

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

19 May 2021

Council Meeting No. 457
Council Chambers, Leongatha
Commencing at 1.00pm

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



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



OUR PURPOSE

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

Privacy

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

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

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 457 of the
South Gippsland Shire Council will be held on Wednesday 19 May 2021
in the Council Chambers, Leongatha commencing at 1.00pm

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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.

Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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

1.3. OPENING PRAYER

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

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 456, held on 21 April 2021 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au. Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au. Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

2. OBJECTIVE 1 - UNITED SHIRE

2.1. COMMUNITY LEADERSHIP PROGRAM - SHORTLIST PROCESS

Economic & Community Development

Council Plan

Objective 1 - United Shire - Strategy 1.2 Develop and support the leadership skills of existing and emerging community leaders, volunteers, community groups and networks

This Community Leadership Program is a key action to fulfil an Annual Initiative of the Council Plan. The Program incorporates a process of continuous improvement and will be strengthened through the development of a revised shortlisting process.

EXECUTIVE SUMMARY

This report requests that Council approves the recommended process for establishing a shortlist of applicants for the South Gippsland Community Leadership Program (the Program) prior to the second intake in 2021.

RECOMMENDATION

That Council endorses the South Gippsland Community Leadership Program – Program Shortlist Process.

REPORT

One of the key objectives set for the period of administration by the Minister for Local Government was the delivery of an extensive Community Leadership Development Program. The purpose of this Program is to encourage widespread participation in community and civic life in the municipality, support the development of community leadership skills, and support an improvement in the relationship between the Council and its community.

This report details a revised process developed to shortlist participants for the *South Gippsland Community Leadership Program 2021*. The report requests that Council approve the process so that it can be applied prior to the second intake in July 2021.

The revised process allows for replacement of participants who withdraw from the Program within the first four weeks. Replacement participants will have been previously shortlisted but not included in the initial intake due to all available places having been filled. This will maintain the integrity of the Program as any replacement candidate will have been assessed as meeting the eligibility requirements for the Program.

The proposed process also requires a member of the Executive Leadership Team or their delegate to participate on the Assessment Panel, establishing an Assessment Panel of four, including an independent member.

South Gippsland Community Leadership Program – Program Shortlist

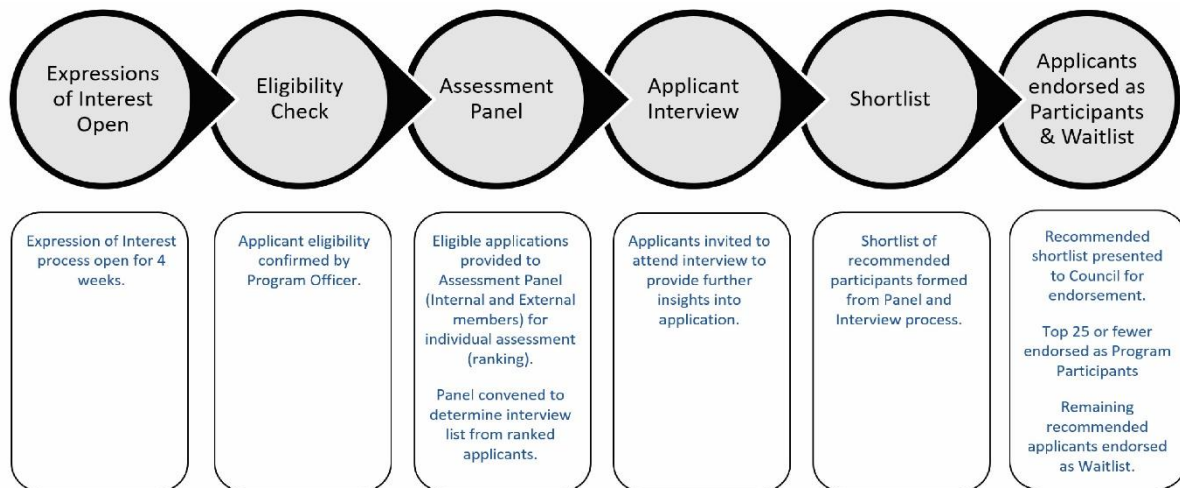
Process:

- Expressions of Interest open for four weeks;
- Eligibility assessed internally by the Community Leadership Program Officer to ensure all required information is provided, and applicants meet eligibility criteria;
- All eligible applications progress to assessment by an assessment panel comprising: an external assessor with experience in Community Leadership Programs; Community Leadership Program Officer, Chief Executive Officer or their delegate, member of the Executive Leadership Team or their delegate.
 - Panel members individually assess applicants utilising an assessment matrix resulting in a numerical ranking of applications;
 - Panel convened to discuss and determine shortlist of applications to proceed to interview.
- Applicants on the interview shortlist invited to participate in an interview, with an Interview Panel comprising; Community Leadership Program Officer, Chief Executive Officer or their delegate and a member of the Executive Leadership Team or their delegate. Interview process includes a scoring process resulting in a final numerical ranking of applications;
- Officer report with recommended shortlist as determined by the Assessment and Interview Panel presented at a Council Meeting for endorsement as Program Participants and Waitlist Participants;
 - The highest ranked applicants (top 25 or fewer) invited to participate in the Community Leadership Program; and
 - Remaining applicants on the endorsed shortlist advised of status as waiting list applicants.

Should a vacancy occur within the first four weeks of the Program, the Chief Executive Officer has delegated authority to backfill from the next highest on the endorsed waiting list applicants.

An information package with the content of workshop and skills development programs already undertaken will be provided to new participant/s to ensure they are able to take up their position with confidence.

Shortlist Process Diagram:



CONSULTATION / COMMUNITY ENGAGEMENT

The revised process has been developed in consultation with the Community Leadership Program Officer, Community Strengthening Team and discussion with participants in the Community Leadership Program (First Intake).

RESOURCES / FINANCIAL VIABILITY

The Community Leadership Program is fully funded. This process does not require any additional resources or impact on the Program’s financial viability.

RISKS

All Programs experience a rate of attrition as participants may need to leave the Program for personal or professional reasons. This process mitigates the risk of a reduced participant group, as it allows for replacement of participants should it be required within the first four weeks of the Program.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

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

Annual Budget

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

2.2. EMERGENCY MANAGEMENT - NOMINATION OF ADMINISTRATOR TO - MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC)

Economic & Community Development

Council Plan

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

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

Council has traditionally appointed Councillors to a range of internal and external Committees. The purpose of this report is to recognise a request from the South Gippsland Municipal Emergency Management Planning Committee (MEMPC) to provide a Councillor to fulfil the role of community representative on the MEMPC.

The MEMPC is responsible for integrated emergency management planning for South Gippsland, including mitigation of fires and other emergencies.

