

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

24 February 2021

**Council Meeting No. 453**  
**Virtual Meeting**  
**Commenced at 2:00PM**

**Administrators**  
Julie Eisenbise, Chair  
Christian Zahra, Deputy Chair  
Rick Brown



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## OUR PURPOSE

*To serve in the best interests of the whole Shire, delivering quality services and advocating for community needs.*

### **Privacy**

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A copy of this Policy is located on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

## PRESENT

ADMINISTRATORS:	Julie Eisenbise, Administrator Chair Christian Zahra, Administrator Deputy Chair Rick Brown, Administrator
NOT PRESENT:	-
OFFICERS:	Kerryn Ellis, Chief Executive Officer Natasha Berry, Corporate and Council Business Officer

## SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No.453 held virtually on  
24 February 2021, commenced at 2:00 PM

### TABLE OF CONTENTS

<b>1. PRELIMINARY MATTERS .....</b>	<b>6</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	6
1.2. WELCOME AND OPEN VIRTUAL COUNCIL MEETING VIA LIVE STREAM ..	6
1.3. OPENING PRAYER .....	7
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	7
1.5. APOLOGIES .....	7
1.6. CONFIRMATION OF MINUTES .....	8
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS ....	9
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF.....	10
<b>2. OBJECTIVE 1 - UNITED SHIRE.....</b>	<b>11</b>
2.1. SOCIAL HOUSING FUNDING VICTORIA'S BIG HOUSING BUILD.....	11
2.2. WIND ENERGY NOISE REGULATION - PROPOSED SUBMISSION .....	16
<b>3. OBJECTIVE 2 - ECONOMIC PROSPERITY .....</b>	<b>22</b>
3.1. WORKING FOR VICTORIA GRANT FUNDING .....	22
<b>4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE .....</b>	<b>27</b>
4.1. KORUMBURRA RECREATION RESERVE CRICKET PRACTICE NETS (SRV GRANT APPLICATION - 2020/21 COMMUNITY CRICKET FACILITIES STREAM) .....	27
4.2. LEONGATHA RAILWAY STATION PRECINCT PROJECT .....	33
<b>5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION .....</b>	<b>42</b>
5.1. POLICY REVIEW: COMMUNITY ENGAGEMENT POLICY (C06) .....	42
5.2. GOOD GOVERNANCE FRAMEWORK - ADMINISTRATORS' COMMUNITY UPDATE - FEBRUARY 2021 .....	48
5.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2020 TO DECEMBER 2020.....	55
5.4. REVISED COUNCIL MEETING TIMETABLE 2021 .....	60
5.5. RISK MANAGEMENT FRAMEWORK .....	66
5.6. APPOINTMENT CHAIR OF THE AUDIT AND RISK COMMITTEE.....	71
5.7. AUDIT COMMITTEE MEETING – DECEMBER 2020 MINUTES .....	74

5.8. INSTRUMENT OF DELEGATION – COUNCIL TO STAFF .....	76
5.9. POLICY REVIEW: USE OF COUNCIL LOGO (C50) .....	79
5.10. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 14 NOVEMBER 2020 TO 15 JANUARY 2021 .....	81
5.11. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 DECEMBER 2020 - 21 JANUARY 2021 .....	85
<b>6. NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>88</b>
<b>7. ADMINISTRATOR REPORTS .....</b>	<b>88</b>
7.1. REQUESTS FOR LEAVE OF ABSENCE .....	88
7.2. ADMINISTRATORS UPDATES .....	88
7.3. COMMITTEE UPDATES.....	88
<b>8. URGENT OR OTHER BUSINESS .....</b>	<b>89</b>
<b>9. PUBLIC QUESTIONS .....</b>	<b>90</b>
9.1. PETITIONS AND JOINT LETTERS .....	90
9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	91
9.3. SUBMITTED PUBLIC QUESTIONS .....	92
<b>10. CLOSED SESSION .....</b>	<b>95</b>
<b>11. MEETING CLOSED .....</b>	<b>97</b>



**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.

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 AND OPEN VIRTUAL COUNCIL MEETING VIA LIVE STREAM**

Please ensure mobile phones are set to 'silent' during the Council Meeting.

Over the past year the Federal and State Governments have had clear directives about social gatherings in respect of the COVID19 Pandemic. The recent introduction of strict statewide restrictions under the 'circuit breaker' Stage four lockdown reiterate the seriousness of this pandemic, and have led to some uncertainty around requirements. On this basis it has been determined for the safety of community and staff that the February 2021 meeting of Council be conducted virtually.

This Council Meeting will be conducted virtually (an on-line meeting) and does not include an open gallery. The virtual and livestreaming of an Open Council Meeting is made in accordance with the *Local Government Act 2020*, section 394 that prescribes Administrators are able to participate in the Meeting by electronic means of communication and section 395(1)(a) that 'Meetings may be closed to the public during the prescribed period.'

Access to the live stream through Council's Internet will be the 'open' component of this Meeting.

The safety of the community and staff and the continuation of vital services remain Council's highest priority.

### **1.3. OPENING PRAYER**

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

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

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past, present and emerging, their Spirits and Ancestors.

### **1.5. APOLOGIES**

Nil

## **RECOMMENDATION**

That Council:

1. Not allow members of the public to attend the 24 February 2021 Council Meeting in person;
2. Notes that this Council Meeting is being conducted as a virtual meeting, conducted by electronic means of communication pursuant to section 394 of the *Local Government Act 2020*. The 'Minister's Good Practice Guideline MGPG-1: Virtual Meetings' have been used to ensure that local government decision making can continue in line with COVID-19 Pandemic requirements;
3. Notes that the 24 February 2021 Council Meeting remains 'open' via the livestream on the Internet, in keeping with section 395 of the *Local Government Act 2020*; and
4. Notes that this decision is made to protect the health and wellbeing of all people required to be in attendance.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOT ALLOW MEMBERS OF THE PUBLIC TO ATTEND THE 24 FEBRUARY 2021 COUNCIL MEETING IN PERSON;**
2. **NOTES THAT THIS COUNCIL MEETING IS BEING CONDUCTED AS A VIRTUAL MEETING, CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION PURSUANT TO SECTION 394 OF THE *LOCAL GOVERNMENT ACT 2020*. THE 'MINISTER'S GOOD PRACTICE GUIDELINE MGP-1: VIRTUAL MEETINGS' HAVE BEEN USED TO ENSURE THAT LOCAL GOVERNMENT DECISION MAKING CAN CONTINUE IN LINE WITH COVID-19 PANDEMIC REQUIREMENTS;**
3. **NOTES THAT THE 24 FEBRUARY 2021 COUNCIL MEETING REMAINS 'OPEN' VIA THE LIVESTREAM ON THE INTERNET, IN KEEPING WITH SECTION 395 OF THE *LOCAL GOVERNMENT ACT 2020*; AND**
4. **NOTES THAT THIS DECISION IS MADE TO PROTECT THE HEALTH AND WELLBEING OF ALL PEOPLE REQUIRED TO BE IN ATTENDANCE.**

**CARRIED UNANIMOUSLY**

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

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No. 452, held virtually on 16 December 2020 be confirmed.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL MEETING NO. 452, HELD VIRTUALLY ON 16 DECEMBER 2020 BE CONFIRMED.**

**CARRIED UNANIMOUSLY**



## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

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 (Administrator), 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 (Administrator) 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.

**Nil**

## 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 (Administrator), 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 out 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.

**Nil**

## 2. OBJECTIVE 1 - UNITED SHIRE

### 2.1. SOCIAL HOUSING FUNDING VICTORIA'S BIG HOUSING BUILD

Economic & Community Development

#### **Council Plan**

*Objective 1 - United Shire - Strategy 1.3 Deliver efficient and responsive services that enhance the health, safety and well-being of the community*

*Developing a strategic approach to social housing and advocacy for resourcing this sector supports Council's role in planning for and responding to the health and wellbeing of the community. This is in line with Council's legislated role under the Public Health and Wellbeing Act 2008.*

#### **EXECUTIVE SUMMARY**

Funding for Victoria's Big Housing Build was announced by the Victorian Government in November 2020, refer to announcement in **Attachment [2.1.1]**.

The Big Housing Build is a four-year strategy to invest over \$5.3 billion in social, community and public housing across Victoria. Included in the announcement was an allocation of \$1.25 billion for rural and regional Victoria.

This report provides information on the *Victorian Government's* initiative and the options available to Council to plan and advocate for investment in social housing in South Gippsland. It is recommended that Council lead an advocacy effort to support investment in South Gippsland but not directly own or manage properties.

This report recommends undertaking a social housing strategy to identify South Gippsland's social, community and public housing needs to support a future funding bid under the *Victoria's Big Housing Build program*.

#### **RECOMMENDATION**

That Council:

1. Supports the development of a South Gippsland Housing Strategy to enable advocacy for Victorian Government funding for social housing under *Victoria's Big Housing Build*;
2. Supports the allocation of \$100,000 to develop a social housing strategy contingent on any current budget surplus in the 2020/ 21 budget and for consideration in the 2021/ 22 budget; and

3. Receives a future report at the completion of the South Gippsland Housing Strategy with future options and opportunities to secure funding under the Victorian Government's \$5.4 billion Big Housing Build program.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **SUPPORTS THE DEVELOPMENT OF A SOUTH GIPPSLAND HOUSING STRATEGY TO ENABLE ADVOCACY FOR VICTORIAN GOVERNMENT FUNDING FOR SOCIAL HOUSING UNDER *VICTORIA'S BIG HOUSING BUILD*;**
2. **SUPPORTS THE ALLOCATION OF \$100,000 TO DEVELOP A SOCIAL HOUSING STRATEGY CONTINGENT ON ANY CURRENT BUDGET SURPLUS IN THE 2020/ 21 BUDGET AND FOR CONSIDERATION IN THE 2021/ 22 BUDGET; AND**
3. **RECEIVES A FUTURE REPORT AT THE COMPLETION OF THE SOUTH GIPPSLAND HOUSING STRATEGY WITH FUTURE OPTIONS AND OPPORTUNITIES TO SECURE FUNDING UNDER THE VICTORIAN GOVERNMENT'S \$5.4 BILLION BIG HOUSING BUILD PROGRAM.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

Funding for *Victoria's Big Housing Build* was announced by the Victorian Government in November 2020 refer to announcement in **Attachment [2.1.1]**. The *Big Housing Build* is a four-year strategy to invest over \$5.3 billion in social, community and public housing across Victoria. Included in the announcement was \$1.25 billion specifically allocated to rural and regional Victoria. There is potential for a significant investment in social housing in South Gippsland through this scheme.

Several neighbouring councils were allocated a minimum investment of funding under the scheme, South Gippsland was not. Unallocated funds remain for councils not identified with a minimum investment guarantee. There is an opportunity to secure investment in South Gippsland for social housing if a business case can be made. Current data indicates a shortage of social housing in the Shire, low levels of affordable rental accommodation and significant demand for current social housing properties. A more detailed study would be required to identify specifically where and for whom social housing is most needed in South Gippsland and potential land supply.

The attached document (**Attachment [2.1.2]**) presents the available data on social housing need for South Gippsland and provides three possible options for Council's level of involvement for social housing development in the Shire. Option three, to develop a social housing strategy is the recommended option.

A social housing strategy would:

- Allow Council to take the lead in planning for location, type of development, and advocacy in line with existing policies of Council;
- Provide an opportunity to consult widely with the community and make clear links between local community need, health and wellbeing;
- Ensure Council development framework plans and community infrastructure plans for the Shire are preserved; and
- Provide an opportunity to ensure any investment in the Shire through *Victoria's Big Housing Build* best meets the needs of the residents of the Shire and future strategic and investment priorities.

It is not anticipated that Council own or manage social housing developed through this scheme.

## CONSULTATION / COMMUNITY ENGAGEMENT

Extensive community engagement will be undertaken to determine the level of need for social housing and how best to integrate social housing into the

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character of South Gippsland towns to ensure social housing residents are accepted and integrated into the community.

Consultation with key housing providers, homelessness services, service users and housing developers would allow identification of areas of need, those in the community of greatest need and methods of integrating social housing into new developments in growth areas of the Shire.

Extensive consultation across Council departments will ensure consideration of community infrastructure, service provision, planning and business support.

### **RESOURCES / FINANCIAL VIABILITY**

The development of a social housing strategy would maximise potential investment in the Shire from *Victoria's Big Housing Build*.

To facilitate this Council is requested to authorise the allocation of \$100,000 (not currently budgeted) in the 2020/21 annual budget in order to develop the strategy. Initial funding for this project would be contingent on any surplus in the 2020-21 budget and will be referred to the 2021-22 budget for consideration.

