

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

14 April 2021

Council Meeting No. 455
Council Chambers, Leongatha
Commencing at 1.00pm

Administrators

Julie Eisenbise, Chair
Christian Zahra, Deputy Chair
Rick Brown



agenda



*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

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the *Freedom of Information Act 1982*. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "*Sound Recording of Council Meetings*".

A copy of this Policy is located on Council's website www.southgippsland.vic.gov.au.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.455 of the South Gippsland Shire Council will be held on Wednesday 14 April 2021 in the Council Chambers, Leongatha commencing at 1.00pm

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

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.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

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

Thank you

1.2. WELCOME

Please ensure Mobile phones remain 'off' 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. While restrictions have now eased across the State, Council is able to open the meetings to include a limited public gallery in accordance with the guidelines of a COVID Safe Plan (the Plan). The Plan provides measures around physical attendance, mask wearing, recording attendance and other Pandemic safe measures whilst attending the Meeting.

Access to the live stream through Council's Internet is another available option to the 'open' component of a Council 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

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No.454 held virtually on Wednesday 17 March 2021, be confirmed.

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

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020 (the Act)*, Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor (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. Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

2. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

2.1. PROPOSED ANNUAL BUDGET 2021/22

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

The development of the Annual Budget and Annual Initiatives provides the resources to progress the achievement of the Strategic Objectives and Strategies in the 2020-2024 Council Plan.

EXECUTIVE SUMMARY

The Council Budget is a fundamental document for Council as it outlines our future financial and other resource planning to support delivery of the Council Plan. At its core, the Council Budget notes our aspirations for the year ahead – how we intend to serve the community with the services and facilities that Council provides. The budget incorporates community feedback and input about future community priorities.

New provisions in the *Local Government Act 2020* (the Act) require councils to take an integrated approach to strategic planning and reporting. This includes the development of a number of individual Plan elements, including a Financial Plan of at least ten years.

This report references the Act:

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

This report recommends that Council formally prepare the Proposed Annual Budget 2021/22 (Proposed Budget) and Proposed Financial Plan in accordance with s.91, s.94 and 96 of the 2020 Act and advertise it for community consultation. As part of the new requirements under the Act, the Proposed Budget encompasses the 2021/22 financial year and the following three years.

It should be noted that *The Local Government (South Gippsland Shire Council) Act 2019* provides for a general election of Councillors to be held October 2021, and adopt a Council Plan in the year following that election, and as such the

forward look budgets in this document may change for the years following the election.

The annual review of the 2020-2024 Council Plan (Council Plan) has been completed. No changes are required to the Strategic Objectives or Strategies. As a result, the Council Plan does not require a further consultation process this year. The 2021/22 Annual Initiatives, to progress the Council Plan, are incorporated in the Proposed Budget. The assignments of 'Measures of Success' have been modified slightly to align to the current organisational structure and a few have been amended slightly to enhance their effectiveness as a measurement indicator. These adjustments, if adopted, will be included in the 2020-2024 Council Plan – June 2021.

RECOMMENDATION

That Council:

- 1. Endorses the Proposed 2021/22 Budget contained in Attachment [2.1.2], pursuant to s.96 of the *Local Government Act 2020*;**
- 2. Endorses the Proposed Financial Plan contained in Attachment [2.1.1], pursuant to s.91 of the *Local Government Act 2020*;**
- 3. Acknowledges adjustments may be required to the Proposed 2021/22 Budget and Proposed Financial Plan prior to final adoption;**
- 4. Notes that the annual review of the 2020-2024 Council Plan has been completed, the Objectives and Strategies remain unchanged and therefore a consultation process is not required;**
- 5. Notes that the four-year Strategic Resource Plan will be removed from the 2020-2024 Council Plan as the four-year financial details are captured within the Proposed 2021/22 Budget in accordance with s. 94 of the *Local Government Act 2020*;**
- 6. Adopts and include the three revised administrative and efficacy adjustments to the 'Measures of Success' in the 2020-2024 Council Plan;**
- 7. Approves commencement to invite public submissions on the Proposed Budget 2021/22 and Proposed Financial Plan including the proposed Annual Initiatives, pursuant to ss.91, 94 and 96 of the *Local Government Act 2020*.**
- 8. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID19 Pandemic;**

