

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

21 April 2021

**Council Meeting No. 456**  
**Council Chambers, Leongatha**  
**Commenced at 1.00pm**

**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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## PRESENT

<b>ADMINISTRATORS:</b>	Julie Eisenbise, Administrator Chair Christian Zahra, Administrator Deputy Chair Rick Brown, Administrator
<b>NOT PRESENT:</b>	Kerryn Ellis, Chief Executive Officer
<b>OFFICERS:</b>	Anthony Seabrook, Director Sustainability Infrastructure Allison Jones, Director Performance and Innovation Renaë Littlejohn, Director Economy and Community Development Tracey Costello, Manager Governance Natasha Berry, Corporate and Council Business Officer

## SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No.456  
 Wednesday 21 April 2021 in the Council Chambers, Leongatha  
 Commenced 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**

**Kerryn Ellis, Chief Executive Officer**

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

#### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting No. 455, held on 14 April 2021 in the Council Chambers, Leongatha be confirmed.**

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL MEETING NO. 455, HELD ON 14 APRIL 2021 IN THE COUNCIL CHAMBERS, LEONGATHA 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.

**Ms Kerry Ellis, Chief Executive Officer has declared a material interest in Agenda Item 11.1. PERSONAL INFORMATION, as the matter relates directly to her role.**

## 2. OBJECTIVE 1 - UNITED SHIRE

### 2.1. ESTABLISHMENT OF MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE - EMERGENCY MANAGEMENT LEGISLATION AMENDMENT ACT 2018

Economic and 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*

*Council plays an important role in emergency management, both in partnership with other agencies, and through its own legislated emergency management obligations. Changes to legislation mean changes to Council's role in municipal emergency management planning.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to outline changes to the *Emergency Management Legislation Amendment Act 2018* (EMLA Act) from 1 December 2020, that impact on the *Emergency Management Act 2013* (EM Act 2013) and subsequently Council's role in municipal emergency management planning.

The report recommends that Council authorise the Chief Executive Officer (CEO) to facilitate the establishment of a Municipal Emergency Management Planning Committee (MEMPC) in accordance with the provisions of s.68 of the EMLA Act.

The new MEMPC will be responsible for integrated emergency management planning for South Gippsland including mitigation for fires and other emergencies. The proposed changes will bring consistency to state, regional and municipal planning.

#### **RECOMMENDATION**

That Council:

1. Notes that changes to the emergency management planning arrangements required by the *Emergency Management Legislation Amendment Act 2018* have come into effect;
2. Authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s.21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions are repealed by s.82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the

provisions of s.68 of the *Emergency Management Legislation Amendment Act 2018*;

3. Writes to all member agencies of the MEMPC established under section 21(3)-(5) of the *Emergency Management Act 1986*, making them aware of these changes and thanking them for their involvement and contribution to the Committee;
4. Authorises the Chief Executive Officer to facilitate the establishment of the Municipal Emergency Management Planning Committee (MEMPC) in accordance with the provisions of s.68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020); and
5. Notes that Council's role is to establish the Committee. Once established, the Committee exists separately to Council and is not a Committee of Council.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. NOTES THAT CHANGES TO THE EMERGENCY MANAGEMENT PLANNING ARRANGEMENTS REQUIRED BY THE *EMERGENCY MANAGEMENT LEGISLATION AMENDMENT ACT 2018* HAVE COME INTO EFFECT;**
- 2. AUTHORISES THE DISESTABLISHMENT OF THE EXISTING MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC) ESTABLISHED UNDER S.21(3)-(5) OF THE *EMERGENCY MANAGEMENT ACT 1986*, IN RECOGNITION THAT ON 1 DECEMBER 2020 THESE PROVISIONS ARE REPEALED BY S.82(2) OF *THE EMERGENCY MANAGEMENT LEGISLATION AMENDMENT ACT 2018* AND REPLACED BY THE PROVISIONS OF S.68 OF THE *EMERGENCY MANAGEMENT LEGISLATION AMENDMENT ACT 2018*;**
- 3. WRITES TO ALL MEMBER AGENCIES OF THE MEMPC ESTABLISHED UNDER SECTION 21(3)-(5) OF THE *EMERGENCY MANAGEMENT ACT 1986*, MAKING THEM AWARE OF THESE CHANGES AND THANKING THEM FOR THEIR INVOLVEMENT AND CONTRIBUTION TO THE COMMITTEE;**
- 4. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO FACILITATE THE ESTABLISHMENT OF THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC) IN ACCORDANCE WITH THE PROVISIONS OF S.68 OF THE *EMERGENCY MANAGEMENT LEGISLATION AMENDMENT ACT 2018* (WHICH INSERTS A NEW 'PART 6-MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEES' INTO THE *EMERGENCY MANAGEMENT ACT 2013* ON 1 DECEMBER 2020); AND**
- 5. NOTES THAT COUNCIL'S ROLE IS TO ESTABLISH THE COMMITTEE. ONCE ESTABLISHED, THE COMMITTEE EXISTS SEPARATELY TO COUNCIL AND IS NOT A COMMITTEE OF COUNCIL.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

South Gippsland Shire Council plays a vital role in emergency management, both in partnership with other agencies, and through its own legislated emergency management obligations. Councils are not emergency response agencies but do have a long-established role in providing support to response agencies as well as coordinating relief and recovery support for the community.

South Gippsland Shire Council fulfils its emergency management responsibilities by having plans, people and processes in place to effectively perform our role in response to significant emergency incidents that might impact on our community and visitors.

Until now Council's key emergency management planning responsibilities have come from Part 4 of the *Emergency Management Act 1986* (EM Act 1986), which has required Council to:

- Establish a MEMPC; and
- Facilitate the development and maintenance of the MEMP by the MEMPC, for consideration and adoption by Council.
- Allow the audit of the Municipal Emergency Management Plan (MEMP).

Emergency Management Victoria is leading a program of reform to Victoria's emergency management arrangements which includes amendments to the *EM Act 2013*. The *EMLA Act* amended the *EM Act 2013* and various other Acts to establish a new integrated and coordinated framework for emergency management planning at state, region and municipal levels.

On 1 December 2020 the previous provisions relating to Council's emergency management planning responsibilities were repealed by s.82(2) of the *EMLA Act*. s.68 of the *EMLA Act* inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *EM Act 2013* and from 1 December 2020, emergency management planning responsibilities of Council now come primarily from s.59 of the *EM Act 2013*, which requires:

- Establishment of the MEMPC through a resolution of Council;
- The CEO or a senior officer of Council to chair the MEMPC; and
- Council to participate in the preparation and maintenance of a Municipal Emergency Management Plan (MEMP) through the MEMPC.

Under s.59F of the *EM Act 2013*, South Gippsland Shire Council will establish a MEMPC and in doing so, transfer responsibility for municipal emergency management planning from Council to the multi-agency MEMPC.

Council's role is to establish the MEMPC Committee, once established, the Committee exists separately to Council and is not a Committee of Council. The MEMPC will report to and be accountable to the Gippsland Regional Emergency Management Planning Committee and not to South Gippsland Shire Council.

As required under s.59B(1) of the *EM Act 2013* the CEO has identified the Manager Community Safety as the chairperson of the newly formed MEMPC with Council continuing to provide secretariat support to the Committee.

This shift of responsibility highlights the intent of emergency management planning reform which supports emergency management planning as an integrated, multi-agency and collaborative effort. All participating agencies are required to contribute their expertise and resources to municipal emergency management planning.

Council currently has an active MEMPC formed under the *EM Act 1986*, consisting of representatives from Council, State Emergency Service, Country Fire Authority, Victoria Police, Red Cross, Department of Health and Human Services, Regional Roads Victoria (VicRoads), Parks Victoria, Gippsland Ports, Salvation Army and Victorian Council of Churches as well as a Councillor and other organisations and agencies involved in response, relief and recovery activities in the community.

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

The current MEMPC have been kept up to date with these legislative changes at meetings during 2020. At the February 2021 MEMPC meeting a detailed presentation was provided in relation to how the changes will impact on the structure of the new Committee and ongoing responsibilities of MEMPC members. The *EM Act 2013* sets out a legislated core membership for the South Gippsland MEMPC:

- Municipal Council appointed representative (Chair);
- Victoria Police;
- Country Fire Authority;
- Ambulance Victoria;
- Victoria State Emergency Service;
- Australian Red Cross;

- Department of Health and Human Services;
- At least one community representative;
- At least one recovery representative; and
- At least one other representative (for example, industry, business or additional agency).

As soon as Council passes the resolution the MEMPC is considered established and can start meeting as a Committee. The additional core representatives (community, recovery, other) will be identified by the legislated core members (Council, Victoria Police, Country Fire Authority etc) and invited to join the MEMPC.

Core members will have one vote on any matter decided by the committee, and member representation must be provided at the appropriate level, with the authority to commit resources and make decisions on behalf of their organisation.

Legislated core members of the South Gippsland MEMPC may request that Council continue to provide a Councillor to fulfil the role of community representative on the Committee.

Additional agencies who will support emergency planning in South Gippsland as non-voting members will be identified based on current MEMPC membership, and any additional agencies identified through the risk assessment and emergency planning process.

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

There are no financial implications identified, all costs associated with implementing the proposed recommendations are included in current budgets.

#### **RISKS**

The *EMLA Act* creates an obligation for a MEMPC to be established in South Gippsland by Council. Council is required to do this as soon as possible after 1 December 2020 and to confirm compliance with the legislation by 30 April 2021.

Council officers will facilitate a smooth transition to the new MEMPC making sure voting and non-voting members understand their role and how important it is to continue to engage with municipal emergency management planning for South Gippsland.

