to the amendment will be kept informed by Council during all stages of the amendment process.

### **RESOURCES / FINANCIAL VIABILITY**

Regional councils can apply for funding and assistance from *the Regional flood-related amendments program* to help implement flood studies into planning scheme controls. It is likely that Council can secure funding to cover the cost of the planning scheme amendment (namely any Planning Panel fees) if the Flood Study is adopted.

It is not possible to estimate Planning Panel costs until exhibition of an amendment is completed and the number of submissions and range of issues discussed is known. If panel costs are likely to exceed the grant amount, an additional grant application may be required. Council's inability to predict final costs will be identified as a procedural risk to implementation in any grant application.

With funding applications closing on 30 June 2025, it will be important for Council to have significantly progressed the proposed planning scheme amendment by no later than early May 2025. This will provide time to apply for additional funding should matters arise that require expert (consultant) investigation or representation at a panel hearing.

## **RISKS**

It is important for flood controls to be up to date so that landowners are made aware of flood risks, and to ensure decision-making takes flood risk into account. This mitigates risk to life and property. Failure to act on the recommendations of the Flood Study could expose Council to criticism and liability should a flood event occur.

## **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. Foster Flood Study - Main Report (2019) [4.1.1 - 126 pages]
2. Foster Flood Study - Part 1 Appendices [4.1.2 - 71 pages]
3. Foster Flood Study - Part 2 Appendices [4.1.3 - 105 pages]
4. Foster Flood Study - Draft Planning Scheme Amendment LSIO & FO WGCMA Mapping - June 2024 [4.1.4 - 1 page]
5. Foster Flood Study - Apex Court Flood Area [4.1.5 - 1 page]
6. Tarwin River Catchment Proposed Land Subject to Inundation Overlay Changes [4.1.6 - 3 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](#).*

South Gippsland's Planning Scheme

### **Legislative Provisions**

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

**5. NOTICES OF MOTION AND/OR RESCISSION**

**5.1. NIL**

**6. COUNCILLOR REPORTS**

**6.1. REQUESTS FOR LEAVE OF ABSENCE**

**6.2. COUNCILLOR UPDATES**

## 7. URGENT BUSINESS

This section of the Agenda is for urgent business items:

### 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.

## 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.

## **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.

## 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/405 Collection, Transport & Disposal of Leachate - 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 to protect the privacy of the contractors tender information submitted for consideration.**



## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 21 August 2024 commencing at 2pm in the Council Chambers, Leongatha.