The report provides a recommendation to appoint Administrator Julie Eisenbise to the MEMPC until the end of the Administrator term in October 2021. It also recommends that a Councillor appointment to the MEMPC is endorsed on an ongoing basis.

RECOMMENDATION

That Council:

- 1. Endorses the appointment of a Councillor to fulfil the role of community representative on the South Gippsland Municipal Emergency Management Planning Committee (MEMPC), and includes the MEMPC in the ongoing appointment to Committees and External Bodies process. Attachment [2.1.2]); and**
- 2. Appoints Administrator Julie Eisenbise to the South Gippsland Municipal Emergency Management Planning Committee (MEMPC) until the end of the Administrator term in October 2021.**

REPORT

On the 22 April, under section 59F of the *Emergency Management Act 2013* (the Act), South Gippsland Shire Council established the South Gippsland

Municipal Emergency Management Planning Committee (MEMPC), and in doing so, transferred responsibility for municipal emergency management planning from Council to the newly formed multi-agency MEMPC.

The MEMPC exists separate from Council. It is empowered to regulate its own procedure (the Act), and is now an external Committee, not a Committee of Council. The MEMPC report to and are accountable to the Gippsland Regional Emergency Management Planning Committee, and not to South Gippsland Shire Council.

The Act sets out a legislated core membership for the MEMPC:

- Municipal Council appointed representative (Chair);
- Victoria Police;
- Country Fire Authority;
- Ambulance Victoria;
- Victoria State Emergency Service;
- Australian Red Cross; and
- Department of Health and Human Services.

Additionally, as identified in section (s.59A(1)(b)) of the Act, the MEMPC must invite:

- At least one community representative;
- At least one recovery representative; and
- At least one other representative (industry, business or additional agency).

At the first meeting of the MEMPC on 22 April 2021, the legislated core members invited Council to provide a Councillor to fulfil the role of community representative on the Committee (**Attachment [2.2.1]**).

The MEMPC is responsible for emergency management planning for South Gippsland and the role of the community representative on the MEMPC is to contribute to its work, and to support community engagement activities that build resilience to, and awareness of risks and promote protective actions.

There is no requirement for Council to provide a Councillor to fulfil this role and no legal description for who the community representative should be (s.59(1)(b)(i), the Act).

The MEMPC reviews membership on a yearly basis and the first review is scheduled for April 2022. It is recommended that for continuity, a Councillor is

appointed to the South Gippsland MEMPC on an ongoing basis in line with Council procedures, unless otherwise directed by the MEMPC.

CONSULTATION / COMMUNITY ENGAGEMENT

Administrators agreed to nominate Administrator Julie Eisenbise to the MEMPC. Administrator Julie Eisenbise was the nominated representative on the previous Municipal Emergency Management Planning Committee.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

The investment of Administrator/Councillor time and resources through involvement in the MEMPC will return positive outcomes and opportunities for Council and the community through sharing information, providing community advocacy and supporting community engagement.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 2. Culture & Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

Pillar 5. Communications & Community Engagement

Pillar 6. Capability

Pillar 7. Risk & Compliance

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

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

Emergency Management Legislation Amendment Act 2018

Environment Protection Act 1970

Environment Protection Act 1994

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

Water Act 1989

3. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE

3.1. GRANT APPLICATIONS - LOCH BOWLS CLUB SYNTHETIC GREEN, MIRBOO NORTH LIBRARY UPGRADE, AND THE MDU FOOTBALL NETBALL CLUB FOOTBALL GOAL POST REPLACEMENT PROJECT

Sustainable Infrastructure

Council Plan

Objective 1 - United Shire - Strategy 1.1 Develop a shared vision for the future direction of the Shire in partnership with the community

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

This report responds to building a sustainable and growing economy and to deliver services that enhance liveability for current and future generations.

EXECUTIVE SUMMARY

Local Sports Infrastructure Fund (LSIF)

On 8 February 2021, the Minister for Community Sport, the Hon. Ros Spence, opened the 2021 Local Sports Infrastructure Fund (LSIF), a competitive Victorian Government program that provides a range of grant opportunities across five funding streams. Applications to the program are opened to councils only and the program closed on 22 March 2021.

After consultation with relevant community groups, internal officers, Administrators, and Sport and Recreation Victoria (SRV), an application to the Facilities for Active Seniors stream was submitted requesting \$200,000 for the Loch Bowls Club Synthetic Greens Project. The anticipated total Project cost is \$300,000 which has been based on estimates from specialised external contractors for the various elements of the design. The Loch Bowls Club has generously committed \$50,000 towards the Project. Therefore, if an application is successful, Council will be required to contribute the remaining \$50,000.

An application for \$7,100 was also submitted to the Scoreboards and Fixed Equipment Stream on behalf of the Meeniyan Dumbalk Football Netball Club (MDUFNC) for the replacement of Football Goal Posts. The total Project is estimated at \$14,200 based on a quote from a specialised supplier. The MDUFNC have committed \$7,100, therefore, no funding contribution is required from Council if the application is approved.

Living Libraries Infrastructure Program (LLIP)

In 2020 the Minister for Local Government, the Hon. Shaun Leane, opened the Living Libraries Infrastructure Program (LLIP) which enables Victorian councils and regional library corporations to deliver new or renewed library infrastructure for their communities. Funding is available through two funding streams being Major Projects and Minor Projects. Applications to the program were to originally close on 10 March 2021, however, the date was extended to the 19 March 2021 as the program was undersubscribed.

An application for \$75,000 was submitted to the Minor Works stream on behalf of the West Gippsland Regional Library Corporation (WGRLC) to undertake internal refurbishment works to the Mirboo North Library. The total Project cost is estimated at \$100,000 based on previous works undertaken at other facilities. The WGRLC has committed \$25,000 to the Project and therefore, no funding contribution is required by Council if the application is approved.

