

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

20 March 2024

**Council Meeting No.492  
Council Chambers, Leongatha  
Commencing at 2:00 PM**



# agenda



*South Gippsland  
Shire Council*

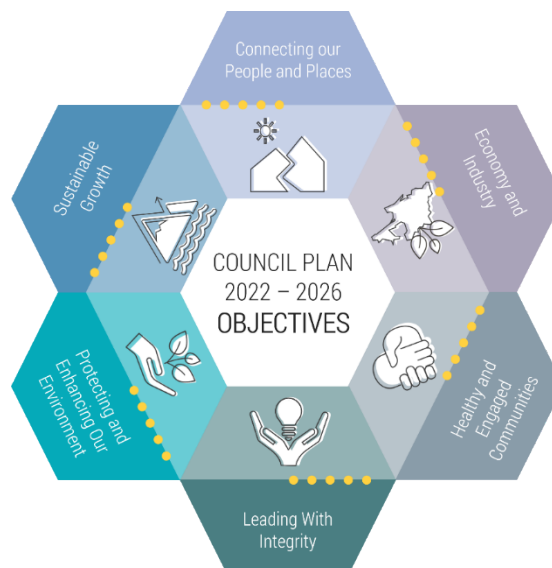
*Come for the beauty, Stay for the lifestyle*

## 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**

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## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.492 of the  
South Gippsland Shire Council will be held on Wednesday 20 March 2024  
in the Council Chambers, Leongatha, commencing at 2:00pm

### TABLE OF CONTENTS

<b>1. PRELIMINARY MATTERS.....</b>	<b>5</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER .....	5
1.2. WELCOME TO THE COUNCIL MEETING .....	5
1.3. OPENING PRAYER.....	5
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS .....	6
1.5. APOLOGIES .....	6
1.6. CONFIRMATION OF MINUTES .....	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS .....	7
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF.....	8
<b>2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES.....</b>	<b>9</b>
2.1. GRANT FUNDING OPPORTUNITIES FOR REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND .....	9
<b>3. OBJECTIVE - ECONOMY AND INDUSTRY.....</b>	<b>13</b>
3.1. ARTS POLICIES .....	13
<b>4. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES .....</b>	<b>18</b>
4.1. CHILDREN AND FAMILIES PLAN .....	18
4.2. GENERAL LOCAL LAWS REVIEW .....	23
<b>5. OBJECTIVE - LEADING WITH INTEGRITY .....</b>	<b>27</b>
5.1. MOTIONS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) / MUNICIPAL ASSOCIATION OF VICTORIA (MAV) .....	27
5.2. Q2 ORGANISATIONAL AND FINANCIAL PERFORMANCE REPORT .....	30
5.3. COUNCIL COMMITTEE APPOINTMENTS .....	36
5.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JANUARY 2024 TO 12 FEBRUARY 2024 .....	39
5.5. SUMMARY OF STRATEGIC BRIEFINGS - 13 JANUARY TO 12 FEBRUARY 2024 .....	42
5.6. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF	45
5.7. INSTRUMENT OF AUTHORISATION FOR COUNCIL STAFF .....	47
<b>6. NOTICES OF MOTION AND/OR RESCISSION.....</b>	<b>49</b>
6.1. NIL.....	49

**7. COUNCILLOR REPORTS.....49**  
7.1. REQUESTS FOR LEAVE OF ABSENCE .....49  
7.2. COUNCILLOR UPDATES.....49  
**8. URGENT BUSINESS .....50**  
**9. PUBLIC QUESTIONS .....51**  
9.1. PETITIONS AND JOINT LETTERS .....51  
9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....52  
9.3. SUBMITTED PUBLIC QUESTIONS .....53  
**10. CLOSED SESSION.....54**  
**11. MEETING CLOSED .....55**



**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.

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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.491, held on Wednesday 21 February 2024 in the Council Chambers, Leongatha be confirmed.**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

**Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Confidential Agenda Item 12.1. PERSONAL INFORMATION - Chief Executive Officer (CEO) Performance Review – February 2024 and Item 12.2 PERSONAL INFORMATION - Chief Executive Officer (CEO) Contract of Employment, as the matters relate directly to her role.**



## 2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

### 2.1. GRANT FUNDING OPPORTUNITIES FOR REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

#### Council Plan

*Objective - Healthy and Engaged Communities*

This report relates to the Council Plan through the sustainable improvement of Council's infrastructure.

To create places and spaces for people to connect and participate in local activities, sports and leisure, community events, and enjoy our libraries, parks, gardens and coastal areas.

#### EXECUTIVE SUMMARY

The purpose of this report is to consider the submission of a funding application for the 2023/24 Regional Community Sports Infrastructure Fund (RCSIF). Applications under this program require Council endorsement of projects to be considered for funding.

The project recommended for submission is:

- Korumburra Indoor Recreation Centre – Toilet & Female Friendly Facilities Refurbishment

#### RECOMMENDATION

**That Council:**

- 1. Approves the grant funding application under the 2023/24 RCSIF program for the - Korumburra Indoor Recreation Centre – Toilet & Female Friendly Facilities Refurbishment.**
- 2. Refers the consideration of the allocation of Council's contribution to the Korumburra Indoor Recreation Centre – Toilet & Female Friendly Facilities Refurbishment Project to the 2024/25 Capital Works Program Budget process.**

#### REPORT

On Tuesday 5 December 2023, the 2023/24 Regional Community Sports Infrastructure Fund (RCSIF) opened, with applications for Round One closing on 27 March 2024. The \$60M State Government program is being rolled out in two rounds and provides a range of grant opportunities across four funding streams:

1. Indoor Stadium and Aquatic Facilities– up to \$3M per Council
2. Community Facilities – up to \$1M per Council
3. Women and Girls Facilities – up to \$1M per Council
4. All abilities infrastructure – up to \$1M per Council

Officers have identified the following project that fits the requirements for an application under the ‘Community Facilities’ funding stream in Round One of the RCSIF program which can be prepared to a funding-ready stage within the required timeframes and within existing resources.

