

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

16 August 2023

**Council Meeting No. 485
Council Chambers, Leongatha
Commenced at 2:00 PM**



minutes



*South Gippsland
Shire Council*

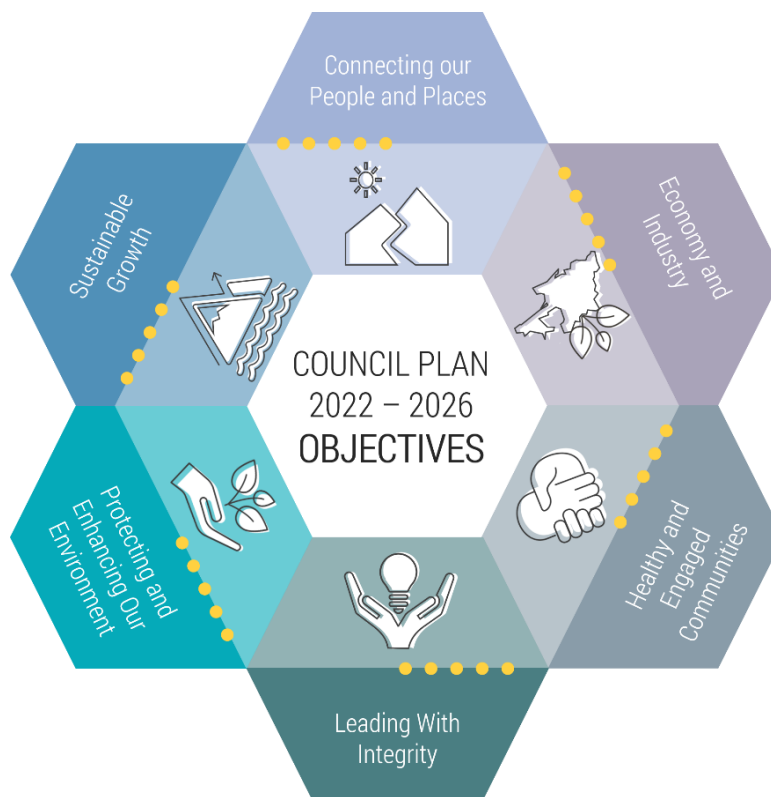
Come for the beauty, Stay for the lifestyle

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.

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

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

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

PRESENT

COUNCILLORS:	Councillor Nathan Hersey, Mayor Councillor Clare Williams, Deputy Mayor Councillor Mohya Davies Councillor Scott Rae Councillor Jenni Keerie Councillor Sarah Gilligan 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 Lucas Gardiner, Acting Director Economy & Community Rhys Matulis, Coordinator Governance Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.485 of the South Gippsland Shire Council will be held on Wednesday 16 August 2023 in the 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. ECONOMIC DEVELOPMENT STRATEGY 2021-2031 - YEAR 2 REPORT	10
2.2. VISITOR ECONOMY STRATEGY 2021-2031 - YEAR 2 REPORT INCLUDES GREAT SOUTHERN RAIL TRAIL (GSRT) - VISITATION AND MARKETING PLAN - YEAR 1 REPORT	15
2.3. ARTS, CULTURE AND CREATIVE INDUSTRIES STRATEGY 2022-2026 - YEAR 1 REPORT	21
3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES.....	26
3.1. PROPOSED SALE 6A DAVIS COURT, LEONGATHA SOUTH AND REMOVAL OF RESERVE STATUS	26
4. OBJECTIVE - LEADING WITH INTEGRITY.....	32
4.1. AUDIT AND RISK COMMITTEE MINUTES JUNE 2023 AND BIENNIAL CHAIR REPORT	32
4.2. SUMMARY OF STRATEGIC BRIEFINGS - 13 JUNE 2023 TO 12 JULY 2023	36
4.3. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JUNE 2023 TO 12 JULY 2023	40
4.4. INSTRUMENT OF APPOINTMENT AND AUTHORISATION.....	44
4.5. SUBMISSION TO MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL MEETING - AUGUST 2023.....	48

5. OBJECTIVE - SUSTAINABLE GROWTH	52
5.1. CAPE TO CAPE RESILIENCE PROJECT - INVERLOCH REGIONAL AND STRATEGIC PARTNERSHIP	52
6. NOTICES OF MOTION AND/OR RESCISSION	57
6.1. NIL.....	57
7. COUNCILLOR REPORTS	57
7.1. REQUESTS FOR LEAVE OF ABSENCE.....	57
7.2. COUNCILLOR UPDATES.....	57
8. URGENT OR OTHER BUSINESS	61
9. PUBLIC QUESTIONS	62
9.1. PETITIONS AND JOINT LETTERS.....	62
9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE.....	63
9.3. SUBMITTED PUBLIC QUESTIONS	65
10. CLOSED SESSION	66
11. MEETING CLOSED.....	69

Kerryn Ellis

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

Cr Sarah Gilligan was granted leave of council for today's Council Meeting, however due to a change in personal circumstances she is now attending today's Meeting.

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 484, held on 19 July 2023 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Councillor Keerie

SECONED: Councillor Gilligan

That the Minutes of the South Gippsland Shire Council Meeting No. 484, held on 19 July 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.

Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 12.2 Award Contract CON/373 - Design and Construct Landslip Repairs at Various Locations, as she is a joint owner of a business that has made a submission to the tender process.

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.

Nil

2. OBJECTIVE - ECONOMY AND INDUSTRY

2.1. ECONOMIC DEVELOPMENT STRATEGY 2021-2031 - YEAR 2 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 provide an update on the 2022/23 annual actions implemented from Council's South Gippsland Economic Development Strategy.

Officers have commenced or completed 95 per cent of the actions from the Strategy since it was adopted by Council.

RECOMMENDATION

That Council receives and notes the 2022/23 annual actions implemented from the South Gippsland Economic Development Strategy.

RESOLUTION

MOVED: Councillor Keerie

SECONED: Councillor Davies

That Council receives and notes the 2022/23 annual actions implemented from the South Gippsland Economic Development Strategy.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

BACKGROUND

Council developed the South Gippsland Economic Development Strategy (the Strategy) in consultation with the Economic Development Strategy Advisory Group (the Group).

The Group members included highly skilled and knowledgeable experts who provided key strategic advice and expertise in the Strategy's development.

The Strategy is action oriented, however also designed to be flexible to allow Council to respond to current and future demands and opportunities for South Gippsland. This was evident with the need for Council to respond to the impacts caused by the COVID-19 pandemic and provide additional support to businesses through the COVID-19 Community Support Program and implement actions from the State Government's Outdoor Dining and Outdoor Activation Grants.