- 9. Gives public notice on Thursday 15 April 2021 and on Council's website of the Proposed Budget 2021/22 and Proposed Financial Plan, incorporating the proposed Annual Initiatives for 2021/22, in accordance with ss.91, 94 and 96 of the *Local Government Act 2020* and commences a public consultation process inviting written submissions from the community on the Proposed Budget 2021/22 and Proposed Financial Plan by 5.00pm on Monday 17 May 2021;**
- 10. The public notice on Thursday 15 April 2021, incorporates that:**

 - a. The Proposed Budget 2021/22 and Proposed Financial Plan has been prepared;**
 - b. Copies of the Proposed Budget 2021/22 and Proposed Financial Plan together with information prescribed by the Local Government (Planning and Reporting) Regulations 2020, is available for inspection on Council's website www.southgippsland.vic.gov.au, between 15 April 2021 and 17 May 2021;**
 - c. People that do not have internet access may request a hard copy of the Proposed Budget and Proposed Financial Plan by contacting the Council on 03 5662 9200;**
 - d. A person proposing to make a budget submission must do so by 5.00pm on Monday 17 May 2021. Late submissions will not be considered by Council;**
 - e. Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council;**
 - f. Submissions preferred may be made via an online form on Council's website;**
 - g. Submissions may be sent via email for the Proposed Budget 2021/22 and Proposed Financial Plan to submission@southgippsland.vic.gov.au;**
 - h. All formal written submissions will be considered;**
 - i. Any person making a written submission is required to state in their submission(s) if he or she wishes to speak to their submission, or be represented by a person specified in their submission(s), at an open meeting to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID19 Pandemic;**

- j. **Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the budget submissions;**
 - k. **Individuals concerned with the use and public disclosure of their personal details are required to email submission@southgippsland.vic.gov.au and/or contact the Finance Unit prior to submitting their submission, or by 5.00pm on Monday 17 May 2021 to discuss concerns;**
 - l. **The hearing of submissions is at an Open Hearing on 2 June 2021, the location which will be in accordance with any COVID19 Pandemic restrictions; and**
 - m. **Following consideration of the submissions, Council may or may not amend the Proposed Budget 2021/22 and Proposed Financial Plan.**
11. **Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing; and**
12. **Calls for an Additional Meeting of Council to be called for Wednesday 23 June 2021 at 1.00pm in the Council Chambers, Michael Place Leongatha for the final Budget 2021/22 and Financial Plan be presented to Council for adoption.**

REPORT

Implementation

The tabled Proposed Budget 2021/22 document in **Attachment [2.1.2]** is the Budget for the purposes of preparing a budget under s.96 of *the Act*.

The Proposed Budget follows the Better Practice Guidelines and Model Budget issued by Local Government Victoria (LGV) in accordance with the *Local Government (Planning and Reporting) Regulations 2020*.

The tabled Proposed Financial Plan document in **Attachment [2.1.1]** is the Financial Plan for the purposes of preparing a Financial Plan under s.91 of *the Act*.

The Proposed Financial Plan follows the Better Practice Guidelines and Model Budget issued by Local Government Victoria (LGV) in accordance with the *Local Government (Planning and Reporting) Regulations 2020*.

The annual review of the 2020-2024 Council Plan (Council Plan) has been completed. No changes are required to the Strategic Objectives or Strategies. As

a result, the Council Plan does not require a further consultation process this year.