RECOMMENDATION**That Council:**

- 1. Endorses the application for \$200,000 under the Victoria Governments 2021 Local Sports Infrastructure Fund – Active Seniors stream for the Loch Bowls Club Synthetic Green Project;**
 - a. Notes that the application for the Loch Bowls Club Synthetic Green Project was submitted to the Victoria Governments 2021 Local Sports Infrastructure Fund – Facilities for Active Seniors stream prior to the closing date of 22 March 2021;**
 - b. Allocates the \$50,000 contribution from the Community Infrastructure Projects budget in the draft 2021/22 Council Budget towards the Loch Bowls Club Synthetic Green Project if the grant is approved; and**
 - c. Notes the community contribution of \$50,000 from the Loch and District Bowling Club towards the Loch Bowls Club Synthetic Green Project.**

 - 2. Endorses the application for \$7,100 under the Victorian Governments 2021 Local Infrastructure Fund – Scoreboards and Fixed Equipment Stream for the Meeniyan Dumbalk Football Netball Club – Football Goal Posts Replacement Project;**
 - a. Notes that the application for the Meeniyan Dumbalk Football Netball Club – Football Goal Posts Replacement Project was**
-

- submitted to the Victoria Governments 2021 Local Sports Infrastructure Fund – Scoreboards and Fixed Equipment stream prior to the closing date of 22 March 2021;**
- b. Notes that there is no funding contribution required from Council for the Meeniyon Dumbalk Football Netball Club – Football Goal Posts Replacement Project if the grant is approved; and**
 - c. Notes the community contribution of \$7,100 from the Meeniyon Dumbalk Football Netball Club towards the Meeniyon Dumbalk Football Netball Club – Football Goal Posts Replacement Project.**
- 3. Endorses the application for \$75,000 under the Victorian Governments Living Libraries Infrastructure Program – Minor Projects Stream for the Mirboo North Library Refurbishment Project;**
- a. Notes that the application for the Mirboo North Library Refurbishment Project was submitted to the Victorian Governments Living Libraries Infrastructure Program – Minor Projects Stream prior to the revised closing date of the 19 March 2021;**
 - b. Notes that there is no funding contribution required from Council for the Mirboo North Library Refurbishment Project if the grant is approved;**
 - c. Notes the contribution of \$25,000 from the West Gippsland Regional Library Cooperation towards the Mirboo North Library Refurbishment Project.**

REPORT

Local Sports Infrastructure Fund

The 2021 Local Sports Infrastructure Fund is a state-wide competitive Victorian Government program that provides a range of grant opportunities across five funding streams; Better Indoor Stadiums, Female Friendly Facilities, Community Sports Lighting, Facilities for Active Seniors, and Scoreboards and Fixed Equipment. Applications were submitted under the following two funding streams:

- **Facilities for Active Seniors Stream**

The stream supports the development of new or redevelopment of existing infrastructure to become inclusive and age-friendly to encourage more Senior Victorians to participate in sport and active recreation. Senior Victorians, for the purposes of this Fund, are defined as people 60 years of age and over

Funding of up to \$200,000 is available through the Facilities for Active Seniors stream with a funding ratio of \$2: \$1 (SRV: Local). Only one application can be submitted by Council.

- **Scoreboards and Fixed Equipment**

The stream supports the installation of new scoreboards and fixed equipment to support volunteer efforts, participant safety, participant or visitor experience.

Funding of up to \$25,000 is available through the Scoreboards and Fixed Equipment stream with a funding ratio of \$1: \$1 (SRV: Local). Only one application can be submitted by Council.

Applications to the LSIF closed 22 March 2021.

The following projects were submitted for funding under these funding streams:

- **Loch Bowls Club Synthetic Green Project**

The Project scope involves converting the existing grass greens to an artificial (synthetic) surface. The upgrading of the Loch and District Bowling Club to a synthetic surface supports the objective of the Age-Friendly South Gippsland Plan by providing facilities to allow seniors within Loch district to participate in physical and social activity all year.

At present the greens are maintained by a volunteer Green Keeper who donates 716hrs per year. Although a Synthetic Green will still require maintenance, it will be much less than is required now. Currently, the club's annual equipment and green maintenance costs are approximately \$13,000 which will significantly reduce with the new surface. The Loch and District Bowling Club has completed a Capital Replacement Plan which acknowledges that the club will be required to allocate approximately \$12,500 per year towards the replacement of the synthetic turf once it has reached it's 'useful life'.

- **Meeniyon Dumbalk Football Netball Club – Football Goal Posts Replacement Project**

The Project scope involves replacing the current goal posts at the Meeniyon Recreation Reserve which are aged and do not meet the recommended AFL standards. The MDUFNC obtained a quote from InTrack to supply and install one set of eight AFL aluminium goal posts.

Living Libraries Infrastructure Program (LLIP)

The 2020/21 round of the Living Libraries Infrastructure Program (LLIP) is a \$10 million funding round which will enable councils and regional library corporations deliver new or renewed library infrastructure for their communities. The Program aims to enable councils to continue to provide library facilities that meet the needs of communities and, in doing so, support the role of libraries in strengthening communities and encouraging opportunities for community participation.

Funding is available through two categories: minor works, and major works. One application per category can be submitted in the 2020-21 funding round.

Projects eligible under the minor works category will generally be cosmetic in nature, but may include small remodelling elements or smaller scale components of a mobile library service.

Funding from the LLIP of between \$10,000 and \$150,000 with a funding ratio of \$3: \$1 (Government: Local).

Applications to the program opened 27 January 2021 and closed 19 March 2021.

The following project was submitted for funding under this program:

- **Mirboo North Library Refurbishment**

The Project scope will deliver Victoria's second 24/7 Library in Mirboo North to provide more access to more people in the community. It will also modernise an old uninviting library by making it vibrant and a flexible space to accommodate more visitation and program attendees.

Key features of the Project include:

- Upgrade of the main library entrance door to accommodate 24/7 swipe access to support patrons to use the Library at a time that is convenient for them. This includes item loans (via self-check out) and wifi usage.
- Upgrade the fixed circulation desk to better suit the evolving needs of how the staff serve and support the community.
- Additional electrical work to support more USB ports and power stations for patrons.
- Replacing the carpet, which is worn and tired, with commercial grade carpet more suited to the foot traffic.

- Covering and paint the internal brick walls with plaster to provide a fresh, modern appearance that is bright and welcoming.
- New shelving on wheels (currently old fixed shelving) to better utilise internal library space for program delivery and author talks and support an increase in shelving capacity to accommodate future growth of the library.

This project will result in a more modern and welcoming space that the community can visit and connect with each other. The space will create flexibility to accommodate more group visitation from the local primary schools and aged care facilities.

CONSULTATION / COMMUNITY ENGAGEMENT

Loch Bowls Club Synthetic Green project

The Loch and District Bowling Club first made a presentation to Council seeking support to convert the grass green to a synthetic surface in June 2015. Unfortunately, Council wasn't in a position to assist the club at that stage, however, committed to assist the club to further enhance the project potential.

The club then developed a Strategic Plan with the need to convert the grass greens to synthetic as one of the highest priorities within the plan. In March 2017, representatives from the club presented the Strategic Plan 2017-2022 to Council to specifically seek support for the project. Since then the club has continued to strengthen the justification for the project by actively increasing its membership from approximately 50 members in 2015 to a current membership of 101 in 2021. The club also established a fund for the project and is now in a position to allocate \$50,000 to the project.

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

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

Meeniyon Dumbalk Football Netball Club – Football Goal Posts Replacement project

On 15 February 2021, Council requested Expressions of Interest's to SRV's Scoreboards and Fixed Equipment funding stream from eligible organisations be submitted to Council for consideration. Only one application was formally received that meet the required criteria.