The new MEMPC will be required to develop an updated MEMPC for South Gippsland by August 2021 in line with the plans three-year review cycle. The Plan will be put through a new assurance process where the MEMPC will be

responsible for ensuring the plan complies with the new emergency management planning framework before it is provided to the Gippsland Regional Emergency Management Planning Committee for final approval.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

Nil

### **REFERENCE DOCUMENTS**

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

- Pillar 1. Direction and Leadership
- Pillar 2. Culture and Behaviour
- Pillar 3. Decision Making
- Pillar 4. Structure, Systems and Policies
- Pillar 6. Capability
- 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)*

- Council Plan 2020-2024
- Municipal Emergency Management Plan
- Municipal Public Health and Wellbeing Plan
- South Gippsland's Good Governance Framework

#### **Legislative Provisions**

- Country Fire Authority Act 1958
- Crown Land (Reserves) Act 1978
- Emergency Management Act 1986
- Environment Protection Act 1970
- Environment Protection Act 1994
- Planning and Environment (Planning Schemes) Act 1996
- Planning and Environment Act 1987
- Water Act 1989
- Public Health and Wellbeing Regulations 2019
- Emergency Management Legislation Amendment Act 2018
- Emergency Management Act 2013



## **2.2. MUNICIPAL ASSOCIATION OF VICTORIA (MAV) - STATE COUNCIL MEETING NOTICE OF MOTION**

Executive Office

### **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*

*Objective 2 - Economic Prosperity*

*The motion being proposed to the MAV State Council addresses concerns for reimbursements sought to assist with natural disasters. Councils responses to natural disasters have a direct impact on the health, safety and well-being of the community and a longer-term impact on the economic prosperity of the municipality.*

### **EXECUTIVE SUMMARY**

The Municipal Association of Victoria (MAV) will hold its State Council Meeting on Friday 21 May 2021. Each council in Victoria has the opportunity to lodge Notices of Motion that have a state-wide significance to local government, for the MAV members to consider.

The following Motion, if supported by Council, is proposed to be submitted to address the MAV Member Priority of Climate Change and Emergency Management:

*That the MAV State Council make representation on behalf of all Councils to the State Government, to reduce the extensive burden of evidence required for the payment of claims and ability to tender for works, thereby expediting the process for Council's to receive reimbursement to respond to natural disasters.*

The Administrators Chair, Julie Eisenbise is Council's appointed MAV representative and can vote for or against motions at the Meeting on behalf of Council. If supported Council's response will be provided to the MAV by 5.00pm on Friday 23 April 2021 in order to meet its agenda deadline. Early motions received by Thursday 15 April will be distributed earlier to MAV representatives.

### **RECOMMENDATION**

That Council endorse the Notice of Motion to the Municipal Association of Victoria's (MAV) State Council on or before Friday 21 May 2021: 'That the MAV State Council make representation on behalf of all Councils to the State Government, to reduce the extensive burden of evidence required for the payment of claims and ability to tender for works, thereby expediting the

process for Council's to receive reimbursement to respond to natural disasters.'

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL ENDORSE THE NOTICE OF MOTION TO THE MUNICIPAL ASSOCIATION OF VICTORIA'S (MAV) STATE COUNCIL ON OR BEFORE FRIDAY 21 MAY 2021:**

**'THAT THE MAV STATE COUNCIL MAKE REPRESENTATION ON BEHALF OF ALL COUNCILS TO THE STATE GOVERNMENT, TO REDUCE THE EXTENSIVE BURDEN OF EVIDENCE REQUIRED FOR THE PAYMENT OF CLAIMS AND ABILITY TO TENDER FOR WORKS, THEREBY EXPEDITING THE PROCESS FOR COUNCIL'S TO RECEIVE REIMBURSEMENT TO RESPOND TO NATURAL DISASTERS.'**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Each year councils have the opportunity to put forward Notices of Motion relating to matters of strategic and preferably state-wide significance to local government for consideration at the MAV State Council meeting.

As decisions of the MAV State Council constitute policy directions of the MAV and remain active until the issue is resolved, motions should relate to either new, or variations to, existing policy directions, including those identified in the *MAV Strategic Plan 2019-21* (Strategic Plan adopted at the May 2019 State Council Meeting). The Strategic Plan identifies nine MAV Member Priorities:

1. Financial Sustainability
2. Waste & Resource Recovery
3. Government Relations
4. Transport & Infrastructure
5. Societal & Social Policy Changes
6. Planning & Building
7. Business & Digital Transformation
8. Climate Impacts & Emergency Management
9. Population Change

The Motion proposed for Council's consideration addresses the MAV Member Priority of 'Climate Change and Emergency Management'.

Should the Motion be carried at the State Council Meeting MAV will then make representations on behalf of Local Government to the State and Federal Governments as appropriate to advocate for these matters.

It is recommended that Council lodges the proposed Notice of Motion to the MAV State Council:

*That the MAV State Council make representation on behalf of all Councils to the State Government, to reduce the extensive burden of evidence required for the payment of claims and ability to tender for works, thereby expediting the process for Council's to receive reimbursement to respond to natural disasters.*

The rationale that underpins this Motion includes:

1. The hurdles required to satisfy State Government auditing requirements is excessive and is often so resource intensive and rigorous that

council's do not submit claims for natural disaster recoveries, that they should be reimbursed for.

2. The extent of documentation and evidence required to support the estimate of claims is onerous to collect and collate, often requiring photos of the areas prior to the natural disaster. This level of evidence is not always available.
3. The time taken for approval for emergency works estimates suffers serious delays. Approvals take many months to be processed, placing real constraints on undertaken crucial works.
4. The reimbursements will only be made to the current standard of the asset, prior to the natural disaster. If claims could provide for an improved level of asset replacement, there would be better outcomes and longer-term costs savings for communities.

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

Due to the late development of this Motion, discussions have not been made with representatives from other councils that may be impacted in the same manner South Gippsland has been affected.

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

There are no resource implications to Council if this Notice of Motion is endorsed.

#### **RISKS**

If Council does not endorse this Motion the financial and resource pressure on Councils affected by natural disasters will remain.

This maintains a significant financial and resource implication for Council and the wider local government sector.

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

Pillar 6. Capability

Pillar 7. Risk & Compliance

### **Council Policy**

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

Risk Management Policy (C35)

### **Legislative Provisions**

Local Government Act 2020

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

#### **3.1. PROM COUNTRY REGIONAL TOURISM (PCRT) - UPDATE APRIL 2021**

Economic and Community Development

##### **Council Plan**

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

*Presentation of Draft Economic Development and Tourism Strategies by 30 June 2021 are included as Council Plan Annual Initiatives for 2020/21, Prom Country Regional Tourism is part of this process.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to outline the process that has been completed to cancel the incorporation of Prom Country Regional Tourism Inc. (PCRT). All of the actions outlined in this report have been completed in accordance with the original intention to “wind up” PCRT by the Committee members (Committee).

The actions taken have been completed in consultation with Consumer Affairs Victoria (CAV) and independent advice.

The final action in this process is to present this report to Council.

##### **RECOMMENDATION**

That Council:

- 1.** Acknowledges the process that has been undertaken to complete the cancellation of the incorporation of Prom Country Regional Tourism Inc. (PCRT);
- 2.** Notes that Prom Country Regional Tourism Inc. has been cancelled as confirmed by Consumer Affairs Victoria (Attachment [3.1.5]); and
- 3.** Considers and makes public Resolution 3 of Council for item 10.2 from the Confidential Minutes - Ordinary Council Meeting No 443 – 25 March 2020, contained within Confidential Attachment [12.2.1] of this report, in the Council Meeting Minutes 21 April 2021.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **ACKNOWLEDGES THE PROCESS THAT HAS BEEN UNDERTAKEN TO COMPLETE THE CANCELLATION OF THE INCORPORATION OF PROM COUNTRY REGIONAL TOURISM INC. (PCRT);**
2. **NOTES THAT PROM COUNTRY REGIONAL TOURISM INC. HAS BEEN CANCELLED AS CONFIRMED BY CONSUMER AFFAIRS VICTORIA (ATTACHMENT [3.1.5]); AND**
3. **CONSIDERS AND MAKES PUBLIC RESOLUTION 3 OF COUNCIL FOR ITEM 10.2 FROM THE CONFIDENTIAL MINUTES - ORDINARY COUNCIL MEETING NO 443 – 25 MARCH 2020, CONTAINED WITHIN CONFIDENTIAL ATTACHMENT [12.2.1] OF THIS REPORT, IN THE COUNCIL MEETING MINUTES 21 APRIL 2021.**

**CARRIED UNANIMOUSLY**

**Action from Resolution No.3 of this Minute to include 'Resolution No.3 from Confidential Attachment [12.2.1] - Confidential Minutes from Ordinary Council Meeting 25 March 2020' has been included below:**

3. **ALSO RECORDS ITS WILLINGNESS TO:**
  - a. **MEET ANY OUTSTANDING FINANCIAL LIABILITIES OF PCRT UP TO AN AMOUNT OF \$15,000; AND ALSO**
  - b. **MEET THE REASONABLE COSTS ASSOCIATED WITH THE WIND UP OF PCRT**

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

## REPORT

In 2003, Prom Country Regional Tourism Inc (PCRT) was established as the local tourism board for South Gippsland. For 16 years, with the financial support of Council, PCRT's key focus areas included marketing, industry development, and advocating on behalf of the tourism industry.

In 2019, the PCRT committee met with Destination Gippsland (DGL) and agreed on a marketing plan to the value of \$35,000 to promote South Gippsland through partnership marketing, social media campaigns and billboard advertising.

Shortly after this arrangement with DGL, the industry members of PCRT's Committee flagged their intention to "wind up" the organisation (refer to the Prom Country Regional Tourism Inc Notice of Special General Meeting in **Redacted Attachment [3.1.1]**). However, before undertaking the winding-up process, and without notice to Council, all of the industry-based Committee members resigned leaving only two Council representatives on the Committee (**Confidential Attachment [12.1.1]**).

Due to the intention of the PCRT industry Committee members to "wind up" the organisation, it was decided that Council take independent legal advice on the steps that needed to be taken to give effect to this.