This report proposes the funding for the strategy commence this financial year to enable the timely development of a response to funding requirements of the State.

### **RISKS**

If Council does not take the lead to attract funding for social housing, other social housing providers may deliver social housing in South Gippsland that is not linked to the broader town and strategic plans, community infrastructure plans or future community and social service provision.

If a housing strategy is not developed, investment in social housing in South Gippsland may not be prioritised by Housing Victoria resulting in the status quo of limited social housing in South Gippsland, and significant disadvantage for vulnerable people in the Shire. The Shire would also miss the opportunity for a significant economic stimulus through this program.

That Council prepares a social housing strategy but is unsuccessful in advocating for a funding allocation.

### **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Victoria's Big Housing Build - More homes for more Victorians - Announcement - November 2020 [2.1.1 - 16 pages]
2. Social Housing Background paper and proposal [2.1.2 - 7 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 2. Culture & Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

Pillar 5. Communications & Community Engagement

Pillar 6. Capability

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

An Age-Friendly South Gippsland Plan

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

Children and Families Plan

Community Strengthening Strategy

Council Plan 2020-2024

Disability Action Plan

Social Community Infrastructure Blueprint

South Gippsland Housing and Settlement Strategy

Municipal Public Health and Wellbeing Plan

### **Legislative Provisions**

Aged Care Legislation Amendment (increasing Consumer Choice) Act 2016

Child Safe Standards 2016

Child Wellbeing & Safety Act 2005

Children's Services Act 1996

Children's Services Regulations 2020

Children, Youth and Families Regulations 2017

Children, Youth and Families Act 2009

Family Violence Protection Act 2008

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations 2019

Regional Development Victoria Act 2002

Working with Children Act 2005

## 2.2. WIND ENERGY NOISE REGULATION - PROPOSED SUBMISSION

Economic & Community Development

### **Council Plan**

*Objective 1 - United Shire - Strategy 1.3 Deliver efficient and responsive services that enhance the health, safety and well-being of the community.*

*That Council has an ongoing participation in the development and review of State public health and wellbeing legislation and regulatory control.*

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider its submission to the State Government's proposed changes to the regulation of wind farm noise (refer to **Attachment [2.2.1]**).

Wind farms play an important role in ensuring a sustainable, reliable and affordable energy future for all Victorians.

Clear and consistent wind farm noise regulation is needed to provide certainty the wind farm industry and improve confidence for communities.

The new *Environment Protection Act 2017* (as amended) (the Act) will provide a transformational change to environmental regulation in Victoria, with the introduction of a 'general environmental duty' and 'unreasonable noise' provisions. A new regulatory framework is required to align the approach to managing wind farm noise with the Act.

### **RECOMMENDATION**

That Council:

1. Notes the ongoing participation of Council staff in the development and review of State public health and wellbeing legislation and regulatory control;
2. Endorses Council's submission to the changes to the regulation of wind farm noise review as detailed in Attachment [2.2.2]; and
3. Submits the endorsed letter as detailed in Attachment [2.2.2] to the Director Environment Protection, Climate Change Division, Department of Environment, Land, Water and Planning (DELWP) by 28 February 2021, for consideration.



**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. NOTES THE ONGOING PARTICIPATION OF COUNCIL STAFF IN THE DEVELOPMENT AND REVIEW OF STATE PUBLIC HEALTH AND WELLBEING LEGISLATION AND REGULATORY CONTROL;**
- 2. ENDORSES COUNCIL'S SUBMISSION TO THE CHANGES TO THE REGULATION OF WIND FARM NOISE REVIEW AS DETAILED IN ATTACHMENT [2.2.2]; AND**
- 3. SUBMITS THE ENDORSED LETTER AS DETAILED IN ATTACHMENT [2.2.2] TO THE DIRECTOR ENVIRONMENT PROTECTION, CLIMATE CHANGE DIVISION, DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING (DELWP) BY 28 FEBRUARY 2021, FOR CONSIDERATION.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

### Background

The new *Environment Protection Act 2017* commences on 1 July 2021 and will introduce a 'general environmental duty' to take reasonable steps to minimise risks of harm to human health and the environment, as well as 'unreasonable noise' provisions. These will apply to all industries in Victoria, including wind farm operators.

As Victoria's independent environmental regulator, the Environment Protection Authority (EPA) will be responsible for regulating wind farm noise under this Act, for both new and existing facilities. The permissible noise levels are not changing – they will continue to be based on the New Zealand Standard (NZS 6808), internationally accepted as appropriate for the protection of sleep, health and amenity of residents.

Later in 2021, changes to Victoria's planning system will be considered to establish EPA as the single regulator for wind farm noise in Victoria. The Victorian Government also intends to amend the nuisance provisions in the *Public Health and Wellbeing Act 2008* to exclude turbine noise from wind farms. The amendment would ensure that wind farm noise is regulated consistently across Victoria by EPA, using the stronger provisions of the *Environment Protection Act 2017* when necessary.

Three alternative approaches to wind farm noise regulation have been identified and assessed in a regulatory impact statement (RIS):

1. No additional regulation – relying on general provisions within the *Environment Protection Act 2017*;
2. Direct regulation – setting specific requirements for compliance; and
3. Permissions – using a permit or other permission from EPA to specify requirements for compliance.

The RIS analysis identified that the preferred approach is direct regulation, as it is expected to provide greater certainty by creating an explicit and transparent regulatory framework. Please refer to **Attachment [2.2.3]** - Wind Farm Noise Regulation Impact Statement.

Figure 1. Proposed system under the new Environment Protection Act

	Existing system	Proposed system under the new <i>Environment Protection Act</i>
<b>Who approves the application?</b>	The Minister for Planning	The Minister for Planning
<b>What are the requirements for wind farm operators?</b>	<ul style="list-style-type: none"> <li>• compliance with the New Zealand Standard</li> <li>• post-construction noise assessment</li> <li>• noise management plan, including complaints management (under recent permits).</li> <li>• different requirements for individual facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• compliance with the New Zealand Standard</li> <li>• post-construction noise assessment</li> <li>• noise management plan, including complaints management (for all wind farms)</li> <li>• annual statement</li> <li>• periodic (5 yearly) assessment.</li> </ul>
<b>Who responsible for enforcement?</b>	The local council	Environment Protection Authority
<b>How are noise concerns managed?</b>	<ul style="list-style-type: none"> <li>• wind farm operators must respond to concerns in the first instance</li> <li>• the relevant council may take action based on evidence of a breach of compliance with planning permits, or of a nuisance under the <i>Public Health and Wellbeing Act 2008</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• wind farm operators must demonstrate ongoing compliance, and must respond to concerns in the first instance</li> <li>• EPA will take action in line with its compliance and enforcement policy.</li> </ul>

Council has supported change in the regulation of wind farm noise for some time, especially after the recommendations of the Senate Select Committee on Wind Turbines in 2015. This proposed regulation change is broadly consistent with the Committee's findings.

### Council Submission

Council is supportive of regulation change for the management of noise from windfarms, while encouraging ongoing communication and engagement between wind farm operators and the communities who live amongst them.

Council has gained first-hand experience in the application of the existing noise legislation on wind farms - the nuisance provisions of the *Public Health and Wellbeing Act 2008* ("PHW"). This process was found to be awkward, subjective and open to challenge. Change in regulation is needed to assist both the community and windfarm operators by providing certainty, consistency and confidence.

As outlined above, 3 high-level options are being considered by DELWP for the regulation of wind farm noise. Council's proposed submission supports Option 1 – direct regulation, as this option best suits the needs of both the wind farm

operators, by giving them certainty and consistency; and the community, by providing exacting standards for what is and isn't acceptable, and providing a clear pathway for investigating noise complaints.

Council also supports formally adopting the New Zealand Standards for wind turbine noise. This is a more appropriate option than attempting to apply the nuisance provisions of the PHW which is a blunt instrument not easily applied to such a highly technical discipline. The New Zealand Standards also provide consistency in testing and assessment across the industry which has been lacking in recent times.

Please also refer to following **Attachment [2.2.4]** – Wind Farm Noise Regulation – Fact Sheet.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Council encourages further opportunities around community communication and engagement regarding wind farm noise and wind farm regulation to be explored and resourced. Community confidence in some communities has already been damaged and will take time and resourcing to restore.

### **RESOURCES / FINANCIAL VIABILITY**

Council's involvement in preparing this submission has no financial implications for Council staff other than staff resources.

### **RISKS**

Victoria has some of the best wind energy sites in Australia. It is almost certain additional wind farms will be built in or near South Gippsland Shire in the future with potential impacts on the Community.

Without regulation change, there is a risk amenity impacts from wind farms including noise, will continue to be the responsibility of local government to regulate using legislation which is difficult to administer on the complex issues arising from wind farm operations.

### **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Exposure Draft Environment Protection Amendment Regulations 2021 [**2.2.1** - 11 pages]

2. South Gippsland Shire Council Windfarm Noise Regulation - Draft Submission [2.2.2 - 3 pages]
3. Wind farm noise - Regulatory Impact Statement [2.2.3 - 78 pages]
4. Wind farm noise Regulation - Fact Sheet [2.2.4 - 2 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 2. Culture & Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

Pillar 5. Communications & Community Engagement

Pillar 6. Capability

Pillar 7. Risk & Compliance

Pillar 8. Monitoring & Performance Review

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Council Plan 2020-2024

South Gippsland's Good Governance Framework

### **Legislative Provisions**

Environment Protection Act 1970

Environment Protection Act 2017 (as amended)

Local Government Act 1989

Local Government Act 2020

Public Health and Wellbeing Act 2008

### **3. OBJECTIVE 2 - ECONOMIC PROSPERITY**

#### **3.1. WORKING FOR VICTORIA GRANT FUNDING**

Performance & Innovation

##### **Council Plan**

*Objective 1 - United Shire - Strategy 1.4 Deliver Council's 'Community Support Package' to support the community in response to the COVID-19 Pandemic*

*Objective 2 - Economic Prosperity - Strategy 2.1 Build a sustainable and growing economy that attracts and supports businesses, strengthen industry sectors, creates employment and establishes the Shire as the 'food hub'*

*Objective 2 - Economic Prosperity - Strategy 2.3 Deliver services that support the growth of the local and regional economy*

*The Working for Victoria Scheme aligns with Council Plan Strategy 2.1 in that it creates and sustains local employment opportunities for the economy of the South Gippsland Shire.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of the State Government's Working for Victoria program. The program is designed to promote local employment and foster economic activity throughout Victoria. Council will partner with the state government to support economic and business recovery from COVID19 Pandemic through the delivery of local jobs, funded by the state government. Council has received a grant totalling \$1,925,369 through the Working for Victoria Scheme. This will provide a total of 43 full-time roles for a six-month period, with Council required to contribute an additional \$13,122 plus Council has allocated an additional 0.5 temporary resource to ensure the successful implementation of the program.

##### **RECOMMENDATION**

That Council:

1. Notes Council's successful funding application for a Working for Victoria Grant for a total of \$1,925,369 for the purposes of providing employment for 43 full-time positions for a fixed term period of six months;
2. Notes these positions are designed to promote local employment, and local candidates will be viewed favourably through the recruitment process; and
3. Notes the contribution required from Council of \$13,122 plus the provision of temporary 0.5 resource to support the delivery of the program, which will be funded from Council's existing 2020/21 Annual Budget.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. NOTES COUNCIL'S SUCCESSFUL FUNDING APPLICATION FOR A WORKING FOR VICTORIA GRANT FOR A TOTAL OF \$1,925,369 FOR THE PURPOSES OF PROVIDING EMPLOYMENT FOR 43 FULL-TIME POSITIONS FOR A FIXED TERM PERIOD OF SIX MONTHS;**
- 2. NOTES THESE POSITIONS ARE DESIGNED TO PROMOTE LOCAL EMPLOYMENT, AND LOCAL CANDIDATES WILL BE VIEWED FAVOURABLY THROUGH THE RECRUITMENT PROCESS; AND**
- 3. NOTES THE CONTRIBUTION REQUIRED FROM COUNCIL OF \$13,122 PLUS THE PROVISION OF TEMPORARY 0.5 RESOURCE TO SUPPORT THE DELIVERY OF THE PROGRAM, WHICH WILL BE FUNDED FROM COUNCIL'S EXISTING 2020/21 ANNUAL BUDGET.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

The Working for Victoria Scheme was announced by the State Government in April 2020 with a budget of \$500M to address unemployment as a result of the COVID-19 pandemic (COVID-19).

Council has been successful in receiving funding of \$1,925,369 under this scheme, with a requirement for Council to submit an additional \$13,122. Council has also allocated a 0.5 temporary resource to assist in the successful implementation of the program.

