

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

Wednesday 16 October 2024

Council Meeting No.499

**Council Chambers, Leongatha
Commencing at 2.00 PM**



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

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

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

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



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

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

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

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 499 of the South Gippsland Shire Council will be held on Wednesday 16 October 2024 in the Council Chambers, Leongatha, commencing at 2:00pm

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Kerryn Ellis
Chief Executive Officer

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Privacy Statement

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

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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

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

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

Public Questions

For Council Meetings in the Election/Caretaker Period (17 September to 26 October) there will be no public question time.

1.3. OPENING PRAYER

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

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

Councillor Michael Felton with leave of Council granted at Council Meeting 11 September 2024.

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Additional Meeting held on Wednesday 2 October 2024 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

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

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

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

2. OBJECTIVE - LEADING WITH INTEGRITY

2.1. 2023/24 ANNUAL REPORT

| | |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department: | Governance and Integrity |

CHIEF EXECUTIVE OFFICER CERTIFICATION (*Local Government Act 2020*, section 304)

The Chief Executive Officer certifies that the content within the Council Report *2.1 2023/24 Annual Report* has been checked to ensure it does not contain electoral material and complies with section 304 of the *Local Government Act 2020* and Council's *Election Period Policy (C30)* that relates to the 'Election Period'.



Kerryn Ellis
Chief Executive Office

Council Plan

Objective - Leading with Integrity

The 2023/24 Annual Report finalises Council's reporting against the 2023/24 Report of Operations, Financial Statements and Performance Statement. The Annual Report provides an overview of Council's performance for the 2023/24 financial year and presents fairly, the financial performance and operational position of Council to the community and aligns with the Local Government Act 2020.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council and the community with Council's audited financial and operational position as of 30 June 2024 via the *2023/24 Annual Report*.

Following the 2 October 2024 Council Meeting, the Performance Statement and Financial Statements were signed and sent to VAGO for certification. VAGO advised that the date on page 19 of the statements was incorrectly shown as 16 October 2024 instead of 2 October 2024.

VAGO recommended the date be changed which is consistent with part 5 of the 2 October 2024 Council Resolution:

5. Authorises the Chief Executive Officer to make any administrative and non-material changes to the Statements as recommended by the Victorian Auditor-General's Office (VAGO)

RECOMMENDATION

That Council receives and endorses the South Gippsland Shire Council Annual Report 2023/2024 prepared in accordance with the *Local Government Act 2020*.

REPORT

As per ss 98 and 99 of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*, Council must prepare an Annual Report that provides a succinct end-of-year summary of Council's performance. Council is required to adopt an *Annual Report* for each financial year by 31 October (**Attachment [2.1.1]**).

The Annual Report must contain the following:

- Financial Statements (subject to audit by VAGO);
- Performance Statement Indicators (subject to audit by VAGO);
- Governance and Management Checklist;
- Report of Operations including a recap on key achievements against the *2022-2026 Council Plan* Strategic Objectives and *2023/24 Annual Initiatives* and the Local Government Performance Reporting Framework (LGPRF) Indicators; and
- A copy of the Victorian Auditor General's Office (VAGO) auditor's report for the Performance and Financial Statements.

These documents are presented to Council for endorsement.

The Audit and Risk Committee held a Special Meeting on Tuesday 17 September 2024 to review the draft performance and financial statements, as audited by Council's auditor, VAGO.

At the Council Meeting held on 2 October 2024, Council provided in principle approval to the performance and financial statements for the year ended 30 June 2024.

This year, the Council election period overlaps with the final approval process of the Annual Report. Council will act according to the requirements set out in its Election Period Policy, which forms part of the Governance Rules, adhering to the following section:

"3.7 Decisions Permissible Under Legislation: 1. Council may not delay a decision that is required within a specified time frame by legislation e.g. planning decisions

with timelines specified under the Planning and Environment Act 1987, or decisions required by the Local Government Act 2020, such as the preparation of an Annual Report."

Local Government Victoria also annually provides the *Local Government Better Practice Guides* for the preparation of the various components of the Annual Report. These documents have guided Council in the required content of each section of the *2023/24 Annual Report*.

The *2023/24 Annual Report* provides a snapshot of Council's key achievements against the *2022-2026 Council Plan* Strategic Objectives and the *2023/24 Annual Initiatives*.

