

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

26 June 2024

**Council Meeting No.495  
Council Chambers, Leongatha  
Commencing at 2.00pm**



# agenda



*South Gippsland  
Shire Council*

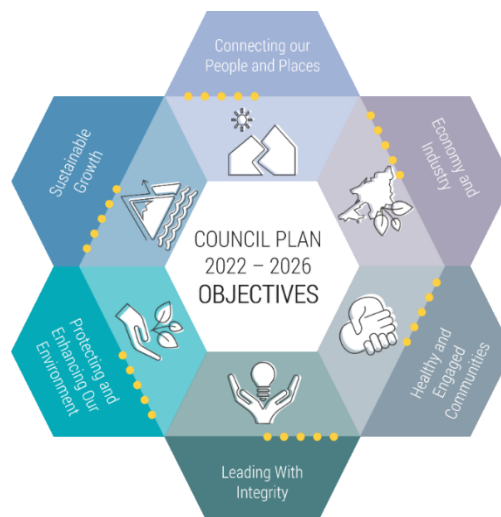
*Come for the beauty, Stay for the lifestyle*

## OUR COUNCIL VISION

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

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

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



### **Privacy**

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

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

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

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

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Notice is hereby given that Council Meeting No.495 of the  
South Gippsland Shire Council will be held on Wednesday 26 June 2024  
in the Council Chambers, Leongatha, commencing at 2:00pm

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**Kerryn Ellis**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

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

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***Public Questions***

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

### **1.3. OPENING PRAYER**

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

#### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

#### **1.5. APOLOGIES**

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

##### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting No.494, held on Wednesday 15 May 2024 in the Council Chambers, Leongatha be confirmed.**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

**Councillor Jenni Keerie has declared a material interest in Confidential Agenda Item 10.1 2023/24 Community Grants - Round 2, as she is employed by an organisation that auspiced one community grant application and auspiced the funds for another community grant application on behalf of another organisation.**

**Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 10.1 2023/24 Community Grants - Round 2, as she is a joint owner of a business that provided a quote to a community grant application.**

**Councillor Clare Williams has declared a general conflict of interest in Confidential Agenda Item 10.1 2023/24 Community Grants - Round 2, as she is a member of community group that has made a community grant application.**

**Councillor Mohya Davies has declared a general conflict of interest in Confidential Agenda Item 10.1 2023/24 Community Grants - Round 2, as she is the Chair on an organisation that has made a community grant application.**

**Councillor Sarah Gilligan has declared a general conflict of interest in Confidential Agenda Item 10.1 2023/24 Community Grants - Round 2, as she has a close association to a project that has made a community grant application.**

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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



## 2. OBJECTIVE - LEADING WITH INTEGRITY

### 2.1. LONG TERM FINANCIAL PLAN (10 YEAR PLAN) AND PROPOSED 2024/25 - 2027/28 BUDGET, INCLUDING 2024/25 COUNCIL PLAN INITIATIVES

Directorate:	Performance and Innovation
Department:	Governance

#### Council Plan

*Objective - Leading with Integrity*

*The Financial Plan and Budget, including the 2024/25 Annual Major Initiatives provide the resources to progress the achievement of the Strategic Objectives and Strategies outlined in the 2022 - 2026 Council Plan.*

#### EXECUTIVE SUMMARY

The purpose of this report is to present the final *Financial Plan 2024/25 – 2033/34 (Attachment [2.1.1])*, the *Annual Budget 2024/25 (Attachment [2.1.2])* and *Council Plan 2024/25 Annual Major Initiatives (Attachment [2.1.3]) (Plans)* for consideration and determination by Council.

These *Plans* are fundamental documents for Council as they outline Council’s future financial and other resource planning to support the delivery of the Council Plan. The *Plans* note Council’s aspirations for the year ahead (and the following three years), and summarise how Council intends to serve the community with the services and facilities that Council provides. The *Council Plan 2024/25 Annual Major Initiatives* document (**Attachment [2.1.3]**) outlines the *2024/25 Annual Major Initiatives* to progress the *2022-2026 Council Plan*. The scope of the *Financial Plan* is a period of at least the next ten financial years.