The South Gippsland Economic Development Strategy was adopted by Council on 21 July 2021.

At its Council Meeting in July 2022, Council resolved the following:

That Council:

- 1. Notes the Year One implementation actions of the Economic Development and Visitor Economy Strategies; and*
- 2. Receives a future report before the end of August 2023 on the Year Two implementation of actions from the Economic Development and Visitor Economy Strategies.*

DISCUSSION

The implementation of the 2022/23 annual actions has occurred, while also providing a sustained and evolving response to the impacts of COVID-19.

Whilst some sectors and individual businesses continue to face significant challenges, notably hospitality and retail from the pandemic, overall, the economy has demonstrated great resilience and continued to rebound and grow.

Below are highlighted actions from the Strategy that were commenced or completed over the past 12 months. A full table of actions from the Strategy with updates has been attached (**Attachment [2.1.1]**)

Economic Development Strategy

- Developed an Investment Attraction Program using Council's new South Gippsland brand.
- Facilitated significant engagement with the renewable energy sector, particularly regarding offshore wind developments. This has included delegations and submissions made to the Federal Government.
- Completed the Review of Industrial Land Supply in South Gippsland.
- Ongoing delivery of Business Concierge and Better Approvals Program to assist businesses through the regulatory process.
- Advocacy on freight transport, public transport and telecommunications issues. This included:
 - a range of NBN upgrades announced such as fibre-to-the-premises for Leongatha, Mirboo North and Korumburra,
 - upgrades to the Fixed Wireless network for a wide number of towns. Some Fixed Wireless upgrades commenced during the year
 - funding for a new mobile tower for Walkerville was announced.
 - release of Gippsland Freight Infrastructure Plan.
 - continued discussion with Regional Roads Victoria on a submission for the Leongatha Heavy Vehicle Alternate Route Stage 2.
- Supported the South Gippsland Dairy Expo, the Shire's largest trade event and its return after COVID-19.
- Provided funding to local food hubs, Grow Lightly and Prom Coast Food Collective, to support their development.
- Hosted the inaugural Annual Stakeholder Roundtable bringing together industry, education, health and service providers.
- Acknowledged the support and success of local business at the Gippsland Business Awards and Gippsland Wine Awards. This included Gurneys Cidery winning both Food Producers Award and the prestigious Gippsland Business of the Year at the Gippsland Business Awards.
- Strong participation of local businesses in the Start-up Gippsland Program that assists local entrepreneurs in both the 2022 and 2023 intakes.

- Hosted successful Jobs Expo in Leongatha and supported Careers Expo in Korumburra.
- Supported business attraction and expansion through support with business grant funding applications.
- Hosted Business Associations' Presidents Lunch.
- Developed and promoted the 'Eat South Gippsland' and 'Shop South Gippsland' campaigns.
- Completed the Victorian Government's Outdoor Activation Program, including delivery of outdoor seating, footpath and furniture cleaning, local event support, marketing and business fee waivers.
- Assisted with the development of Business Associations including the establishment of new association for Toora.

CONSULTATION / COMMUNITY ENGAGEMENT

The Strategy's development was supported by an extensive consultation and engagement campaign that ensured the community, including residents, visitors, and other stakeholders, could provide input to help define the key themes and priorities in the Strategy.

RESOURCES / FINANCIAL VIABILITY

Resourcing the implementation of the Strategy is considered as part of the annual Financial Budgets.

RISKS

The implementation of the Strategy allows Council to plan for and mitigate against the risks to our economy into the future. The Strategy has been developed with the flexibility to create a responsive approach to the economic, natural and policy changes that will occur over the next ten-years.

Not all actions and initiatives can be funded each year. Actions are delivered within the annual budget allocations and officers will continue to seek advice and support from industry and government to deliver the best outcomes possible for the South Gippsland 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. Economic Development Strategy - Implementation Report Year Two 2023
[2.1.1 - 10 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](#).

Economic Development and Tourism Strategy

Council Plan 2022-2026

Regional, State and National Plan and Policies

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth
(Destination Gippsland)

Gippsland Food Plan, March 2014

Gippsland Regional Growth Plan, State Government Victoria

2.2. VISITOR ECONOMY STRATEGY 2021-2031 - YEAR 2 REPORT INCLUDES GREAT SOUTHERN RAIL TRAIL (GSRT) - VISITATION AND MARKETING PLAN - YEAR 1 REPORT

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

Council Plan

Objective – Economy and Industry

This report relates to the Council Plan Initiatives - Implement the annual action plan of the 2021–2031 Visitor Economy Strategy to encourage tourism and visitation across the Shire and to develop and implement the Great Southern Rail Trail Management Plan, including a visitation and marketing plan.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the 2022/23 annual actions implemented from Council's South Gippsland Visitor Economy Strategy and Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan.

Officers have commenced or completed 80 per cent of the actions from the Visitor Economy Strategy and 36 per cent of actions from the GSRT Visitor Experience and Marketing Plan since they were adopted by Council.

RECOMMENDATION

That Council:

1. **Receives and notes the 2022/23 annual actions implemented from the South Gippsland Visitor Economy Strategy; and**
2. **Receives and notes the 2022/23 annual actions implemented from the Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan.**

RESOLUTION

MOVED: Councillor Schelling

SECONED: Councillor Felton

That Council:

- 1. Receives and notes the 2022/23 annual actions implemented from the South Gippsland Visitor Economy Strategy; and**
- 2. Receives and notes the 2022/23 annual actions implemented from the Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

BACKGROUND

Visitor Economy Strategy

Council developed the South Gippsland Visitor Economy Strategy (the Strategy) in consultation with the Visitor Economy Strategy Advisory Group (the Group).

The Group's members included highly skilled and knowledgeable experts who provided key strategic advice and expertise in the Strategy's development.

The Strategy is action oriented but designed to be flexible to allow Council to respond to current and future demands and opportunities for South Gippsland. This was evident with the need for Council to respond to the impacts caused by the COVID-19 pandemic and provide additional support to businesses through the COVID-19 Community Support Program and implement actions from the State Government's Outdoor Dining and Outdoor Activation Grants.

The South Gippsland Visitor Economy Strategy was adopted by Council on 21 July 2021.

Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan

Council developed the Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan (the Plan) with significant community and stakeholder engagement.

The objective of the Plan is to support the visitor economy to make South Gippsland a year-round destination. The GSRT aims to drive visitation across all villages and towns by leveraging the trail as a key visitor experience, with year-round brand marketing.