The report includes the following sections:

- Our Region;
- Our Organisation;
- Report Overview (featuring a financial overview);
- Our Performance;
- Our Governance;
- Performance Statements;
- Financial Statements.

Local Government Performance Reporting Framework (LGPRF) Indicators

Council's LGPRF indicators and results are presented under each Strategic Objective of the Council Plan in the *Our Performance* section. These indicators are compared against the previous three-year results as per guidelines and will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The LGPRF indicators also include material variation comments, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material variation comments are also included where a variance is plus or minus 10 per cent compared to the previous three years.

Several changes were introduced by the Victorian State Government for the 2023/24 financial year as outlined in Overview of Changes to LGPRF for 2023/24 - Practice Note 18. Councils are required to set targets for the eight service and financial measures below, as part of the Council's budget:

Service measures:

- G2 - Governance – Consultation and engagement

- SP2 - Statutory Planning – Service standard
- R2 - Roads – Condition
- WC5 - Waste management – Waste diversion

Financial measures:

- E2 - Financial efficiency – Expenditure
- S1 - Financial stability – Rates concentration
- L1 - Financial liquidity – Working capital
- O5 - Financial obligations – Asset renewal

Governance Management Checklist

The Governance Management Checklist is in line with the Local Government (Planning and Reporting) Regulations 2020 and the Act and requires certification by the Mayor and the CEO.

Other changes introduced by the Victorian State Government include the addition of three new items to the Government and Management Checklist:

Complaint policy - new item in relation to complaint policy requirement under the *Local Government Act 2020*.

Workforce plan - new item in relation to workforce plan requirement under the *Local Government Act 2020*.

Payment of rates and charges hardship policy - new item in relation to better practice payment of rates and charges hardship policy.

Financial and Performance Statements

The Financial Statements and Performance Statement present the financial performance and position of the Council for 2023/24 financial year. The annual accounts and financial statements are a key transparency and public assurance measure, providing information to the community about Council's financial position. These Statements are audited by VAGO.

The Performance Statement provided in is in line with the required format and content as per the *Local Government Better Practice Guide – Annual Report – Performance Statement 2023/24* guidelines. Some LGPRF indicators are also included in the Performance Statement and are audited by VAGO.

Further Victorian Government changes were also made to the Performance Statement with the following service measures replaced:

- G5 - Governance – Satisfaction replaced with: G2 - Governance – Consultation and engagement

- SP4 - Statutory Planning – Decision making replaced with: SP2 - Statutory Planning – Service standard
- R5 - Roads – Satisfaction replaced with R2 - Roads - Condition

Another requirement, integrated into the 2023-24 Model Budget was that councils are required to set a target for the current budgeted year and the next three future years.

There is a strong correlation between the *Long-Term Financial Plan*, the *Annual Budget* and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15-year financial framework.

CONSULTATION / COMMUNITY ENGAGEMENT

The audited Financial Statements and Performance Statement were endorsed by the Audit and Risk Committee on 17 September 2024.

The final *2023/24 Annual Report* will be published on Council's website.

RESOURCES / FINANCIAL VIABILITY

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed and designed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

RISKS

Completion of the Annual Report along with certified Financial and Performance Statements is an annual legislative requirement of the *Local Government Act 2020*. To not complete the Annual Report and requirements would be a breach of s.98 and 99 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

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

1. 202324 Annual Report - FINAL w VAGO Certification for 16 Oct 2024 [2.1.1 - 182 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework
Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Annual Budget

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

Legislative Provisions

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Local Government Better Practice Guide – Annual Report – Report of Operations 2023/24

Local Government Better Practice Guide – Annual Report – Performance Statement 2023/24

Local Government Better Practice Guide – Annual Report Local Government Better Practice Guide – Annual Report – Performance Reporting Indicator Workbook 2023/24

Overview of changes to LGPRF for 2023/24 – Practice Note 18

Regional, State and National Plan and Policies

Nil

2.2. AUDIT AND RISK COMMITTEE - 20 AUGUST 2024 MEETING MINUTES

| | |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department: | Financial Strategy |

CHIEF EXECUTIVE OFFICER CERTIFICATION (*Local Government Act 2020, section 304*)

The Chief Executive Officer certifies that the content within the Council Report 2.2 Audit and Risk Committee - 20 August 2024 has been checked to ensure it does not contain electoral material and complies with section 304 of the *Local Government Act 2020* and Council's *Election Period Policy (C30)* that relates to the 'Election Period'.