Each *Plan* has been prepared in accordance with the *Local Government Act 2020* (the Act) and reference:

- Financial Plan (s.91 of the Act);
- Adoption of the Annual Budget (s.94 of the Act); and
- Preparation of the Budget or revised Budget (ss.94 and 96 of the Act).

The final *Plans* have been developed considering feedback obtained through participatory engagement. A formal community consultation process was held from 18 April 2024 to 5 May 2024 to obtain feedback on the *Proposed Plans*.

A small number of minor adjustments have been made to the final *Plans* which are detailed in the body of the report. These adjustments have not compromised the intention or integrity of the Budget including the *2024/25 Annual Major Initiatives* and the *Financial Plan*.

This report recommends that Council formally adopt the *Plans* in accordance with s.91, s.92, s.93, s.94 and s.96 of the Act.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopts the Financial Plan 2024/25 – 2033/34 (Attachment [2.1.1]) and Annual Budget 2024/25 (Attachment [2.1.2]) and the Council Plan 2024/25 Annual Major Initiatives (Attachment [2.1.3]) (Plans) in accordance with the *Local Government Act 2020*;**
- 2. Declaration of Rates and Charges: Declares the following rates and charges:**
  - a. An amount of \$51.956M (or such other amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates and the annual service charge (described later in this Resolution), which amount is calculated as follows:**
    - i. General Rates (excluding supplementary rates) - \$46.573M;**
    - ii. Annual Service Charges - \$5.095M; and**
    - iii. Revenue in lieu of rates - \$0.288M.**
- 3. General Rates:**
  - a. A general rate be declared in respect of the 2024/25 financial year;**
  - b. It be further declared that the general rate be raised by the application of differential rates;**
  - c. A differential rate as per Council's Revenue and Rating Plan 2022 – 2026 be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential so declared:**
    - i. Industrial;**
    - ii. Commercial;**
    - iii. Vacant Land;**
    - iv. Farm Land;**
    - v. Cultural and Recreational; and**
    - vi. Rural Vacant Land.**

- d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:**
- i. the respective objectives of each differential rate be those specified in Council’s Revenue and Rating Plan 2022 - 2026;**
  - ii. the respective types or classes of land which are subject to each differential rate be those Revenue and Rating Plan 2022 - 2026;**
  - iii. the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in Council’s Revenue and Rating Plan 2022 - 2026; and**
  - iv. the relevant:**
    - uses of;**
    - geographical locations of;**
    - planning scheme zonings of; and**
    - types of buildings on.**
  - v. the respective types or classes of land be those identified in Council’s Revenue and Rating Plan 2022 – 2026.**
- e. No municipal charge to be declared for the 2024/25 financial year;**
- f. Annual Service charge:**
- i. An annual service charge, for the collection and disposal of refuse, be declared in respect of the 2024/25 financial year and**
  - ii. The annual service charge be in the sum of, and be based on the criteria set out below:**

Category	Rate
Waste Services Charge A	\$300.45
Waste Services Charge B	\$300.45
Waste Services Charge C	\$422.95
Waste Services Charge D	\$310.35
Waste Services Charge E	\$355.95
Waste Services Charge G	\$227.05
Waste Services Charge H	\$360.75
Waste Services Charge J	\$208.20
Waste Services Charge K	\$371.15
Garb Green Waste Bin	\$108.95

- g. Fees and Charges:**
- i. Adopts the fees and charges that are included in the budget which may be subject to change as fees and charges are based on information available at the time of publishing and may vary during the financial year as a result of changes in Council policy or legislation.**
- h. Incentives:**
- i. No incentives are declared for the payment of general rates (and annual service charge described earlier in this resolution).**
  - i. Interest on rates and charges: it be recorded that Council requires any person to pay interest on any amount of rates and charges to which:**
    - i. that person is liable to pay; and**
    - ii. have not been paid by the date specified for their payment.**
    - iii. The Chief Executive Officer be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.**
  - j. Notes the Annual Budget 2024/25 includes loan borrowings carried forward from 2023/24 from the State Government loan scheme for the Korumburra Streetscape Works and authorises the Chief Executive Officer to execute any further loan documentation required.**
- 4. Publishes all Plans referenced in this Council Report on Council's website.**