The development of the Plan was both a Council Plan initiative and action identified in the Visitor Economy Strategy.

The Plan is focused on informing projects and activities over a nine-year period from 2022-2031 to align to the Visitor Economy Strategy period. However, the Plan will be treated as a living document that is flexible enough to adapt to an ever-changing visitor and marketing landscape.

The Great Southern Rail Trail (GSRT) Visitor Experience and Marketing Plan was adopted by Council on 29 June 2022.

At its Council Meeting in July 2022, Council resolved the following:

That Council:

- 1. Notes the Year One implementation actions of the Economic Development and Visitor Economy Strategies; and*
- 2. Receives a future report before the end of August 2023 on the Year Two implementation of actions from the Economic Development and Visitor Economy Strategies.*

DISCUSSION

The implementation of the 2022/23 annual actions for the Visitor Economy Strategy and the GSRT Visitor Experience and Marketing Plan has occurred, whilst continuing to provide a sustained and evolving response to the impacts of COVID-19.

Recent data provided by Destination Gippsland indicates that domestic overnight expenditure by visitors increased by 12.9% from March 2022 to March 2023 with an increase of 45.8% for domestic daytrips for the same period.

This equates to is an overall increase of 22.3% in visitation.

Below are highlighted actions from the Strategy and Plan that were commenced or completed over the past twelve-months. A full table of actions (**Attachment [2.2.1] – Visitor Economy Strategy**) and (**Attachment [2.2.1] – GSRT Visitor Experience and Marketing Plan**) are provided.

Visitor Economy Strategy

- Developed, finalised and commenced implementing the new South Gippsland brand.
- Completion of the Gippsland Drives Campaign which included multiple media channels and television commercials with Prime 7.
- Secured funding and promotion of 2023 South Gippsland Festival of Events
 - Mirboo North Italian Festa, Meeniyar Garlic Festival, Prom Coast Festival, Loch Food & Wine Festival, and Korumburra Southern Lights.
- Developed the new South Gippsland Official Touring Map brochure and the creation of digital tourism assets.
- Supported Destination Gippsland in the development of the 'Eat.Drink Guide' and 'Gippsland Caravan and Camping Guide'.

- Developed and promoted the 'Eat South Gippsland' and 'Shop South Gippsland' campaigns including development of digital assets.
- Secured 2023 Great Victorian Bike Ride with Fish Creek to host an overnight stay.
- Committed to future Village Feast (Melbourne International Food and Wine Event) to be hosted in South Gippsland either in 2023 or 2024.
- Launched the Tourism Ambassador Program. An online training program to broaden the knowledge of local businesses and create tourism ambassadors.
- Continued operation of the Visitor Information Centre in Foster.
- Hosted the Destination Gippsland Tourism Forum and the South East Region Visitor Information Centre network events.
- Continued Council's valued partnership with Destination Gippsland

Great Southern Rail Trail Visitor Experience and Marketing Plan

- Completed construction of the GSRT Nyora to Leongatha and official opening of GSRT extension.
- Commenced construction of the eastern extension of the GSRT from Welshpool to Alberton in partnership with Wellington Shire Council.
- Commenced review and development of interpretative signage for current and new sections of the trail.
- Continued promotion through GSRT Facebook and South Gippsland promotional material.
- Commenced review of marketing material.

CONSULTATION / COMMUNITY ENGAGEMENT

Both the Strategy and Plan's development was supported by an extensive consultation and engagement program that ensured the community, including residents, visitors, and other stakeholders, could provide input to help define the key themes and priorities.

RESOURCES / FINANCIAL VIABILITY

Resourcing the implementation of the Strategy and Plan is considered as part of the annual financial budgets.

RISKS

The implementation of the Strategy and Plan allows Council to plan for and mitigate against the risks to our economy into the future. The Strategy and Plan have been developed with the flexibility to create a responsive approach to the economic, natural and policy changes that will occur over the next ten-years.

Not all actions and initiatives can be funded each year. Actions are delivered within the annual budget allocations and officers will continue to seek advice and support from industry and government to deliver the best outcomes possible for the South Gippsland 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. Visitor Economy Strategy - Implementation Report Year Two 2023 [2.2.1 - 10 pages]
2. GSRT Visitor Experience Marketing Plan - Implementation Report Year One 2023 [2.2.2 - 7 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](#).

Economic Development and Tourism Strategy

Paths and Trails Strategy

Council Plan 2022-2026 2022-2026

Regional, State and National Plan and Policies

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth (Destination Gippsland)

Gippsland Food Plan, March 2014

Gippsland Regional Growth Plan, State Government Victoria

2.3. ARTS, CULTURE AND CREATIVE INDUSTRIES STRATEGY 2022-2026 - YEAR 1 REPORT

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

Council Plan

Objective – Economy and Industry

This report relates to the Council Plan Initiative - Implement the annual actions of the Arts, Culture and Creative Industries Strategy.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the 2022/23 annual actions implemented from Council's South Gippsland Arts, Culture and Creative Industries Strategy.

Officers have commenced or completed 76 per cent of the actions from the Strategy since it was adopted by Council.

RECOMMENDATION

That Council receives and notes the 2022/23 annual actions implemented from the South Gippsland Arts, Culture and Creative Industries Strategy.

RESOLUTION

MOVED: Councillor Schelling

SECONED: Councillor Keerie

That Council receives and notes the 2022/23 annual actions implemented from the South Gippsland Arts, Culture and Creative Industries Strategy.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

BACKGROUND

Council developed the South Gippsland Arts, Culture and Creative Industries Strategy (the Strategy) with the assistance of arts sector specialists, the Cultural Development Network (CDN). The Strategy included significant community and stakeholder engagement in its development.

The Strategy is intended to connect to, and support Council's recently adopted Economic Development and Visitor Economy Strategies 2021-2031, particularly in relation to brand identity, creative economies, cultural assets and events management.

The Strategy has responded to the unique social, cultural, economic, and geographic characteristics of South Gippsland and builds on the innovative community-based approaches to Arts development the Shire has established.

The Strategy was adopted by Council on 20 July 2022.

DISCUSSION

Below are highlighted actions from the Strategy that were commenced or completed over the past twelve-months.

A full table of actions from the Strategy has been provided in **Attachment [2.3.1]**.

- Completed Council's new ArtCubes Project;
 - Three new portable and adaptive creative spaces delivered, engaging a number of local creative industries and artists.
 - Associated programming and support documentation in development and aligned to local events.
 - ArtCubes launch exhibition delivered throughout the month of May, incorporating a formal launch on 23 May 2023 and employing four local artists.
- Development of a public art project for Leongatha Railway Precinct underway, projected to deliver a major mural work by September 2023.
- Participated in arts-focussed Gippsland Roundtable, facilitated by Regional Arts Victoria.