The 2021-2022 Annual Initiatives, to progress the Council Plan, are incorporated in the Proposed Budget. The assignments of 'Measures of Success' have been modified slightly to align to the current organisational structure and a few targets have been amended slightly to enhance their effectiveness as a measurement indicator. If adopted, these will updated in the 2020-2024 Council Plan – June 2021, once the Annual Initiatives are finalised. The 'Measure of Success' indicator targets modified are:

Original Measure	Original Target	Modified Measure /Target
<p>Objective 1</p> <p>The effectiveness of Council and Community partnerships will be measured by the quality of community projects supported financially by Council through the Community Grants Program</p>	<p>All community grants funded will require a minimum ranking of 8 out of 10</p>	<p>All Community Grants recommended to Council for funding will require a minimum of 70% of the maximum possible assessment score.</p> <p><i>{The original target does not align with the modified ranking method currently used for the assessment of Community Grants and either denies Council from considering grants that would fall outside this target but would otherwise meet a clear community need, or would be unable to differentiate if all received 8 out of 10.}</i></p>
<p>Objective 1</p> <p>The effectiveness of the Community Leadership Development Program will be measured by the</p>	<p>Minimum of 75 participants with broad representation from</p>	<p>Minimum of 75 participants with broad representation from</p>

Original Measure	Original Target	Modified Measure /Target
number of participants actively engaged in the Program and the representation across the Shire	across the Shire per annum. (Note this is a two year initiative.)	across the Shire per annum. (Note this is a two-year initiative and also includes participants from the Youth Leadership Program.) <i>{Provides greater clarity regarding the Program}</i>
Objective 2 Time taken to decide planning applications	Aim to reduce the number of days from the 2019/20 baseline of 72 days, to equal to or less than 60 days by June 2024	Aim to reduce the number of days from the 2019/20 baseline of 77 days, to equal to or less than 60 days by June 2024. <i>{An Administrative correction required to the baseline}</i>

Council is inviting submissions to the Proposed Budget 2021/22 and Proposed Financial Plan and an opportunity to speak to submissions will be provided to submitters upon request. Any written submission will be considered by Council before the adoption of the Budget and Financial Plan.

A public hearing of submitters who wish to speak will be held, subject to actions required under Council's Business Continuity Plan relating to COVID-19 Pandemic.

Council may endorse the Proposed Budget 2021/22 (**Attachment [2.1.1]**) and Proposed Financial Plan (**Attachment [2.1.2]**) as presented or consider any further amendments, prior to the commencement of the public consultation period.

CONSULTATION / COMMUNITY ENGAGEMENT

Council will consider community feedback in the adoption of the Budget and Financial Plan. A number of engagement activities will be provided during the submission period to inform and consult with the community.

Further public consultation will be undertaken through formal written submissions to be conducted from 15 April to 17 May 2021.

RESOURCES / FINANCIAL VIABILITY

The Budget is the primary document of Council that identifies the resources needed to carry out Council's functions and meet its objectives. These resources include cash, infrastructure, property, plant and equipment, and people. The Financial Plan provides an outlook of Council's financial position for at least the next ten years.

RISKS

One of the principles of sound financial management under Division 4 of *the Act* is that Council manages financial risks prudently, having regard to economic circumstances. Council's Audit and Risk Committee regularly considers reports in relation to Council's strategic risks.

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

Council is required to manage the requirements imposed for self-distancing and limiting personal interaction with others during the COVID-19 Pandemic. These restrictions have created challenges for Council in meeting legislative requirements of the Act for 'open' meetings of Council and Delegated Committees.

Council will determine the most appropriate method for hearing submissions to the budget in line with Council's COVID safe plan and any restrictions that apply at that time. Those submitters wishing to be heard will be contacted closer to the date to confirm arrangements for submissions to be heard 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

1. Proposed Financial Plan 2021/22 - 2030/31 [2.1.1 - 20 pages]
2. Proposed Budget 2021/22 [2.1.2 - 85 pages]

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website: www.southgippsland.vic.gov.au

Long-Term Financial Strategies

Proposed Budget 2021/22

Proposed Financial Plan

Council Plan 2020-2024

Legislative Provisions

Local Government Act 2020

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NIL

4. ADMINISTRATOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. ADMINISTRATORS UPDATES

4.3. COMMITTEE UPDATES

5. 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.

6. PUBLIC QUESTIONS

6.1. 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.

6.2. 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

6.3. 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.

7. CLOSED SESSION

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

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

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

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

RECOMMENDATION

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

1. **Per s.3(1)(g) Agenda item 9.1, 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.**

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 21 April 2021 commencing at 1pm in the Council Chambers, Leongatha.