## **REPORT**

### ***Final Financial Plan and Annual Budget***

The *Financial Plan* document in **Attachment [2.1.1]** is the Financial Plan for the next ten years and has been prepared in accordance with s.91 of the Act.

The *Annual Budget 2024/25 Attachment [2.1.2]* and the *2024/25 Annual Major Initiatives Attachment [2.1.3]* have been prepared in accordance with s.94 and s.96 of the Act.

These documents follow the *Better Practice Guidelines* and *Model Budget* templates issued by Local Government Victoria (LGV) in accordance with the *Local Government (Planning and Reporting) Regulations 2020*.

Councils are required to set targets for the Local Government Performance Reporting Framework (LGPRF). Section 5a of the *Annual Budget 2024/25* document (**Attachment [2.1.2]**) includes indicators with a target for the budgeted year and subsequent three financial years. These targets are to be submitted to Local Government Victoria.

The *Plans* that are being presented for Council consideration and determination in this Council Meeting include:

1. Financial Plan 2024/25 – 2033/34 (**Attachment [2.1.1]**);
2. Annual Budget 2024/25 (**Attachment [2.1.2]**) referencing the 2024/25 Annual Major Initiatives; and
3. Council Plan Annual Major Initiatives Year 3 - 2024/25 (**Attachment [2.1.3]**).

### **Community Consultation Submission Feedback**

A formal community consultation process took place from 18 April 2024 to 5 May 2024 with findings presented in the *2024/25 Annual Budget Engagement Report (Attachment [2.1.4])*.

### **Proposed Rates and Charges**

The average rate will rise by 2.75% in line with the order by the Minister for Local Government in December 2023 under the Fair Go Rates System. Council did not seek a variation to the cap for 2024/2025.

In relation to Rates and Charges, the following rate in the dollar to be levied as General Rates under section 94 of the *Local Government Act 2020* include:

<b>Type or Class of Land</b>	<b>2024/25 Cents/\$ Capital Improved Value (CIV)</b>
General rate for rateable residential properties	0.292929
Industrial properties	0.307575
Commercial properties	0.307575
Farm properties	0.205050
Vacant Rural properties	0.205050
Vacant other properties	0.585857
Cultural and recreational properties	0.146464

### **Update to Schedule of Fees and Charges**

No changes to Fees and Charges.

Following the adoption of these *Plans*, Fees and Charges will be made available on Council’s website.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Act requires councils to take an integrated approach to strategic planning and reporting, including participatory community engagement practices.

Councillors have worked together to articulate and represent the voice of their constituents and communities, and provide recommendations and direction, while being mindful to responsibly manage resources. The Councillors have engaged with the community through various activities during the exhibition period of 18 April 2024 to 5 May 2024.

### **RESOURCES / FINANCIAL VIABILITY**

The Budget and Financial Plan are key strategic documents that outline the direction and resources required to achieve the Council's direction in the Council Plan and the range of services provided. The Financial Plan provides an outlook of Council's financial position for at least the next ten years.

### **RISKS**

The risk of not adopting these Plans by the statutory deadline of 30 June is that Council will suffer reputational damage and be constrained in its ability to raise the necessary funds to carry out its functions and meet its objectives.