At the 18 December 2019 Ordinary Meeting Council, it was resolved:

*"That Council:*

- 1. Seeks independent advice as to how to best manage the associated entity known as Prom Country Regional Tourism, its assets and creditors;*
- 2. Consults with Consumer Affairs Victoria about how to manage Prom Country Regional Tourism when it may not have a quorum of active Committee members; and*
- 3. Receives a further report on Prom Country Regional Tourism at its Ordinary Meeting on 26 February 2020."*

Since that time, Council has taken the following actions:

1. Independent legal advice was received to complete the cancellation of PCRT;
2. Resolve outstanding liabilities and receive final financial statements for 1 July 2020- 8 September 2020 (noting that the remaining funds of \$8,100 was returned to Council) refer to **Attachment [3.1.3]**.



3. Complete requirements based on independent legal advice and Consumer Affairs Victoria (CAV) to cancel PCRT. The application to Consumer Affairs Victoria is contained in **Attachment [3.1.4]**; and
4. Provide notification to Council through this report that PCRT was cancelled in the letter from the Department of Justice and Community Safety dated 2 December 2020. **Attachment [3.1.5]**.

To this end, the Prom Country Regional Tourism Inc (PCRT) has now expired.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Council has received and considered independent legal advice. Consumer Affairs Victoria (CAV) has been consulted in regards to the matter. Information from both sources has guided Council through the process.

### **RESOURCES / FINANCIAL VIABILITY**

Council facilitated an orderly cancellation of PCRT in order for PCRT to meet any outstanding financial liabilities.

PCRT provided Council with a profit and loss statement from July 2019 to June 2020 refer to redacted **Attachment [3.1.2]**.

PCRT provided a final balance sheet as at 6 May 2020 which shows total equity of \$5,768 (**Attachment [3.1.6]**).

Note that there is a financial gap between the total equity of 6 May 2020 and the financial report at the end of the cancellation process from 1 July 2020 to 8 September 2020 **Attachment [3.1.3]**. This is addressed within the Confidential Minutes of Meeting No. 443, **Confidential Attachment [12.2.1]**. It is proposed that the resolutions of Council from these Minutes be made public in the Minutes of today's Council Meeting.

### **RISKS**

As Council had the only two remaining active Committee members, Council determined to seek independent legal advice as to how best to cancel PCRT. This was undertaken to mitigate risks of inadequate Cancellation of the Incorporation, that may have exposed Council to unnecessary risks in the longer term.

### **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. Notice of Special General Meeting - Prom Country Regional Tourism Incorporated [3.1.1 - 2 pages]
2. Prom Country Regional Tourism - Financial Statements July 2019 to June 2020 [3.1.2 - 9 pages]
3. Prom Country Regional Tourism - Financial Statements 1 July 2020 to 8 September 2020 [3.1.3 - 8 pages]
4. Application for cancellation of incorporation [3.1.4 - 3 pages]
5. Voluntary deregistration notice - Prom Country Regional Tourism Incorporated [3.1.5 - 1 page]
6. Balance Sheet [3.1.6 - 1 page]

## CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

**Confidential Attachment [12.1.1]** – Resignations from Prom Country Regional Tourism Executive Committee is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (g) - private commercial information, 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.

The grounds for designation have been made as the information contained would result in the unreasonable disclosure of information about any person or their personal affairs if released and information contained if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**Confidential Attachment [12.2.1]** – Confidential Minutes of Meeting No. 443

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*, s.3(1)(e) - legal privileged information, being information to which legal professional privilege or client legal privilege applies (f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made as the information contained is considered to be legal professional privilege and would also result in the unreasonable disclosure of information about any person or their personal affairs if released and information contained if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

Pillar 7. Risk & Compliance

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

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

Economic Development and Tourism Strategy

Annual Budget

Council Plan 2020-2024

South Gippsland's Good Governance Framework

### **Legislative Provisions**

Associations Incorporation Reform Act 2012

Local Government Act 1989

Local Government Act 2020

Local Government Act 2020, s.9(c) - the economic, social and environmental sustainability of the municipal district, is to be promoted

Regional Development Victoria Act 2002

### 3.2. PLANNING SCHEME AMENDMENT C124 - REZONING OF COUNCIL LAND

Economic and Community Development

#### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.2 Develop plans that balance and utilise the natural values of the environment and improve liveability in the Shire*

*Council understands that there is an important balance in ensuring that there are adequate public open spaces in the Shire and advocates for providing high value parks that are useable, accessible and safe.*

#### **EXECUTIVE SUMMARY**

In 2014, Council completed its 'Strategic Review of Landholdings Project' (SRLP), which identified 15 Old Waratah Road, Fish Creek and 6A Warralong Court, Leongatha as two of a series of lots considered surplus to Council's public open space requirements. Council resolved to sell 15 Old Waratah Road, Fish Creek at its 24 February 2016 Ordinary Meeting of Council and 6A Warralong Court, Leongatha at its 24 August 2016 Ordinary Meeting of Council (refer to **Attachment [3.2.1]** and **Attachment [3.2.2]**).

At its 24 June 2020 Council Meeting, Council resolved to prepare a planning scheme amendment (Amendment C124) to rezone 15 Old Waratah Road, Fish Creek from Public Park and Recreation Zone (PPRZ) to Township Zone (TZ) and 6A Warralong Court, Leongatha from PPRZ to General Residential 1 Zone (GRZ1). A planning permit combined with Amendment C124, refer to **Attachment [3.2.3]**, proposes to remove the public open space reserve status from 6A Warralong Court and requires a feature survey to be prepared.

Amendment C124 was on exhibition from 3 December 2020 until 15 January 2021. A total of 45 submissions were received (**Attachment [3.2.4]**). There were 42 objections, one petition with 99 signatures, one submission of support and a submission from the Department of Transport which noted the amendment and made no objection. Under the *Planning and Environment Act 1987 ss.22 and 23*, planning authorities must consider all submissions and refer objections to an independent planning panel before the amendment can be considered for adoption.

## **RECOMMENDATION**

That Council:

1. Refers the submissions (Attachment [3.2.4]) received for South Gippsland Planning Scheme Amendment C124 to an Independent Planning Panel for consideration; and
2. Recommends to the Independent Planning Panel that South Gippsland Planning Scheme Amendment C124 be approved in its exhibited form and the planning permit issued in accordance with Attachment [3.2.3].

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

### **THAT COUNCIL:**

1. **REFERS THE SUBMISSIONS (ATTACHMENT [3.2.4]) RECEIVED FOR SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C124 TO AN INDEPENDENT PLANNING PANEL FOR CONSIDERATION; AND**
2. **RECOMMENDS TO THE INDEPENDENT PLANNING PANEL THAT SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C124 BE APPROVED IN ITS EXHIBITED FORM AND THE PLANNING PERMIT ISSUED IN ACCORDANCE WITH ATTACHMENT [3.2.3].**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Background

#### **15 Old Waratah Road Fish Creek**

The subject land is 4,107m<sup>2</sup> and is zoned Public Park and Recreation Zone. It is proposed to be rezoned Township Zone (TZ), consistent with the surrounding area. The TZ provides for a broad range of potential uses including residential, commercial and light industrial developments. The site is undeveloped grassland with a small gully and easement running north west through the land. Its size, configuration, topography and location near the town centre add to its development potential. Investigations did not find any former uses or developments that may have resulted in soil contamination.

A previous proposal to rezone the land (Amendment C100 in 2017) received nine objections and was deferred by Council for inclusion in a future amendment that would allow for referral of submissions to a planning panel.

**Figure 1. Land Zoning and Aerial – 15 Old Waratah Road Fish Creek**



#### **6A Warralong Court Leongatha**

The subject land is 1,262m<sup>2</sup> and is in the Public Park and Recreation Zone. It is proposed to be rezoned General Residential Zone 1. The land is undeveloped and notable for providing informal pedestrian connectivity to Noel Court to the north and for its various service entry points (access hole covers) along the eastern boundary. The site was identified by the SRLP for sale because its irregular shape makes it poorly suited for use as open space and its narrow pedestrian connection to Noel Court has poor passive surveillance.

The open space reserve was created when the surrounding area was initially subdivided. Before the land can be used for any purpose other than open space, the reserve restriction must be removed from the title and the land rezoned.

**Figure 2. Land Zoning and Aerial – 6A Warralong Court Leongatha**



## CONSULTATION / COMMUNITY ENGAGEMENT

Planning Scheme Amendment C124 was on exhibition from 3 December 2020 until 15 January 2021. Notice of exhibition was sent to affected parties (approximately 50 letters posted). Hard copy public notices were located at the entry points to the sites. Public notices were posted in the government gazette, local newspapers and on the Council and DELWP website.

### Summary of Submissions

A total of 45 submissions have been received. There are 42 objections, one petition with 99 signatures, one submission of support and one submission from the Department of Transport noting no objection.

#### ***15 Old Waratah Road Fish Creek***

There are 37 objections and one petition with 99 signatures objecting to the rezoning. Key themes from these include:

- The town requires more public open spaces, with COVID-19 resulting in a greater demand for public open spaces;
- It is valuable as a public open space as it is located in the centre of town with easy access to the main street and local residents;
- The site's public open space potential hasn't been fully explored; and

- The site is not appropriate for residential development due to drainage and the slope.

Numerous submissions made the below recommendation:

- Council should engage with the Fish Creek community, local groups, organisations and small business owners to investigate the development of a high-quality public open space to provide lasting community benefit. Such a space will contribute to Fish Creek being more attractive, healthy and liveable and a popular destination.

### **6A Warralong Court Leongatha**

There are five objections to the rezoning or removal of the reserve at 6A Warralong Court, Leongatha. Objections state that the proposed amendment will:

- Undermine the local residential character and contribute to environmental issues;
- Remove a safe place for children to play and opportunity for active travel through to the nearby education precinct and parklands, particularly on weekend; and
- Create a greater long-term loss of open space value than the short-term savings in maintenance costs.

Proposals for alternative recommendations included:

- Leaving the open space as it is; and
- Installing infrastructure such as swings, park play equipment or barbeque equipment to increase participation and use levels.

A submission from a neighbouring property owner supports the amendment. They assert that local children do not play in the park and that people use it at night, leaving behind rubbish which they state they clean up. They further assert that if the land was rezoned and sold, Council will not need to maintain it. They recommend that proceeds of any sale be applied to infrastructure or projects that could benefit and be better utilised by the community.