- Korumburra Indoor Recreation Centre Toilet & Female Friendly Facilities Refurbishment

The Indoor Recreation Centre is heavily utilised for sporting activities and a broad range of community events. This includes deb balls, weddings, funerals and other major community gatherings alongside the daily sporting activities that occur in the centre. As such the demand on the amenities is significant and can vary greatly depending on the activities that are occurring at the time.

Working with Sport and Recreation Victoria, Basketball Victoria and Centre Management, detailed designs have been prepared to completely refurbish the existing dated changeroom and toilet spaces into modern amenities that comply with Basketball Victoria and Female Friendly Facility Guidelines.

<i>Anticipated total project cost</i>	<i>\$1.2M</i>
<i>Available funding ratio</i>	<i>SRV \$4: \$1 Council</i>
<i>Grant Request</i>	<i>\$960,000</i>
<i>Council Contribution</i>	<i>\$240,000</i>

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Infrastructure Planning officers maintain a rolling list of proposed community recreation projects located on both Council and Crown Land. The list of projects is compiled from numerous sources including a Sport & Recreation Victoria (SRV) pipeline projects list, Council’s Sport and Recreation Infrastructure Strategy 2020-2030, Council’s building renewal projects, and requests received from clubs during the year.

During the project design phase in 2022, officers liaised with key stakeholders including, Korumburra Recreation Centre Management, Committee and Basketball Victoria (BV) to provide input and feedback on the design. Council officers met again with representatives from SRV and the Korumburra Recreation Centre in February 2024 to ensure the proposed design remains compliant with BV and SRV Female Friendly Facility guidelines.

## RESOURCES / FINANCIAL VIABILITY

If the funding application is approved, the estimated lump sum figure for the project is \$1.2M, based on the available funding ratio (SRV \$4:\$1 Council) this would require a contribution from Council of approx. \$240,000, as detailed in the table below.

**Table 1 – Proposed Budget Breakdown**

<b>Item</b>	<b>Amount Excl. GST</b>
RCSIF 2023/24 Funding - Community Facilities	\$960,000
Council Contribution	\$240,000
<b>Total</b>	<b>\$1,200,000</b>

Council's \$240,000 co-contribution has been proposed within the Building Renewal Program (Recreation/Sport) as part of the 2024/25 Capital Works Program budget process.

Council initially tendered the project in September 2022 however the procurement process was cancelled due to all submissions received being over budget. In ascertaining the \$1.2M project estimate, previous tender prices, cost escalation, contingency and project management costs have all been considered.

### RISKS

#### *Reputational*

There is a level of community expectation that Council will submit suitable projects when grant funding opportunities arise. Failure to meet this expectation may result in reputational damage.

#### *Financial*

In an ever-changing construction market, estimating proposed construction costs is challenging.

### 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 1. Direction & Leadership

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

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

Community Infrastructure Project Management Policy (C09)

Council Plan 2022-2026

Long Term Financial Plan

### 3. OBJECTIVE - ECONOMY AND INDUSTRY

3.1. ARTS POLICIES	
Directorate:	Future Communities
Department:	Community, Customer & Visitor

#### Council Plan

*Objective - Economy and Industry*

*This report relates to a Council Plan major initiative for 2023/2024, 'Implement the annual actions of the Arts, Culture and Creative Industries Strategy'.*

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's consideration of the following Policies relating to the Arts which were deferred from the December 2023 Council Meeting.

- Draft Arts and Artefacts Collection Policy (C69) – reviewed;
- Arts and Culture Policy (C03) – revoke; and
- Draft Public Art Collection Management Policy (C91) - new.

#### RECOMMENDATION

**That Council:**

1. **Adopts the *Arts and Civic Memorabilia Collection Policy (C69)* formally known as the *Arts and Artefacts Collection Policy* (refer Attachment [3.1.1]);**
2. **Revokes the *Arts and Culture Policy (C03)*; and**
3. **Adopts the *Public Art Collection Management Policy (C91)* (refer Attachment [3.1.2]).**

#### REPORT

##### Background

The following Arts Policies were presented to Council on 16 December 2023 for consideration with the following resolution:

*That Agenda Item 2.1 Arts Policies consideration be deferred until the proposed Council Meeting in February 2024.*

- Draft Arts and Artefacts Collection Policy (C69) – Amended and renamed to Arts and Civic Memorabilia Collection Policy.

- Arts and Culture Policy (C03) – revoke.
- Draft Public Art Collection Management Policy (C91) – new.

Feedback has been received from Councillors and reviewed by the South Gippsland Arts Advisory Committee and Officers, with the draft Arts and Civic Memorabilia Collection Policy and Public Art Collection Management Policy amended reflecting accepted feedback and comments.