### **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. Financial Plan - 2024/25 –2033/34 [2.1.1 - 43 pages]
2. Proposed Annual Budget 2024/25 [2.1.2 - 94 pages]
3. Council Plan 2022 -2026 Annual Major Initiatives Year 3 - 2024-25 [2.1.3 - 6 pages]
4. Annual Budget Engagement Report 2024/25 [2.1.4 - 3 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](#).*

Long Term Financial Strategies

Annual Budget

Financial Plan

Council Plan 2022-2026

#### **Legislative Provisions**

Local Government Act 2020

## 2.2. FINANCIAL RESERVES POLICY

Directorate:	Performance and Innovation
Department:	Governance

### Council Plan

*Objective - Leading with Integrity*

*The effective management of financial resources and legislative compliance are strategic risks for Council. This Policy ensures prudent and transparent management of Council current funds for future use.*

### EXECUTIVE SUMMARY

The purpose of this report is to present the *Financial Reserves Policy* for consideration and endorsement by Council.

### RECOMMENDATION

**That Council endorses the proposed *Financial Reserves Policy (C93)* (Attachment [2.2.1]).**

### REPORT

The purpose of a *Financial Reserves Policy* is to:

- create and maintain financial reserves to record future commitments for specific purpose expenditures;
- provide a rationale for the purpose of financial reserves and detail how the reserves funds are increased and decreased; and
- ensure accountability, transparency and compliance with the *Local Government Act 2020*.

Council is required under the *Local Government Act 2020* and financial reporting standards to disclose all reserves set aside for specific purposes in its annual financial statements. In addition to this, details on reserves will be reported in a detailed statement of movement and balances as part of quarterly financial reports.

### CONSULTATION / COMMUNITY ENGAGEMENT

Internal consultation has been undertaken in the preparation of the proposed *Financial Reserves Policy*.

### RESOURCES / FINANCIAL VIABILITY

No additional financial implications, funding is pre-existing in adopted budgets.

## **RISKS**

The effective management of financial resources and legislative compliance are strategic risks for Council. This policy ensures prudent and transparent management of Council current funds for future use.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Proposed - Financial Reserves Policy [2.2.1 - 4 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 4. Structure, Systems & Policies

Pillar 8. Monitoring & Performance Review

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

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

Annual Budget

Annual Financial Statements

Annual Report

Long-Term Financial Strategies

Quarterly Financial Reports

### **Legislative Provisions**

Local Government Act 2020

Subdivision Act 1988

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

Australian Accounting Standards



## 2.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 APRIL TO 12 MAY 2024

Directorate:	Performance and Innovation
Department:	Governance

### **Council Plan**

*Objective - Leading with Integrity*

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

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council, in its requirement to give effect to the overarching governance and supporting principles of the *Local Government Act 2020*, assist in the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefings and community day events that 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 April and 12 May 2024.

### **RECOMMENDATION**

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

## REPORT

Meeting Title	Details
<b>Wednesday 17 April 2024</b>	
<b>Council Meeting Agenda Topic Discussion – 17 April 2024</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Councillor Nathan Hersey declared a general conflict of interest in Confidential Agenda items 11.1 – Award Contract CON/402 Building Maintenance Services as a family member’s business is a subcontractor to one of the tenders. The matter was not discussed.</p>
<b>Korumburra Senior Citizens Club</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Waste and Resource Recovery Plan</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Fish Creek Football &amp; Netball Club</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Financial Reserves Policy Discussion</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 24 April 2024</b>	
<b>Marinus Link</b>	<p><b>Councillors Attending:</b> Mohya Davies, Clare Williams, John Schelling and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Community Presentation – Impacts of Storm Events</b>	<p><b>Councillors Attending:</b> Mohya Davies, Clare Williams, John Schelling and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Community Presentation – Leongatha Recreation Reserve</b>	<p><b>Councillors Attending:</b> Mohya Davies, Clare Williams, John Schelling and Jenni Keerie.</p>