- Delivered new collaborative youth music event in June 2023 in the Meeniyam Town Hall, involving Regional Arts Victoria, Lyrebird Arts Council and FReeZA.
- Commenced documentary film project to develop a careers-based video, working with the South Gippsland Bass Coast Local Learning and Employment Network. Included is mentoring for secondary school students in film and video production.
- Commenced planning for a second all-ages 'Reconnect Music Festival' to be delivered in October 2023, involving youth mentorship working with the Hills Are Alive! production company.
- Produced and Distributed fortnightly South Gippsland Arts Newsletter.
- Delivered an expanded funding program for community galleries.
- Commenced development of a new Public Art Policy.
- Delivered the 'Sound of Your Town' project - a community choir and performance with touring professional musicians Mama Kin Spender, bringing community together through music.
- Delivered several live music events in small community halls, incorporating a new model of collaboration with volunteer community arts organisations, Lyrebird Arts Council and Prom Recitals.
- Delivered larger scale live music events in Memorial Hall, including the Melbourne Ska Orchestra.
- Established new South Gippsland Arts Advisory Committee with seven members selected through a public Expression of Interest process.
- Established a Public Art Sub-group (from the Arts Advisory Committee) to assist in the assessment and selection of artists for Council facilitated public art projects.
- All of the Council facilitated arts projects are documented professionally (through video, photography and interview), enabling post-project promotions, i.e. Sound of Your Town project images and writeup published in *Gippslandia* magazine.
- Operations and management of Coal Creek Community Park and Museum
 - Extensive maintenance program undertaken.

- Entrance building upgraded to enhance exhibitions with the Threads exhibition launched in March 2023.
- Events returned including Carols at the Creek, Easter Egg Hunt and Southern Lights Festival.
- New volunteer recruitment and induction commenced and ongoing.
- Leongatha Memorial Hall as a performance space and community venue – discussions underway, involving engagement with interested community groups such as Lyric Theatre Leongatha.

CONSULTATION / COMMUNITY ENGAGEMENT

The Strategy included significant community, industry and stakeholder engagement in its development.

RESOURCES / FINANCIAL VIABILITY

Resourcing the implementation of the Strategy is considered as part of Council's annual budget process.

RISKS

The Strategy has been developed with the flexibility to create a responsive approach to further support arts and creative industries in our community over the next four years.

Not all actions and initiatives can be funded each year. Actions are delivered within the annual budget allocations and officers will continue to seek advice and support from the newly established Arts Advisory Committee and partner with artists, the creative industry and government to deliver the best outcomes possible for the South Gippsland 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. Arts, Culture & Creative Industries Strategy - Implementation Report Year One 2023 [2.3.1 - 12 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](#).

Arts and Culture Policy (C03)

Coal Creek Community Park Museum and Collection Policy (C05)

Arts, Culture and Creative Industry Strategy

Annual Budget

Council Plan 2022-2026 2022-2026

Regional, State and National Plan and Policies

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth
(Destination Gippsland)

3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

3.1. PROPOSED SALE 6A DAVIS COURT, LEONGATHA SOUTH AND REMOVAL OF RESERVE STATUS

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Sustainable Growth

The sale proposes to consolidate the reserve into private ownership which will enhance the well-being and liveability of the current landowners. Council will also benefit as this will be a reduction in Council's maintenance responsibilities over the reserve.

EXECUTIVE SUMMARY

The purpose of this report is to propose the commencement of the statutory and community engagement process to sell part of 6A Davis Court, Leongatha to the adjoining landowner and if successful, removal of the reservation status.

Council has been contacted by the owner of 5 Ditchley Court, Leongatha requesting to purchase part of the reserve (shown in **Figure 1**) abutting their property.

RECOMMENDATION

That Council:

- 1. Commences statutory procedure in accordance with Section 114 of the Local Government Act 2020 to sell the reserve being 1125 square metres to the adjoining landowner (5 Ditchley Court Leongatha), for not less than a valuation obtained for the land which is made not more than six months prior to the sale to the adjoining landowners for consolidation. If the land is sold, the funds will be applied to Council's Open Space Reserve in accordance with Section 24A(8) of the Subdivision Act 1988;**
- 2. Gives public notice with respect to proposal on Council's website, Leongatha CFA, residents in Davis and Ditchley Courts and in local newspapers in the edition week commencing 21 August 2023 in accordance with CE84 Community Engagement for Property Proposals**

Policy (Guidelines) on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 20 September 2023;

- 3. If submissions are made to the public notice:
 - a. Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;**
 - b. Receives a further report to consider submissions and determine the outcome at the next available Council meeting;****
- 4. If no submissions are received to the public notice, implement the proposal in Recommendations 1 and 3.**
- 5. Remove the reservation status in accordance with Section 24A of the Subdivision Act 1988.**

RESOLUTION

MOVED: Councillor Rae

SECONED: Councillor Darakai

That Council:

- 1. Commences statutory procedure in accordance with Section 114 of the Local Government Act 2020 to sell the reserve being 1125 square metres to the adjoining landowner (5 Ditchley Court Leongatha), for not less than a valuation obtained for the land which is made not more than six months prior to the sale to the adjoining landowners for consolidation. If the land is sold, the funds will be applied to Council's Open Space Reserve in accordance with Section 24A(8) of the Subdivision Act 1988;**
- 2. Gives public notice with respect to proposal on Council's website, Leongatha CFA, residents in Davis and Ditchley Courts and in local newspapers in the edition week commencing 21 August 2023 in accordance with CE84 Community Engagement for Property Proposals Policy (Guidelines) on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 20 September 2023;**
- 3. If submissions are made to the public notice:
 - a. Authorise the Chief Executive Officer to fix the time, date and place of the meeting for the hearing for persons who wish to be heard in support of their submissions;****

- b. Receives a further report to consider submissions and determine the outcome at the next available Council meeting;**
- 4. If no submissions are received to the public notice, implement the proposal in Recommendations 1 and 3.**
- 5. Remove the reservation status in accordance with Section 24A of the Subdivision Act 1988.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

At the 24 February 2016 Council Meeting, Council agreed to sell the land to the adjoining owner and remove the reservation status of part 6A Davis Court, Leongatha being the land described in certificate of title Volume 10235 Folio 892. At that time, there was initial interest from the adjoining landowners but both parties withdrew from a proposed sale.