The roles submitted are to respond to COVID-19 and to support our communities and local businesses with the recovery. There is strong focus on improving customer service at this time and to ensure that all COVID-19 recovery plans can be fully implemented.

The grant funding provides for the payment of the wages and associated on-costs, together with infrastructure for the roles including provision of vehicles, computers, mobile phones and Personal Protective Equipment.

This will result in 43 new full-time roles being made available to members of our community who are currently unemployed. All roles will be for a maximum duration of six months and will be made available in the areas of:

- Cleaners (8 roles)
- Community Strengthening Support Officers (2)
- Community Health and Wellbeing Officer
- Community Based Recovery Support Officer
- Economic Development Support Officer
- Economic Development and Community Services Administration
- Immunisation Administration Officers (3)
- Local Laws Community Liaison Officer
- Street Sweeper Driver
- Tree Crew Members (2)
- Rail Trail Reserves Team Members (4)
- Sealed Roads Pathing Crew (2)



- Graded Roads Crew Members (2)
- Painting and Maintenance Community Assets (3)
- Concreting Crew Team Members (3)
- Engineering Customer Service Feedback Officer
- Planning Customer Service Feedback Officer
- Junior Statutory Customer Service Counter Planner
- Customer Service Administration Officer – Environmental Health
- Information Technology Support Officer
- People & Culture Junior Advisor / Administration Support

All roles will be advertised through the State Government's Sidekicker application, Council's website and LinkedIn. Priority will be provided to local individuals for each of these roles where suitable applicants are available.

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

Promotion of these roles to the local community has already commenced through Council's website and LinkedIn page.

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

Council has agreed to contribute a total of \$13,122 towards this grant.

The Executive Leadership Team has endorsed an additional 0.5 temporary resource to support the management of the project.

The grant will be made in five instalments over the course of the between January and August 2021 subject to grant reporting, with minimal impact on the cash flow.

#### **RISKS**

There are minimal risks with this program. All roles are being offered on maximum term of six months with no ongoing employment offered.

Grant funding is subject to reporting on a fortnightly basis and at five instalment dates.

## **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.

## **REFERENCE DOCUMENTS**

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Council Plan 2020-2024

## **4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE**

### **4.1. KORUMBURRA RECREATION RESERVE CRICKET PRACTICE NETS (SRV GRANT APPLICATION - 2020/21 COMMUNITY CRICKET FACILITIES STREAM)**

Sustainable Infrastructure

#### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure - Strategy 3.3 Deliver services that enhance liveability and environmental sustainability for generations*

*The successful delivery of this project will provide the community with services and infrastructure that enhance liveability and environmental sustainability for current and future generations.*

#### **EXECUTIVE SUMMARY**

On 8 November 2020, the Victorian Government opened applications to Sport and Recreation Victoria's (SRV) \$13.5M Community Cricket Program, which is a state-wide competitive Victorian Government investment program that provides a range of grant opportunities across two funding streams including the Community Cricket Facilities Stream.

It is underpinned by the Department of Jobs, Precincts and Regions' priorities to ensure the state's economy benefits all Victorians by creating more jobs for more people, building thriving places and regions, and nurturing inclusive communities.

Grant funding of up to \$100,000 is available through this stream. Applications to the program closed 1 February 2021.

After consultation with relevant community groups, internal officers, Administrators, and SRV, an application to the Community Cricket Facilities Stream has been submitted for the Korumburra Recreation Reserve – Cricket Practice Nets project.

The estimated total project cost is \$252,600 which has been based on the concept design and estimates from external contractors for the various elements of the design. The Korumburra Cricket Club has generously committed \$20,000 towards the project. Therefore, if an application is successful, Council will be required to contribute the remaining \$132,600.

## **RECOMMENDATION**

That Council:

1. Endorses the application for \$100,000 under the Victorian Government's Community Cricket Program – 2020/21 Community Cricket Facilities Stream for the Korumburra Recreation Reserve – Cricket Practice Nets project;
2. Notes that the application for the Korumburra Recreation Reserve – Cricket Practice Nets project was submitted to the Victorian Government's Community Cricket Program – 2020/21 Community Cricket Facilities Stream was submitted prior to the closing date of 1 February 2021;
3. Allocates the \$132,600 contribution from the 2021/22 Community Infrastructure Projects budget towards the Korumburra Recreation Reserve – Cricket Practice Nets project if the grant is approved; and
4. Notes the community contribution of \$20,000 from the Korumburra Cricket Club towards the Korumburra Recreation Reserve – Cricket Practice Nets project.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ENDORSES THE APPLICATION FOR \$100,000 UNDER THE VICTORIAN GOVERNMENT'S COMMUNITY CRICKET PROGRAM – 2020/21 COMMUNITY CRICKET FACILITIES STREAM FOR THE KORUMBURRA RECREATION RESERVE – CRICKET PRACTICE NETS PROJECT;**
2. **NOTES THAT THE APPLICATION FOR THE KORUMBURRA RECREATION RESERVE – CRICKET PRACTICE NETS PROJECT WAS SUBMITTED TO THE VICTORIAN GOVERNMENT'S COMMUNITY CRICKET PROGRAM – 2020/21 COMMUNITY CRICKET FACILITIES STREAM WAS SUBMITTED PRIOR TO THE CLOSING DATE OF 1 FEBRUARY 2021;**
3. **ALLOCATES THE \$132,600 CONTRIBUTION FROM THE 2021/22 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE KORUMBURRA RECREATION RESERVE – CRICKET PRACTICE NETS PROJECT IF THE GRANT IS APPROVED; AND**
4. **NOTES THE COMMUNITY CONTRIBUTION OF \$20,000 FROM THE KORUMBURRA CRICKET CLUB TOWARDS THE KORUMBURRA RECREATION RESERVE – CRICKET PRACTICE NETS PROJECT.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## **REPORT**

### **Sport and Recreation Victoria (SRV) Community Cricket Program**

The Victorian Government is committed to ensuring cricket participation in Victoria remains higher than any other state, and that cricketers have access to high-quality, welcoming facilities. The program has two streams with one being the Community Cricket Facilities Stream.

Funding of up to \$100,000 is available through the stream with a funding ratio of \$2: \$1 (SRV:Council).

Applications to the Community Cricket Facilities Stream closed 1 February 2021.

### **Korumburra Recreation Reserve – Cricket Practice Nets Project**

The Korumburra Recreation Reserve – Cricket Practice Nets Project has been internally assessed as eligible to the Community Cricket Program – Community Cricket Facilities Stream that opened on 8 November 2020.

The project scope is to develop four new cricket practice nets on a synthetic surface, with fully retractable netting. The roof will comprise of permanent netting with power supplied to the southern end of the bowling machine. There are significant site preparation works due to the existing old netball courts which will need to be removed from the site prior to commencement. Power to the site will also be required to accommodate the bowling machine.

The benefits that this project will bring to the community are noted below:

- The new practice nets will allow the area to be used as a multipurpose training space with the inclusion of retractable netting.
- The cricket nets will comply with Cricket Australia guidelines.
- The new nets will be developed in a location that is currently underutilised and will provide better movement within the reserve.
- The project complements the redevelopment of the changerooms within the reserve that was partially funded by SRV.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The Korumburra Recreation Reserve Master Plan was developed by the Korumburra Recreation Reserve Committee of Management in consultation with various user groups, Council officers, and relevant state sporting associations. A list of actions was determined which included the

redevelopment of practice cricket nets to replace the current nets that do not meet the club requirements or Cricket Australia Guidelines.

The Korumburra Recreation Reserve Committee of Management presented the masterplan at a briefing to Council on 21 August 2019 which identified the project as a priority.

The project is strategically supported by Council's Social Community Infrastructure Blueprint and Sport and Recreation Infrastructure Strategy.

Administrators were briefed on 16 December 2020 in relation to this project and were supportive of the proposal to submit an application under this funding program.

### **RESOURCES / FINANCIAL VIABILITY**

If Council is successful in securing \$100,000 under the Community Cricket Program – Community Cricket Facilities Stream, a Council contribution of \$132,600 will be required if the grant is approved. The Korumburra Cricket Club is unable to contribute any more than the committed \$20,000 due to their limited capacity to raise income as a result of COVID-19 restrictions.

Below is a breakdown of the funding for the project based on the concept plans and cost estimate. The cost estimate was developed by seeking external advice from local contractors who specialised in various elements of the project.

<b>Estimated Total Project Cost (TBC)</b>	<b>\$252,000</b>
<b>Community Cricket Program</b>	\$100,000
<b>Council Contribution</b>	\$132,600
<b>Community Contribution (Korumburra Cricket Club)</b>	\$20,000

Funding of \$212,472 is available in Council's Long-Term Financial Plan for Community Infrastructure Projects in 2021/22 which is adequate to cover Council's contribution for the Korumburra Recreation Reserve – Cricket Practice Nets project.

### **RISKS**

There is a potential risk that the project may come in over budget once the project is tendered. This has been mitigated by developing a cost estimate that has been developed based on previous projects as well as seeking external advice from local contractors.

## **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.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Community Infrastructure Project Management Policy (C09)

Council Plan 2020-2024

Social Community Infrastructure Blueprint

Sport & Recreation Infrastructure Strategy

Sustainability Strategy



## 4.2. LEONGATHA RAILWAY STATION PRECINCT PROJECT

Sustainable Infrastructure

### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure, Strategy 3.1 - Establish a sustainable long-term program for capital works.*

*The Leongatha Railway site is an element of the Great Southern Rail Trail project (Priority Project) which is referenced in the Council Plan.*

### **EXECUTIVE SUMMARY**

This report is effectively a works plan for the implementation phase of the Leongatha Railway Site Transformation – Final Master Plan that Council considered at its 20 December 2017 Ordinary Meeting.

Since that time Council has adopted both the Leongatha - Korumburra and Korumburra - Nyora sections of the Great Southern Rail Trail (GSRT) as Priority Projects for Advocacy at the 25 September 2019 Ordinary Meeting of Council. Following successful grant applications to Regional Development Victoria for the Leongatha - Korumburra section (\$500,000), and Sport and Recreation Victoria for the Korumburra - Nyora section (\$800,000), both of these projects were no longer considered as Priority Projects for Advocacy when Council's list of Priority Projects was updated at the 22 July 2020 Ordinary Meeting of Council. However, until constructed, this will remain a Priority Project of Council.

An important component of this overall GSRT project is the development of the Leongatha Railway Station site. Therefore, careful planning needs to occur for appropriate infrastructure to allow for pedestrian connectivity to the site from the Leongatha CBD via Bair Street, and a connection across Roughead Street for the future GSRT from Leongatha to Korumburra and beyond.

On 25 November and 16 December 2020, Administrators were briefed on preliminary concept designs for the Bair Street bridge, the proposed GSRT crossing of Roughead Street, and how these elements link together. The proposed works on the existing car park adjacent Apex Park in combination of proposed additional new parking behind the Bair Street shops and potential future parking near the Railway Station building were also part of those briefings.

## **RECOMMENDATION**

That Council:

1. Approves the concept designs for pedestrian access, including the Bair Street bridge, and car parking for the Leongatha Railway Station site;
2. Approves the proposed order of works detailed in this report;
3. Approves the promotion of this information to the community via a media release, Council's website, Facebook page, etc;
4. Approves the commencement of detailed design and updated estimates based on these concepts to inform future budget requirements; and
5. Notes that a report will be presented at the March 2021 Ordinary Council Meeting recommending an application under Round 5 of the Building Better Regions Fund for works at both the Leongatha and Korumburra Railway Station sites.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

## **THAT COUNCIL:**

1. **APPROVES THE CONCEPT DESIGNS FOR PEDESTRIAN ACCESS, INCLUDING THE BAIR STREET BRIDGE, AND CAR PARKING FOR THE LEONGATHA RAILWAY STATION SITE;**
2. **APPROVES THE PROPOSED ORDER OF WORKS DETAILED IN THIS REPORT;**
3. **APPROVES THE PROMOTION OF THIS INFORMATION TO THE COMMUNITY VIA A MEDIA RELEASE, COUNCIL'S WEBSITE, FACEBOOK PAGE, ETC;**
4. **APPROVES THE COMMENCEMENT OF DETAILED DESIGN AND UPDATED ESTIMATES BASED ON THESE CONCEPTS TO INFORM FUTURE BUDGET REQUIREMENTS; AND**
5. **NOTES THAT A REPORT WILL BE PRESENTED AT THE MARCH 2021 ORDINARY COUNCIL MEETING RECOMMENDING AN APPLICATION UNDER ROUND 5 OF THE BUILDING BETTER REGIONS FUND FOR WORKS AT BOTH THE LEONGATHA AND KORUMBURRA RAILWAY STATION SITES.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

### Background

During 2017, Council conducted a master planning process for the Leongatha Railway Station site. The process included significant community consultation including the formation of a Project Reference Group.