Meeting Title	Details
	<b>Conflict of Interest:</b> Nil disclosed.
<b>Wednesday 1 May 2024</b>	
<b>Community Vision</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Councillor Nathan Hersey left the meeting at 1:46pm and returned at 1:52pm with a conflict of interest in Planning Briefing Item Planning Scheme Amendments DEVPLN/2022/2 - 99 Bena Road Korumburra – Residential Subdivision Development Plan.</p>
<b>Impact of Bushfire on Regional Growth</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Wednesday 8 May 2024</b>	
<b>Council Meeting Agenda Topic Discussion – 15 May 2024</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Rena Littlejohn left the meeting at 10:01am and returned at 10:04 with a conflict of interest in Council Meeting Agenda Item 3.1 Nyora Supermarket VCAT Appeal.</p> <p>Councillor Nathan Hersey left the meeting at 10:05pm and returned at 10:08pm with a conflict of interest in Council Meeting Agenda Item 3.3 Planning Scheme Amendments DEVPLN/2022/2 - 99 Bena Road Korumburra – Residential Subdivision Development Plan.</p>
<b>Organisational and Financial Performance Report and Capital Works Update</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie.</p>

Meeting Title	Details
	<p><b>Conflict of Interest:</b> Cr Clare Williams left the meeting at 10:28am and returned at 10:29am with a conflict of interest as she has a material interest in the construction company completing Korumburra streetscape works.</p>
<p><b>2024 Annual Revaluation</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Community Infrastructure Advisory Committee (CIAC)</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Development Plan Application - 99 Bena Road Korumburra</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton and Jenni Keerie. <b>Conflict of Interest:</b> Councillor Nathan Hersey did not attend this meeting as he has a conflict of interest in Item Planning Scheme Amendments DEVPLN/2022/2 - 99 Bena Road Korumburra – Residential Subdivision Development Plan.</p>
<p><b>Domestic Animal Management Plan</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Domestic Wastewater Management Plan</b></p>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Clare Williams, John Schelling, Michael Felton, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> 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 Act 2020

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

Directorate:	Regional Partnerships
Department:	Office of the CEO

### 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

The purpose of this report is to update Council on the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from - 13 April to 12 May 2024.

Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

### RECOMMENDATION

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

### REPORT

#### Documents Sealed

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the *General Local Law 2024*, Part 5 - Administration, clause 65 – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner described by sub-clause (5), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

In accordance with the *General Local Law 2024*, Part 5 - Administration, clause 65 (6), the following are presented to Council as documents sealed during the period from 13 April to 12 May 2024.

Nil

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

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

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 52 Station Road, Foster for a two-lot subdivision. Seal applied 24 April 2024.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 53 Townsend Street, Port Welshpool to develop land with a dwelling (replacement) and shed. Seal applied 24 April 2024.

### **Contracts Awarded, Varied or Extended**

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 April to 12 May 2024.
  - a. CON/402 for Building Maintenance Services awarded to McLeod, Dowel and Courtney Pty Ltd, trading as MDC Building Group, signed by the CEO 6 May 2024.
2. Contracts awarded after a public tender process within the CEO's delegation between - 13 April to 12 May 2024.
  - a. CON/395 for the Meeniyah and Poowong Stadiums Re-Roofing Project awarded to Allchin Commercial Pty Ltd, trading as Allchin Builders, signed by the CEO 19 April 2024.
3. Contract variations approved by the CEO between - 13 April to 12 May 2024.

Nil

4. Contract extensions approved by the CEO 13 April to 12 May 2024.

Nil

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

Nil

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Governance Rules (C82)

General Local Law 2024

Procurement Policy (C32)

##### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987



### 3. OBJECTIVE - ECONOMY AND INDUSTRY

#### 3.1. ARTS ADVISORY COMMITTEE - REPORT ON ANNUAL ACHIEVEMENTS AND AMENDED TERMS OF REFERENCE

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

#### Council Plan

*Objective - Economy and Industry*

*The South Gippsland Arts Advisory Committee supports implementation of annual actions included in the South Gippsland Arts, Culture and Creative Industries Strategy.*

#### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of the first-year achievements of the South Gippsland Arts Advisory Committee and present an amended Terms of Reference for endorsement.