Submitters have noted the location of the stormwater drainage pit and street light (refer to **Figure 3**) and the likely need to relocate these features to secure driveway access to the land. Council's previous resolution supports the sale of the land in its current form with the cost of relocating the features being the responsibility of the future landowner. Dual/Shared crossover access would alleviate future landowners relocating the infrastructure.



**Figure 3. 6A Warralong Court Leongatha – Development Constraints**

Submission 6 raises concerns that there are presently some uncertainties that sewer and stormwater pipes are accurately displayed on the current subdivision plan and that other features such as boundary fencing may not accord with the actual title boundaries. Sale of the land should only occur with certainty regarding the location of key features that may affect the future development of the land.

In response to this issue, a feature survey plan is proposed as a permit condition (refer to **Attachment [3.2.3]**) to accurately locate the title boundary and fencing. Surveyors will determine where the underground infrastructure is located and prepare suitable easements.

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

Referral of Amendment C124 to an Independent Planning Panel is estimated to cost between \$20,000 and \$30,000 and is paid by Council's Property Department, which is the amendment proponent. Panel costs are largely determined by how many submitters choose to make a presentation at the Hearing. Until this is known, it is not possible to accurately estimate the likely costs.

## **RISKS**

There is a risk (normal to the planning scheme amendment process) that an Independent Planning Panel may not support the amendment. The panel report can recommend amendment adoption, adoption with changes, or abandonment.

Council's 15 Year Capital Works Program, identifies the need for drainage upgrades from Noel Court through Easement 2 on the subject land.

## **STAFF DISCLOSURE**

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. C124 Planning Scheme Amendment - Rezone Council Land - Ordinary Meeting of Council No. 399 24 February 2016 - Minutes - 2015/16 Properties for Sale [3.2.1 - 13 pages]
2. C124 Planning Scheme Amendment - Rezone Council Land - Ordinary Meeting of Council No. 405 - 24 August 2016 - 2016-17 Land Sales Program [3.2.2 - 20 pages]
3. C124 Planning Scheme Amendment - Rezone Council Land - Draft Planning Permit - April 2021 [3.2.3 - 5 pages]
4. C124 Planning Scheme Amendment - Rezone Council Land - Submissions [3.2.4 - 64 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction and Leadership

Pillar 2. Culture and Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems and Policies

Pillar 5. Communications and 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)*

Annual Budget

Council Plan 2020-2024

Open Space Strategy

South Gippsland Housing and Settlement Strategy

South Gippsland's Good Governance Framework  
South Gippsland's Planning Scheme

**Legislative Provisions**

Land Acquisition and Compensation Act 1986

Land Act 1958

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Regional Development Victoria Act 2002

Regional Development Victoria Regulations 2019

Transfer of Land Act 1960

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

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

### **3.3. PLANNING SCHEME AMENDMENT C125 - GENERAL AMENDMENT TO CORRECT ZONING AND SCHEDULE ANOMALIES**

Economic and Community Development

#### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.2 Develop plans that balance and utilise the natural values of the environment and improve liveability in the Shire*

*Incorrect zones and overlays can trigger unnecessary planning permits, resulting in over-burdening of landowners and councils and reducing liveability within the community.*

#### **EXECUTIVE SUMMARY**

This report requests Council's approval to seek authorisation from the Minister for Planning to formally commence preparation of South Gippsland General Planning Scheme Amendment C125 (Amendment C125). The Amendment will then be placed on public exhibition.

Amendment C125 proposes to correct mapping anomalies, delete redundant controls, correct grammatical errors and make minor corrections to text. The amendment consists of 31 items, including one landowner request to rezone land from Farming Zone to General Residential Zone 1. A full description of the changes proposed are included within **Attachment [3.3.1]**.

Councils typically undertake a general amendment every few years to ensure their planning schemes are up to date and free of errors. Incorrect zones and overlays can trigger unnecessary planning permits which are a burden to landowners and councils. Council's last general amendment was conducted in 2017.

#### **RECOMMENDATION**

That Council:

1. Seeks authorisation from the Minister for Planning to formally commence preparation of an amendment to the South Gippsland Planning Scheme (Amendment C125) in accordance with the items detailed in Attachment [3.3.1]; and
2. On receipt of authorisation, place the Amendment C125 on public exhibition for a period of at least 28 days.

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

**THAT COUNCIL:**

- 1. SEEKS AUTHORISATION FROM THE MINISTER FOR PLANNING TO FORMALLY COMMENCE PREPARATION OF AN AMENDMENT TO THE SOUTH GIPPSLAND PLANNING SCHEME (AMENDMENT C125) IN ACCORDANCE WITH THE ITEMS DETAILED IN ATTACHMENT [3.3.1]; AND**
- 2. ON RECEIPT OF AUTHORISATION, PLACE THE AMENDMENT C125 ON PUBLIC EXHIBITION FOR A PERIOD OF AT LEAST 28 DAYS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### ***Background***

Council has a statutory obligation under the *Planning and Environment Act 1987* to efficiently administer and enforce its Planning Scheme (PS). This includes ensuring the planning scheme is kept up to date and free of basic errors and anomalies.

Amendment C125 seeks to fulfil this requirement by correcting errors and anomalies identified since the previous general amendment was completed in 2017.

Following Council's normal practice, items are only included in a general amendment if they are considered straight forward and unlikely to receive objections. If an objection is received to a general amendment item, it is normal practice to remove the item from the amendment and separately consider its merits. This avoids the need to appoint an Independent Planning Panel to consider submissions, reducing processing costs and saving time.

### ***Impacts of Inappropriate Controls***

The zoning to land affects how it can be developed and when a planning permit is required. The following are brief examples of recent issues resulting from inappropriate planning controls.

**Item 2 - Zoning Correction – Foster Golf Club** (refer to **Attachment [3.3.1]**), is proposed to correctly identify the land as a privately owned land (General Residential Zone 1 – GRZ1) instead of public land (Public Park and Recreation Zone - PPRZ). The zoning error places greater restrictions on the land regarding advertising signage, which has created concerns for the golf club.

**Item 18 - Zoning Anomaly – Boolarra- Mirboo North Road** (refer to **Attachment [3.3.1]**) proposes to rezone the road reserve from Road Zone 1 (RDZ1) to Farming Zone (FZ) or GRZ1. The correction will reduce unnecessary planning permit triggers, for example, to construct a driveway crossover, or to build within 100m of a road. The correction also clarifies that VicRoads approval is not required on council roads.

**Item 10 - Overlay Anomaly – 2 Victoria Street Korumburra** (refer to **Attachment [3.3.1]**), proposes to remove the unnecessary Public Acquisition Overlay (PAO), making it clear that Council does not require the land. Removing a PAO makes it easier to sell land.

**239 Whitelaw Road Korumburra (Item 7) General Residential 1 Zone**

**Item 7 - Zoning Proposal – Korumburra** (refer to **Attachment [3.3.1]**) proposes to rezone 4.45ha of Farming Zone land to General Residential 1 Zone at the request of the landowner. The subject land is inside the Korumburra township boundary and included in the Development Plan Overlay that guides the residential subdivision and development of the south western growth sector of Korumburra. Rezoning the land will make it consistent with the adjoining land inside the township boundary.

This item is not typical of a general amendment in that it increases the development potential of the land and has a financial benefit to the landowner. The Planning Department recommends inclusion of this item in the amendment on the basis that the landowner has formally applied to rezone the land, paid the statutory fees and is aware that any objections to the rezoning will require the item to be referred to an Independent Planning Panel (at their cost) for consideration.

The Planning Department proposes to include the item in the general amendment to avoid the need to process the rezoning as a separate planning scheme amendment. DELWP have been consulted on this approach and noted its inclusion as an efficiency saving for both organisations. The Planning Department has advised the landowner that should the matter become controversial and time consuming, Council reserves the right to not proceed with the rezoning if objections are received or officer resources are not available.

**CONSULTATION / COMMUNITY ENGAGEMENT**

Pre-exhibition consultation has occurred with many of the landowners affected by the amendment. Where consultation has not already occurred, it is expected that landowners will welcome the proposed changes as they reduce the planning scheme burden on their land. Consultation with VicRoads and other government agencies affected by the Amendment C125 has also been undertaken.

Public exhibition of the Amendment C125 will occur in accordance with normal procedures including postal notification to the owners and occupiers of all affected lands.

**RESOURCES / FINANCIAL VIABILITY**

The general planning scheme amendment will be processed as part of normal Planning Department operations. No additional funding is required.

## **RISKS**

General planning scheme amendments are comprised of mostly technical updates and corrections which in most cases will be welcomed by landowners and the relevant agencies / authorities.

A risk is presented if Council's Planning Scheme is not correct. Incorrect planning scheme provisions can create landowner frustration and burden the administrative duties and processes of 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. Planning Scheme Amendment - C125 - General Amendment items maps and Descriptions [3.3.1 - 37 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction and Leadership

Pillar 2. Culture and Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems and Policies

Pillar 5. Communications and Community Engagement

Pillar 6. Capability

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)*

Annual Budget

Council Plan 2020-2024

Open Space Strategy

Rural Land Use Strategy

South Gippsland Heritage Study

South Gippsland Housing and Settlement Strategy

South Gippsland's Planning Scheme

Town Centre Framework Plans

### **Legislative Provisions**

Country Fire Authority Act 1958

Crown Land (Reserves) Act 1978



Environment Protection Act 1970  
Environment Protection Act 1994  
Heritage Act 1995  
Land Act 1958  
Local Government Act 1989  
Local Government Act 2020  
Marine and Coastal Act 2018  
Planning and Environment (Planning Schemes) Act 1996  
Planning and Environment Act 1987  
Regional Development Victoria Act 2002  
Subdivision Act 1988

## **4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION**

### **4.1. COMMUNITY SUPPORT PACKAGE - RECOVERY AND REINVESTMENT**

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*

*This report outlines proposals for delivery of the final phase of the Community Support Package.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council endorsement to fund a range of initiatives in the final tranche of the Community Support Package (CSP). The value of the final tranche is \$505,000 and it includes community and economic elements as well as an allocation to evaluate the effectiveness of the \$2 million overall package. At its ordinary meeting of 22 April 2020 Council endorsed the COVID-19 Community Support Package of up to \$2M to support the South Gippsland Community and Businesses to remain Healthy, Connected and Innovative. Initiatives funded under this project are intended to:

- Provide targeted support and stimulus activities specific to the South Gippsland community and economy;
- Provide relief to businesses, community groups, families and individuals suffering financial or social distress; and
- Aid with recovery and work towards restoration of the community and South Gippsland economic life provide vital economic, social, cultural health and wellbeing outcomes.