Council considered the Leongatha Railway Site Transformation – Final Master Plan at the 20 December 2017 Ordinary Meeting of Council. A plan detailing the main elements of the master plan presented at that meeting is included in **Attachment [4.2.1]**. Only two elements of the master plan were formally adopted by Council. All other elements of the master plan were subject to further development and consultation.

Items 2 and 3 of the Council resolution from that meeting summarise the two adopted elements of the master plan which are covered by this report as follows (extract from Council Minutes):

- 2. ADOPT THE CONCEPT MASTER PLAN NOTING THAT THE ONLY AREAS THAT ARE FIXED IN LOCATION AT THIS STAGE ARE THE PEDESTRIAN BRIDGE AND CARPARK.**
- 3. STAGE THE PROPOSED PLAN (REFER ATTACHMENT [4.1.1]) FOR THE LEONGATHA RAILWAY SITE TRANSFORMATION PROJECT TO ENABLE THE WORKS OF THE BRIDGE AND CARPARK TO GO TO DETAILED DESIGN AND FOR THE OVERALL CONCEPT TO BE PROGRESSED**

The estimated value of all the works included in the master plan was approximately \$4.3M in 2017.

It is noted that the Leongatha Railway Station site is VicTrack land. The rail corridor from Nyora to Leongatha is now leased by Council under an 18-year agreement executed in August 2019. This lease is based on VicTrack preserving the corridor for the potential return of rail services in the future. The lease does not include the Leongatha Railway Station building and immediate surrounds such as the platform.

A study completed by an environmental consultant in 2018 found that there is low level contamination at this site. The study concluded that the site is suitable for its currently proposed recreation use provided the area is capped by clean fill material.

### Bridge and Car Park Elements

Following the December 2017 Ordinary Council Meeting, Beveridge Williams & Co was engaged in March 2018 to further develop the items adopted by Council. The main elements in their brief included:

1. Develop a preliminary design for the Bair Street bridge.
2. Investigate options for the GSRT crossing on Roughead Street.
3. Develop a preliminary design for the modified Apex Park car park.
4. Estimate for the works.

Beveridge Williams was asked to look at four options for the GSRT crossing on Roughead Street as follows:

1. Utilisation of the nearby existing pedestrian network.
5. At-grade crossing of Roughead Street.
6. Underpass.
7. Overpass.

The options from the Beveridge Williams & Co works were presented at a Confidential Briefing on 7 November 2018. The outcomes from that briefing are summarised below:

### **Crossing of Roughead Street**

It was agreed that the only feasible option in the short-term for a crossing on Roughead Street is the utilisation of the nearby existing pedestrian network for the following reasons:

#### **a. At-grade crossing**

This option was based on the installation of pedestrian operated signals along the alignment of the original rail line. This option would worsen current traffic congestion and queueing in peak periods and does not remove the possibility of conflict between vehicles, pedestrians, and cyclists because the available sight lines from Anderson Street to the crossing do not meet Austroads desirable Safe Stopping Sight Distance requirements.

Regional Roads Victoria indicated it would not support this option.

#### **b. Underpass & Overpass**

Both options were eliminated on the basis of cost. The overpass was estimated at approximately \$4.8M which included the cost of access ramps to the bridge and the under-grounding of overhead power services. Whilst the underpass was not costed, the likely cost would be similar to an overpass due to the impact on underground services including water, stormwater, sewer,

Telstra, NBN, and gas. Underpasses also create potential safety and security issues for users.

Eliminating the at-grade crossing, underpass and overpass options for the reasons described above, results in utilising the existing pedestrian network as the only realistic remaining option. Included in **Attachment [4.2.2]** are details of the proposed routes for GSRT users utilising the existing pedestrian network. It is noted that a possible future option could be to utilise a signalised crossing at the Roughead/Long/Hughes Street intersection when Stage 2 of the Leongatha Heavy Vehicle Alternate Route along Hughes Street is developed.

**c. Bair Street Bridge**

Beveridge Williams & Co developed a concept plan for this structure. This work has been further developed internally and included as **Attachment [4.2.2]** are details of this structure, stair access and the associated DDA compliant ramps. The proposed bridge over the access road into the station precinct spans the gap from the laneway off Bair Street to an existing raised mound. This bridge would provide more direct access from the rail station precinct into Bair Street than the existing route via McCartin Street.

**d. Car-Parking**

Beveridge Williams & Co also developed a concept plan for improvements to the car park adjacent the Apex Park. That concept has been further developed internally as well as options for further car-parking behind the shops in Bair Street and potential future parking near the Railway Station building. Concept plans for car park adjacent the Apex Park are included in **Attachment [4.2.3]** which increases the capacity from the current 53 spaces to 59 spaces with the proposed design. This increase is less than the increase of approximately 10 spaces indicated in the master planning documentation. If the parking behind the shops in Bair Street were to be included, an additional 78 car parks would be provided with this option. This large car park is relatively simple to construct and will provide more parking spaces and better value for money than three separate smaller car parks as described in the 2017 masterplan.

Additional parking was identified as a key element of the master planning process in the community consultation conducted in 2017. The 2013 Leongatha CBD parking strategy identified the need for additional parking close to the CBD and identified the rail land as the best site for this.

**PROPOSED ORDER OF WORKS**

Based on the available funding, the recommended order of works is as follows:

#	Item	Details	Cost (\$1000s)	Timeframe
1	Tidy site	Remove turnouts, remove shed, construct gravel rail trail link & import topsoil	50	June 2021
2	Long car park	Design (pavement, drainage, lighting & access road with retaining wall) Construction tender	400	June 2021 Late 2021
3	Bridge	Bair Street bridge with ramps & stairs under design and construct tender	600	2022
4	Apex car park	Upgrade existing car park to improve circulation including retaining wall	300	Subject to funding
5	Landscaping	Concrete paths, lighting, irrigation, topsoil/seed, screening/vegetation behind shops	Not costed	Subject to funding
6	Other elements	Signage, street furniture, install feature rail track, urban art	Not costed	Subject to funding
7	Bennett Lane car parks	Additional car parking near V/Line bus stop	Not costed	Demand driven
8	Roughead St Crossing	Ultimate signalised crossing	State funded	Heavy Vehicle Bypass Stage 2

It is considered that the long car park behind the Bair Street shops is the logical first element to be constructed in this precinct. If this car park is constructed first, it provides additional car park capacity that would be utilised while the Apex car park is taken out of service when it is upgraded. Constructing this car park before the Bair Street bridge and associated ramps is also considered prudent as the users of this car park will be the main beneficiaries of the Bair Street bridge which will be the most direct link between those two locations. Building the bridge before the long car park may also restrict access for construction vehicles due to its reduced 4.5m vertical clearance.

Elements excluded from the above list that were referenced in the masterplan presented to Council in December 2017 include:

- Playground / covered BBQ area

- Traffic education area
- Exercise stations
- Access steps from Bair Street road bridge
- Improvements to the station building / platform and public toilets (VicTrack Lease)

The above elements were not endorsed by the previous Council.

To assist with an application for Round 5 of the Building Better Regions Fund, a landscape architect was engaged in January 2021 to develop a masterplan with cost estimates for the landscaping of this site to compliment the elements proposed in this report. This work is still in progress.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

There was a significant level of community consultation and engagement during 2017 as part of the Leongatha Railway Station master planning process. This involved two rounds of public consultation and the formation of a Project Reference Group. Given the level of community involvement and interest, it is important that details of this next phase be communicated with the community to keep people informed about how the project is progressing.

The concept plans attached – **Attachments [4.2.2] and [4.2.3]** – have been reviewed by the relevant staff in the Sustainable Infrastructure Directorate. It is intended to further develop these concepts into detailed designs ready for construction. This work would initially focus on the long car park at the rear of the Bair Street shops. This would be followed by the Bair Street bridge and the associated ramps / stairs as well as the car park adjacent to the Apex Park.

Most of the elements in this report and detailed in the attached plans were included in the final masterplan presented to Council in December 2017. The only new element is the car park behind the shops in Bair Street. During the planning and construction of the Bair Street project, consultation with Bair Street businesses has identified the lack of nearby parking as a key ongoing issue. Many business owners desire additional parking in the rail precinct and describe the area directly behind the Bair Street shops as their preferred location for new parking. The extent and location of parking proposed in the 2017 masterplan is unlikely to satisfy the business community, hence the alternative proposal for a large car park directly behind the shops. It is also considered that patrons of this car park with Bair Street as their destination would be the main beneficiaries of the Bair Street bridge connection as it provides the most direct link between those two locations.

## **RESOURCES / FINANCIAL VIABILITY**

There is currently \$850,000 in the GSRT budget (cost centre 93120) for works at the Leongatha Rail Station Precinct with the majority of this budget allocated to the 2021/22 financial year.

The approximate cost of the Bair Street bridge with associated ramps and stairs is around \$600,000.

The car park works adjacent to the Apex Park would be in the order of \$300,000 and the proposed long car park at the rear of the Bair Street shops around \$400,000.

Based on the proposed order of works detailed above, there is sufficient funding for the long car park but a deficit of around \$200k for the Bair Street bridge. Any further works in this precinct would require additional budget unless there are savings out of the overall \$6.8M GSRT budget from rail trail works.

The budget situation for the GSRT will be better understood in February/March 2021 after tenders are awarded for both the trail works (December 2020) and the associated bridgeworks (February/March 2021).

## **RISKS**

It is important that these works are fully understood by the community. The community was extensively consulted during the master planning process, and it is now recommended that details of these proposals be shared with the community if adopted by Council.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Leongatha Rail Site Transformation Final Report - December 2017 [4.2.1 - 34 pages]
2. Bair Street Leongatha - Bridge Preliminary Design [4.2.2 - 5 pages]
3. Leongatha Rail Yard Concept Sketch [4.2.3 - 1 page]

## **REFERENCE DOCUMENTS**

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*



Asset Management Policy (C04)  
Asset Management Strategy  
Economic Development and Tourism Strategy  
Paths and Trails Strategy  
Priority Projects

**Legislative Provisions**

Australian Standards

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

Gippsland Track and Trails Feasibility Study  
Leongatha Railway Site Transformation – Final Master Plan

## 5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 5.1. POLICY REVIEW: COMMUNITY ENGAGEMENT POLICY (C06)

Executive Office

#### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.1 Engage the community in developing strategic plans and decision making*

*Objective 4 - Customer Focused Organisation - Strategy 4.2 Review and implement Council plans, policies and practices aligned with the Local Government Act 2020 and the Commission of Inquiry recommendations*

#### **EXECUTIVE SUMMARY**

Council's draft *Community Engagement Policy (C06)* has recently been made available to the public for review and feedback. The *Community Engagement Policy* review process was held from 18 November 2020 to 2 December 2020 inclusive.

Community members had an opportunity to review the draft *Community Engagement Policy* through an OurSay online forum and provide details on how they wish to be engaged with in the future by completing an online survey. Questions within the survey focused on identifying how community members wish to be engaged with in the future.

During the community consultation the online forum had 752 page views with 61 people completing the survey and 15 ideas submitted.

Council now has an opportunity to adopt the *Community Engagement Policy (C06)* (**Attachment [5.1.2]**) which has been adapted with feedback from the community.

#### **RECOMMENDATION**

That Council:

1. Notes the feedback provided during the Community Engagement Policy Review consultation as outlined in the Engagement Review Results (Attachment [5.1.1]); and
2. Adopts the Community Engagement Policy 2021 (Attachment [5.1.2]).

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THE FEEDBACK PROVIDED DURING THE COMMUNITY ENGAGEMENT POLICY REVIEW CONSULTATION AS OUTLINED IN THE ENGAGEMENT REVIEW RESULTS (ATTACHMENT [5.1.1]); AND**
2. **ADOPTS THE COMMUNITY ENGAGEMENT POLICY 2021 (ATTACHMENT [5.1.2]).**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

A Community Engagement Review process was open to community members from 18 November 2020 to 2 December 2020.

During this time, Council received:

- Sixty-one completed online surveys.
- Seven hundred and fifty-two page views for the online forum.
- Fifteen ideas submitted to the online forum with 31 likes and 12 comments.

One written submission was also made outside of this process which has been considered within the survey and forum results.

A full outline of the feedback is provided in the **Community Engagement Review Results (Attachment 5.1.1)**.

### **OurSay Survey Results**

During the community consultation 61 online surveys were submitted by the community. Questions within the survey focused on identifying how community members wish to be engaged with in the future.