It should be noted that these policies do not address management of Council's cultural collection, this is addressed through the following Policies;

- Coal Creek Community Park Museum and Collection Policy (C05).
- Port Welshpool and District Maritime Museum and Collection Policy (C73).

These Policies are due for review in 2024.

### **Arts Policies for Consideration**

The following Arts Policies are presented to Council for consideration:

#### **Draft Arts and Artefacts Collection Policy (C69) – Amend**

This Policy was previously adopted by Council on 27 June 2018, with a revision date of June 2022. The Policy identifies the process for managing Council's extensive art and artefacts collection.

Recommended amendments to the Arts and Artefacts Collection Policy:

- Re-formatted to Council's current policy template.
- Change of Policy title to Arts and Civic Memorabilia Collection Policy, which is more relevant to the items within the collection.
- Introduction of an Arts Assessment Panel which will be engaged by Council's Arts Advisory Committee, via an Expression of Interest process. The Arts Assessment Panel will be responsible for making recommendations on the commissioning and deaccessioning of arts and civic collection items. The Panel will comprise of external community members with relevant expertise or experience in the arts and will meet as required.
- Reference to commissioning of public art has been removed from the Policy with a separate new policy developed that specifically responds to management of public art.

Principles addressed in the Policy:

- The importance of the art and civic memorabilia collection;
- Acquisition selection criteria;
- Acquisition approval framework;
- Deaccession criteria;

- Contractual considerations;
- Deaccessioning approval framework;
- Method of disposal;
- Proceeds from sale;
- Personal acquisition of deaccessioned items
- Access to the South Gippsland arts and civic memorabilia collection;
- Loans (incoming and outgoing);
- Maintenance and storage;
- Insurance;
- Winding up of operations; and
- Arts assessment.

### **Arts and Culture Policy (C03) – Revoke**

This Policy was previously adopted by Council on 24 June 2020, with revision date of June 2024.

The objective of this Policy is to strengthen South Gippsland's position as a recognised arts region. The Policy scope also outlines a series of deliverables which is assessed as being adequately addressed with the recently adopted Arts, Culture and Creative Industries Strategy (2022-2026).

An action plan for the duration of the Strategy has been developed, with priorities based on the Strategy themes. A status of these actions is reported to, and noted by, Council annually.

It is therefore recommended that the Arts and Culture Policy (C69) is revoked as it is no longer considered relevant and superseded by the Strategy.

### **Draft Public Art Collection Management Policy (C91) - new**

An action identified in the Arts, Culture and Creative Industries Strategy (2022-2026) is for the development of a Public Art Collection Management Policy.

A new Policy has been drafted based on best practice principles for local government. The purpose of the draft Policy is to provide a framework to assist Council to make considered decisions on public art, its funding, commissioning, installation, maintenance and de-accessioning. It will also assist Council in response to requests, proposals and offers of donation of art works in public places.

The draft Policy has been developed based on other Victorian council's Public Art Policies, specifically Hepburn Shire Council.

The following principles are addressed in the Draft Policy:

- Importance of public art to South Gippsland;
- What will be included and considered in public art projects;
- Artwork materiality;

- Durability of the work;
- Safety and suitability;
- Determining potential sites for public art;
- How art works are accessioned by Council;
- Public art not owned by Council;
- Funding sources for public art;
- Public art assessment panel;
- Public art selection and management processes;
- Donations and bequests;
- Recording of public art works; and
- Deaccessioning of public art works.

### **Future Opportunities**

Public art can form an integral part of the public domain enhancing people's experiences of, and encouraging greater interaction with, public spaces.

The opportunity to implement public art across the Shire is determined on funding available through Council's annual budget. Whilst there is also an opportunity to seek external funding, having available funds for public art is currently limited.

A possible future opportunity may be to allocate a percentage of specific capital works projects budgets (streetscapes, upgraded or new buildings, etc.) towards public art. A similar process could be implemented to private development proposals.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The review of the current Art's policies and development of a new Public Art Collection Management Policy was an identified action in the South Gippsland Arts, Culture and Creative Industries (ACCI) Strategy, adopted by Council in August 2022.

The Draft Arts and Civic Memorabilia Collection Policy and Draft Public Art Collection Management Policy have been provided to Councillors and the South Gippsland Arts Advisory Committee for review.

### **RESOURCES / FINANCIAL VIABILITY**

There is no allocated budget to address the physical maintenance required to manage either the arts and civic memorabilia or public art collections; therefore, an ongoing operational budget will need to be considered to ensure that Council meets its obligations for caring for the collections.

Commissioning of items to the public arts or arts and civic memorabilia collections will be met through existing works budgets where appropriate or sought through external funding sources.



## **RISKS**

There is a risk that if these policies are not implemented, Council may be in breach of meeting its obligations as custodian of collections items that are of significance to South Gippsland.

## **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 - Arts and Civic Memorabilia Collection Policy C69 [3.1.1 - 9 pages]
2. Proposed - Public Art Collection Management Policy C91 [3.1.2 - 8 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 Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

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

Code of Ethics for Museums (ICOM 2006)

## 4. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

### 4.1. CHILDREN AND FAMILIES PLAN

Directorate:	Future Communities
Department:	Community Health and Safety

#### Council Plan

*Objective - Healthy and Engaged Communities*

*The Children and Families Plan will ensure Council, partnering organisations and the community work together so all children and families in South Gippsland can reach their full potential.*

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Councillor consideration of the Children and Families Plan 2024-2028 (the Plan). This Plan **Attachment [4.1.1]** will provide the strategic direction for Council, service providers, governments, children and families, and the wider community to work together to improve outcomes for children and families in South Gippsland.