Kerryn Ellis
Chief Executive Office

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

The minutes of the Audit and Risk Committee meeting held 20 August 2024 (**Attachment [2.2.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)

RECOMMENDATION

That Council notes the Audit and Risk Committee Minutes – 20 August 2024 (Attachment [2.2.1]).

REPORT

The matters considered by the Audit and Risk Committee at the 20 August 2024 meeting are contained in (**Attachment [2.2.1]**).

CONSULTATION / COMMUNITY ENGAGEMENT

The Audit and Risk Committee Minutes for 20 August 2024 (**Attachment [2.2.1]**) have been formally accepted by the Audit and Risk Committee at the 17 September 2024 meeting.

RESOURCES / FINANCIAL VIABILITY

Budget allowances for Council's three Independent Audit and Risk 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 at the following [LINK](#).

1. Audit and Risk Committee - 20 August 2024 - Final Minutes [**2.2.1** - 15 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

2.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 AUGUST TO 12 SEPTEMBER 2024

| | |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department: | Governance and Integrity |

CHIEF EXECUTIVE OFFICER CERTIFICATION (*Local Government Act 2020*, section 304)

The Chief Executive Officer certifies that the content within the Council Report 2.3 Summary of Strategic Briefings - 13 August to 12 September 2024 has been checked to ensure it does not contain electoral material and complies with section 304 of the *Local Government Act 2020* and Council’s *Election Period Policy (C30)* that relates to the ‘Election Period’.



Kerryn Ellis
Chief Executive Office

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of the information presented to Councillors during 13 August and 12 September 2024.

This aligns with the principles of the *Local Government Act 2020* and supports transparency around Council decisions and actions.

RECOMMENDATION

That Council receives and notes this report.

REPORT

| Meeting Title | Details |
|---|--|
| Wednesday 14 August 2024 | |
| Council Meeting Agenda Topic Discussion – 21 August 2024 | Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Michael Felton. |

| Meeting Title | Details |
|--|--|
| | <p>Conflict of Interest: Kerryn Ellis, Chief Executive Officer has a declared material conflict of interest in Confidential Agenda Item 14.1. PERSONAL INFORMATION – CEO Employment & Remuneration Committee, as the matter relates directly to her role. The CEO was not in attendance at the briefing meeting day.</p> |
| <p>Community Recreation Projects</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Michael Felton. Conflict of Interest: Nil disclosed.</p> |
| <p>Rate Differential Review</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Michael Felton. Conflict of Interest: Nil disclosed.</p> |
| <p>GippsDairy Update</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Michael Felton. Conflict of Interest: Nil disclosed.</p> |
| <p>Wednesday 21 August 2024</p> | |
| <p>Council Meeting Agenda Topic Discussion – 21 August 2024</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Sarah Gilligan. Conflict of Interest: Kerryn Ellis, Chief Executive Officer has a declared material conflict of interest in Confidential Agenda Item 14.1. PERSONAL INFORMATION – CEO Employment & Remuneration Committee, as the matter relates directly to her role. The matter was not discussed at the briefing meeting.</p> |
| <p>Former Mirboo North Railway Station Refurbishment</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Sarah Gilligan. Conflict of Interest: Nil disclosed.</p> |
| <p>Foster Stables</p> | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Sarah Gilligan. Conflict of Interest: Nil disclosed.</p> |

| Meeting Title | Details |
|--|--|
| Procurement Review Update | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Sarah Gilligan.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Council Submission - Local Government Amendment | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Sarah Gilligan.</p> <p>Conflict of Interest: Nil disclosed</p> |
| Wednesday 4 September 2024 | |
| 2023/24 Capital Works Update | <p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Jenni Keerie Michael Felton, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Council Meeting Agenda Topic Discussion – 11 September 2024 | <p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Jenni Keerie Michael Felton, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Planning Briefing | <p>Councillors Attending: Mohya Davies, Scott Rae, John Schelling, Jenni Keerie Michael Felton, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Wednesday 11 September 2024 | |
| Council Meeting Agenda Topic Discussion – 11 September 2024 | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Leongatha Memorial Hall Project Update | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |
| Lease/Licence Review | <p>Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie, Sarah Gilligan and Nathan Hersey.</p> <p>Conflict of Interest: Nil disclosed.</p> |