The following trends emerged from the results:

- 95 per cent of respondents will engage with Council on decisions that are important to them.
- Decisions that were most important to respondents included:
  - Decisions about infrastructure/services: 51 selections
  - Strategic Plans: 32 selections
  - Council Policies: 30 selections
  - Local Laws: 31 selections
  - Other matters such as the environment, creative community projects and opportunities
- Respondents wished to be engaged with in the following ways:
  - Survey: 38 selections
  - Online Interactive Platform: 29 selections

- Inform (via e-newsletters, social media, papers): 26 selections
- Workshops or Meetings: 25 selections
- Community Panel: 24 selections
- Informal Conversations: 17 selections
- Pop-up Stalls: 15 selections
- Respondents wanted to hear about future engagement opportunities via:
  - In The Know: 40 selections
  - Social Media: 31 selections
  - Council News (local paper ads): 27 selections
  - Council's Website: 19 selections
  - Letter: 11 selection
  - Radio: 6 selections
  - Television: 2 selections
- Respondents rated Council's current engagement efforts (out of five):
  - Five: 3 per cent of respondents
  - Four: 18 per cent of respondents
  - Three: 35 per cent of respondents
  - Two: 16 per cent of respondents
  - One: 28 per cent of respondents
- Some suggestions to make community engagement activities more inviting included articulating how their say made a difference, changing the culture, consider new methods (i.e., Zoom), holding more workshops, keep interactions online or anonymous and taking part in community activities.
- Additional feedback ranged from specific projects through to ensuring that the community is engaged before significant strategic development occurs; engaging young people; meeting with communities more frequently; and obtaining a true cross-section of the community that reflects regional demographics.

- The written submission made a range of suggestions including: developing a report and strategy to shift Council's engagement with the community to the Collaborate and Empower levels in the IAP2 Matrix; making a commitment to using people's assemblies; establishing a collaborative tourism and economic development structure; and restoring question time.

These results will be utilised by Council staff when developing future community engagement activities to ensure they meet community expectations.

### **OurSay Forum Results**

The OurSay Forum provided an opportunity for community members to directly comment on the *Draft Community Engagement Policy*. While community members did respond to the forum most submissions made did not focus on the policy.

Community projects were highlighted which could be considered for future Council Plans and the Community Vision. These can be viewed at:

[www.oursay.org/southgippsland/community-engagement-policy-review](http://www.oursay.org/southgippsland/community-engagement-policy-review)

Some ideas to note for the policy included:

- That the Policy should include that all community correspondence must be accessible.
- All correspondence with the community through engagement should be published and searchable on Council's website (in pages not documents).
- That the Policy should include a dedicated place where community engagement opportunities will be advertised so that interested parties could sign up. Council's e-newsletter or a website engagement hub was suggested.
- That the Policy needs more detail on how the feedback is sought and provide community members with assistance to understand the material that is provided to them for them to be able to comment.

All these suggestions have been incorporated into the **Community Engagement Policy (C06) (Attachment [5.1.1])**.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Community consultation was undertaken from 18 November 2020 to 2 December 2020 as outlined throughout this report.

## **RESOURCES / FINANCIAL VIABILITY**

Updating the policy has no inherent financial implications, however the Community Engagement activities articulated in the *Local Government Act 2020* will need to be factored into budgets of the affected projects and documents.

## **RISKS**

To delay reviewing the community feedback received would risk meeting the statutory deadline of having the new policy adopted by 1 March 2021.

## **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:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

1. Community Engagement Review Results 2020 [5.1.1 - 35 pages]
2. Community Engagement Policy (C06) Draft [5.1.2 - 6 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 5. Communications & Community Engagement

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

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Community Engagement Policy (C06)

### **Legislative Provisions**

Local Government Act 2020

Planning and Environment Act 1987

Privacy Act 1988

## 5.2. GOOD GOVERNANCE FRAMEWORK - ADMINISTRATORS' COMMUNITY UPDATE - FEBRUARY 2021

Performance & Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.2 Review and implement Council plans, policies and practices aligned with the Local Government Act 2020 and the Commission of Inquiry recommendations*

*Council's governance is strengthened by regular reporting, review and monitoring of Council's performance. This report is a legislated requirement as part of the Commission of Inquiry into South Gippsland Shire Council Report 2019.*

### **EXECUTIVE SUMMARY**

This report forms the third *Good Governance Framework* update and 'Administrators' Community Update' (**Attachment [5.2.1]**) on progress made towards restoring good governance practices and implementing the recommendations of the *Commission of Inquiry into South Gippsland Shire Council Report 2019*. These recommendations are:

*"That Council:*

- a. Develop and deliver an extensive community leadership development programme that:
  - i. Encourages widespread participation in community and civic life in the municipality;*
  - ii. Supports the development of community leadership skills; and*
  - iii. Supports an improvement in the relationship between the Council and its community.**
- b. Review and implement improved Council policies and processes, with a focus on Councillor Code of Conduct and meeting procedures."*

The Minister for Local Government wrote to the Administrator Chair on 11 September 2019 requiring Council:

*"Develop a plan to implement these recommendations and regularly report to your community on these Council programs and that reports be tabled in the Council meeting minutes so that they are publicly available."*



The primary tasks Administrators have been appointed to undertake are underway. The Community Leadership Program commenced in October 2020 which has 20 participants appointed to the Program. The *Governance Rules*, *Election Period Policy*, *Public Transparency Policy* and the *Councillor Expense Policy* have all been adopted and implemented by the deadline of 1 September 2020. The review of the suite of all governance policies is continuing and is progressing well and these are being aligned to the requirements under the *Local Government Act 2020*. All of these actions are embedding and maturing the governance culture within the organisation.

A copy of the '*Administrators' Community Update – February 2021*' is provided in (**Attachment [5.2.1]**). This document also incorporates the progress report on the *Good Governance Framework*.

### **RECOMMENDATION**

That Council:

1. Adopts the '*Administrators' Community Update – February 2021*', (**Attachment [5.2.1]**);
2. Publishes a copy of the '*Administrators' Community Update – February 2021*' in the 24 February 2021 Council Meeting Minutes and on Council's website;
3. Provides a copy of the '*Administrators' Community Update – February 2021*', to the Minister for Local Government, the Hon Shaun Leane MP; and
4. Receives the next '*Administrators' Community Update*' at the September 2021 Council Meeting.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ADOPTS THE 'ADMINISTRATORS' COMMUNITY UPDATE – FEBRUARY 2021', (ATTACHMENT [5.2.1]);**
2. **PUBLISHES A COPY OF THE 'ADMINISTRATORS' COMMUNITY UPDATE – FEBRUARY 2021' IN THE 24 FEBRUARY 2021 COUNCIL MEETING MINUTES AND ON COUNCIL'S WEBSITE;**
3. **PROVIDES A COPY OF THE 'ADMINISTRATORS' COMMUNITY UPDATE – FEBRUARY 2021', TO THE MINISTER FOR LOCAL GOVERNMENT, THE HON SHAUN LEANE MP; AND**
4. **RECEIVES THE NEXT 'ADMINISTRATORS' COMMUNITY UPDATE' AT THE SEPTEMBER 2021 COUNCIL MEETING.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

### ***Background***

In May 2019, a Commission of Inquiry into South Gippsland Shire Council was appointed under s.209 of the *Local Government Act 1989*. The Commission of Inquiry was established to conduct an inquiry into the affairs of the Council including the final report of the Municipal Monitor, the conduct of individual Councillors, processes and decisions in the lead up to the conclusion of the current Chief Executive Officer contract, including the appointment of an Acting Chief Executive Officer and the efficiency and effectiveness of the Council's governance arrangements in delivering services to the community.

On 19 June 2019 the Victorian Government announced the dismissal of the South Gippsland Shire Council. This decision followed the final reports of the Municipal Monitor and the Commission of Inquiry into South Gippsland Shire Council which were tabled in Parliament along with the Bill to dismiss the Council.

Following the appointment of an interim Administrator, the Victorian Government appointed a panel of three Administrators on 24 July 2019 to perform the functions of the South Gippsland Shire Council. The Administrators have been appointed to restore good governance practices and implement the recommendations of the Commission of Inquiry, until Council's election to be held in October 2021.

### **Progress**

Administrators have met with local businesses and business associations, community groups and one-on-one with community members since the beginning of their term. Due to the COVID-19 Pandemic, one-on-one or group interaction has been limited from March 2020 however, the Administrators have continued to support community members via phone calls or virtual online meetings.

Council appointed 18 participants to the Community Leadership Program at the 26 August 2020 Council Meeting. The Program aims to equip participants with a set of skills that will enable them to effectively work with other people, strengthen their leadership capability, manage conflict, delegate and meet objectives. It is hoped participants will use the skills they gain through the Program to positively influence and support the development of local communities in South Gippsland. The Program was launched in October 2020 as a virtual online event, due to COVID-19 restrictions. Four sessions have been conducted with the group as at end of December 2020. This Program also aims to support the mandatory candidate training for the Council Election in October 2021 as part of the *Local Government Act 2020*.

Council sees that building community leadership is best achieved by supporting communities to support themselves. With that in mind, Council has funded 21 community groups through its first round of the 2020/21 Community Grants Program, for this financial year. The grants support and help fund the development of community assets, build community capacity, strengthen community sport and create community culture. The total allocation of grant funding for this Program in Council's annual budget is \$308,000. As part of the first round of the Program, Council allocated over \$130,000 for a range of projects within the Shire. This funding will help support community projects with a value of over \$464,000.

In addition to this funding stream, Council adopted a \$2 million COVID-19 Community Support Package Program as part of the 2020/21 Annual Budget. This Program aims to further assist local business, community groups and not-for-profit organisations within the Shire. Refer to **Attachment [5.2.1]** for further details on how this funding stream has supported the community during the difficult times of the COVID-19 Pandemic.

Council has conducted a draft review of its *Community Engagement Policy* which a consultation review process with the community took place in mid-November to early December 2020. This Policy is on scheduled to be presented at the February 2021 Council Meeting.

Council has conducted an extensive review of governance and corporate planning and reporting to ensure Council meets the legislated timelines of the *Local Governance Act 2020*. The following were all adopted at the 26 August 2020 Council Meeting, before the deadline of 1 September 2020:

- Adopted the review of Council's *Councillor Support and Expenditure Policy*
- Adopted the review of Council's *Election Period Policy*
- Created and established a set of *Governance Rules* to conduct Council meetings and delegated and/or joint delegated committees of Council
- Created and established a new *Public Transparency Policy*
- Adopted the review of the *Audit and Risk Charter and related Policy*
- Created new terms of references for Council's Community Asset Committees to replace the former Section 86 Committees.

As part of this review, Council was also required to conduct a second review of Council's *Local Law No. 2 2020 – Meeting Procedures and Common Seal*. This Local Law was amended, adopted and then gazetted at the November 2020 Council Meeting. The revised Local Law ensures the information contained

within it, does not duplicate with Council's *Governance Rules* and is compliant with legislative requirements.

Council continues to follow *South Gippsland Good Governance Framework* (SGSC Framework), which was adopted in December 2019. It aims to guide good governance practices and prioritises works across the organisation. A range of projects have already been implemented with updated policies and plans adopted, improvements made to communication avenues with the community and further projects under development.

Four key components of the Good Governance Framework include:

1. Good Governance Outcomes to be achieved;
2. Eight Pillars of Good Governance to achieve the outcomes;
3. Principles and behaviours that demonstrate good governance in practice; and
4. Key Performance Indicators (KPI) that assist in monitoring performance trends.

More detail is provided in the *Administrators' Community Update – February 2021'* (refer **Attachment [5.2.1]**) that captures the progress report and initiatives conducted as part of the *Good Governance Framework*.

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

The *Administrators' Community Update – February 2021'* report is sent to the Minister of Local Government to provide an update on progress made towards restoring good governance practices and implementing the recommendations of the *Commission of Inquiry into South Gippsland Shire Council Report 2019*.

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

This update has been compiled using existing resources.

Implementation of the Commission of Inquiry recommendations will require additional resources, for example, implementation of a Community Leadership Program. These costs are being included in the 2020/21 Annual Budget.

#### **RISKS**

The recommendations and actions taken are aimed at strengthening good governance practices and policies in readiness to prepare the return of an elected Council in October 2021.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Administrators' Community Report - February 2021 [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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Audit and Risk Committee Charter and Terms of Reference

Code of Conduct for Staff Policy (CE20)

Community Engagement Policy (C06)

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

Councillor Support and Expenditure Policy (C51)

Election Period Policy (C30)

Fraud and Corrupt Conduct Policy (C19)

Governance Rules (C82)

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

Risk Management Framework (C35)

Risk Management Policy (C35)

South Gippsland's Good Governance Framework

### **Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

Report of the Commission of Inquiry into South Gippsland Shire Council

Report 2019

### 5.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2020 TO DECEMBER 2020

Performance & Innovation

#### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by regular organisational performance reporting against the Council Plan 2020-2024 Measures and Annual Initiatives.*

#### **EXECUTIVE SUMMARY**

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 a four-year Strategic Resource Plan. These requirements are legislated under s.125 of the *Local Government Act 1989* (Act).