To date \$1.5 million of funding has been released with the first phase of CSP initiatives approved by Council in May 2020 and a second phase in August 2020.

## **RECOMMENDATION**

That Council:

1. Endorse the Projects identified for the final \$505,000 phase of the Community Support Package:
  - a. Free Flu Immunisation Program 2021 of \$25,000
  - b. Grants to Sporting Clubs of \$40,000
  - c. Insurance Rebate for Community Groups of \$40,000
  - d. Sustaining Community Connections Package of \$50,000
  - e. Economic & Visitor Economy Strategy Implementation Package of \$235,000
  - f. Community Connection Through Arts Package of \$85,000
  - g. Community Support Package Effectiveness Evaluation of \$30,000
2. Notes an evaluation of the Community Support Package will be undertaken and that a final report on the Community Support Package will be presented to Council by September 2021.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. ENDORSE THE PROJECTS IDENTIFIED FOR THE FINAL \$505,000 PHASE OF THE COMMUNITY SUPPORT PACKAGE:**
  - a. FREE FLU IMMUNISATION PROGRAM 2021 OF \$25,000**
  - b. GRANTS TO SPORTING CLUBS OF \$40,000**
  - c. INSURANCE REBATE FOR COMMUNITY GROUPS OF \$40,000**
  - d. SUSTAINING COMMUNITY CONNECTIONS PACKAGE OF \$50,000**
  - e. ECONOMIC & VISITOR ECONOMY STRATEGY IMPLEMENTATION PACKAGE OF \$235,000**
  - f. COMMUNITY CONNECTION THROUGH ARTS PACKAGE OF \$85,000**
  - g. COMMUNITY SUPPORT PACKAGE EFFECTIVENESS EVALUATION OF \$30,000**
- 2. NOTES AN EVALUATION OF THE COMMUNITY SUPPORT PACKAGE WILL BE UNDERTAKEN AND THAT A FINAL REPORT ON THE COMMUNITY SUPPORT PACKAGE WILL BE PRESENTED TO COUNCIL BY SEPTEMBER 2021.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The CSP is a connected set of initiatives that represent South Gippsland Council's response to the COVID-19 Pandemic to assist impacted businesses, community groups and residents.

Initiatives under this project are intended to:

- Provide targeted support and stimulus activities specific to the South Gippsland community and economy;
- Provide relief to businesses, community groups, families and individuals suffering financial or social distress; and
- Aid with recovery and work towards restoration of the community and South Gippsland economic life provide vital economic, social, cultural health and wellbeing outcomes.

Initiatives funded through the CSP to date include:

- Free Flu vaccination program;
- COVID-19 community grants and community support grants;
- COVID-19 Business Grants – Phases 1, 2 and 3;
- Fee Waivers and Rent Relief;
- Local Procurement;
- Early Learning Support;
- Mental Health First Aid Training;
- Recreation Reserve Income Offset Payments;
- Fast-tracking local payments;
- Community supports booklet – editions 1 and 2;
- Distribution of masks and “starter kits” to support community groups to continue operating;
- Shop Local advertising;
- Expediting hardship applications; and
- Extension to annual maintenance grants to Council recreation reserve committees.

In addition, the Arts, Culture and Creative Industries package and the South Gippsland Tourism promotion and marketing initiative, both funded under phase 2 of the CSP are being progressively implemented.

A progress report on the CSP was provided to Council on 16 December 2020. This report identified that \$504,390 was still available for distribution to projects under a final phase of the CSP.

A process to identify appropriate initiatives for the final phase has been undertaken by council officers, including an internal review of progress, consultation with community networks and stakeholders, and an idea creation workshop.

The key themes and issues arising from this process have included:

- There are still people in the community, organisations and businesses that need support;
- Some sectors are being disproportionately impacted, such as the arts and tourism, community organisations, and sporting groups;
- Evidence from the Community Activation for Social Isolation (CASI) program and community support organisations shows an ongoing impact on isolated and vulnerable individuals and families;
- Feedback received to date indicates CSP programs have been appropriately targeted and have helped alleviate social and economic distress; and
- New CSP initiatives should include projects that have a longer-term impact or legacy in the community as well as meeting immediate needs.

Through this process the following initiatives have been proposed for funding in the final phase of the CSP. These focus on community wellbeing and connection, sport and recreation, sustainability of community organisations, economic development and tourism and art and culture. In addition, it is proposed to undertake a thorough evaluation of the CSP program, to gain insights into its effectiveness, targeting, benefits to the community and to inform future responses to major emergencies.

Some of the projects identified for CSP Phase 3, while funded in the current financial year, will extend into 2021-22 before completion.

The projects nominated for funding are listed below:

<b>Proposal</b>	<b>Description</b>	<b>Nominal Allocation</b>
Free Flu Immunisation program 2021	Subsidise flu vaccines and the delivery of flu immunisations through the commercial and community program.	\$25,000

<b>Proposal</b>	<b>Description</b>	<b>Nominal Allocation</b>
Support to sporting clubs	Grants of up to \$1000 to community sporting clubs who have experienced a reduction in business sponsorship or other cost pressures during the COVID-19 pandemic.	\$40,000
Community Groups Insurance	Waiver of the insurance fee charged by Council to community groups operating from council-owned premises and/or accessing Council's insurance cover. This will support approximately 60 community organisations.	\$40,000
Sustaining Community Connections Package	Rebuilding and re-imagining communication in the community through co-designed projects such as noticeboards, newsletters, equipment in halls, linking council and community websites. This could include: <ul style="list-style-type: none"> <li>• Facilities for mixed media – such as high-quality noticeboards or AV projectors at community halls/centres</li> <li>• Website and social media construction</li> <li>• Developing an on-line platform for training community groups</li> <li>• New social enterprises to support and resource community groups</li> </ul>	\$50,000
Economic Development	Three grants of up to \$20,000 to strengthen the economic sustainability of local food network enterprises and their associated supply chain.	\$60,000
	Creation of an implementation fund for Economic Development and Visitor Economy Strategies that will be completed by 30 June 2021.	\$175,000
Community Connection Through Arts Package	Re-invigorating Communication and Connection in our Community Post-COVID through legacy art projects, including art installations along the Rail Trail in key towns, and travelling exhibitions	\$85,000
Evaluation	Undertake an evaluation of the Impact of CSP, including targeting, community benefit, and effectiveness.	\$30,000
<b>Total</b>		<b>\$505,000</b>

Additional detail regarding these projects is included as **Attachment [4.1.1]**.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Community Services teams have actively engaged with community networks and community support services through the Service Providers Network, Early Years Providers network, Halls Network, Primary Care Partnership, and community forums and meetings to identify ongoing needs for communities, organisation and families.

The Economy, Arts and Tourism team have actively sought feedback from the business and Arts community through engagement with Arts Networks, Local Commerce Groups, Accountants Networks and continuing business contacts to understand where support is needed.

### **RESOURCES / FINANCIAL VIABILITY**

A budget amount of up to \$2M, to support the South Gippsland community response to the impact of the COVID-19 pandemic is included in Council's 2020/21 budget. Resources required for specific projects within the package to date have been costed at a total of \$1,495,610 and allocated in accordance with approval of detailed Implementation Action Plans.

A balance of \$504,390 is available for additional initiatives under the CSP.

### **RISKS**

If Council did not develop a series of actions to support the community there may have been a risk of further economic downturn and a negative effect to the health and wellbeing of businesses and residents within the Shire, particularly vulnerable members of the community.

Continuing to coordinate with the Municipal Emergency Management Planning Committee, State and Federal Government departments, other municipalities, and key community stakeholders ensures an approach which reduces duplication and maximises impact.

The package is flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business.

If Council does not proceed with the final phase of the CSP, the overall impact of COVID-19 will be greater than necessary for some business and community sectors. Council would also face a reputational risk at failing to implement the package as intended.



## **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 Support Package redefined phase 3 initiatives [98GP] [4.1.1 - 2 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)*

Annual Budget

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

Council Plan 2020-2024

### **Legislative Provisions**

Local Government Act 2020

## **4.2. AUDIT AND RISK COMMITTEE MEETING - MINUTES - 9 MARCH 2021**

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 9 March 2021 (**Attachment [4.2.1]**) 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 – 9 March 2021 (Attachment [4.2.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL NOTES THE DRAFT AUDIT AND RISK COMMITTEE MINUTES – 9 MARCH 2021 (ATTACHMENT [4.2.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The matters considered by the Audit and Risk Committee at the 9 March 2021 meeting are contained in **Attachment [4.2.1]**.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Audit and Risk Committee Minutes for 9 March 2021 (**Attachment [4.2.1]**) 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 s.53 of the *Local Government Act 2020*. 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.

## **ATTACHMENTS**

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

1. Audit Risk Committee Meeting - Minutes - 9 March 2021 - Draft [4.2.1 - 10 pages]

## **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

### **4.3. POLICY REVIEW: COUNCILLOR ACCESS TO AND REQUEST FOR COUNCIL INFORMATION (C66)**

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*

*The Councillor Access to Council Information Policy (C66) forms part of the suite of governance policies being revised to strengthen Council's good governance framework. It seeks to achieve this by providing direction in the delineation of roles and appropriate interactions between the political and organisation arm of Council.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to review and update the *Councillor Access to Council Information Policy (C66)* (the Policy) in **Attachment [4.3.1]** to ensure the Policy remains current and relevant for Council's purposes. The Policy has been updated to align with the *Local Government Act 2020*.