Mirboo North Library Refurbishment

The Project is supported by the Draft WGRLC Strategic Plan 2021-2025 that has been released for public display. The WGRLC have advised that there were 2,400 responses to a survey informing the next Strategic Plan and 98.5 per cent support from respondents. The Strategic Plan aligns with the Strategic Pillars of the WGRLC Mission – Helping People Connect, Belong, and Learn.

The Project was reviewed internally by relevant Council staff with support for the application approved by Council's Executive Leadership Team.

RESOURCES / FINANCIAL VIABILITY***Loch Bowls Club Synthetic Green project***

If Council is successful in securing \$200,000 under the LSIF - Facilities for Active Seniors stream, a Council contribution of \$50,000 will be required if the grant is approved, matching the contribution by the Loch and District Bowling Club.

Below is a breakdown of the funding for the project based on the concept plans and cost estimate. The cost estimate was developed by seeking external advice from a specialised contractor.

Estimated Total Project Cost	\$300,000
LSIF - Facilities for Facilities for Active Seniors	\$200,000
Council Contribution	\$50,000
Community Contribution (Loch and District Bowling Club)	\$50,000

Due to the nature of the project, it is assessed that the Loch and District Bowling Club has the capacity to fully manage the project, in consultation with Council's Sustainable Infrastructure Directorate, including the appointment of the contractor.

Funding of \$415,200 is available in Council's draft 2021/22 Annual Budget for Community Infrastructure Projects which is adequate to cover Council's contribution for the Loch Bowls Club Synthetic Green project.

Meeniyah Dumbalk Football Netball Club – Football Goal Posts Replacement Project

Although applications to the funding stream can only be submitted by Council, if approved, the project will be managed by the MDUFNC with no financial contribution required by Council. The MDUFNC have also committed to meet any cost overruns.

Below is a breakdown of the funding for the project based on the concept plans and cost estimate. The cost estimate is based on the quote provided from the MDUFNC by the specialised supplier.

Estimated Total Project Cost	\$14,200
LSIF – Scoreboards and Fixed Equipment	\$7,100
Council Contribution	\$0
Community Contribution (MDUFNC)	\$7,100

Mirboo North Library Refurbishment

Although the applications to the funding program was submitted by Council, if approved, the project will be managed by the WGRLC with no financial contribution required by Council.

Below is a breakdown of the funding for the project based on previous projects at other facilities that have been delivered by the WGRLC.

Estimated Total Project Cost	\$100,000
LLIP – Minor Projects	\$75,000
Council Contribution	\$0
Community Contribution (WGRLC)	\$25,000

The project will also be fully managed by the WRRLC in consultation with Council's Sustainable Infrastructure Directorate.

RISKS

There is a potential risk with all projects being managed by the relevant organisation, however, this will be mitigated by ensuring that Council's Sustainable Infrastructure Directorate is consulted and approvals provided throughout each project.

There are further potential risks that the projects may come in over budget. This has been mitigated by developing cost estimates that are based on previous projects as well as seeking external advice from specialised contractors.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Age-Friendly South Gippsland Plan Community Infrastructure Project

Management Policy (C09)

Social Community Infrastructure Blueprint

Sport & Recreation Infrastructure Strategy

Municipal Public Health and Wellbeing Plan

3.2. ROAD DISCONTINUANCE AND SALE OF PART ROADS OFF TAVENERS ROAD, JUMBUNNA

Sustainable Infrastructure

Council Plan

Objective 3 - Integrated Services and Infrastructure - Strategy 3.3 Deliver services that enhance liveability and environmental sustainability for generations. The road discontinuance and sale proposes to consolidate unused road reserve into private ownership reducing Council's liability for maintenance and public liability.

EXECUTIVE SUMMARY

The C90 Planning Scheme Amendment created restructure overlays on smaller allotments including roads to facilitate a lot size that could be developed.

Officers have been contacted by representatives of the owner of 18 Taveners Road, Jumbunna requesting to acquire the section of road within their restructure overlay – refer to Lot 2 in the Jumbunna Restructure Map (**Attachment [3.2.1]**).

It is proposed to commence statutory procedures to discontinue that part of the unused road within the restructure overlay (shown in **Figure 1**) and sell the land to the abutting owners of 18 Taveners Road, Jumbunna.

RECOMMENDATION

That Council:

- 1. Commences the statutory procedures to discontinue part of the unused roads within crown allotment 34 Parish of Jumbunna East shown in Figure 1, with an area of 1,293m² and sell the land to the abutting owner of 18 Taveners Road Jumbunna, for not less than a valuation received within six months prior to the sale, pursuant to section.206, s.207A, s.223, and Schedule 10 clause 3 of the *Local Government Act 1989*;**
- 2. Gives public notice on Council's website and in the local newspapers in the week commencing 24 May 2021 in accordance with s.223 of the *Local Government Act 1989* on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 23 June 2021 ;**
- 3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the *Local Government Act 1989* in respect of the proposal in item 1 above; and**

4. **If submissions are received to the public notice:**
 - a. **Authorises the Chief Executive Officer to fix the time, date, and place of a meeting for the section 223 hearing for persons who wish to be heard in support of their submission; and**
 - b. **Receives a further report to consider and determine the submissions at the next available Council Meeting.**

5. **If no submissions are received to the public notice:**
 - a. **Implements the proposal in recommendation 1; and**
 - b. **Publishes the road discontinuance notice in the Victorian Government Gazette.**