Council endorsed the Council Plan 2020-2024 (Council Plan) at the 24 June 2020 Council Meeting. The Council Plan outlines the strategic objectives, strategies and indicators of Council for the next four years and includes the rolling four-year Strategic Resource Plan (SRP).

The Council Plan contains the 2020/21 Annual Initiatives (Annual Initiatives). These Annual Initiatives commence the implementation of activities to progress the achievement of the Council Plan Objectives and Strategies for the 2020/21 financial year. The Annual Initiatives are also captured in Section 2 of the Annual Budget 2020/21 (Annual Budget) through which they are funded.

The Organisational Performance Report for the period July 2020 to December 2020 (refer to **Attachment [5.3.1]**) is presented to Council and provides detailed reporting on Council's performance against the 2020/21 Annual Initiatives, Performance Indicators, and Capital Works Program.

The Organisational Performance Report (**Attachment [5.3.1]**) will also be presented to Council's Audit & Risk Committee on 8 March 2021.

This report incorporates references to the *Local Government Act 1989* and the *Local Government Act 2020*, as there is a transition period between the two Acts. At this point in time both Acts contain sections applicable to this report.

## **RECOMMENDATION**

That Council:

1. Receives and notes the Organisational Performance Report for the period July 2020 to December 2020 (Attachment [5.3.1]);
2. Publishes the Organisational Performance Report (Attachment [5.3.1]) to Council's website; and
3. Presents the Organisational Performance Report (Attachment [5.3.1]) to Council's 8 March 2021 Audit & Risk Committee meeting.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

## **THAT COUNCIL:**

1. **RECEIVES AND NOTES THE ORGANISATIONAL PERFORMANCE REPORT FOR THE PERIOD JULY 2020 TO DECEMBER 2020 (ATTACHMENT [5.3.1]);**
2. **PUBLISHES THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [5.3.1]) TO COUNCIL'S WEBSITE; AND**
3. **PRESENTS THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [5.3.1]) TO COUNCIL'S 8 MARCH 2021 AUDIT & RISK COMMITTEE MEETING.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)



## REPORT

### Background

The Council Plan 2020-2024 and the 2020/21 Annual Budget (inclusive of the Annual Initiatives) were adopted by Council on 24 June 2020. The Council Plan sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July 2020 to December 2020 (**Attachment [5.3.1]**).

The Council Plan is reviewed annually and includes key Strategic Outcomes, Objectives and Initiatives. A series of indicators are allocated to the four Outcomes of the Council Plan and progress against these indicators and service performance measures are outlined within the report.

The four Strategic Objectives of the 2020-2024 Council Plan are:

- United Shire – *shared community direction*;
- Economic Prosperity – *corner stone for local employment and business growth*;
- Integrated Services and Infrastructure - *enhance liveability*; and
- Customer Focused Organisation – *accountable decision making*.

The alignment of the Council Plan, Organisational Performance Report and Council Agenda topics in Council Meetings all outline the various activities and initiatives that work towards achieving the Council Plan Strategic Outcomes and Strategies.

### Discussion

This report provides an overview of the major activities undertaken by Council in the second half of the 2020/21 financial year (1 July 2020 to 31 December 2020). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 65 per cent of the Council Plan 2020-2024 Measures of Success indicators are on track or target achieved.
- 100 per cent of the Annual Plan initiatives for 2020/21 are on track or have target achieved as at end of December 2020.
- 76 per cent of the 111 Capital Works and Major Works Program initiatives for 2020/21 have been completed or are on track as at December 2020.

- Council secured \$2.38 million in grant funding as part of the Department of Education – Building Block Capacity Building Grant Funding Program to build the Leongatha Early Learning Centre.
- The Community Leadership Program that has 18 participants appointed was launched at the end of October 2020.
- As part of the \$2M Community Support Package, Council issued the following to support businesses and recreation reserves within the Shire, during the COVID-19 Pandemic:
  - Tourism Business Grants Program of \$1,000 per applicant to tourism businesses experiencing hardship and decline in business;
  - Home Based Business Grants Program of \$1,000 per application to home based businesses within the Shire;
  - 710 local business received waived fees for Business Registration and permits; and
  - Recreation Reserves received \$126,000 of additional grant funding across 22 Recreation Reserves; and
- The draft *Community Engagement Policy* review process was held via an online forum from the 18 November 2020 to allow community members the opportunity to provide feedback and details on how they wish to be engaged.

The COVID-19 Pandemic continues to have considerable impact on the community. Council has been able to adapt quickly and continually to the unanticipated disruptions created by the pandemic, while still continuing the delivery of services to the community. The final outcome of some Council Plan initiatives may be impacted as a result of the pandemic.

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

The Organisational Performance Report (**Attachment [5.3.1]**) will be presented to Council's Audit & Risk Committee on 8 March 2021.

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

The 2020/21 Annual Initiatives and Capital Works Program are funded through the 2020/21 Annual Budget.

#### **RISKS**

The Organisational Performance Report (**Attachment [5.3.1]**) mitigates the risk of annual initiatives and capital works activities not being monitored

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throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not being achieved, without understanding the reasons for any delay.

### **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Organisational Performance Report - July 2020 to December 2020 [5.3.1 - 40 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 8. Monitoring & Performance Review

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Annual Budget

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Council Plan 2020-2024

#### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Local Government Better Practice Guide – Performance Framework Indicator Workbook, Strategic Resource Plan 2020 and Planning and Reporting

#### **5.4. REVISED COUNCIL MEETING TIMETABLE 2021**

Performance and Innovation Directorate

##### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

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

##### **EXECUTIVE SUMMARY**

The purpose of this report is to set the annual schedule of Council Meetings for the 2021 calendar year, including the dates, times and meeting locations. This report incorporates updated changes to the meeting times from the times formally adopted by Council at the 16 December 2020 Council Meeting.

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

Council adopted *Governance Rules (C82) (the Rules) at Council Meeting 26 August 2020*. Clause 11 of the Rules requires the dates and times of Meetings be fixed by Council, and specifically in clause 11.1 that:

*At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.*

Council may by resolution call an Additional Council Meeting per clause 13.1 when meetings are required outside of the annual Council Meeting schedule.

Council established the meeting dates and times for the 2021 calendar year at the 16 December 2020 Council meeting. This report proposes to amend the times for the March to December 2021 Council Meetings, by bringing the time forward from 2.00pm to 1.00pm. For completeness and to avoid community confusion, the recommendations re-affirm the dates, new times and place of all Council Meetings including March through to December 2021.

It is Council's intent to establish a new strategic framework for the way in which the business that comes to Council is managed. The framework is focusing on better ways to support the new Councillors to be successful in

their roles and enable them to actively engage with their community. The change to the meeting times forms part of the strategic Council Meeting framework and the suite of good governance reforms.

### **RECOMMENDATION**

That Council:

1. Sets the Council Meeting Schedule for the remainder of 2021 to be held in the Council Chambers, Leongatha on the following dates and times:
  - a. Wednesday 17 March 2021, 1.00pm (Meeting No.454)
  - b. Wednesday 14 April 2021, 1,00pm (Meeting No.455)
  - c. Wednesday 21 April 2021, 1.00pm (Meeting No.456)
  - d. Wednesday 19 May 2021, 1.00pm (Meeting No.457)
  - e. Wednesday 2 June 2021, 1,00pm (Meeting No.458)
  - f. Wednesday 9 June 2021, 1,00pm (Meeting No.459)
  - g. Wednesday 16 June 2021, 1.00pm (Meeting No.460)
  - h. Wednesday 21 July 2021, 1.00pm (Meeting No.461)
  - i. Wednesday 18 August 2021, 1.00pm (Meeting No.462)
  - j. Wednesday 15 September 2021, 1.00pm (Meeting No.463)
  - k. Wednesday 20 October 2021, 1.00pm (Meeting No.464)
  - l. Wednesday 24 November 2021, 1.00pm (Meeting No.465)
  - m. Wednesday 15 December 2021, 1.00pm (Meeting No.466)
2. Authorises the Chief Executive Officer to change a meeting location:
  - a. should that be warranted, due to the nature of business and availability of the Council Chambers; and/ or
  - b. responding to safety matters.
3. Provides reasonable notice to the public via Noticeboard and Council's website should a change in Meeting time or location be warranted.
4. Notes that Additional Council Meetings are called from time to time requiring decisions of Council outside the annual meeting schedule in

recommendation 1. As far as practicable give reasonable notice to the public via Noticeboard and Council's website in these instances.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. SETS THE COUNCIL MEETING SCHEDULE FOR THE REMAINDER OF 2021 TO BE HELD IN THE COUNCIL CHAMBERS, LEONGATHA ON THE FOLLOWING DATES AND TIMES:**
  - a. WEDNESDAY 17 MARCH 2021, 1.00PM (MEETING NO.454)**
  - b. WEDNESDAY 14 APRIL 2021, 1.00PM (MEETING NO.455)**
  - c. WEDNESDAY 21 APRIL 2021, 1.00PM (MEETING NO.456)**
  - d. WEDNESDAY 19 MAY 2021, 1.00PM (MEETING NO.457)**
  - e. WEDNESDAY 2 JUNE 2021, 1.00PM (MEETING NO.458)**
  - f. WEDNESDAY 9 JUNE 2021, 1.00PM (MEETING NO.459)**
  - g. WEDNESDAY 16 JUNE 2021, 1.00PM (MEETING NO.460)**
  - h. WEDNESDAY 21 JULY 2021, 1.00PM (MEETING NO.461)**
  - i. WEDNESDAY 18 AUGUST 2021, 1.00PM (MEETING NO.462)**
  - j. WEDNESDAY 15 SEPTEMBER 2021, 1.00PM (MEETING NO.463)**
  - k. WEDNESDAY 20 OCTOBER 2021, 1.00PM (MEETING NO.464)**
  - l. WEDNESDAY 24 NOVEMBER 2021, 1.00PM (MEETING NO.465)**
  - m. WEDNESDAY 15 DECEMBER 2021, 1.00PM (MEETING NO.466)**
- 2. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO CHANGE A MEETING LOCATION:**
  - a. SHOULD THAT BE WARRANTED, DUE TO THE NATURE OF BUSINESS AND AVAILABILITY OF THE COUNCIL CHAMBERS; AND/OR**
  - b. RESPONDING TO SAFETY MATTERS.**

3. PROVIDES REASONABLE NOTICE TO THE PUBLIC VIA NOTICEBOARD AND COUNCIL'S WEBSITE SHOULD A CHANGE IN MEETING TIME OR LOCATION BE WARRANTED.
4. NOTES THAT ADDITIONAL COUNCIL MEETINGS ARE CALLED FROM TIME TO TIME REQUIRING DECISIONS OF COUNCIL OUTSIDE THE ANNUAL MEETING SCHEDULE IN RECOMMENDATION 1. AS FAR AS PRACTICABLE GIVE REASONABLE NOTICE TO THE PUBLIC VIA NOTICEBOARD AND COUNCIL'S WEBSITE IN THESE INSTANCES.

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

### ***Council Meeting Dates and Venues***

This report seeks to amend the commencement times of Council Meetings adopted by Council at the 16 December 2020 Council Meeting that fixed the date, time and place of all Council meetings and any Delegated Committee Meetings for the 2021 calendar year. It is proposed to change the commencement time of remaining Council Meetings this calendar year from 2.00pm to 1.00pm.

Council is establishing a new strategic framework for the way in which the business that comes to Council is managed. The framework is focusing on better ways to support new Councillors to be successful in their roles and enable them to actively engage with their community. The change to the meeting times forms part of this strategic Council Meeting framework and the suite of good governance reforms.

The proposed 1.00pm commencement time will utilise the time Councillors spend together on Council Meeting days more effectively and efficiently. The business of Council can be dealt with succinctly, allowing additional time at the end of each day for them to attend to their many after-hours community activities.

It is timely, through this report, to further highlight that Council resolved on 16 December 2020 that Council Meetings will generally be held on the third Wednesday of each month for the remainder of the calendar year. This is a change to previous years where meetings were generally held on the fourth week of the month. Outlined below are a number of exceptions to the meetings being held on the third week of the month:

The November Council Meeting is scheduled for the fourth Wednesday in the month to allow for the Council election and establishment of the new Council, as follows:

- **Wednesday 24 November 2021, 1.00pm (Meeting No.465)**

Three additional meetings are outside the usual third-Wednesday-of-the-month in order to expedite the business of Council, incorporating the Council budget deliberation processes.