The Plan was developed using research and data analysis and included a comprehensive stakeholder and community engagement process that resulted in the development of five key themes:

1. Places and spaces are welcoming and inclusive of all children and families;
2. Services for children and families are accessible, inclusive and responsive;
3. Children and families are thriving;
4. Children and families are connected and engaged in their local community; and
5. Partnerships and collaboration strengthen outcomes for children and families.

The Plan is an overarching document that will help inform Council's existing operations, as well as identified collaboration and partnering opportunities with external organisations and the community to deliver on the key strategies. Once the Plan is endorsed, an Action Plan, in partnership with key partners, will be developed and implemented.

#### RECOMMENDATION

**That Council adopts the Children and Families Plan 2024-2028 at Attachment [4.1.1] and commences the development of an Action Plan.**

## **REPORT**

Children and families are a vital part of the South Gippsland community. Listening to their voices, understanding their experiences, and responding to their needs is the way South Gippsland Shire Council, its partners, and the community show children and families that they are valued citizens and are key to the vitality of South Gippsland.

The Children and Families Plan (the Plan) builds upon the work of the previous Plan from 2016 to 2021 and has been expanded to capture needs and outcomes for children aged 0 to 12 years, and their families.

The Children and Families Plan articulates how service providers, governments, children and families, and the wider community will work together to improve outcomes for children and their families. While South Gippsland Shire Council has a leadership role in preparing the Plan, it is through a partnership approach whereby everyone works together, that the best outcomes for children and families can be achieved.

The Children and Families Plan was developed in partnership with service providers, community and children and included:

- Background research and data analysis;
- Consultation and Community engagement;
- Development of Key Learnings – Discussion Paper; and
- Development of the Draft Children and Families Plan.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

**Stage 1** of the community engagement and consultation included:

- Online and hardcopy community survey (182 people);
- Pop-up engagement activities (6 locations);
- Online focus group;
- Children's activity sheets (691 children);
- Targeted discussions with community and early years' service providers (13 meetings);
- Discussion and workshop with council officers (20 people); and
- Workshop with Steering Committee.

This consultation led to the development of a Key Learnings Document – Discussion Paper to identify the key themes. The Discussion Paper was presented to Council and the Children and Families Steering group prior to the development of the Draft Children and Families Plan.

**Stage 2** of the consultation included a briefing to both Council and the Steering Committee prior to releasing to the general public and key stakeholders for feedback via:

- Online Community Survey
- Submissions

Council received 16 survey responses and one submission from Gippsland Southern Health Service (GSHS). There was strong community support for the Plan with the majority of responses requesting more detail about how the Plan will be implemented, timelines, and other specific considerations. These suggestions will be collated for the development of an Action Plan.

GSHS supported the Plan and identified areas of collaboration while also acknowledging the alignment with Services, Community and Partner Pillars of the GSHS 2021-2026 Strategic Plan. They noted that the inclusion of a focus on prevention will strengthen the Plan, and potentially alleviate some of the existing challenges such as long wait times and limited access to services.

As a result of the feedback received, minor adjustments were made to the Draft Plan as outlined in the table below.

Topic	Changes
The importance of universally accessible places and services	Last sentence: added in 'accessible toilet and change facilities. Sentence now reads: and consideration of the need for shade, fencing, and accessible toilet and change facilities.
Theme Three: Children and families are thriving	Add the following paragraph to the end of the description: By focusing upon prevention and early intervention, the health and wellbeing of children and families can be strengthened, and the service system is better able to respond to their needs.
Theme Three: Children and families are thriving	Change strategy 3.3 The health and wellbeing of children and families is strengthened through prevention and early intervention.

## RESOURCES / FINANCIAL VIABILITY

The implementation of the Children and Families Plan 2024-2028 will be conducted within the existing budget of the Children and Families team and partners. Opportunities to leverage additional funding to implement strategies will be determined on a case-by-case basis.

## **RISKS**

The role of Council in the development of the Children and Families Plan is to provide an overarching strategic direction that will support Council, partners and the community to work together to achieve the best outcomes for children and families in South Gippsland.

The Children and Families plan seeks to collaborate and provide a coordination role for the implementation of the strategies and subsequent action plan as identified.

## **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. Children and Families Plan 2024 - 2028 FINAL [4.1.1 - 24 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](#).*

Community Engagement Policy (C06)

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

Community Engagement Strategy

Community Strengthening Strategy

Annual Budget

Children and Families Plan

Council Plan 2022-2026

### **Legislative Provisions**

Children, Youth and Families Act 2009

Local Government Act 2020

Children, Youth and Families Regulations 2017

Children's Services Regulations 2020

## 4.2. GENERAL LOCAL LAWS REVIEW

Directorate:	Economy and Community
Department:	Community Health and Safety

### Council Plan

*Objective - Healthy and Engaged Communities*

*The General Local Law 2024 is designed to protect and enhance public health, safety and amenity of the municipality and its residents and visitors. The General Local Law 2024 will ensure Council is able to respond to issues and community needs protecting the environment and the health and safety of the community*

### EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopt the General Local Law 2024, in accordance with the Local Government Act 2020.

At its meeting held on 18 October 2023, Council resolved to authorise the commencement of the statutory process (community engagement for the making of the proposed General Local Law 2024).