The revised Policy is presented for Council's consideration and determination.

The Policy forms part of the suite of Council policies being updated in response to the '*Report of the Commission of Inquiry into South Gippsland Shire Council – June 2019*' recommendation to:

*"Review and implement improved council policies and processes with a focus on Councillor induction and training, the Councillor Code of Conduct and meeting procedures."*

This Policy specifically sets out good governance practices that will assist Administrators, future Councillors and Officers appropriately manage the delineation of roles in regard to Councillor requests for information held by Council.

#### **RECOMMENDATION**

That Council:

1. Adopts the revised Councillor Access to Council Information Policy (C66) – April 2021 contained in Attachment [4.3.1]; and
2. Publishes the Councillor Access to Council Information Policy (C66) – April 2021 in Attachment [4.3.1] on Council's website.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **ADOPTS THE REVISED COUNCILLOR ACCESS TO COUNCIL INFORMATION POLICY (C66) – APRIL 2021 CONTAINED IN ATTACHMENT [4.3.1]; AND**
2. **PUBLISHES THE COUNCILLOR ACCESS TO COUNCIL INFORMATION POLICY (C66) – APRIL 2021 IN ATTACHMENT [4.3.1] ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The Policy is an integral part in the suite of governance policies developed to support Councillors in the performance of their civic duties.

The Policy sets out that Councillors are able to access relevant information to assist them in making informed decisions on matters coming before Council.

However, various pieces of legislation in place provides limitations to the information Councillors are entitled to access.

The Policy aims to support Councillors and members of Delegated Committees to act within the boundaries of their role and avoid improperly directing or influencing staff in the exercise of their duties (s. 124 of the Act). It will also assist them to avoid potential breaches of ss.127, 128, 130 and 131 of the Act, by clarifying that they must not use their position in a manner or for purposes that is contrary to their public duty.

This requires Councillors to understand their responsibilities and to separate their requests for information sought out of personal interest for themselves, or on behalf of others, from information that is legitimately required in their role as a Councillor.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

No external consultation or community engagement has been required.

This Policy contains modifications that were reviewed by Administrators at a briefing held on the 10 March 2021. Feedback from the Administrators has been incorporated in the revised Policy for endorsement.

## **RESOURCES / FINANCIAL VIABILITY**

The implementation of this Policy will be managed within existing resources.

## **RISKS**

The Policy seeks to enable improved management of Councillor requests for information and thereby increase community confidence and trust in the use of Council documents, particularly those that contain personal information. This in turn supports each individual's rights under Council's *Human Rights Policy (C52)*.

This Policy also aims to address matters that may not be explicitly captured in the *Local Government Act 2020*. The Policy sets in place procedures that, when followed, will mitigate the likelihood of any breaches of the Act; in particular potential breaches of Section 123 – Misuse of Position, Section 124 – Directing a Member of Staff, 125 Confidential Information, Sections 130 and

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131 – Disclosure of Conflict of Interest by Councillors and of Section 46 – Functions of the Chief Executive Officer.

Further the Policy seeks to mitigate the risk of fraud that may be derived through use of documents provided and to appropriately manage situations which may be regarded as unethical conduct or behaviour, illegal practices or a breach of public trust.

Concurrently the Policy recognises the right of Councillors to reasonable and justified access to relevant Council information in order to make informed decisions on matters coming before Council.

The Policy has been amended as part of an updated suite of contemporary policies and practices that will support the new Council to be successful.

### **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. Councillor Access to Council Information (C66) - April 2021 [4.3.1 - 7 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems and Policies

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

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

Councillor Access to and Request for Council Information Policy (C66)

Councillor Code of Conduct Policy (C14)

Human Rights Policy (C52)

Public Transparency Policy (C75)

#### **Legislative Provisions**

Local Government Act 2020

Privacy and Data Protection Act 2014

Report of the Commission of Inquiry into South Gippsland Shire Council – June 2019

#### **4.4. POLICY REVIEW: COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY (C01)**

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.*

*The 'Councillor Gifts, Benefits and Hospitality Policy (C01)' forms part of the suite of governance policies being revised to strengthen Council's good governance framework. It provides guidance in the management and declaration of gifts and donations provided to Councillors and avoiding conflict of interests in their public duty.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to consider the revised *Councillor Gifts, Benefits and Hospitality Policy (C01)* (the Policy), provided in **Attachment [4.4.1]**.

The Policy is required to be adopted by 24 April 2021 in accordance with s.138 of the *Local Government Act 2020* (the Act). Section 138 came into operation on 24 October 2020 and a six-month period was allocated for the policy to be prepared and adopted.

The Act requires separate Councillor and staff gift policies. The version attached forms the revised Councillor Policy. It guides Councillors in declaring gifts, benefits and hospitality to avoid creating conflict of interest and/or compromising their ability to act independently. It has been updated to align with the requirements of the Act and to ensure the contents remain current and relevant to Council's purposes. It has also been re-named from the former '*Acceptance of Gifts and Donations Policy*'.

The Policy forms part of the suite of Council's policies being updated in response to the '*Report of the Commission of Inquiry into South Gippsland Shire Council – June 2019*' recommendation to:

*"Review and implement improved council policies and processes with a focus on Councillor induction and training, the Councillor Code of Conduct and meeting procedures."*



**RECOMMENDATION**

That Council:

1. Adopts the revised Councillor Gifts, Benefits and Hospitality Policy (C01) contained in Attachment [4.4.1]; and
2. Publishes the Councillor Gifts, Benefits and Hospitality Policy (C01) (Attachment [4.4.1]) on Council's website.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ADOPTS THE REVISED COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY (C01) CONTAINED IN ATTACHMENT [4.4.1]; AND**
2. **PUBLISHES THE COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY (C01) (ATTACHMENT [4.4.1]) ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Council last reviewed and adopted the former *Acceptance of Gifts and Donations Policy (C01)* on 25 November 2016. The Policy register required the Policy to be reviewed again in early 2021. Concurrently, legislated requirements specified in s.138 of the 2020 Act came into operation on 24 October 2020, requiring Council to adopt a Councillor Gift Policy on or before 24 April 2021.

The original Policy related to both Councillors and Council Staff, however, as per changes specified in the Act, it is a requirement that the revised Policy be separated to include Councillors only. The scope of this Policy (**Attachment [4.4.1]**) relates only to Councillors while a separate inclusion will be provided in Council's internal Staff Code of Conduct for the procedure of accepting gifts by Council staff.

The revised Policy maintains that Councillors have a fourteen day time frame for registering gifts, benefits, hospitality or donations and that acceptance of these should be avoided. A review of the Policy includes:

- Removal of references to Council staff;
- The definition of a 'gift' and 'disclosable gift' are updated to reflect new terminology in the Act;
- The value of a 'gift' has changed from \$60 to \$50 and any cumulative value of gifts greater than \$50 within one financial year, must be declared in Council's Gift Register;
- Updated details pertaining to 'disclosable gifts' with a threshold value of \$500 or greater, accumulated over a five-year period, as per s.128(4) of the Act and the process of declaring such gifts;
- Updated definition of 'anonymous gift' as per s.137 of the Act; noting that 'anonymous gifts' must not be accepted and penalty units apply for a breach;
- Removal of Mayoral (for Councillors) approval prior to accepting gifts valued at over \$250, has been replaced with the limit of 'disclosable gift' value of \$500 or greater;
- Updated responsibility of a Councillor to declare a 'general' or 'material' conflict of interest as per ss.127 and 128 of the Act, in relation to receiving a 'disclosable gift';
- A Councillor is to include the details of a 'disclosable gift' when completing their bi-annual Personal Interest Return form;
- Council's Gift Register will be made available in accordance with Council's *Public Transparency Policy (C75)*.

This Policy improves accountability of Councillors, meets legislative requirements in the Act and increases community confidence in the transparency of Council activities.

The Policy aims to assist Councillors to avoid potential breaches of ss.127, 128, 130 and 131 by clarifying that they must not use their position in a manner or for purposes that is contrary to their public duty.

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

No external consultation or community engagement has been required.

This Policy contains modifications that have been provided to Administrators at a Strategic Briefing held on 10 March 2021. Feedback from Administrators has been incorporated in the revised Policy for endorsement.

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

The implementation of this Policy will be managed within existing resources.

#### **RISKS**

This Policy aims to address matters relating to the gifts or donations received by Councillors as required in the *Local Government Act 2020*. The Policy puts in place procedures that, when followed, will mitigate the likelihood of any breaches of the Act; in particular potential breaches of s.128 - Material Conflict of Interest by Councillors.

Further this Policy seeks to mitigate the risk of fraud that may be derived through receipt of gifts, benefits, donations, or hospitality and to appropriately manage situations which may be regarded as unethical conduct or behaviour, illegal practices or a breach of public trust.

The Policy:

- is to be adopted by the deadline of 24 April 2021 when s.138 of the Act comes fully into operation. Failing to comply with this deadline will be in breach of the Act;
- reduces Council's risk of non-compliance with the Act by raising Councillor awareness and requirements for declaring gifts and donations;
- reduces Council's risk of creating unnecessary conflict of interest and/or limitations on a Councillor to perform independently of their public duties;
- aims to improve community confidence and public trust in Council's commitment to integrity, transparency and accountability for its actions; and

- aims to minimise fraudulent activities.

The Policy has been amended as part of an updated suite of contemporary policies and practices that will support the new Council to be successful.