- **Wednesday 14 April 2021, 1.00pm (Meeting No.455)**
- **Wednesday 2 June 2021, 1.00pm (Meeting No.458)**
- **Wednesday 9 June 2021, 1.00pm (Meeting No.459)**



Council Meetings are to commence at 1.00pm and be held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha. This may include changing the Meeting to a different town if the Agenda warrants it. Any changes arising are guided by the *Governance Rules(C82)*, clause 12.1:

*12.1 Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.*

Council publishes notice of Council Meetings in Council's Noticeboard section of local newspapers and on its website.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

### **RISKS**

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

### **STAFF DISCLOSURE**

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

### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Governance Rules (C82)

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

Public Participation in Meetings with Council Policy (C65)

#### **Legislative Provisions**

Local Government Act 2020

## 5.5. RISK MANAGEMENT FRAMEWORK

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.2 Review and implement Council plans, policies and practices aligned with the Local Government Act 2020 and the Commission of Inquiry recommendations*

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*The Risk Management Policy and Framework supports all work performed by Council and seeks to ensure that all risks to the Council Plan are identified, documented and managed appropriately to enable Council the best chance of success in delivering the Council Plan.*

### **EXECUTIVE SUMMARY**

This report is for Council approval of the updated *Risk Management Policy (Attachment [5.5.1])*, *Risk Management Framework* and the Risk Appetite Statement included within the Risk Management Framework.

### **RECOMMENDATION**

That Council:

1. Approves the Risk Management Policy {Attachment [5.5.1]}; and
2. Approves the Risk Management Framework (Attachment [5.5.2]); and
3. Approves the Risk Management Statement included in the Risk Management Framework.

**Administrator Brown moved a Motion different from the Recommendation.**

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. APPROVES THE RISK MANAGEMENT POLICY ATTACHMENT [5.5.1]; AND**
- 2. APPROVES THE RISK MANAGEMENT FRAMEWORK (ATTACHMENT [5.5.2]); AND**
- 3. APPROVES THE RISK APPETITE STATEMENT INCLUDED IN THE RISK MANAGEMENT FRAMEWORK, WITH ONE AMENDMENT TO THE FINAL SENTENCE, SO IT READS, '*THAT COUNCIL IS COMMITTED TO MAKING SUFFICIENT RESOURCES AVAILABLE TO FACILITATE EFFECTIVE RISK MANAGEMENT AND TO CONTROL RISKS TO ACCEPTABLE LEVELS*'.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda Item.](#)

## REPORT

### ***Council's Responsibility for Risk Management - Overview***

The responsibilities for Council in relation to Risk Management are set out in the Risk Management Framework and include:

- Setting the strategic direction and policy in relation to Risk Management, including determining risk appetite;
- Fostering and promoting a strong Risk Management Culture;
- Approving and periodically reviewing the Risk Management Framework and Risk Management Policy;
- Considering risk as an important element of Council's strategic planning and decision making processes;
- Providing sufficient oversight to ensure risk management is managed efficiently and effectively; and
- Receiving reports from the Audit and Risk Committee to ensure that strategic risks are being adequately managed.

### ***Risk Management Policy and Risk Management Framework Update***

A review has been conducted of Council's Risk Management Policy, Risk Management Framework and supporting processes, procedures and templates to ensure compliance with legislation and enable a consistent approach to risk management across Council. The review also aims to ensure best practice through compliance with AS/NZS ISO 31000:2018 – Risk management – principles and guidelines ('ISO 31000') (previously ISO 31000:2009).

The Risk Management Policy was last adopted by Council on 27 February 2019. The Risk Management Policy has been updated to reflect updates made in the ISO 31000 standards from the 2009 version to the 2018. The updated policy also removes reference to Council's internal Strategic Risk Committee, with the intention of this function being replaced and performed by the Executive Leadership Team. The updated Risk Management Policy has been provided at **(Attachment [5.5.1])**.

The updated Risk Management Framework **(Attachment [5.5.2])** sets out the guidelines, roles and responsibilities for managing and implementing a robust and compliant risk culture and practice throughout operations in Council. The updated Risk Management Framework is a complete re-write of the previous Framework and aligns with ISO 31000:2018.

### **Risk Appetite Statement**

Council is specifically responsible for determining the risk appetite statement included within the Risk Management Framework and is requested to formally approve this statement.

The general statement of Risk Appetite is proposed as:

*“Council is willing to take on a certain level of risk to pursue opportunities that benefit the community but not at the expense of its responsibilities to ethical leadership, regulatory compliance, health and safety, financial sustainability or environmental responsibility.*

*We recognise that our appetite for risk varies according to the activity undertaken, that acceptance of risk is subject always to ensuring that potential benefits and risks are fully understood before developments are authorised, and that sensible measures to mitigate risk are established.*

*Council faces a broad range of risks in relation to its operations. These risks include specific risks resulting from our purpose ‘To serve in the best interests of the whole Shire, delivering quality services and advocating for community needs’ along with the associated strategies and objectives to support this purpose. Risks associated with our operations are managed through detailed processes and procedures that emphasise the importance of integrity, quality and accountability.*

*Council is committed to making resources available to facilitate effective risk management and to control risks to acceptable levels.”*

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Risk Management Framework and Risk Management Policy have received feedback from the Executive Leadership Team and Audit and Risk Committee.

### **RESOURCES / FINANCIAL VIABILITY**

The Risk Management Framework and Risk Management Policy will be implemented by resources within existing budgets.

### **RISKS**

The Risk Management Policy and Risk Management Framework support the entire risk management function of Council. If these are not maintained to comply with current standards and implemented appropriately, the risk management function is at risk.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Risk Management Policy (C35) Draft [5.5.1 - 3 pages]
2. Risk Management Framework Draft [5.5.2 - 15 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk and Compliance

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Risk Management Framework (C35)

Risk Management Policy (C35)

### **Legislative Provisions**

Local Government Act 2020

## 5.6. APPOINTMENT CHAIR OF THE AUDIT AND RISK COMMITTEE

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*The Audit and Risk Committee acts as an advisory committee to Council overseeing and monitoring the integrity of internal risk and financial controls and other audit functions. This oversight strengthens the organisation's governance functions through scrutiny of operational practices, financial and performance management and control of risks.*

### **EXECUTIVE SUMMARY**

This report is to appoint the Chair for the Audit and Risk Committee for a 12-month period. Nominations from independent members of the Audit and Risk Committee interested in fulfilling the role of Chair were requested by officers.

Independent members of the Audit and Risk Committee consist of Mr Chris Badger, Mr Homi Burjorjee and Ms. Jen Johanson. Council have been advised of any nominations received.

### **RECOMMENDATION**

That Council appoints Independent Audit and Risk Committee Member, < insert name >, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2021 until the Council meeting in February 2022.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL APPOINTS INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER, MR CHRIS BADGER, AS CHAIR OF THE SOUTH GIPPSLAND SHIRE COUNCIL AUDIT AND RISK COMMITTEE FOR THE PERIOD FROM FEBRUARY 2021 UNTIL THE COUNCIL MEETING IN FEBRUARY 2022.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The Audit and Risk Committee (the Committee) is an advisory committee to Council, established under Section 53 of the *Local Government Act 2020 (Vic)*, with the purpose of supporting Council to discharge its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and controls, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

In accordance with the Audit and Risk Committee Charter, the Chairperson of the Committee must be an Independent member, will be appointed by Council and the term of the Chair is to be one (calendar) year. Independent members of the Audit and Risk Committee consist of Mr Chris Badger, Mr Homi Burjorjee and Ms. Jen Johanson.

Mr Chris Badger was appointed as current Chair of the Committee at the Ordinary Meeting of Council held on 26 August 2020 for the remainder of the 2020 Calendar year, following the resignation of the former Committee Chair.

Nominations from Independent members of the Audit and Risk Committee to be appointed as Chair for 2021 were requested at the Committee meeting held on 8 December 2020. Council have been advised of any nominations received.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nominations from Independent members of the Audit and Risk Committee to be appointed as Chair for 2021 were requested at the Committee meeting held on 8 December 2020.

No external community engagement or consultation was required or undertaken for this item.

## **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including indexation of fees) are made within Council's current and forward budgets.

## **RISKS**

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation.



## **STAFF DISCLOSURE**

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

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk and Compliance

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

Audit Policy (C55)

Risk Management Framework (C35)

Risk Management Policy (C35)

### **Legislative Provisions**

Local Government Act 2020

Local Government (General) Regulations 2015

Local Government (Planning and Reporting) Regulations 2015

## 5.7. AUDIT COMMITTEE MEETING – DECEMBER 2020 MINUTES

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

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

### **EXECUTIVE SUMMARY**

The draft minutes of the Audit and Risk Committee meeting held on 8 December 2020 (**Attachment [5.7.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

Mr Chris Badger (Audit Committee Chair)

Mr Homi Burjorjee

Ms Jen Johanson

Mr Rick Brown (Administrator member)

### **RECOMMENDATION**

That Council notes the draft Audit and Risk Committee Minutes – 8 December 2020 (Attachment [5.7.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL NOTES THE DRAFT AUDIT AND RISK COMMITTEE MINUTES – 8 DECEMBER 2020 (ATTACHMENT [5.7.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The matters considered by the Audit and Risk Committee at the 8 December 2020 meeting are contained in **Attachment [5.7.1]**.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Audit and Risk Committee Minutes for 8 December 2020 (**Attachment [5.7.1]**) have been circulated to the Audit and Risk Committee for feedback and will be formally accepted by the Committee at the next meeting.

## **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit Committee Members' attendance fees are included within Council's current and forward budgets.

## **RISKS**

Council must establish an Audit and Risk Committee under section 53 of the *Local Government Act 2020 (Vic)*. The Committee supports Council in discharging its oversight responsibilities as set out in the Audit and Risk Committee Charter, including risk management.

## **STAFF DISCLOSURE**

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

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk and Compliance

Pillar 8. Monitoring and Performance Review

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

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Audit Policy (C55)

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

### **Legislative Provisions**

Local Government Act 2020

## **5.8. INSTRUMENT OF DELEGATION – COUNCIL TO STAFF**

Performance and Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.*

### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an appointment for new staff members (Vera Burns and Laura Acreman) and acting Director Economic and Community Development duties for Allison Jones under the *Planning and Environment Act 1987*.

### **RECOMMENDATION**

**That Council resolves that, in the exercise of the powers conferred by s.224 of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Appointment and Authorisation (Attachments [5.8.1] [5.8.2.] [5.8.3] Instruments of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987:**

- 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;**
- 2. The Instruments of Appointment and Authorisation come into force immediately when the common seal of Council is affixed to the instruments 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; and**
- 3. The Instruments of Appointment and Authorisation be sealed.**

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 5.8, 5.9, 5.10 AND 5.11 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

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

New Instruments are presented for adoption for new employees (Vera Burns and Laura Acreman) recently recruited to positions within the Planning Services department. A new Instrument is also required for Director Allison Jones enabling Allison to fulfil the required duties as acting Director Economic and Community Development. The three Instruments are contained in **Attachments [5.8.1], [5.8.2] and [5.8.3]**.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. S11A Instrument of Appointment P E Act - Allison Jones - 24 February 2021 - to apply Council Seal **[5.8.1 - 1 page]**
2. S11A Instrument of Appointment P& E Act - Laura Acreman - 24 February 2021 - to apply Council Seal **[5.8.2 - 1 page]**
3. S11A Instrument of Appointment P& E Act - Vera Burns 24 February 2021 - to apply Council Seal **[5.8.3 - 1 page]**

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

## 5.9. POLICY REVIEW: USE OF COUNCIL LOGO (C50)

Chief Executive Office

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.2 Review and implement Council plans, policies and practices aligned with the Local Government Act 2020 and the Commission of Inquiry recommendations*

*This Policy articulates how and when the Council logo should be used. This helps to protect Council's reputation in the community and with its stakeholders.*

### **EXECUTIVE SUMMARY**

The objective of the *Use of Council Logo Policy (C50)* (Policy) contained in **Attachment [5.9.1]** is to establish guidelines for the use of the South Gippsland Shire Council logo. This Policy aims to ensure that Council's role in the community is clearly recognised and that its reputation is protected and enhanced through accurate and high-quality reproduction of its logo in all applications.