Amendments were made to the proposed General Local Law 2024 in response to submissions received which resulted in Council resolving at its 13 December 2023 meeting to authorise an additional round of community consultation on the amended proposed General Local Law 2024.

This process has now been completed, and there have been no further amendments made to the proposed General Local Law 2024 as a result of the submissions received.

Local Laws are automatically revoked ten years after their making, unless revoked sooner. Council's current General Local Law 2014 ceases to operate on 14 April 2024. Council is required to adopt new local laws prior to the revocation date.

The proposed General Local Law 2024 **Attachment [4.2.1]** and the incorporated documents which include Building and Works Code of Practice 2024 **Attachment [4.2.2]**, Footpath Trading Code 2024 **Attachment [4.2.3]** and Camping on Private Property Code of Practice 2024 **Attachment [4.2.4]** is now presented to Council for adoption, with a proposed date effective of 15 April 2024.

### RECOMMENDATION

**That Council:**

- 1. Pursuant to section 71 of the *Local Government Act 2020*, makes the *General Local Law 2024 Attachment [4.2.1]* to replace the *General Local Law 2014* and the *Local Law No. 2 2020 Processes of Municipal***

**Government; and that the *General Local Law 2024* takes effect on 15 April 2024.**

- 2. Notes the tabling of the certificate pursuant to section 74(3) of the *Local Government Act 2020* from Maddocks lawyers.**
- 3. Pursuant to section 74 of the *Local Government Act 2020*, gives notice of its decision to make the *General Local Law 2024* in the *Government Gazette*, a local newspaper and on the South Gippsland Shire (Council) website, stating the title, objectives and the effect of the local law, and that a copy of the local law is available for inspection at Council offices and on the Council website.**
- 4. Acknowledges and thanks the community for the feedback provided through the community consultation periods.**

## **REPORT**

In late 2022 the review of the *General Local Law 2014* commenced. Consultation was conducted with both internal and external stakeholders, Councillors and the community. The feedback received was considered and used to create the proposed *General Local Law 2024*.

A series of changes to language and structure have been made to simplify, modernise, and consolidate the proposed *General Local Law 2024*, and to ensure alignment with State legislation. The changes also included a number of clarifications where provisions do not apply to farming practices.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Three rounds of community consultation were undertaken in the development of the *General Local Law 2024*. Initial community consultation commenced in May and June 2023, with 261 people providing input. From this input, and that of internal and external stakeholders and Councillors, the proposed *General Local Law 2024* was developed.

The proposed *General Local Law 2024* was considered by Council at its 18 October 2023 Council Meeting and released for second round consultation from 19 October until 14 November 2023.

During the second round of community consultation Council received 366 submissions. This feedback was considered and presented to Councillors at a briefing, where it was used to amend the proposed *General Local Law 2024*.

The updated proposed *General Local Law 2024* was considered by Council at its 13 December 2023 Council Meeting and released for a third round of consultation from 15 December 2023 until 15 January 2024. Council received 33 individual written submissions. The third round of community consultation saw no additional changes made to the proposed *General Local Law 2024*.

## **RESOURCES / FINANCIAL VIABILITY**

This project is being conducted within the current budget. All resource implications resulting from development of the proposed *General Local Law 2024* can be accommodated within existing resources, and in some cases will result in greater efficiencies.

## **RISKS**

Risks from the consultation and subsequent development of the proposed General Local Law 2024 are around reputational risk to Council. There is also the risk that the current General Local Law 2014 will sunset if Council fails to adopt and gazette the proposed General Local Law 2024 prior to 14 April 2024.

Section 84 of the Local Government Act 2020 provides that local laws are automatically revoked ten years after their making, unless revoked sooner. Council's current General Local Law 2014 ceases to operate on 14 April 2024. Council is required to adopt new local laws prior to the revocation date.

If the proposed General Local Law 2024 is not adopted prior to 14 April 2024 Council will not have any local laws for the municipal district until the proposed General Local Law 2024 is adopted. Accordingly, there is a risk that there will be a period where there is no ability for Council to function in relation to activities regulated by the local law.

## **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. Attachment 1 - Proposed General Local Law 2024 and certificate pursuant to section 74(3) of the Local Government Act 2020 [4.2.1 - 38 pages]
2. Building and Works Code of Practice 2024 - FINAL [4.2.2 - 10 pages]
3. Footpath Trading Code 2024 - FINAL [4.2.3 - 14 pages]
4. Camping on Private Property Code of Practice - FINAL [4.2.4 - 10 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](#).*

Community Engagement Policy (C06)

General Local Law 2014

Annual Budget

Council Plan 2022-2026



**Legislative Provisions**

Country Fire Authority Act 1958

Crimes Act 1958

Domestic Animals Act 1994

Impounding of Livestock Act 1994

Infringements Act 2006

Local Government Act 2020

Public Health and Wellbeing Act 2008

## 5. OBJECTIVE - LEADING WITH INTEGRITY

### 5.1. MOTIONS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) / MUNICIPAL ASSOCIATION OF VICTORIA (MAV)

Directorate:	CEO Office
Department:	Regional Partnerships

#### Council Plan

##### *Objective - Leading with Integrity*

*The recommendations in this report address the Council Plan Objective 'Leading with Integrity'. The two Motions would provide regional direction and support the South Gippsland community.*

#### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of Motions for the:

- Municipal Association of Victoria (MAV) State Council Meeting: 17 May 2024 in Melbourne.
- Australian Local Government Association (ALGA) National General Assembly: 1 – 4 July 2024 in Canberra.

