

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

15 May 2024

**Council Meeting No.494
Council Chambers, Leongatha
Commencing at 2:00 pm**



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

We care deeply about our people, the land and future of South Gippsland.

Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

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

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

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

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.494 of the
South Gippsland Shire Council will be held on Wednesday 15 May 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

Councillor Sarah Gilligan

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No.493, held on Wednesday 17 April 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.

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

Councillor Nathan Hersey has declared a conflict of interest in Agenda Item 3.3 Planning Scheme Amendments DEVPLN/2022/2 - 99 Bena Road Korumburra – Residential Subdivision Development Plan as he owns land adjacent to site which may suffer traffic impacts.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

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

Ms Renae Littlejohn, Director Future Communities has declared a direct material interest in Agenda Item 3.1 Nyora Supermarket VCAT Appeal as she owns property adjacent to the subject site.

2. OBJECTIVE - LEADING WITH INTEGRITY

2.1. Q3 ORGANISATIONAL & FINANCIAL PERFORMANCE REPORT & CAPITAL WORKS UPDATE

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the Organisational Performance Report for the time period of 1 July 2023 to 31 March 2024 (**Attachment [2.1.1]**) which includes the financial and organisational performance against the Adopted Budget and highlights progress of the 2023/24 Annual Initiatives for the 2022-2026 Council Plan (Council Plan).

RECOMMENDATION

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2023 to March 2024 (Attachment [2.1.1]);**
- 2. Approves the changes to the Full Year Approved Forecast;**
- 3. Endorses the capital forecast changes to enable delivery of the committed capital works program; and**
- 4. Communicates the Organisational Performance Report (Attachment [2.1.1]) to the Audit and Risk Committee.**

REPORT

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

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

2023/24 Annual Initiatives

Council adopted 34 annual initiatives for 2023/24, Council is currently on track to achieve a 100% competition rate (increase from 97%). A breakdown of the annual initiatives by status is below:

- 5 – Target Achieved (increase of 3)
- 29 – On Track (decrease of 2)

Target Achieved

Quarter 3 for 2023/24 has been positive with an increase in initiatives with Target Achieved, these are:

- Continue the annual contribution (second year of three-year commitment) to Event Gippsland's event acquisition fund to support, attract and deliver events to South Gippsland.
- Commence the development of a Strategic Plan for Coal Creek Community Park and Museum.
- Complete the review of the General Local Law 2014 and develop the General Local Law 2024.
- Council meets its legislative requirements for financial performance reporting via the 2022/23 Annual Report process and unqualified VAGO Audit.
- Develop and adopt Council's 2023/24 Advocacy Priority Projects.

Capital Works

Capital expenditure to 31 March of \$19.4 million is 17 per cent behind the forecasted amount of \$23.3 million. This can be attributed to various factors including adverse weather conditions affecting the Road rehabilitation program, heritage permit processes impacting the Korumburra Rail Precinct redevelopment project, as well as a delayed commencement of the Korumburra Streetscape project.

Notable Budget Adjustments

The following are some of the more significant budget adjustments to the 2023/24 capital works program cost centres.

Property - Buildings - \$380K Favourable

\$380K - Community Hub - Korumburra	Savings identified.
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Infrastructure - Waste - \$48K Favourable

\$48K - Mirboo North Transfer Station Retaining Wall Upgrade	Savings identified.
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Infrastructure – Other Infrastructure - \$1.15M Favourable

\$1.15M - Korumburra Commercial Streetscape	The Korumburra Streetscape works have recently commenced in Commercial Street, following a delay whilst coordinating
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	with South Gippsland Water renewal works. As a result, it is proposed to carry-forward a further \$1.15M of expenditure and loan draw-downs until 2024/25.
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The budget adjustments outlined in this report will align more closely with the Capital Works Program to be delivered in 2023/24. If the budget is not adjusted during the financial year, this may impact the ability to deliver projects and/or adversely affect end of year reporting.

Quarter 3 Financial Review

In principle after conducting a significant mid-year review of budgets, the Q3 review is not as substantial due to the earlier adjustments. However, some changes were identified, resulting in an increase in operating surplus by \$0.1 million, according to the Income Statement.

The Management Accounting cash result, which removes non-cash items and includes cash items that are excluded, is adjusted favourably by \$0.5 million due to the \$0.1M operating savings and \$0.4M capital savings identified during budget discussions resulting in a positive impact on the cash result for the current financial year.

CONSULTATION / COMMUNITY ENGAGEMENT

The Organisational Performance Report will be communicated to Council's Audit and Risk Committee.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. SGSC Organisational Performance Report - July to March 2024 [2.1.1 - 30 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020