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government Act 2020

2.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 AUGUST 2024 TO 12 SEPTEMBER 2024

| | |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department: | Financial Strategy |

CHIEF EXECUTIVE OFFICER CERTIFICATION (*Local Government Act 2020*, section 304)

The Chief Executive Officer certifies that the content within the Council Report *2.4 Documents Sealed, Contracts Varied, Awarded or Extended by CEO - 13 August 2024 to 12 September 2024* has been checked to ensure it does not contain electoral material and complies with section 304 of the *Local Government Act 2020* and Council’s *Election Period Policy (C30)* that relates to the ‘Election Period’.



Kerryn Ellis
Chief Executive Office

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 August 2024 to 12 September 2024. Council’s *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

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

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

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

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

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

1. Deed of Novation between South Gippsland Shire Council and The Trustee for Zurma Earthworx Unit Trust, trading as Zurma Earthworx Pty Ltd (*transferee*), for the novation of Supply Contract CON/366 – Panel of Civil and Road Surfacing, Works, Equipment and Products from Zurma Building Group Pty Ltd (*transferor*). Seal applied 13 August 2024.

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 be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

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

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 3992 and 4160 South Gippsland Highway Foster for a two-lot subdivision. Seal applied 13 August 2024.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 108 and 134 Elphicks Road Foster for a two-lot subdivision. Seal applied 28 August 2024.

Contracts Awarded, Varied or Extended

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 August 2024 to 12 September 2024.
 - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 13 August 2024 to 12 September 2024.
 - a. CON/407 for the Provision of Catering Services awarded to Brent Sinclair, trading as Brent Sinclair Catering and Space 47, signed by CEO 11 September 2024;
 - b. CON/404 for the Dismantle and Removal of Freight Gate at Korumburra Rail Precinct awarded to Express Demolition and Excavation Pty Ltd signed by CEO 10 September 2024;
 - c. CON/421 for the 2024/25 Construction of Footpath Renewals and Footpath Extensions – Various Locations awarded to M Mileto and B. A Whale trading as M & M Paving, signed by CEO 10 September 2024;
 - d. CON/408 for the Korumburra Rail Precinct Stage 2 awarded to Hugh Patrick Pty Ltd, trading as BJs Earthmoving, signed by CEO 5 September 2024;
 - e. CON/389 for the Nelson Street Foster Street Reconstruction awarded to Ace Earthmoving (Victoria) Pty Ltd, signed by CEO 5 September 2024;
 - f. CON/414 for the Panel of Suppliers for the Provision of Tree and Vegetation Maintenance Services awarded to: ETS Infrastructure Management Pty Ltd; F4F Pty Ltd atf for Thomas and Pickering Family Trust t/as Tree X Tree Services t/as Tree X Tree Services; JL&RJE Dowel P/L atf JL&RJE Family Trust and SG&MC Cameron P/L atf SG&MC Cameron Family Trust t/as Tricky Tree Works; Tree Works Australia Pty Limited; Gippsland Tree Services; Trimmer Tree Pty Ltd, and; Arborzone Total Tree Care Pty Ltd atf The Peter Bateman Family Trust. Signed by CEO 15 August 2024
3. Contract variations approved by the CEO between 13 August 2024 to 12 September 2024.

- a. Nil
4. Contract extensions approved by the CEO 13 August 2024 to 12 September 2024.
- a. CON/347 for the Management of Korumburra Community Hub was awarded to Milpara Community House Incorporated. The contract was for an initial term of one-year commencing on 23 October 2023 with an option of a one (1) x one (1) year extension, followed by a one (1) x two (2) year extension. An extension of one (1) year (first year option) has been approved, signed by CEO 11 September 2024.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

General Local Law 2024

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

3. COUNCILLOR REPORTS

Nil

4. URGENT BUSINESS

This section of the Agenda is for urgent business items:

1. Urgent Business

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

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

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

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

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

5. 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.

Nil

6. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 20 November 2024 commencing at 2pm in the Council Chambers, Leongatha.