Councils can lodge Motions that have state-wide or nation-wide significance for consideration by members of MAV and ALGA respectively. This report presents three motions for consideration which align with Council's endorsed Advocacy priorities.

#### RECOMMENDATION

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

*That MAV support rural councils which are impacted by Victoria's Renewable Energy transition targets, by calling on the State Government to provide:*

- *funding and resourcing to support land use and infrastructure planning and delivery to rural councils impacted by the anticipated growth; and*
- *dedicated funding in lieu of rates through Community Benefit Scheme payments to rural councils impacted by offshore wind.*

**That Council endorses two Motions to the Australian Local Government Association (ALGA) that states:**

*That the Australian Local Government Association:*

1. *Support rural councils that are impacted by Australia's Renewable Energy transition targets, by calling on the Federal Government to provide funding, and resourcing, to support land use and infrastructure planning.*
2. *Seek the immediate reclassification of telecommunications to an essential service and request that urgent regulatory changes be introduced to ensure providers responsible for the maintenance and delivery of infrastructure and services, increase back up power systems to all existing and future phone towers from 18 to 72 hours in line with the state-wide emergency preparedness program, "The First 72 Hours".*

*Supporting case study: Communities in South Gippsland lost mobile phone coverage including 000 as a result of the storm on Tuesday 13 February in the Leongatha area and Mirboo North area. Leongatha was restored within 32 hours with power restoration, however the Mirboo North area did not have telecommunications restored until Thursday 15 February when a generator was placed in town to allow residents within the Mirboo North area to access phone recharging and connectivity via the Relief Hub. Residents within the radius of Mirboo North could only access 000 via the Community Hub location which had generator power in town via the large generator provided for around 7 days. During this time adjacent communications towers came back on -line and provided intermittent coverage to the Mirboo North area. Full recovery to Mirboo North communications did not occur until Thursday 22 February 2024.*

## **REPORT**

Each year councils have an opportunity to put forward Motions relating to matters of strategic, and preferably state-wide or nation-wide significance, to the Municipal Association of Victoria State Council and the Australian Local Government National General Assembly. Decisions made at these events constitute policy directions of the respective organisations and remain active until the issue is resolved.

The MAV 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

The ALGA Motions, if supported by Council, would address the following ALGA Strategic outcomes:

- Stronger community resilience
- Address the risks of climate change

Should these Motions be carried, MAV and ALGA will make representations on behalf of Local Government to the Victorian and Australian Governments as appropriate, to advocate for these matters.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Community engagement has been undertaken via the stakeholder roundtable hosted by Council in November 2023.

## **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 State Conference or National Assembly.

## **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 1. Direction & Leadership

Pillar 3. Decision Making

Pillar 6. Capability

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

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

Priority Projects

### **Legislative Provisions**

Local Government Act 2020

## 5.2. Q2 ORGANISATIONAL AND FINANCIAL PERFORMANCE REPORT

Directorate:	Performance and Innovation
Department:	Financial Strategy

### 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 December 2023 (**Attachment [5.2.1]**) 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 December 2023 (Attachment [5.2.1]) and**
- 2. Approves the changes to the Full Year Approved Forecast; and**
- 3. Endorses the capital forecast changes to enable delivery of the committed capital works program and**
- 4. Communicates the Organisational Performance Report (Attachment [5.2.1]) 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

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

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

Council adopted 34 annual initiatives for 2023/24, Council is currently on track to achieve a 97% completion rate (increase from 91%). A breakdown of the annual initiatives by status is below:

- 2 - Target Achieved (increase of 1)
- 31 - On Track and (increase of 1)
- 1 – Monitor (decrease of 2)

Quarter 2 for 2023/24 has been positive with a decrease in initiatives from the monitor status.

The one initiative which has the monitor status for quarter 2 is Deliver Capital Work Program.

## Capital Works

Capital expenditure to 31 December of \$10.7 million is largely on track to the forecast \$9.3 million. The variance is primarily due to the timing of expenditure on the Roads infrastructure program as well as plant and fleet purchases occurring ahead of the year to date forecast. It is noted that capital expenditure is \$11M compared to the annual budget of \$42.5M.

The 2023/24 Capital Program is the largest program ever delivered by Council. The adopted budget, including carry forwards from 2022/23 and the addition of new grant funded projects, is \$42.5M.

Despite the challenges faced by the program, overall capital expenditure is slightly ahead of the year-to-date budget forecast.

Although a relatively small proportion of the program has completed for the year-to-date, 88% of projects planned for delivery during 2023/24 are either currently on track or have been completed.