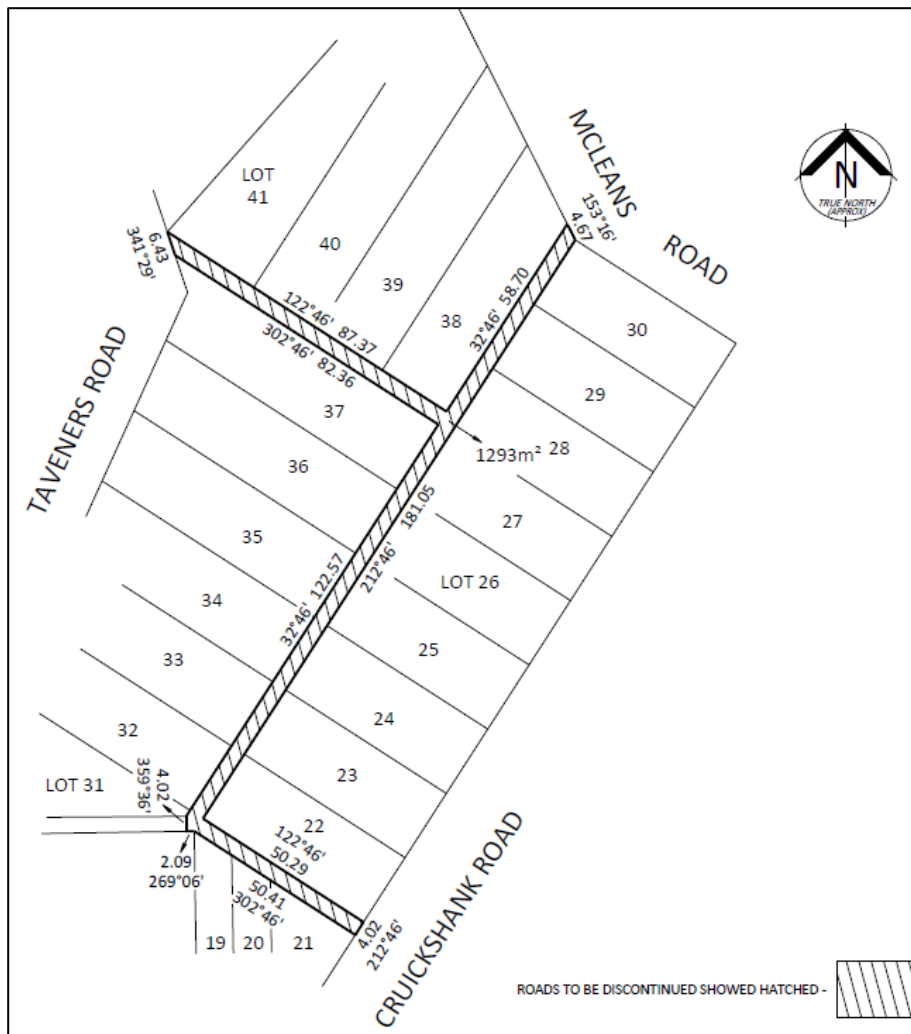
REPORT

The C90 Planning Scheme Amendment created restructure overlays over smaller allotments including roads to facilitate a lot size that could be developed.

Officers have been contacted by representatives of the owner of 18 Taveners Road, Jumbunna requesting to acquire the section of road within their restructure overlay being part roads within crown allotment 34 Parish of Jumbunna East with an area of 1.293m² as shown in **Figure 1**.

The road was created as a 'paper' road within LP3882 but not constructed or used for public traffic.

Figure 1 - Road Discontinuance Plan off 18 Taveners Road Jumbunna



CONSULTATION / COMMUNITY ENGAGEMENT

The C90 Planning Scheme Amendment was advertised widely and all effected parties consulted.

Officers have consulted internal valuers to determine the value of the land. The Valuation has been included in **Confidential Attachment [13.1.1]**.

For Council to discontinue a road and sell it to the adjoining landowner, Council must call for public submissions in accordance with s.207A and s.223 of the *Local Government Act 1989*.

RESOURCES / FINANCIAL VIABILITY

The applicant has paid for the surveying for the road discontinuance plan and title plan.

Officer's time and advertising of the public notice and Victorian Government Gazette Notice.

RISKS

If Council does not proceed with the proposed road discontinuance and sale, the owners of 18 Taveners Road, Jumbunna could not realise the restructure overlay over their property.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Jumbunna Restructure Plan [3.2.1 - 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 [13.1.1] – Valuation - Part Taveners Road Jumbunna - March 2021 – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(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 valuation contains commercial in confidence information relating to land disposal.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Pillar 7. Risk & Compliance

Legislative Provisions

Local Government Act 1989

3.3. POLICY REVOCATION: COUNCIL LAND OWNERSHIP POLICY (C34)

Sustainable Infrastructure

Council Plan

Objective 3 - Integrated Services and Infrastructure and Objective 4 – Customer Focused Organisation – Strategy 4.2 - Review and implement changes to Council plans, policies and practices to align with the Local Government Act 2020 and the Commission of Inquiry recommendations.

It is determined that the Council Land Ownership Policy (C34) be revoked as legislated requirements are specified in the Act for dealing with the sale, exchange, or purchase of Council land.

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the 2020 Act) replaces the *Local Government Act 1989* with respect to the sale, exchange, or purchase of Council land on 1 July 2021.

Regardless of *Council Land Ownership Policy (C34)* (the Policy), Council must adhere to current legislation and best practice guidelines when dealing with the sale, exchange, or purchase of Council land in accordance with sections 112, 114, and 116 of the 2020 Act.

The *2020 Act*, also introduces a *Community Engagement Policy (C06)* that provides a variety of community engagement processes and is required when dealing with the sale or purchase of Council Land.

Given that legislation and guidelines change from time to time and that Council must adhere to the legislation and guidelines when transacting in the sale, exchange, or purchase of Council land, it is proposed that the *Council Land Ownership Policy (C34)* (the Policy) be revoked – refer to **Attachment [3.3.1]**.

RECOMMENDATION

That Council:

- 1. Revokes the Council Land Ownership Policy (C34) refer Attachment [3.3.1]; and**
- 2. Removes the Policy from Council's website.**

REPORT

The *Council Land Ownership Policy (C34)* was adopted by Council on 23 March 2016. This Policy highlighted legislation and guidelines for dealing with the sale, exchange, or purchase of Council land.

The *Local Government Act 2020* replaces the *Local Government Act 1989* with respect to the sale, exchange, or purchase of Council land on 1 July 2021. The 2020 Act, in accordance with ss.112 and 114 also *introduces a Community Engagement Policy (C06)* that provides a variety of community engagement processes and is required when dealing with the sale or purchase of Council Land.

CONSULTATION / COMMUNITY ENGAGEMENT

Any sale, exchange or purchase of Council land in accordance with ss.112, 114, and 116 of the 2020 Act will have a detailed Council report presented to Council, unique to each scenario of the proposed transaction with the required level of community engagement in accordance with Council's *Community Engagement Policy (C06)*.

RESOURCES / FINANCIAL VIABILITY

The revocation of this Policy will reduce officer and Council time by not needing to amend the Policy every time legislation or guidelines are amended.

RISKS

As Council must adhere to legislation and guidelines when transacting in the sale, exchange, or purchases of Council land, the revocation of this Policy does not provide any risks 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

1. (C34) Land Ownership Policy 2016 [3.3.1 - 6 pages]

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

Community Engagement Policy (C06)
Council Land Ownership Policy (C34)
Community Engagement Policy (C06)

Legislative Provisions

Local Government Act 2020 (ss.112, 114, and 116)
Local Government Act 1989

4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

4.1. GENERAL REVALUATION 2021 - RATEABLE AND NON-RATEABLE PROPERTIES IN SOUTH GIPPSLAND

Performance & Innovation

Council Plan

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

Council is required to “cause a General Valuation of rateable and non-rateable leviable land” for the 2021 General Valuation as per legislated requirements.