### **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. C01 - Councillor Gifts, Benefits and Hospitality Policy - 21 April 2021 - Proposed to Council [4.4.1 - 17 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems and Policies

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

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

Acceptance of Gifts and Donations Policy (C01)

Council Plan 2020-2024

Councillor Code of Conduct Policy (C14)

Election Period Policy (C30)

Fraud and Corrupt Conduct Policy (C19)

Public Transparency Policy (C75)

#### **Legislative Provisions**

Crimes Act 1958

Freedom of Information Act 1982

Local Government Act 2020

#### **4.5. AUDIT AND RISK COMMITTEE REPORT TO COUNCIL - JULY 2020 TO DECEMBER 2020**

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**

Under s.54(5) of the *Local Government Act 2020*,

*"An Audit and Risk Committee must:*

- a. Prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and*
- b. Provide a copy of the biannual Audit and Risk Committee report to the Chief Executive Officer for tabling at the next Council meeting."*

##### **RECOMMENDATION**

That Council receives and notes the biannual report of Council's Audit and Risk Committee for the period July to December 2020.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THE BIANNUAL REPORT OF COUNCIL'S AUDIT AND RISK COMMITTEE FOR THE PERIOD JULY TO DECEMBER 2020.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

### ***Introduction***

The Audit and Risk Committee (the Committee) has been established pursuant to s.53 of the *Local Government Act 2020* (the Act). The Committee's purpose is to support Council in discharging its oversight responsibilities related to:

- Financial and performance reporting;
- Risk Management;
- Fraud prevention systems and controls;
- Maintenance of 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.

The Committee acts in accordance with its Charter, as approved by Council at the 26 August 2020 Council Meeting. The Committee has no executive authority and no delegated financial responsibilities and is, therefore, independent of management.

### ***Reporting obligations***

Under s.54(5) of the Act, the Committee is required to prepare a biannual Audit and Risk Committee Report to Council. The report is required to describe the activities of the Committee and include its findings and recommendations. Historically, the Committee has prepared an annual report to Council, via the Audit and Risk Committee Chair Annual Report. From this point on the Committee will prepare biannual reports to Council. The Annual Audit and Risk Chair report will be maintained with the January to June report cycle each year. In addition, the minutes of each Committee meeting are provided to Council at the first opportunity following clearance by the Audit and Risk Committee Chair following each Audit and Risk Committee meeting.

### ***Committee Membership***

The Committee consists of up to four members appointed by Council; up to three independent members and one Administrator/Councillor. The Administrator Chair is an observer at meetings and has the right to speak. All members may serve a maximum of two consecutive terms of three years, subject to satisfactory performance. The Committee Chair is an independent member. The current members of the Committee are:

- Mr Chris Badger (Chair, Independent) – appointed by Council on 24 October 2018 for an initial three-year term commencing on 1 December 2018 and concluding on 30 November 2021. Appointed interim Chair at the 26 August 2020 Council Meeting.
- Mr Homi Burjojee (Independent) – appointed by Council on 22 February 2017 for an initial three-year term and extended in 2020 for a further three-year term concluding in February 2023.
- Ms Jen Johansen (Independent) – appointed by Council on 28 October 2020 for an initial three-year term.
- Mr Rick Brown (Administrator) – appointed by Council on 28 August 2019 to remain as sole Councillor member until the next Council election.

### ***Summary of work of the Committee***

The Committee meets on a quarterly basis to consider matters within the scope of its Charter. Committee meetings have been held on 8 September 2020 and 8 December 2020, for this financial year.

The Committee has an option at each meeting to meet in camera, without Management present. This includes the ability to meet with Council's Internal Audit provider and the Victorian Auditor General Office (VAGO) representatives.

A summary of highlights from each meeting is discussed below:

### **8 September 2020**

At the 8 September 2020 meeting, the Committee:

- Reviewed the draft Annual Financial Report for 2019/20, including Council's treatment of complex or unusual transactions and significant transactions and balances where judgement is required.
- Reviewed Council's Local Government Performance Reporting Framework for 2019/20.
- Received an annual report on Internal Control Systems at Council to consider the effectiveness of the systems.
- Reviewed minutes from Council's internal Strategic Risk Committee.
- Received an annual report on Business Continuity and Disaster Recovery.
- Received a CEO/Director quarterly report on risks within Council's Strategic Risk Register from the CEO.

- Received a report regarding any applicable fraud, corrupt conduct or possible illegal acts identified by Council, including discussing a Price Waterhouse Coopers report of COVID-19 fraud considerations.
- Received an annual report regarding Council's insurance program.
- Discussed upcoming planned internal audit scopes and received reports on completed internal audits.
- Confirmed the independence of Council's internal audit function.
- Received a report on Council's legislative compliance framework and ethics program.
- Received a report on protected disclosures.
- Received a regulatory update from Council's internal audit provider.
- Received a report on Council's policy review schedule.
- Discussed Council's annual Audit and Risk Committee Chair report.
- Confirmed Council's Audit and Risk Committee meeting dates for 2021.
- Received a report on Council's recruitment process for a vacant independent Committee position.

### **8 December 2020**

At the 8 December 2020 meeting, the Committee:

- Received a report regarding any applicable fraud, corrupt conduct or possible illegal acts identified by Council.
- Received updates from Council on progress regarding open internal audit actions.
- Conducted a review of Council's internal audit function.
- Received a regulatory update from Council's internal audit provider.
- Discussed upcoming planned internal audit scopes and received reports on completed internal audits.
- Received a report on Council's draft *Risk Management Policy (C35)*, *Risk Management Framework (C35)* and associated controls.
- Discussed the requirement for Council to appoint a Chair for the Committee for 2021 and the nomination process.



- Confirmed the 2021 Work Plan for the Committee.
- Discussed the performance of the Committee in the 2020 year.
- Received a Financial Performance report for first quarter of 2020/21 (July 2020 to September 2020).
- Received a LGPRF and Organisation Performance Report for first quarter of 2020/21 (July 2020 to September 2020).
- Received an Annual Budget update on planned timing and process to be conducted in 2021.

### ***Overall Assessment of Council's Audit and Risk Framework***

The Committee's overall assessment is that, based on information received by the Committee (including from VAGO and Council's appointed internal audit provider), Council is continuing to enhance its identification, monitoring and management of its key strategic and operational risks. Council has conducted significant work in the first half of 2020/21 in reviewing and improving its risk management framework and associated policies and procedures. The Committee noted that the Draft *Risk Management Policy (C35)* and *Risk Management Framework (C35)* were considered for approval at the 24 February 2021 Council Meeting. The Committee further noted planned works on improving the Strategic and Operational risk registers, risk reporting and risk training over the course of 2021.

The Committee noted that the 2019/20 Annual Report received an unqualified audit opinion from Council's external auditor, VAGO. The Committee also noted Council's commitment to addressing open audit actions arising from past audits. It is noted that there were no significant matters of concern raised within in-camera meetings held with Internal and External Auditors.

It is the view of the Committee that the governance culture of the Council is supporting the development of a robust risk and audit framework which continues to strengthen and adapt to changes in Council's operations.

Officers have provided appropriate and diligent support in conducting Committee meetings and providing information and support to the Committee. Action items from meetings are tracked and progress is reported to the Committee at each meeting.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The report has been endorsed by Council's Audit and Risk Committee.

## **RESOURCES / FINANCIAL VIABILITY**

Resources for the administration of Council's Audit and Risk Committee are contained with Council's current and forward budgets.

## **RISKS**

This report is required to comply with s.54(5) of the *Local Government Act 2020*.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

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

Pillar 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

### **Legislative Provisions**

Local Government Act 2020

## 4.6. LOCAL PROCUREMENT REPORT - JULY 2020 TO DECEMBER 2020

Performance and Innovation

### Council Plan

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

*The Local Procurement initiatives established by Council in 2020 were specifically intended to ensure that Council recognises the value of its expenditure with local and Gippsland regional businesses is significant and therefore maximises procurement opportunities to support local providers of goods and services within procurement framework.*

### EXECUTIVE SUMMARY

This report is the first to Council of local expenditure since the establishment of local procurement initiatives into the *Procurement Policy (C32)* and manual. The three primary initiatives established were:

- For all Council tenders, that a minimum of ten per cent of the tender scoring criteria would be for local supplier assessment;
- For purchases below tender value, that percentage thresholds would be established for purchasing a local product at a set higher price for a product than a non-locally produced equivalent; and
- Improving the payment turnaround time for correctly provided invoices from suppliers to support cashflow through the local economy in particular.

This Council report covers the first half of the current financial year dates 1 July 2020 to 31 December 2020.

### RECOMMENDATION

That Council:

1. Notes the local Procurement Report (Attachment [4.6.1]) for the period July 2020 to December 2020, and in particular that:
  - a. Council spends consistently between 20 and 30 per cent of its procurement at approximately \$1 million each month with South Gippsland based vendors, contractors and suppliers;
  - b. Council expenditure in the greater local region (South Gippsland and the other Gippsland municipalities) is typically between 60 and 70 per cent of total expenditure; and

- c. Council officers have focussed on improving what were already favourable payment turnaround times and is now paying 85 to 90 per cent of suppliers within fourteen days.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THE LOCAL PROCUREMENT REPORT (ATTACHMENT [4.6.1]) FOR THE PERIOD JULY 2020 TO DECEMBER 2020, AND IN PARTICULAR THAT:**
  - a. **COUNCIL SPENDS CONSISTENTLY BETWEEN 20 AND 30 PER CENT OF ITS PROCUREMENT AT APPROXIMATELY \$1 MILLION EACH MONTH WITH SOUTH GIPPSLAND BASED VENDORS, CONTRACTORS AND SUPPLIERS;**
  - b. **COUNCIL EXPENDITURE IN THE GREATER LOCAL REGION (SOUTH GIPPSLAND AND THE OTHER GIPPSLAND MUNICIPALITIES) IS TYPICALLY BETWEEN 60 AND 70 PER CENT OF TOTAL EXPENDITURE; AND**
  - c. **COUNCIL OFFICERS HAVE FOCUSED ON IMPROVING WHAT WERE ALREADY FAVOURABLE PAYMENT TURNAROUND TIMES AND IS NOW PAYING 85 TO 90 PER CENT OF SUPPLIERS WITHIN FOURTEEN DAYS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

Refer to **Attachment [4.6.1]** for the local procurement report for July 2020 to December 2020.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

No community consultation was required for this report.

## **RESOURCES / FINANCIAL VIABILITY**

No additional resources were required for the initiatives for local procurement.