<b>Total Projects</b>	<b>50</b>
Completed	16
On-Track	28

Behind Schedule	5
Carry Forward to 2024/25	1

### Notable Budget Adjustments

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

Cost Centre	Adjustment	Comment
93250 - Local Roads & Community Infrastructure Program (LRCI)	-\$750,000	\$750k for LRCI Phase 3 reassigned from Upper Commercial Street Korumburra to Meeniyah Community Hub per resolution July 2023
82270 - Civil - Korumburra Commercial Streetscape	-\$2,000,000	Carry forward \$2M to 2024/25 to align with expected timing of works. Streetscape works have been delayed to enable South Gippsland Water to conduct water main replacement prior to streetscape works commencing.
82280 - Federal Blackspot Program	\$597,542	Add successful grant for 2023/24 project - Koonwarra Pound Creek Road Intersection. 100% funded
91010 - Drainage - Rehabilitation Program	\$137,108	Add from LRCI Phase 2 using Port Welshpool Boatramp Carpark underspend per July 2023 report
82210 - Roads - Sealed Rehabilitation Program	-\$1,060,000	\$250k to Kerb and Channel renewal per May 2023 report. \$810k to Simons Lane Realignment per December 2023 report
93260 - Leongatha & Korumburra Railway Station Precincts	-\$2,000,000	Carry forward \$2M to 2024/25 due to permitting delays at Korumburra Rail Precinct
82330 - Simons Lane, Leongatha Reconstruction (LRCI Phase 3)	\$810,000	\$810k increase from Sealed Road Rehabilitation per December 2023 report
82990 - Ross Street, Meeniyah - Gravel to Seal - LRCI Phase 4	\$1,375,451	Added program from successful application. Per July 2023 report
83000 - North Poowong Road, Poowong - Gravel to Seal - LRCI Phase 4	\$50,000	Added program from successful application. Per July 2023 report. Minor spend this year for planning and design work. Construction spend expected 2024/25
73670 - Buildings - Caravan Park Capital Works Upgrade - Waratah Bay	\$58,000	Budget required for roof replacement of Manager's Residence.
82640 - Building Renewal Program - Early Years - Preschool/Childcare	-\$37,173	Some budget used for Meeniyah Kinder entry alterations in support of Meeniyah Hub

Cost Centre	Adjustment	Comment
82660 - Building Renewal Program - Community Venue - Hall/Meeting Places	\$837,173	Meeniyah Hub additional funds per July 2023 report. \$750k from LRCI Phase 3. Remainder from unallocated Early Years and Aquatic Pools Programs
82690 - Building Renewal Program - Aquatic/Pools	-\$1,619,350	Korumburra Pool reforecast to future years. Budget reallocated to Main Office Refurbishment, Mirboo North Pre School, Waratah Bay Caravan Park Upgrades & Meeniyah Hub.
73760 - Buildings - Main Office Refurbishment	\$563,800	Budget added for cladding per resolution November 2023 report
82980 - Kerb & Channel - Renewal	\$250,000	Program split out from Seal Rehab Program \$250k allocation per May 2023 report
65260 - Mirboo North Preschool	\$150,000	Feasibility study successfully funded. Council contribution required \$40k

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.

#### Mid-Year Financial Review

The mid-year financial review involves a detailed examination of all operating and capital works budget items, year to date income/expenditure and forecast income/expenditure for January to June 2024. This review was undertaken by Finance in consultation with business units across the organisation. The focus of the review was to identify permanent differences between year-to-date results and forecast income/expenditure against the 2023/2024 Adopted Budget.

The overall impact of proposed changes following this review results in a reduction to the operating surplus of \$10.6 million, as compared to the approved forecast of \$11 million per the Income Statement. This is due to the receipt and recognition of 100 per cent of the 2023/24 Victorian Grants Commission funding allocation in the previous financial year (\$12 million).

The Management Accounting cash result, which adjusts the Income Statement by removing non-cash items and adding back cash items that are excluded, is adjusted unfavourably \$8.6 million, again due to the recognition of the Victorian Grants Commission funding in the year it was received, offset partially by capital works projects that will no longer occur in this financial year and are included as carry forward to 2024/25.

#### **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. Organisational Performance Report July to December 2023 - COUNCIL MEETING [5.2.1 - 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

### 5.3. COUNCIL COMMITTEE APPOINTMENTS

Directorate:	Performance and Innovation
Department:	Governance

#### **Council Plan**

*Objective - Leading with Integrity*

*This report ensures Councillors are represented appropriately on internal and external committees, boards and advisory committees to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is for to Council consider appointing an individual Councillor that being Cr Mohya Davies to be Council's representative to My Community Library Ltd (Myli) Board.

Council last considered an appointment to the My Community Library Ltd (Myli) Board at its Council meeting on the 15 February 2023.

#### **RECOMMENDATION**

**That Council appoints Cr Mohya Davies to be Council's representative to My Community Library Ltd (Myli) Board until October 2024.**

#### **BACKGROUND**

Councillors appointed to represent Council, do so to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.

During the year, Council may nominate to form internal Council advisory and/or delegated committees, or give consideration to additional requests for representation on external groups. Any further Councillor appointments arising throughout the year or term of Council will be referred to Council for consideration and determination.

Once appointed there is an expectation and obligation that the nominated Councillor/s will attend as many scheduled meetings as practicable, then report back to Council on their attendance and any significant or noteworthy outcomes; this is usually in the form of a verbal report in the Council Meeting.

#### **REPORT**

Cr Darakai is currently Council's representative to My Community Library Ltd (Myli) Board and Cr Darakai has advised that he can no longer attend board meetings.

Myli – My Community Library Ltd is a not-for-profit with charity status that provides library services on behalf of the following member councils.

- Bass Coast Shire
- Baw Baw Shire
- Cardinia Shire
- South Gippsland Shire

Within South Gippsland Shire, Myli operates library services in the locations below:

- Poowong
- Korumburra
- Leongatha
- Mirboo North
- Foster
- Toora (Click & Collect)
- Welshpool

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

Nil

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

Funds are allocated in current and forward annual budgets for costs associated with Councillors representing Council on committees.

#### **RISKS**

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and supports Councillors in their community advocacy and leadership roles.