The Council logo must be used consistently and correctly when applied to any medium both within Council and by approved external groups and organisations. This includes, but is not limited to, use of Council's logo on internal and external publications, documents, advertisements, stationery, signage, vehicles, buildings, web devices and uniforms.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts *Use of Council Logo Policy (C50)* contained in Attachment [5.9.1].**
- 2. Publishes the Policy on Council's website.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 77.**

[Link to the next Agenda Item.](#)

## **REPORT**

The objective of this Policy is to establish guidelines for the use of the South Gippsland Shire Council logo. This Policy aims to ensure that Council's role in the community is clearly recognised and that its reputation is protected and enhanced through accurate and high-quality reproduction of its logo in all applications.

The Council logo must be used consistently and correctly when applied to any medium both within Council and by approved external groups and organisations. This includes, but is not limited to, use of Council's logo on internal and external publications, documents, advertisements, stationery, signage, vehicles, buildings, web devices and uniforms.

Council recognises that it is important to establish a framework for the use of its logo to ensure a consistent and professional image of Council is promoted publicly. This also minimises Council's exposure to poor publicity through inappropriate use of Council's logo. Any approved use of the logo will be in accordance with Council's Corporate Style Guide.

## **RISKS**

Inappropriate, unapproved use or misuse of the Council logo may result in damaging publicity to the image of Council. Protecting Council's image is one of Council's highest rated risks. Misuse leads to confusion and may damage the integrity of Council's brand.

The perception of Council within the community and to its stakeholders could also face risk of being compromised. Appropriate, approved and well-considered use of the Council logo is likely to result in positive outcomes for Council.

## **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: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Use of Council Logo Policy (C50) Draft [5.9.1 - 4 pages]

## **REFERENCE DOCUMENTS**

**Council's Good Governance Framework**  
Pillar 4. Structure, Systems & Policies



## **5.10. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 14 NOVEMBER 2020 TO 15 JANUARY 2021**

Performance & Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation.*

*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 14 November 2020 to 15 January 2021. Council's *Procurement Policy* 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.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 77.**

[Link to the next Agenda Item.](#)

## REPORT

### Documents Sealed

Under the *Local Government Act 2020* (the Act), section 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(f)(iv) – Common Seal of Council, states that if the Chief Executive 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.

'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 14 November 2020 to 15 January 2021.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 14 Anthony Avenue Venus Bay in relation to a develop land with a dwelling. Seal applied 18 November 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 33 Anita Crescent Venus Bay in relation to a develop land with a dwelling. Seal applied 18 November 2020.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 2 Coinda Court Waratah Bay in relation to a develop land with a dwelling. Seal applied 30 November 2020.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 63 Louis Road Venus Bay in relation to a develop land with a dwelling. Seal applied 2 December 2020.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 323 Cape Liptrap Road Tarwin Lower in relation to use and

development of land with a dwelling and group accommodation. Seal applied 22 December 2020.

6. Section 173 Agreement between South Gippsland Shire Council and the owner of 57 Bradley Avenue Venus Bay in relation to develop land with a dwelling. Seal applied 13 January 2021.

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

In accordance with Council's *Procurement Policy (C32)* 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 14 November 2020 to 15 January 2021.
  - a. CON/264-A for the Construction of Footpath and Kerb & Channel Renewals and Footpath Extensions was awarded to MACA Civil Pty Ltd. Signed by the CEO 24 November 2020.
  - b. CON/248-A for the Repair of Seven Landslips in the South Gippsland Region was awarded to MACA Civil Pty Ltd. Signed by the CEO 30 November 2020.
  - c. CON/266 for the Detailed Design and Documentation for Leongatha Early Learning Centre was awarded to Centrum Architects Pty Ltd. Signed by the CEO 08 December 2020.
  - d. CON/270 for the Foster Indoor Stadium Refurbishment was awarded to Becon Constructions (Aust) Pty Ltd. Signed by the CEO 22 December 2020.
2. Contracts awarded after a public tender process within the CEO's delegation between 14 November 2020 to 15 January 2021.
  - a. CON/268 for the Laptop Fleet Replacement was awarded to Computer Systems Australia Pty Ltd. Signed by the CEO 16 November 2020.
3. Contract variations approved by the CEO between 14 November 2020 to 15 January 2021.
  - a. CON/248-A for the Repair of Seven Landslips in the South Gippsland Region was awarded to MACA Civil Pty Ltd. The design for the slip repair had not taken account of the batter above the road which had

continued to mobilise over during the winter period. A Contract Variation of \$227,485.80 was approved by CEO after consultation with the Mayor on 08 December 2020.

4. Contract extensions approved by the 14 November 2020 to 15 January 2021.

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.

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

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

## **5.11. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 DECEMBER 2020 - 21 JANUARY 2021**

Performance & Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions 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*, aim 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 presentation 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 22 November 2020 and 21 January 2021.

### **RECOMMENDATION**

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

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 77.**

[Link to the next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Wednesday 25 November 2020</b>	
<b>Leongatha Railway Precinct</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Agenda Topic Discussion - Council Meeting 25 November 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 2 December 2020</b>	
<b>Planning Briefings</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Agenda Topic Discussion - Council Meeting 16 December 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Council Plan 2020-2024</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 9 December 2020</b>	
<b>Australia Day Awards Advisory Committee</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Economic Development and Visitor Economy Strategies</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Community Support Package</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 16 December 2020</b>	
<b>Discussion regarding potential funding applications</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed

<b>Meeting Title</b>	<b>Details</b>
<b>Agenda Topic Discussion - Council Meeting 16 December 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Community Engagement Policy</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>South Gippsland Heritage Project</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Leongatha Railway Precinct</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed

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

Pillar 3. Decision Making

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

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Public Participation in Meetings with Council Policy (C65)

Public Transparency Policy (C75)

#### **Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

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

## **7. ADMINISTRATOR REPORTS**

### **7.1. REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

### **7.2. ADMINISTRATORS UPDATES**

**Administrator Deputy Chair, Christian Zahra addressed Administrators by reporting on his attendance at the South Gippsland Citizen of the Year Awards conducted in January 2021. Administrator Zahra commented that it was a fantastic evening that celebrated remarkable local community achievers, he noted their devotion to their community and that they were rightly recognized by their peers, friends and family. The stories and examples of their works was a great inspiration to everyone present.**

**Administrator Rick Brown addressed Administrators by reporting on his attendance at the sod turning Ceremony to formally recognise the opening of the Nyora to Leongatha extension of the Great Southern Rail Trail. The ceremony was undertaken by Minister for Regional Development, Mary-Anne Thomas MP. The ceremony reflected the dedication of many, to see this vision come to fruition. The opening of this extension aims to benefit not only residents but visitors to the area for many years to come.**

**Administrator Chair, Julie Eisenbise addressed Administrators by reporting on:**

- Attendance at Municipal Association of Victoria (MAV) meetings with newly elected Councillors and Mayors.**
- Attendance at One Gippsland (formerly GLGN) meetings that undertake planning for the region, the Minister of Telecommunications also attended one of the meetings.**
- Attendance at Australia Day Citizenship Awards, and noted that it was wonderful to welcome new citizenships to our Municipality. Administrator Eisenbise commented on the breath of volunteer groups and community leaders who came together on this day, in person, some of them included the Scouts, Rotary, Municipal Band and Lions Club.**
- Impacts on local business due to COVID19 Pandemic restrictions and that Council have remained connected to help businesses throughout this time. Thank you to everyone for adhering to Government guidelines, next steps regarding the vaccination program will be welcome.**

### **7.3. COMMITTEE UPDATES**

**Nil**



## **8. URGENT OR OTHER BUSINESS**

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

### **1. Urgent Business**

Normally no motion should be debated by Administrators 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 26 August 2020, 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 Administrator 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 Administrator....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's Governance Rules 2020 (clause 22) will apply.

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

### **2. Other Business**

This provides an opportunity for Administrators to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

**Nil**

## **9. PUBLIC QUESTIONS**

### **9.1. PETITIONS AND JOINT LETTERS**

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by an Administrator. A petition presented to the Council must lay on the table until the next Council Meeting and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to an Administrator at a Public Presentation session speak briefly to its contents. At the following Council Meeting, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Administrator presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

**Nil**

## 9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Nil**

### 9.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Council Business 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.

Questions can also be submitted in hard copy format into the 'Public Question Box' during a Council Meeting on the prescribed form. 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: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Ms Penny Hamlett submitted written questions and responses are provided in these Minutes.**

**Question 1**

**What is the current status of the septic system at the Reserve [Franklin River]? Has the 8 month closure of the Reserve for camping proved the theory that no camping will ease pressure of the septic field, allowing it to return to its normal state or is the system just flawed in design and not even fit for purpose for its current restricted usage?**

**Response**

Council Officers have undertaken several inspections of the septic field since the reserve was closed to campers in June 2020. Their observations are that the field has improved significantly and further inspections are planned to monitor the site.

**Question 2**

**Press release PR2547 25/9/2020 “The reserve will be returned to its original use and will be open for day visitation.” History of the Franklin River Reserve – The site was originally reserved for the purpose of ‘Camping and Watering’ in the April of 1887, by the Commission of Crown Lands and Survey, John L Dow. What alternative document is Council referencing to support the position that camping was not an original use of this Crown Land?**

**Response**

The reserve has been used for a variety of purposes over the years. This comment is a reference to the reserve being returned to day visitor use, prior to Council decision in 2014.

**Question 3**

**Disability Action Plan 2018-2022 Action 3.3 Identify, improve and promote accessible opportunities for access to public open space, such as, local beaches, foreshores, recreation reserves and parks. How does a locked gate and now boulders improve and promote access to Franklin River Reserve as per Disability Action Plan 2018-2022 Action 3.3?**

**Response**

The purpose of limiting access in the short term is to change behaviour around use of the site for camping, particularly RV (Recreational Vehicle) camping. It is still available for day visitation, albeit with parking at the top of the reserve rather than the bottom. Council is currently exploring options for having the gate open during the day, and aims to update the community and signage at the site on this development within coming weeks.

**Ms Kathy Whelan submitted a written question and a response is provided in these Minutes.**

**Question 1**

**Minister D'Ambrosio's response to Mr Danny O'Brien's constituency question 4798 in November 2020 intimated that no Victorian Government funding will be available for the Agnes Falls viewing platform in the near future.**

**Will Council now change its ideological position, not to fund projects on crown land managed by Parks Victoria, and apply for Federal Government funding under the Building Better Regions Fund – Tourism Related Infrastructure Funding – Round Five, which closes on March 5?**

**Response**

Council is not in a position to fund projects on land that is managed by Parks Victoria at this time. Council is pursuing funding for its priority projects under the Building Better Regions program.

## 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)(a) Agenda item 12.3 and 12.4, designated as Council business information;
  - a. being information that would prejudice the Council's position in commercial negotiations if prematurely released; and
  - b. the relevant parties to the matter need to be communicated to prior to formal processes being undertaken.
2. Per s.3(1)(g) Agenda items 12.1 and 12.2, designated as private commercial information,
  - a. being information provided by a business, commercial or financial undertaking that –
    - i. Relates to trade secrets; or
    - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and

- b. grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**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)(a) AGENDA ITEM 12.3 AND 12.4, DESIGNATED AS COUNCIL BUSINESS INFORMATION;**
  - a. **BEING INFORMATION THAT WOULD PREJUDICE THE COUNCIL'S POSITION IN COMMERCIAL NEGOTIATIONS IF PREMATURELY RELEASED; AND**
  - b. **THE RELEVANT PARTIES TO THE MATTER NEED TO BE COMMUNICATED TO PRIOR TO FORMAL PROCESSES BEING UNDERTAKEN.**
  
2. **PER S.3(1)(g) AGENDA ITEMS 12.1 AND 12.2, DESIGNATED AS PRIVATE COMMERCIAL INFORMATION,**
  - a. **BEING INFORMATION PROVIDED BY A BUSINESS, COMMERCIAL OR FINANCIAL UNDERTAKING THAT –**
    - i. **RELATES TO TRADE SECRETS; OR**
    - ii. **IF RELEASED, WOULD UNREASONABLY EXPOSE THE BUSINESS, COMMERCIAL OR FINANCIAL UNDERTAKING TO DISADVANTAGE; AND**
  - b. **GROUND FOR DESIGNATION HAVE BEEN MADE AS THE INFORMATION IS DEEMED COMMERCIAL-IN-CONFIDENCE TO PROTECT THE PRIVACY OF THE CONTRACTORS, TENDER SCORES, AND TENDERED AMOUNTS SUBMITTED FOR CONSIDERATION.**

**CARRIED UNANIMOUSLY**



## **11. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 17 March 2021.

**The Council Meeting closed at 2.51pm.**

**Confirmed this**

**17<sup>th</sup> day of March 2021.**

**Administrator Chair, Julie Eisenbise**