Council’s Property Team has been approached by the owner of 5 Ditchley Court, Leongatha to purchase a portion of the reserve. If Council were to sell the land, the reservation status would be required to be removed.

Figure 1 – Reserved Land (highlighted red)



Figures 2 and 3 – 6A Davis Court site photos



The reserve appears to be unused as a pedestrian link between Davis Court and Ditchley Court, Leongatha.

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

CONSULTATION / COMMUNITY ENGAGEMENT

The community engagement process calls for public submissions on the proposal to sell the portion of land to the adjoining landowner at 5 Ditchley Court, Leongatha. The reserve in question is more suitably aligned to the property boundary of 5 Ditchley Court. It is proposed to notify the owners in the two courts regarding the proposed sale, as well as seek feedback from the CFA.

The new owner of 4 Ditchley Court has recently contacted Council Officers to register their interest in acquiring the land too.

RESOURCES / FINANCIAL VIABILITY

Staff have consulted an Independent Certified Practising Valuer to determine the market value of the land. The valuation has been included in **Confidential Attachment [13.1.1]**

The prospective purchaser/adjoining landowner has advised in writing of their acceptance of the sale price.

The valuation will expire six months after the date of valuation and a contract of sale must be entered into before expiry, otherwise a further valuation will need to be acquired. If the valuation increases, the prospective purchasers may not proceed.

The applicant will pay for the surveying for their consolidation of the reserve.

Council will pay for the removal of the reserve status via a planning permit but will receive the income from the sale of the land and allocate the proceeds to its Open Space Reserve.

RISKS

If Council, choose to sell part of the reserve the small reserve strip off Davis Court will remain, but the community engagement process may produce interest in the site.

Figure 4 – Remaining Small Reserve Strip (highlighted blue)



STAFF DISCLOSURE

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

CONFIDENTIAL ATTACHMENTS

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

Confidential Attachment [13.1.1] – Valuation – 6A Davis Court, Leongatha - is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) - land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Community Engagement for Property Proposals Policy (CE84)

Community Engagement Policy (C06)

Legislative Provisions

Local Government Act 2020

Subdivision Act 1988

4. OBJECTIVE - LEADING WITH INTEGRITY

4.1. AUDIT AND RISK COMMITTEE MINUTES JUNE 2023 AND BIENNIAL CHAIR REPORT

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

The draft minutes of the Audit and Risk Committee meeting held on 20 June 2023 (**Attachment [4.1.1]**) 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:

1. **Notes the draft Audit and Risk Committee Minutes – 20 June 2023 (Attachment [4.1.1]); and**
2. **Notes the Audit and Risk Committee Chair report to Council by Committee Chair Ms Jen Johanson. (Attachment [4.1.2])**

RESOLUTION

MOVED: Councillor Keerie

SECONED: Councillor Schelling

That Council:

- 1. Notes the draft Audit and Risk Committee Minutes – 20 June 2023 (Attachment [4.1.1]); and**
- 2. Notes the Audit and Risk Committee Chair report to Council by Committee Chair Ms Jen Johanson (Attachment [4.1.2]).**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The matters considered by the Audit and Risk Committee at the 20 June 2023 meeting are contained in (**Attachment [4.1.1]**).

The Audit and Risk Committee Charter requires the Committee Chair provide a report to Council twice each year summarising the activities undertaken, raising any issues of concern. Presenting the report in person to Council provides the opportunity for Councillors to make further enquiry on matters of interest. The report from the Committee Chair is provided in (**Attachment [4.1.2]**).

CONSULTATION / COMMUNITY ENGAGEMENT

The draft Audit and Risk Committee Minutes for 20 June 2023 (**Attachment [4.1.1]**) 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.

The bi-annual report from the Committee Chair (**Attachment [4.1.2]**) was also circulated to the Committee as a part of the 20 June 2023 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 Risk Committee 20 June 2023 Draft Minutes [4.1.1 - 21 pages]
2. Half Yearly Report of Audit Committee Activities May 2023 [4.1.2 - 7 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 Policy (C08)

Legislative Provisions

Local Government Act 2020

4.2. SUMMARY OF STRATEGIC BRIEFINGS - 13 JUNE 2023 TO 12 JULY 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 June and 12 July 2023.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Schelling

SECONED: Councillor Williams

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Meeting Title	Details
Wednesday 21 June 2023	
Council Meeting Agenda Topic Discussion – 28 June 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Economy, Community & Investment - Strategic Actions Update	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Planning Application – Kongwak Butter Factory	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Industrial Land Supply	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 28 June 2023	
Council Meeting Agenda Topic Discussion – 28 June 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Nathan Hersey has a declared general conflict of interest and a reasonable apprehension of bias or actual bias in Confidential Agenda Item 11.1 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as he has a close association with someone who has submitted at tender. Cr Hersey left the meeting at 9.26am and returned at 9.39am.</p> <p>Councillor Adrian Darakai has a declared material conflict of interest in Agenda Item 4.3 PLANNING</p>

Meeting Title	Details
	APPLICATION 2022/165 – 79 ATHERTON DRIVE VENUS BAY - DEVELOP LAND WITH A REPLACEMENT DWELLING, as he owns property near the subject site. The item was not discussed.
Meeniyah Community Hub Project Status	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Adrian Darakai, Nathan Hersey, Michael Felton and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 12 July 2023	
Executive Update	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Nathan Hersey has a declared general conflict of interest and a reasonable apprehension of bias or actual bias in Confidential Agenda Item 11.2 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as he has a close association with someone who has submitted at tender. Cr Hersey left the meeting at 9.33am and returned at 9.49am.</p>
Council Meeting Agenda Topic Discussion – 19 July 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Nathan Hersey has a declared general conflict of interest and a reasonable apprehension of bias or actual bias in Confidential Agenda Item 11.1 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as he has a close association with someone who has submitted at tender. The item was not discussed.</p>
Inquiry into Local Government funding and services	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Strategic Risks Update	Councillors Attending:

Meeting Title	Details
	<p>Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>
Planning Briefing	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Councillor Mohya Davies has a declared material conflict of interest in Planning Briefing, Item 625 Fullers Road, Foster, as she owns a property near the subject site. Cr Mohya left the meeting at 11.31 am and returned at 11.43am.</p>
Aquatic Contract Update	<p>Councillors Attending: Mohya Davies, Sarah Gilligan, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Nil disclosed.</p>

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS**Council's Good Governance Framework**