#### **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 1. Direction & Leadership

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

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

Councillor Support and Expenditure Policy (C51)

**Legislative Provisions**

Local Government Act 2020

## 5.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JANUARY 2024 TO 12 FEBRUARY 2024

Directorate:	Office of the CEO
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

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 January 2024 to 12 February 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 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 January 2024 to 12 February 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 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 January 2024 to 12 February 2024.

*Nil*

### **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 January 2024 to 12 February 2024.
  - a. CON/390 for the Construction of Retaining Wall, 18 Smith Street Loch, awarded to A1 Civil Pty Ltd, signed by the CEO 22 January 2024.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 January 2024 to 12 February 2024
  - a. Nil
3. Contract variations approved by the CEO between 13 January 2024 to 12 February 2024
  - a. Nil
4. Contract extensions approved by the CEO 13 January 2024 to 12 February 2024.
  - a. Nil

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

#### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

## 5.5. SUMMARY OF STRATEGIC BRIEFINGS - 13 JANUARY TO 12 FEBRUARY 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

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 January and 12 February 2024.

### RECOMMENDATION

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

### REPORT

Meeting Title	Details
<b>Wednesday 7 February 2024</b>	
<b>General Local Laws Review</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<b>Submissions Hearing: DEVPLN/2022/2 Planning Scheme Amendments - 99 Bena Road Korumburra</b>	<p><b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai and Jenni Keerie.</p> <p><b>Conflict of Interest:</b></p>



Meeting Title	Details
	<b>Councillor Nathan Hersey</b> has declared a general conflict of interest in Item Planning Scheme Amendment - 99 Bena Road Korumburra, as he owns land adjacent to site which may suffer traffic impacts. Cr Hersey did not attend the meeting from 11:03am, when the matter commenced and returned following its conclusion at 11.47am.
<b>Planning Briefing</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Woorayl Lodge - Project Update</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Local Government Reforms</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.
<b>Rate Differentials Review</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Clare Williams, John Schelling, Adrian Darakai, Nathan Hersey and Jenni Keerie. <b>Conflict of Interest:</b> Nil disclosed.

**STAFF DISCLOSURE**

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

**ATTACHMENTS**

Nil

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

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

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

Governance Rules (C82)

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government Act 2020

## 5.6. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF

Directorate:	Performance and Innovation
Department:	Governance

### Council Plan

*Objective - Leading with Integrity*

*Ensuring that the authorising environment for Council staff to undertake their duties is up to date and that no Council staff undertake duties that they are not authorised to perform is in keeping with Leading with Integrity.*

### EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts an updated Instrument of Delegation to Council Staff to reflect improvements recommended through legal advice.

### RECOMMENDATION

**That Council resolves that, in the exercise of the powers conferred by s.11(1) of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation (Instrument of Delegation) Council to Members of Staff (Attachment [5.6.1]):**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [5.5.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. The Instrument of Delegation Attachment [5.6.1]) to staff comes into force immediately after the Chief Executive Officer's signature is affixed to the Instrument of Delegation;**
- 3. On the coming into force of the Instrument of Delegation (Attachment [5.6.1]): all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation (Attachment [5.6.1]) must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

## **REPORT**

The allocation of delegations to the Chief Executive Officer or other employees contributes to the effective functioning of Council. It is important to update delegations to reflect changes in personnel / legislation and improvements recommended by legal advisors to ensure decisions made are valid. The current version of the Instrument of Delegation has been in place since 21 February 2024.

There are two changes in the updated delegation, those being to delegations under the *Planning and Environment Act 1987* to various Council staff:

- s 125(1) - Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order; and
- s 148B - Power to apply to the Tribunal for a declaration.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

Failure to update an Instrument of Delegation could result in the decisions of delegated Officers being declared invalid or unenforceable.

## **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. S6 Instrument of Delegation Council to Members of Staff 20 March 2024 [5.6.1 - 139 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems & Policies

### **Legislative Provisions**

*Local Government Act 2020*

## 5.7. INSTRUMENT OF AUTHORISATION FOR COUNCIL STAFF

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 member Destiny-Joy Kelly, Environmental Health Officer under the *Environment Protection Act 2017*.

### RECOMMENDATION

**That Council resolves that, in the exercise of the powers conferred by 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 Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments and detailed in the 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.**

### 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.

One Instrument is presented for adoption for Destiny-Joy Kelly enabling this Council staff member to fulfil their required duties within Council.

The Instrument is contained in **Attachment [5.7.1]**.

### 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. S11B Instrument of Appointment and Authorisation EPA - Destiny- Joy Kelly - 21 February 2024 [5.7.1 - 1 page]

## **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems & Policies

### **Legislative Provisions**

*Environment Protection Act 2017*

*Local Government Act 1989*

*Local Government Act 2020*

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

**Nil**

**7. COUNCILLOR REPORTS**

**7.1. REQUESTS FOR LEAVE OF ABSENCE**

**7.2. COUNCILLOR UPDATES**

## **8. 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.



## 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.

## 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.

**Nil**

### 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.

## 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)(f) Agenda item 12.1 – CEO Employment & Remuneration Committee - February 2024, 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 the Officer’s personal information.**
2. **Per s.3(1)(f) Agenda item 12.2 – CEO Contract of Employment, 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 the Officer’s personal information.**

## **11. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 17 April 2024 commencing at 2pm in the Council Chambers, Leongatha.