## **RISKS**

Local procurement initiatives present no additional procurement risk to 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. Local Procurement Report - July 2020 to December 2020 [4.6.1 - 4 pages]

## **REFERENCE DOCUMENTS**

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

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)*

Procurement Policy (C32)

### **Legislative Provisions**

Local Government Act 2020, s.9(c)

#### **4.7. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS – 13 FEBRUARY - 12 MARCH 2021**

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 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*, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public 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 13 February and 12 March 2021.

##### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Wednesday 17 February 2021</b>	
<b>Review of Draft Self Assessment Policy</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Agenda Topic Discussion – Council Meeting 24 February 2021</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 24 February 2021</b>	
<b>Agenda Topic Discussion – Council Meeting 24 February 2021</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Government Grant Funding for Building Better Regions Fund</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 3 March 2021</b>	
<b>Delburn Windfarm Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Planning Briefing</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>South Gippsland Tourism Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Community Infrastructure Advisory Committee</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Capital Works Policy</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed

Meeting Title	Details
<b>Wednesday 10 March 2021</b>	
<b>West Gippsland Regional Library Corporation Update</b>	<b>Administrators Attending:</b> Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Agenda Topic Discussion – Council Meeting 17 March 2021</b>	<b>Administrators Attending:</b> Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Policy Reviews</b>	<b>Administrators Attending:</b> Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed

## 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)*

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



#### **4.8. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 FEBRUARY TO 12 MARCH 2021**

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 transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.*

##### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 February to 12 March 2021. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

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

##### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Documents Sealed

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

Use of the Local Law No. 2 2020, Part 9, clause 107(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 13 February to 12 March 2021.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 740 Fish Creek-Foster Road Fish Creek in relation to a two lot sub-division and creation of access. Seal applied 19 February 2021.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 95 Canterbury Road Venus Bay in relation to developing land with a dwelling. Seal applied 19 February 2021.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 10-12 Hall Road Foster in relation to two lot sub-division. Seal applied 5 March 2021.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Gilfedder Terrace Mirboo North in relation to a two lot sub-division with removal of native vegetation. Seal applied 5 March 2021.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 147 Lees Road Venus Bay in relation to developing land with a dwelling. Seal applied 5 March 2021.

6. Section 173 Agreement between South Gippsland Shire Council and the owner of 36 Crichton Crescent Venus Bay in relation to developing land with a dwelling. Seal applied 5 March 2021.

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

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 February to 12 March 2021.
  - a. CON/222-H for the Provision of Tree and Vegetation Maintenance Services was awarded to South Gippsland Tree Care. Signed by the A/CEO 3 March 2021.
  - b. CON/222-I for the Provision of Tree and Vegetation Maintenance Services was awarded to Herbert Group Holdings Pty Ltd. Signed by the A/CEO 3 March 2021.
  - c. CON/222-J for the Provision of Tree and Vegetation Maintenance Services was awarded to Arborcraft Tree services Pty Ltd. Signed by the A/CEO 3 March 2021.
  - d. CON/222-K for the Provision of Tree and Vegetation Maintenance Services was awarded to Gippsland Land Services. Signed by the A/CEO 3 March 2021.
  - e. CON/279 for the Great Southern Rail Trail Extension – Design and Construction and Pedestrian Bridges was awarded to William James Petersen T/A Agtrans Services. Signed by the CEO 27 February 2021.
  - f. CON/278 for the Supply and Delivery of E-waste Hook Lift Bins was awarded to Easyquip Pty Ltd. Signed by the CEO 18 February 2021.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 February to 12 March 2021.

Nil

3. Contract variations approved by the CEO between 13 February to 12 March 2021.

- a. CON/248-A for the Repair of Landslips in the South Gippsland Region – Wild Dog Valley Road and Mount Eccles Road was awarded to MACA Civil Pty Ltd. A contract variation of \$34,836.99 was signed by the CEO after consultation with the Administrator Chair on 16 February 2021.
  - b. CON/248-C for the Repair of Landslips in the South Gippsland Region – Griggs Road and Clarkes Road was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. A contract variation of \$35,280 was signed by the CEO after consultation with the Administrator Chair on 10 March 2021.
4. Contract extensions approved by the CEO between 13 February to 12 March 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.

#### **ATTACHMENTS**

Nil

#### **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

#### **4.9. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

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 and authorisation for new staff member, Tahnae Blight and for Director Economy and Community Renae Littlejohn 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 [4.9.1] [4.9.2.] 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 Brown

**SECONDED:** Administrator Zahra

**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 [4.9.1] [4.9.2.] 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.**

**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 employee (Tahnae Blight) recently recruited to positions within the Planning Services department. A new Instrument is also required for Director Renae Littlejohn enabling Renae to fulfil the required duties as Director Economic and Community Development. The two Instruments are contained in **Attachments [4.9.1] and [4.9.2]**.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

Failure to adopt, update or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. S11A Instrument of Appointment P E Act Tahnae Blight 21 April 2021 to appl  
[4.9.1 - 1 page]
2. S11A Instrument of Appointment P E Act Renae Littlejohn 21 April 2021 to a  
[4.9.2 - 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. NOTICES OF MOTION AND/OR RESCISSION**

### **5.1. NIL**

## **6. ADMINISTRATOR REPORTS**

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

**Nil**

### **6.2. ADMINISTRATORS UPDATES**

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

- **The Loch Bowling Club and commented on the good news story that the Club has 15 bare foot bowling teams running each week.**
- **The Country Women's Association (CWA) Bass & Loch Area Arts and Crafts presentation and commented how awe inspired she was with the imaginative and creative works on display.**
- **The Korumburra Croquet Club 100-year celebrations and noted what a fun day it was, that Clubs from around Gippsland attended and they all enjoyed a magnificent cake.**
- **The *One Gippsland* meeting, a meeting with Local Government councils in the area. An additional meeting held on that day was the regional meeting of the Municipal Association of Victoria (MAV), a draft Strategic Plan was considered.**
- **The forthcoming launch of the Great Southern Bale Trail that afternoon, and was looking forward to viewing the exciting local art work displays.**

### **6.3. COMMITTEE UPDATES**

**Nil**



## 7. 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**

## **8. PUBLIC QUESTIONS**

### **8.1. 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**

## **8.2. 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**

### 8.3. 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.*

**Mr Lindsay Love on behalf of the South Gippsland Action Group (SGAG) submitted written questions and responses are provided in these Minutes.**

**Question 1**

**Can Council advise when they will be proactive and forward looking and contact Parks Vic and South Gippsland Water inviting them to engage in a round table meeting (in the near term) to resolve how each organisation can benefit by working together to bring a water supply from Foster to Yanakie (and Prom Gates)?**

**Response**

Council does and will continue to work closely with South Gippsland Water (SGW) on strategic water infrastructure issues in the Shire, and also, with other relevant stakeholders including Parks Victoria when required. South Gippsland Water (SGW) will be undertaking an updated Urban Water Strategy over the next 12 months. That Strategy is the mechanism to consider the extension of reticulated water to un-serviced towns and other key water infrastructure issues. Council will advocate strongly for townships to receive reticulated water through the Urban Water Strategy.

**Question 2**

**Can Council organize community meetings (in near term) to discuss what Council needs to do to facilitate bringing water from Foster to Yanakie?**

**Response**

Council has not had representation from the Yanakie community regarding connection to reticulated water. Council will advocate for reticulated water through the development of the Urban Water Strategy.

**Question 3**

**Will Council contact the owners of the resort zoned land adjacent the Prom Gates to determine what assistance they need to move the resort project forward?**

**Response**

Council has worked with the land owner to rezone the land to Special Use Zone providing clear guidance to the developer and future owners of the land. Council has no direct role in facilitating the development which will be a private sector use where the financial benefits return to the land owner.

**Mr David Amor submitted a written question and a response is provided in these Minutes.**

**Question 1**

**Plans for Korumburra Hub, when will they be available for public, new, latest one?**

**Response**

Council keeps updates of its Priority Projects on the Council website. The progress report for the Korumburra Community Hub is located at the following link: [Korumburra Community Hub | South Gippsland Shire Council](#) . Included in the project update is an artistic impression, site plan and development plans & elevations and Korumburra CBD Landscape Concept Plan.

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

**Question 1**

**The 24 July 2019 Council meeting adopted the Port Welshpool Marine Precinct Plan and requested a report on implementation options be prepared. When will this report be completed and available to the public?**

**Response**

To date Council has not prepared a further report discussing the implementation of the Port Welshpool Marine Precinct Plan as it is not in the Council Plan as a current priority.

**Question 2**

**Since commencement of the Port Welshpool Marina Project how much, to date, has Council spent on consultancy fees for associated investigations, analysis and reports?**

**Response**

The total project cost was \$149,000 of which Council funded \$60,000. The majority of this money was expended on consultancy investigations and reports.

**Question 3**

**How much external grants funding has Council received to date to offset the costs related to the Port Welshpool Marina Project.**

**Response**

The project was partly funded by a Regional Development Victoria grant of \$90K.

## 9. CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

1. Per s.3(1)(f) Confidential Agenda item 11.1, designated as personal information,
  - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
  - b. The grounds for designation have been made to protect the privacy of the Chief Executive Officer's personal information.

**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)(F) CONFIDENTIAL AGENDA ITEM 11.1, DESIGNATED AS PERSONAL INFORMATION,**
  - a. BEING INFORMATION WHICH IF RELEASED WOULD RESULT IN THE UNREASONABLE DISCLOSURE OF INFORMATION ABOUT ANY PERSON OR THEIR PERSONAL AFFAIRS;**
  - b. THE GROUNDS FOR DESIGNATION HAVE BEEN MADE TO PROTECT THE PRIVACY OF THE CHIEF EXECUTIVE OFFICER'S PERSONAL INFORMATION.**

**CARRIED UNANIMOUSLY**



## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 19 May 2021 commencing at 1pm in the Council Chambers, Leongatha.

The Council Meeting closed at 1.47pm.

**Confirmed this**

**19<sup>th</sup> of May 2021.**

**Administrator Chair, Julie Eisenbise**