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

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

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

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

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

SECONED: 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 June 2023 to 12 July 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 June 2023 to 12 July 2023.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 155 Commercial Street Korumburra, 1 King Street Korumburra and 28 Victoria Street Korumburra for the conditional development of the subject land. Seal applied 22 June 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 June 2023 to 12 July 2023.
 - a. Nil

2. Contracts awarded after a public tender process within the CEO's delegation between 13 June 2023 to 12 July 2023.
 - a. CON/371 for the Management and Cleaning of Leongatha Memorial Hall Complex was awarded to Guardian Facilities and Property Management Pty Ltd, signed by the CEO 23 June 2023.
 - b. CON/366 for the Panel of Civil and Road Surfacing Works, Equipment & Products was awarded to a panel of twelve contractors (below), signed by the CEO 23 June 2023.
 - i. ACE Earthmoving (VIC) Pty Ltd
 - ii. Fowlers Asphaltting Pty Ltd
 - iii. Gator's Contracting Pty Ltd
 - iv. Zurma Building Group Pty Ltd, trading as Zurma Earthworx
 - v. Russell Hinds
 - vi. M Mileto & B A Whale, trading as M & M Paving
 - vii. Holcim (Aust) Pty Ltd
 - viii. C & D Earthworks Pty Ltd
 - ix. Beyer Contractors Pty Ltd
 - x. David Harris Earthmoving Pty Ltd
 - xi. G & K Newton
 - xii. Huitema Plumbing and Excavation Pty Ltd, trading as Huitema Civil Projects
 - c. CON/367 for the Preparation of a Waste and Resource Recovery Plan was awarded to Mike Ritchie & Associates Pty Ltd, trading as MRA Consulting, signed by the CEO 29 June 2023
3. Contract variations approved by the CEO between 13 June 2023 to 12 July 2023.
 - a. Nil
4. Contract extensions approved by the CEO between 13 June 2023 to 12 July 2023.

- a. Contract SGC15/08 for the Management and Operation of Selected Aquatic Venues within South Gippsland was awarded to Victorian YMCA Community Programming Pty Ltd. The contract was for an initial three-year term commencing on 1 July 2014 with an option of two three-year extensions. An additional extension of four months has been approved to allow for finalising the current tender process for this contract, signed by the CEO 3 July 2023.

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

4.4. INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations and authorisations to Officers, so they can undertake the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report is to request Council to approve an Instrument of Appointment and Authorisation for the Council staff members Jess Barnett and Nicholas Moore, under the *Environment Protection Act 2017* and the *Planning and Environment Act 1987*.

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s 242(2) of the *Environment Protection Act 2017*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

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

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Darakai

That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s 242(2) of the *Environment Protection Act 2017*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

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

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

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

Two Instruments are presented for adoption for Jess Barnett and one Instrument for adoption for Nicholas Moore, enabling these Council staff members to fulfil their required duties within Council.

The Instruments are contained in **Attachment [4.4.1]**, **Attachment [4.4.2]** and **Attachment [4.4.3]**.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. S11A Instrument of Appointment and Authorisation Jess Barnett [4.4.1 - 1 page]
2. S11B Instrument of Appointment and Authorisation Jess Barnett [4.4.2 - 1 page]
3. S11A Instrument of Appointment and Authorisation PE Act Nicholas [4.4.3 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework
Pillar 7. Risk & Compliance

Legislative Provisions

Environment Protection Act 2017

Planning and Environment Act 1987

Local Government Act 1989

Local Government Act 2020

4.5. SUBMISSION TO MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL

Directorate:	Performance and Innovation
Department:	Customer, Communication and Advocacy

Council Plan

Objective 1 - United Shire

Objective 2 - Economic Prosperity

The recommendation in this report addresses the Council Plan Objective 'United Shire' by presenting a Notice of Motion that would support and benefit the South Gippsland community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of a Notice of Motion for the Municipal Association of Victoria (MAV) State Council Meeting on Friday 13 October 2023. Each council in Victoria can lodge Notices of Motion (NOM) that have state-wide significance to local government, for MAV members to consider.

This report presents a single NOM for consideration. It aligns with the Sustainable Growth strategic objective outlined in *2022-26 Council Plan* and is supported by community feedback and the *Draft Coastal Strategy*.

RECOMMENDATION

That Council endorse a Notice of Motion to the Municipal Association of Victoria's (MAV) State Council that states:

That the Municipal Association of Victoria advocate to the Victorian Government to work in partnership with Local Government to fund and implement modifications to the Victorian Planning Provisions to amend, and strengthen, the Land Subject to Inundation Overlay. The amended Overlay will help to manage risk in coastal areas that are vulnerable to climate change impacts.

RESOLUTION

MOVED: Councillor Gilligan

SECONED: Councillor Keerie

That Council endorse a Notice of Motion to the Municipal Association of Victoria's (MAV) State Council that states:

That the Municipal Association of Victoria advocate to the Victorian Government to work in partnership with Local Government to fund and implement modifications to the Victorian Planning Provisions to amend, and strengthen, the Land Subject to Inundation Overlay. The amended Overlay will help to manage risk in coastal areas that are vulnerable to climate change impacts.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Each year councils have an opportunity to put forward Notices of Motion relating to matters of strategic, and preferably state-wide significance, to local government for consideration at the MAV State Council meeting. Decisions of the MAV State Council constitute policy directions of the MAV and remain active until the issue is resolved.

The Motion, if supported by Council, would address the following MAV Strategic outcomes:

- Healthy, diverse and thriving communities
- Well-planned, connected and resilient built environment
- Changing climate and circular economy

Should these Motions be carried at the State Council Meeting, MAV will then make representations on behalf of Local Government to the State and Federal Governments as appropriate to advocate for these matters.

CONSULTATION / COMMUNITY ENGAGEMENT

The development of the proposed Motion was informed by community engagement that was undertaken during the development of the *Draft Coastal Strategy*.

Seven hundred and seventy people provided input into the draft Strategy.

RESOURCES / FINANCIAL VIABILITY

There are no resource implications to Council if this Notice of Motion is endorsed.

RISKS

If a Motion is not endorsed, Council will not be presenting any Motions at the October MAV State Council Meeting.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Pillar 6. Capability

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Advocacy Priority Projects - [Priority Projects | South Gippsland Shire Council](#)

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

MAV Transport Advocacy Strategy 2022 'Locals Know What Locals Need' Rural and Regional Overview - [Transport Advocacy | MAV website](#)

5. OBJECTIVE - SUSTAINABLE GROWTH

5.1. CAPE TO CAPE RESILIENCE PROJECT - INVERLOCH REGIONAL AND STRATEGIC PARTNERSHIP

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

Build resilience in our community and organisation to mitigate risk and damage caused by extreme weather events.