EXECUTIVE SUMMARY

A General Valuation of all rateable and non-rateable leviable properties in the Shire of South Gippsland is required annually. The 2021 General Valuation has been completed and Council is required to formally adopt it. A change in valuations does not result in additional rates to be collected by Council, however, it does affect how the rates collected are distributed across the Shire.

Council is also required to ‘cause a General Valuation of rateable and non-rateable leviable land’ for the 2022 General Valuation.

All references to ‘the Act’ are references to the *Valuation of Land Act 1960* (as amended).

RECOMMENDATION

That Council:

- 1. Receives and adopts the report of the General Valuation 2021 (Attachment [4.1.1]) under section 7AA(1)) of the *Valuation of Land Act 1960*;**
- 2. Submits a copy of the valuation return to the Valuer General Victoria seeking certification as to its general trueness and correctness;**
- 3. In accordance with sections 11 and 13H of the *Valuation of Land Act 1960* causes a General Valuation of rateable and non-rateable leviable land to be made as at 1 January 2022 and be returned to Council before 30 April 2022;**

4. **Notes that Council's Valuer, Andrew Begg is appointed under section 13DA(1) of the *Valuation of Land Act 1960* by the Chief Executive Officer for the purposes of carrying out the 2022 General Valuation;**
5. **Advises the Valuer General and each interested rating authority of Council's intention to cause a general valuation pursuant to section 6(1) of the *Valuation of Land Act 1960*; and**
6. **Notes the Statutory Declaration of Council's Valuer (Attachment [4.1.2]).**

REPORT

Background

In accordance with section 11 of *the Act*, a General Valuation of all rateable properties in the Shire of South Gippsland is required annually.

Council formally resolved to undertake the 2021 General Valuation under s.10 of *the Act* at the 27 May 2020 Council Meeting.

The General Valuation of all rateable and non-rateable leviable properties in the Shire has now been completed by Council's in-house valuation team under the supervision of Council's Valuer. Council is required to formally adopt this.

Council is also required to 'cause a general valuation of rateable and non-rateable leviable land' for the 2022 general valuation under *the Act*.

The appointed Valuer must make a statutory declaration under s.13DH (2) and 13DO of *the Act* stating the valuation and return will be will be impartial and true to the best of that person's judgment and will be made by that person or under that person's immediate personal supervision. The statutory declaration made under *the Act* is included in **Attachment [4.1.2]**.

Discussion

The 2021 General Valuation is based on levels of value as at 1 January 2021. The valuation reflects market-based changes in the relativity between property values over the previous 12 months. The level of value reflects the prevailing market conditions as at 1 January 2021.

The Site Value (SV), Capital Improved Value (CIV) and Net Annual Value (NAV) totals for rateable and non-rateable leviable properties are required for reporting purposes. There is a total of 20,477 assessments. **Table 1** below details the change in value over the previous twelve months at rollover.

Table 1: Rateable and Non-Rateable Leviable Assessments

Level of Value	Site Value	Capital Improved Value	Net Annual Value
2020	\$5,594,307,000	\$9,821,578,000	\$514,186,400
2021	\$6,147,363,000	\$10,710,449,000	\$558,228,050

Table 2 below details the Capital Improved Value of rateable assessments only at rollover. There are 20,148 rateable assessments.

Table 2: Rateable Assessments

Level of Value	Capital Improved Value
1 January 2020	\$9,703,279,000
1 January 2021	\$10,586,128,000

The total Capital Improved Value of all rateable properties has increased by \$882,849,000 reflecting a 9.10 per cent increase from 2020. This overall increase of 9.10 per cent includes all properties across the Shire with subgroups and individual properties reflecting changes above and below the average. The following includes a general statistical overview as every individual property may vary from the average.

It should be noted that the commentary is not a differential rating category analysis.

Residential Properties

An overall gain of 10.44 per cent was posted across all residential Australian Valuation Property Classification Code categories.

The townships towards the western end of the Shire with a closer proximity to the Melbourne urban fringe such as Loch and Nyora have stabilised for this revaluation but still remain popular. A number of the smaller townships including Dumbalk and Poowong that had previously shown higher increases show a lower increase this revaluation. Meeniyah and Mirboo North reflect the higher percentage value increases this revaluation as they were coming off a low base. Leongatha increased by 10.53 per cent after showing a lower increase last revaluation. Korumburra remained sought after with an increase of 7.88 per cent.

Residential in Leongatha increased by 12.55 per cent with Foster increasing by 10.68 per cent, and Korumburra posting a positive gain of 6.74 per cent.

Coastal Towns

Values in the coastal towns reflect the highest rates of change. The increase in demand for these properties has been reflected in site value and improved value increases. Sandy Point has increased 13.71 per cent, and Waratah Bay follows with a similar increase of 15.9 per cent. Venus Bay shows a 17.19 per cent increase from a moderate base. Value increases in these coastal villages was below most localities in the previous general valuation.

Premium Coastal Properties

Premium coastal lifestyle properties increased by 12.49 per cent being a higher increase than last revaluation, following the trend of the coastal towns.

Commercial Property

The site value of commercial property reflects a modest increase in the larger towns with Leongatha showing a decrease. Mirboo North shows a higher increase than the others coming off a low base. Overall the improved value (land and buildings) of commercial property in the shire increased by 5.25 per cent. This category includes large national traders through to small owner-occupied offices. The largest commercial market of Leongatha had a low increase of 2.65 per cent and Korumburra commercial property values increased by 5.1 per cent. Foster increased by 5.14 per cent. Mirboo North reflects a higher increase than the others with 8.21 per cent. Demand for commercial properties with secure leases remains strong. Corporate tenants with long leases remain popular with investors. High vacancy rates in some precincts has put downward pressure on rental returns. The increase in residential development in the western end of the shire in recent years appears to be flowing through to putting upward pressure on rents and commercial values in those areas.

Industrial Property

The value of Industrial property increased by 3.89 per cent. This is skewed slightly downward by specialised industrial properties such as wind farms and quarries which are depreciating assets due to obsolescence, reducing resources and limited permitted life spans.

The non-specialized industrial market reflects a positive increase of 8.37 per cent in Leongatha while Korumburra reflects an increase of 7.55 per cent. Demand for both vacant and improved industrial property in these areas remains consistent and again a reflection of activity in the area and popularity with owner occupiers.

Rural Property

The demand for larger high-quality dairy properties remains strong. Demand for premium undulating grazing land has remained steady. Steeper, more remote land has again experienced increased demand over the period with some good increases noted in more desirable and better located properties.

The majority of properties under 50ha with existing dwellings have increased in value by varying degrees. The residential content of these properties generally reflects a higher value gain the closer in proximity they are to the urban centres of Melbourne and the Latrobe Valley. These properties have skewed the overall statistical increase of the rural category upwards to an overall increase of 8.17 per cent.