#### RECOMMENDATION

**That Council:**

- 1. Endorses the amended South Gippsland Arts Advisory Committee Terms of Reference (Attachment [3.1.1]) for the South Gippsland Arts Advisory Committee.**
- 2. Acknowledges the achievements of the South Gippsland Arts Advisory Committee.**

#### REPORT

The South Gippsland Arts Advisory Committee was established in 2022 to provide advice to Council in relation to implementation of the Arts, Culture and Creative Industry Strategy. The Committee meets regularly and is comprised of members selected during an Expression of Interest process.

#### Achievements

In the first 12 months, the Arts Advisory Committee have met every three months, and have actively contributed to the following:

- Development of the *Arts and Civic Memorabilia Collection Policy*;
- Development of the *Public Arts Collection Policy*;
- Panel participant for shortlisting of the Leongatha Railway Precinct Mural Project;

- Panel participant for shortlisting of the Korumburra Railway Precinct Mural Project, including mentoring Korumburra Secondary College students participating on the panel;
- Ongoing review of and input into ArtCubes program;
- Assessment of projects making application to the South Gippsland Creative Fund; and
- Ongoing advocacy for promotion and support of Arts throughout South Gippsland.

### **Terms of Reference (ToR)**

Based on feedback from the current Arts Advisory Committee, it is recommended that the Terms of Reference (**Attachment [3.1.1]**) be amended to include the following:

- Six meetings per calendar year, with the option to set additional meetings determined by the implementation plan for the Arts, Culture and Creative Industries Strategy
- Preference for in person meetings, with online options available in consultation with officers;
- Committee members commit to attend a minimum of four meetings within a 12-month period;
- Secretariat support to be provided from within the Arts, Culture and Visitor Economy team
- Membership will be no more than 10, with a minimum of six committee members; and
- At the conclusion of the two-year term, members may apply to Council to be appointed for an additional two-year term.
- Committee to nominate a chair to facilitate meeting process at the start of each calendar year for 12-month term
- A report on activity undertaken by the Arts Advisory Committee to be provided to Council annually.

These amendments are proposed to support improving communication and engagement with committee members.

Councillors will be provided updates at the conclusion of each Arts Advisory Committee meeting via the Councillor Bulletin.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Proposed amendments to the South Gippsland Arts Advisory Committee Terms of Reference have been developed in consultation with the Arts Advisory Committee members.

## **RESOURCES / FINANCIAL VIABILITY**

The Arts Advisory Committee is supported through existing budgets.

## **RISKS**

The proposed amendments to the Terms of Reference support the Arts Advisory Committee to communicate effectively. Should Council choose not to proceed with the amendments there is a risk that communication and attendance at meetings may decline.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. South Gippsland Arts Advisory Committee, Terms of Reference [3.1.1 - 4 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

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

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

Arts and Civic Memorabilia Collection Policy (C69)

Public Art Collection Policy (C91)

Arts, Culture and Creative Industry Strategy

Annual Budget

Council Plan 2022-2026

### **Legislative Provisions**

Gender Equality Act 2020

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

Nil

**5. COUNCILLOR REPORTS**

**5.1. REQUESTS FOR LEAVE OF ABSENCE**

**5.2. COUNCILLOR UPDATES**

## **6. URGENT BUSINESS**

This section of the Agenda is for urgent business items:

### **1. Urgent Business**

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

Council's *Governance Rules 2020* (clause 22 - Urgent Business) adopted on 19 October 2022, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's *Governance Rules 2020* (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

## 7. PUBLIC QUESTIONS

### 7.1. PETITIONS AND JOINT LETTERS

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

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

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

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

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

## 7.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

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

**Nil**

### 7.3. SUBMITTED PUBLIC QUESTIONS

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

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

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

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

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

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

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

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



## 8. CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

1. **Per s.3(1)(f) Agenda item 10.1 – 2023/24 Community Grants - Round 2, designated as personal information,**
  - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
  - b. **The grounds for designation have been made to protect the privacy of an individual's personal information.**

## **9. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 17 July commencing at 2pm in the Council Chambers, Leongatha.