The Cape to Cape Resilience Plan accords with the Council Plan Objective in that it identifies areas susceptible to coastal climate change risk and identifies actions required to reduce and respond to these risks over an extended time period.

EXECUTIVE SUMMARY

The purpose of this report is to inform Councillors of the preparation of the draft Cape to Cape Resilience Plan June 2023 (Resilience Plan), and to seek endorsement of the draft document prior to it being presented to the Minister for Environment for formal endorsement ahead of the State-led community consultation.

The overarching aim of the RaSP is to understand the impacts of coastal climate change hazards (including rising sea levels) on the coastline and to identify responses to avoid or manage these impacts out to 2100.

The project has achieved a key milestone with the preparation of a draft Resilience Plan (refer to **Confidential Attachment [13.2.1]**) which sets out adaptation actions required to respond to the impacts of a changing climate and rising sea levels, as well as timelines outlining when these actions should occur. An implementation planning document (separate to the Resilience Plan) identifies which agencies will be responsible for and/or contribute to implementing the various actions. The draft Resilience Plan is a confidential document until it is approved by the State Government for community consultation. The purpose of this report is for Council to consider the draft Resilience Plan and endorse it for community consultation.

RECOMMENDATION

That Council:

1. Supports the release of the draft 'Cape to Cape Resilience Plan' for the purpose of community engagement.
2. Receives a further report post community engagement on the themes and feedback received, and potential resources and financial implications for Council.

RESOLUTION

MOVED: Councillor Gilligan

SECONED: Councillor Davies

That Council:

1. Supports the release of the draft 'Cape to Cape Resilience Plan' for the purpose of community engagement.
2. Receives a further report post community engagement on the themes and feedback received, and potential resources and financial implications for Council.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Cape to Cape Resilience Project is being conducted by the State's first designated 'Regional and Strategic Partnership' (RaSP) as set out in the *Marine and Coastal Act 2018*. Coastal planning is complex and can involve many agencies, authorities, commercial interests and community stakeholders. The RaSP process seeks to bring together partner agencies with a shared interest in a regional issue relating to or affecting the marine and coastal environment.

The focus of the RaSP is coastal erosion and inundation, and more specifically, identifying the risk of these hazards and subsequent vulnerability of public assets, values and infrastructure. The project has undertaken extensive investigation of the potential for increasing inundation and erosion risk, with a timeline to the year 2100. The outputs of most of the work are public and can be viewed on the [Cape to Cape webpage](#). The mapping highlights the vulnerability of Tarwin Lower to flooding, and the potential for long term road access to Venus Bay to be significantly compromised, unless infrastructure is improved or adapted.

A component of the RaSP's outputs will be an Implementation Plan (refer to **Confidential Attachment [13.2.2]**) which identifies which agencies will fulfil the roles to address the various actions in the plan. The roles are identified as Lead, Active and Interest. The draft plan currently identifies Council as having a number of each of these roles for various actions. The Implementation Plan will form the basis for the ongoing implementation of the RaSP, and as an operational document will not be released as part of the Cape to Cape Resilience Plan. Importantly, the Implementation Plan notes that all actions will be subject to organisation budgets and priorities, which means that Council will retain discretion over its involvement in implementing RaSP actions.

It is the expectation of DEECA that Council will endorse the draft Resilience Plan for the purpose of community consultation. The consultation process will be coordinated by DEECA and run for 28 days. Submissions will be considered by DEECA and the Minister for Environment.

It has been an understanding of RaSP partner agencies from the project's commencement that they will formally adopt the final product and recommendations of the project, and use it to guide their responses to the identified risks. Council can consider formal adoption of the Cape to Cape Resilience Plan at a future date following consideration of the feedback received from the community consultation process. Final adoption will also need to consider options for the implementation of updated flood mapping in the Planning Scheme, and how this is to be achieved.

CONSULTATION / COMMUNITY ENGAGEMENT

The next step is for the draft Resilience Plan to be presented to the Minister for Environment for endorsement following which it will be released for community consultation for 28 days. The timelines for these actions are currently unknown.

Submissions to the draft Resilience Plan will be considered by DEECA and the Minister for Environment.

RESOURCES / FINANCIAL VIABILITY

Ongoing preparation, consultation and adoption of the Cape to Cape Resilience Plan will have no financial implications for Council.

Implementation of the Resilience Plan's recommendations to address the impacts of climate change and rising sea levels on coastal assets and values will have significant impacts on future Council budgets. It is likely that Council will be unable to fully fund all of the actions currently identified in the Resilience Plan, and that State and/or Federal Government funding assistance will be required to facilitate long-term implementation of the plan. This is especially the case in relation to infrastructure upgrades. The Resilience Plan will assist infrastructure funding applications through the provision of its detailed risk identification and justification. Funding applications are significantly benefitted by studies that provide a high level of strategic justification and support for a project's need.

A benefit of the Resilience Plan and the overarching RaSP supporting technical investigations is an increased understanding of where coastal erosion and flood risks are likely to occur. This will allow Council to avoid making decisions that increase both private and public investment in high risk locations. Avoiding creating more risks will have positive financial implications for Council in the long term.

RISKS

The Resilience Plan identifies few risks that will directly affect land in South Gippsland in the next ten years. After 10 years, the risk profile gradually increases to 2040 when more significant impacts will become evident, based on the technical investigations and available data. Although we have no immediate risks to address, the technical reports and Resilience Plan highlight the risk of inaction, and the importance of acting now to avoid creating more risk. This includes planning in the short term for what we are likely to require 10–15 years from now. Accordingly, the most significant immediate risk is to take no action.

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](#).

Nil

CONFIDENTIAL ATTACHMENTS

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

Confidential Attachment [13.2.1] – Cape to Cape Resilience Project - RaSP - DEECA Resilience Plan - FINAL DRAFT - July 2023 and **Confidential Attachment [13.2.2]** – Cape to Cape Resilience Project - RaSP – Implementation Plan – Draft – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(c) - land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

The grounds for designation have been made as the information, if prematurely released, may impact Council's financial position.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Legislative Provisions

Catchment and Land Protection Act 1994

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

6. NOTICES OF MOTION AND/OR RESCISSION

Nil

7. COUNCILLOR REPORTS

7.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

7.2. COUNCILLOR UPDATES

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

- **Mirboo North Winter Festival**
- **Council's Community Leadership Program Alumni and the current group came together and noted that the community is still benefiting from those who completed this program 20 years ago.**
- **World Cup final series, the Matilda's are playing this evening.**
- **Gippsland Star Sports Awards**

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

- **Council's Community Grants Presentation evening and encouraged the community to continue to apply for grants.**
- **Tour of the Shire's MenSheds in Korumburra, Leongatha and Meeniyan.**
- **Toora CFA (Country Fire Authority) Branch 90th Anniversary Dinner and highlighted an award that honored 70 years of service to Mr Reg Williams.**
- **Landcare Regenerative Farming days event**
- **Gippsland Business Awards Finalist Breakfast in Moe**
- **Toora Pear Orchard pruning day**
- **Korumburra Community Meeting**

- Please feel free to contact Councillor Rae, details located on Council's website – [Link](#).