The well-established farming districts have experienced an increase in CIV levels since the 2020 revaluation. The premium areas of Leongatha and Korumburra rural have remained steady with increases of 9.71 per cent and 8 per cent respectively. Increases in groups to the west of the Municipality ranged for 10-11percent.

Non-Rateable – Leivable Properties

This category includes properties exempt from rates however are assessed for Fires Services Levy. The majority of properties in this category include; water authority assets, local government assets, some electrical assets and places of worship. The value of this category increased by 5.09 per cent.

CONSULTATION / COMMUNITY ENGAGEMENT

The General Valuation of the municipality has been completed in accordance with Council's statutory obligations and Council is now required to formally adopt the 2021 general valuation and resolve to cause the 2022 general valuation.

RESOURCES / FINANCIAL VIABILITY

The costs associated with the return of the 2021 general valuation and undertaking the 2022 general valuation are contained within the 2021/22 and 2022/23 Annual Budgets.

Valuation of Land Act 1960 - ss.10, 11, 13BC, 13DA and 13H.

Valuation Best Practice Specifications Guidelines prepared by the Valuer-General under s.5AA of the *Valuation of Land Act 1960*.

RISKS

If the recommendations contained in this report are not adopted, the Council will be unable to declare the rates and charges and adopt the annual budget in a timely manner, thus putting at risk Council's ability to function effectively.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Report of General Valuation 2021 [4.1.1 - 1 page]
2. Statutory Declaration 2021 Revaluation Return Redacted [4.1.2 - 2 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Rating Strategy

Legislative Provisions

Valuation of Land Act 1960

4.2. 2021 CUSTOMER SERVICE CHARTER

Executive Office

Council Plan

Objective 4 - Customer Focused Organisation - Strategy 4.3 Provide meaningful and timely communication with customer service

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

The review of the Customer Service Charter is an 2020/21 Annual Initiative in the Council Plan aimed to strengthen the Customer Focused Organisation strategic objective.

EXECUTIVE SUMMARY

Council has established a Customer Service Charter (Charter) to ensure high standards of customer service and responsiveness are maintained, and to provide clarity to both customers and Council employees about the standards of service that will be provided. The Customer Service Charter was due for review by 30 June 2021 and included as an Annual Initiative for 2020/21 in the 2020-2024 Council Plan. A revised Charter has been developed for community and employee reference.

RECOMMENDATION

That Council:

- 1. Adopts the revised Customer Service Charter contained in Attachment [4.2.1]; and**
- 2. Publishes the Customer Service Charter Attachment [4.2.1] on the Council website.**

REPORT

The Customer Service Charter (Charter) (**Attachment [4.2.1]**) was due to be reviewed and updated as part of the 2020-2024 Council Plan.

The revised Charter is substantially different to the current Charter. This is due to the peer review process of the Customer First Project which identified areas for improvement. The Customer First Project Group (the Group) was convened to discuss the Charter and it was agreed that it needed more clarity and accountability. The revised Charter sets agreed standards for employees to commit to and has an increased focus on customer service. The Group also suggested a move towards publicly available service-specific standards instead of the blanket 10-days that is currently used.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation was undertaken with the Project Group as part of the larger Customer First project.

RESOURCES / FINANCIAL VIABILITY

Undertaken with current resource allocation.

RISKS

The review of the Customer Service Charter is a requirement of the 2020-2024 Council Plan. The review is necessary to align the expectations of the community with the designated timeframes of Council departments.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. 2021 Customer Service Charter - May 2021 [4.2.1 - 16 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 2. Culture & Behaviour

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

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

Council Plan 2020-2024

4.3. STRATEGY REVIEW: COMMUNITY ENGAGEMENT STRATEGY 2020-2024

Executive Office

Council Plan

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

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

The Strategy enables Council to deliver valuable community engagement activities in partnership with our community. It also responds to the requirements of the Local Government Act 2020.

EXECUTIVE SUMMARY

Council has recently undertaken a review of its community engagement practices and adopted an updated *Community Engagement Policy (C06)* at the 24 February 2021 Council Meeting, following a community consultation process.

In order to maintain consistency between documents in Council's Community Engagement Framework the *Community Engagement Strategy 2020-2024 (Attachment [4.3.1])* has been updated and is ready for Council's consideration.

The *Community Engagement Strategy 2020-2024* (the Strategy) required minimal changes as community feedback received was incorporated into the *Community Engagement Policy (C06)* and considered in business practices.

RECOMMENDATION

That Council:

- 1. Adopts the Community Engagement Strategy 2020-2024 (Attachment [4.3.1]); and**
- 2. Publishes the Community Engagement Strategy 2020-2024 (Attachment [4.3.1]) on Council's website.**

REPORT

Council completed a Community Engagement Review process with community members from 18 November 2020 to 2 December 2020.

During this time, Council received:

- Sixty-one completed online surveys and one written survey.

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

All feedback was considered and implemented in the updated *Community Engagement Policy (C06)* adopted at the 24 February 2021 Council Meeting or considered for future engagement business practices.

A full breakdown of the results from this feedback is available in the 24 February 2021 Council Minutes and on the OurSay platform:

www.oursay.org/southgippsland/engagement.

As feedback was considered in these methods minimal changes were required for the *Community Engagement Strategy 2020-2024 (Attachment [4.3.1])*.

Changes made to the Strategy from previous versions include:

- Updated community engagement principles as outlined and a requirement in the *Local Government Act 2020*.
- Updated associated strategies and plans.
- Updated imagery within the Strategy.

These changes ensure that all documents in Council's Community Engagement Framework are consistent, work concurrently and meet requirements under the *Local Government Act 2020*.

CONSULTATION / COMMUNITY ENGAGEMENT

Community consultation for the Community Engagement Review was undertaken from 18 November 2020 to 2 December 2020 as outlined in this report.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

To delay reviewing the Strategy would risk disconnection between the Strategy and the *Community Engagement Policy (C06)* adopted in February 2021.

ATTACHMENTS

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

1. Community Engagement Strategy 2020-2024 [4.3.1 - 14 pages]

STAFF DISCLOSURE

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

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

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

Community Engagement Policy (C06)

Community Engagement Strategy

Council Plan 2020-2024

Legislative Provisions

Local Government Act 2020

Planning and Environment Act 1987

Privacy Act 1988

4.4. ORGANISATIONAL PERFORMANCE REPORT - JULY 2020 TO MARCH 2021

Performance & Innovation

Council Plan

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

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

EXECUTIVE SUMMARY

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan with annual initiatives incorporated in the Council Budget. These are legislated requirement under ss.90 and 94 of the *Local Government Act 2020* (Act).