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

- Coffee with a Councillor sessions at Loch, Kongwak, Strzelecki, Poowong, Nyora and Meeniyan.
- Korumburra Community Meeting and wanted to share that Councillors are actively engaging with the community in many different ways, community members are also engaging with Councillors. If you don't think Council is reaching you then please let Councillors know how they can. Contact Councillors, details located on Council's website – [Link](#).
- Community Plan session at Poowong.
- It has been a difficult couple of weeks in Korumburra, with the loss of 3 key members of its community.

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

- Coffee with a Councillor sessions at Kongwak, Strzelecki, Poowong and Meeniyan.
- Tour of the Shire's MenSheds in Korumburra, Leongatha and Meeniyan. He acknowledged the tremendous fundraising efforts of the Leongatha MenShed.
- Annual General Meeting (AGM) Strzelecki Hall
- Community member concerns over fire tracks inaccessible to fire trucks due to recent 4-wheel drive overuse and thus a concern to the community.
- Korumburra Community Meeting and highlighted again how Councillors are clearly engaging with the Community to get their input. If you don't think Council is reaching you then please let Councillors know how they can. Contact Councillors, details located on Council's website – [Link](#).

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

- Small Halls Network and noted that it is pleasing that the small halls around the Shire being used for places of connection. An example, a recent event, 'The Rock for Wildlife Fundraiser' held in the Tarwin Lower Hall.

- **Development of the Van Cleef Reserve, Venus Bay and noted the great signage around the reserve that demonstrates the diversity of flora and fauna.**

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

- **Council's Community Grants Presentation evening, he congratulated all those awarded a grant and encouraged the community to continue to apply for grants.**
- **Mirboo North Winter Festival**
- **AGM Elderly Citizens Changeover**
- **Toora CFA Branch 90th Anniversary Dinner and highlighted that a number of service awards were given to long term members.**
- **Council's Community Leadership Program Alumni and the current group came together and noted that it is great to see the younger generation coming through and how it will benefit our community into the future.**
- **Friend's of Agnes Falls meeting**
- **Korumburra Community Meeting**
- **AGM Poowong and Loch Cricket Club and commented how they are attempting to regenerate interest by getting a junior program going.**
- **AGM Mardan Hall Changeover**
- **The Korumburra Catholic Church are holding a prayer service this Saturday at 9.00 – 4.30pm in support of families and friends following the loss of 3 key members of its community.**

The Mayor, Councillor Nathan Hersey, addressed Council by reporting on attendance at or made comments on:

- **Coffee with a Councillor sessions at Kongwak, Strzelecki, Nyora, Poowong and Meeniyan.**
- **Meet the Mayor and Deputy Mayor day held this month was a really positive experience and highlighted how people have come along to discuss how they can work with Council give back to the community.**
- **Advocacy Delegation in Canberra as Acting Chair of One Gippsland.**

- **It has been a difficult time for the community in Leongatha and Korumburra following the loss of 3 key members of its community. He requested a respect for privacy and genuine support. Our Prayers and thoughts as a Council go out to the families and those impacted, thank you to those in the community for getting around those involved to provide support and care.**
-

8. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 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

9. PUBLIC QUESTIONS

9.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

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

Nil

9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

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

Questions received from Mr John McCombe at the 19 July 2023 Council Meeting were taken on notice. Following consideration of the questions it was determined for one of the questions that in accordance with the Governance Rules clause 56.10 (k) A question may be disallowed by the Chair if the Chair determines that it that relates to confidential information as defined under the Local Government Act 2020 (the Act). The submitter was advised of the response on 14 August 2023.

A response to two questions is provided in this Agenda.

Question 1

Why have 'questions to council' local rules progressively become more restrictive when the opposite approach was clearly the intent of the fundamental change to the LGA 2020?

Response

Council Meeting Public Question time is not required under the *Local Government Act 2020*, but in keeping with Council's commitment to engage with the community it has a generous public question process that allows questions to be submitted right up until the commencement of a Council Meeting.

Question 2

What reason did the Audit Committee have, in 2018, for discussing the IBAC Survey into LG fraud (completed in 2016) - the CEO confirmed it's not a typo and the AC meeting minutes are correct?

Response

The minutes of the Audit & Risk Committee meeting held on the 4 December 2017 are correct. Council's Audit & Risk Committee regularly receives and considers integrity agency reports. Generally, the Independent Broad-Based Anti-Corruption Commission (IBAC) undertakes a survey and releases a report on the perceptions of corruption every two years.

Questions received from Mr Roger Aldons at the 19 July 2023 Council Meeting were taken on notice. Following consideration of the questions it was determined that in accordance with the Governance Rules clause 56.10 (k) A question may be disallowed by the Chair if the Chair determines that it that relates to confidential information as defined under the Act. The submitter was advised of the response on 14 August 2023.

9.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible.

Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

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

Nil

10. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. **Per s.3(1)(g) Agenda items 12.1 – Award Contract CON/365 - Management and Operation of Selected Aquatic Venues within South Gippsland (RFT/365), designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor's tender information submitted for consideration.**

2. **Per s.3(1)(g) Agenda items 12.2 – Award Contract CON/373 - Design and Construct Landslip Repairs at Various Locations, designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor’s tender information submitted for consideration.**

MOVED: Councillor Rae

SECONED: Councillor Davies

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. **Per s.3(1)(g) Agenda items 12.1 – Award Contract CON/365 - Management and Operation of Selected Aquatic Venues within South Gippsland (RFT/365), designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor’s tender information submitted for consideration.**
2. **Per s.3(1)(g) Agenda items 12.2 – Award Contract CON/373 - Design and Construct Landslip Repairs at Various Locations, designated as private commercial information,**

- a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor's tender information submitted for consideration.**

CARRIED UNANIMOUSLY

11. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 20 September 2023 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 3.39pm.

Confirmed this 20th day of September 2023

Councillor Nathan Hersey, Mayor