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

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

The Organisational Performance Report for the period July 2020 to March 2021 (refer to **Attachment [4.4.1]**) is presented to Council and provides detailed reporting on Council's performance against the 2020/21 Annual Initiatives, Performance Indicators, and Capital Works Program.

The Organisational Performance Report (**Attachment [4.4.1]**) will also be presented to Council's Audit & Risk Committee on 8 June 2021.

RECOMMENDATION

That Council:

1. **Receives and notes the Organisational Performance Report for the period July 2020 to March 2021 (Attachment [4.4.1]);**
2. **Publishes the Organisational Performance Report (Attachment [4.4.1]) to Council's website; and**
3. **Presents the Organisational Performance Report (Attachment [4.4.1]) to Council's 8 June 2021 Audit & Risk Committee meeting.**

REPORT

Background

The Council Plan 2020-2024 and the 2020/21 Annual Budget (inclusive of the Annual Initiatives) were adopted by Council on 24 June 2020. The Council Plan sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July 2020 to March 2021 (**Attachment [4.4.1]**).

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

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

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

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

Discussion

This report provides an overview of the major activities undertaken by Council in the nine months of the 2020/21 financial year (1 July 2020 to 31 March

2021). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 80 per cent of the Council Plan 2020-2024 Measures of Success indicators are on track or target achieved.
- 88 per cent of the Annual Plan initiatives for 2020/21 are on track or have target achieved as at end of March 2021.
- 71 per cent of the 115 Capital Works and Major Works Program initiatives for 2020/21 have been completed or are on track as at March 2021.
- Regular meetings held for the Economic Development Strategy Advisory Group and the Visitor Economy Strategy Advisory Groups to discuss the review and development of Council's *Economic Development Strategy* and *Tourism Strategy*.
- As part of the \$2M Community Support Package, Council issued the following to support businesses and recreation reserves within the Shire, during the COVID-19 Pandemic:
 - Tourism Business Grants Program of \$1,000 per applicant to tourism businesses experiencing hardship and decline in business;
 - Home Based Business Grants Program of \$1,000 per application to home based businesses within the Shire;
 - 710 local business received waived fees for Business Registration and permits for 2020 and 2021 years; and
 - Recreation Reserves received \$126,000 of additional grant funding across 22 Recreation Reserves;
 - A further \$30,000 in grants assisting home based businesses; and
 - Printing and distribution of 5,000 updated Community Information brochures to keep the community informed as to how to access available support services.
- The *Community Engagement Policy* was adopted at the 24 February 2021 Council Meeting.

The COVID-19 Pandemic continues to have considerable impact on the community. Council has been able to adapt quickly and continually to the unanticipated disruptions created by the Pandemic, while still continuing the

delivery of services to the community. The final outcome of some Council Plan initiatives may be impacted as a result of the Pandemic.

CONSULTATION / COMMUNITY ENGAGEMENT

The Organisational Performance Report (**Attachment [4.4.1]**) will be presented to Council's Audit & Risk Committee on 8 June 2021.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

The Organisational Performance Report (**Attachment [4.4.1]**) mitigates the risk of annual initiatives and capital works activities not being monitored throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not being achieved, without understanding the reasons for any delay.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Organisational Performance Report - July 2020 to March 2021 [**4.4.1** - 40 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

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

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

4.5. NEW POLICY: COUNCILLOR SELF-ASSESSMENT POLICY (C84)

Performance & Innovation

Council Plan

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

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

The development of a new Councillors Self-Assessment Policy (C84) and supporting tools are considered to be important steps in the establishment of better governance practices in readiness for the new Council.

The development of the Policy and supporting tools also address an existing gap in the Good Governance Framework and address limitations raised in the Report of the Commission of Inquiry South Gippsland Shire Council – June 2019.

The new policy will form part of the suite of good governance policies established to support the new Council to be successful.

EXECUTIVE SUMMARY

The purpose of this report is to present a new policy 'Councillors Self-Assessment Policy (C84)' (Policy) in **Attachment [4.5.1]**, supporting 'Councillors Self-Assessment Procedures (Procedures)' contained in **Attachment [4.5.2]** and 'Councillors Good Governance Self-Assessment Survey' (Survey) contained in **Attachment [4.5.3]**, for Council's consideration.

Together these documents will support Councillors to continuously grow and develop as a team and to find greater fulfilment in their individual roles as civic leaders. This is a sound good governance approach to annually assess how well Councillors are working together, how effective they have been in achieving a range of good governance practices, identifying where there may be gaps or further learning opportunities and to set in place an agreed plan to build their capabilities further.

RECOMMENDATION

That Council:

1. **Adopts the Councillors Self-Assessment Policy (C84) contained in Attachment [4.5.1];**
2. **Publishes the Councillors Self-Assessment Policy C84) contained in Attachment [4.5.1] on Council's website;**
3. **Adopts the Councillors Self-Assessment Procedures contained in Attachment [4.5.2];**
4. **Adopts the Councillors Good Governance Survey contained in Attachment [4.5.3]; and**
5. **Authorises the Chief Executive Officer to refine the Councillors Self-Assessment Procedures and Councillors Good Governance Survey in the spirit within which they have been developed and in consultation with Council, as required in the future, to maintain their currency and efficacy.**

REPORT

The effectiveness of Council in delivering community outcomes is directly a result of how effective Councillors work together as a group. The Policy, Procedures and Survey are intended to enable Councillors to work together and support each other to continuously improve how they engage effectively as a team to deliver community outcomes.

Together, the new Policy, Procedures and Survey provide a sound base for future Councils and Councillors to improve their individual and combined skills and develop an action plan that seeks to build a constructive team culture through a continuous improvement process. The process is to be conducted annually, led by the Mayor and participated in by all Councillors with the support of an independent facilitator.

The Policy, Procedures and Survey also address limitations raised in the *Report of the Commission of Inquiry into South Gippsland Shire Council – June 2019* (Commission Report) recommendation requiring good governance policies be established:

“During the period of Administration, the Council:

- b. Reviews and implements improved council policies and processes, with a focus on councillor induction and training, the Councillor Code of Conduct and meeting procedures.”*

In addressing the Commission Report recommendations, the new Policy, Procedures and Survey focus on an identified gap under 'Pillar 8 – Monitoring and Compliance' of the Good Governance Framework (Framework) that refers to 'Self-assessment of Councillors against Charter'. The 'Councillor Charter', under Pillar 2 of the Framework – Culture and Behaviour, forms part of a further body of work to be completed with the review of the Councillor Code of Conduct.

It is proposed that the Policy be reviewed on a four-yearly cycle. It is anticipated that further refinements may be required to the Procedures and Survey as the processes are bedded down. To this end, it is proposed that Council authorise the Chief Executive Officer (CEO) to make any necessary refinements to the Procedures and Survey, in keeping with the spirit within which they have been developed, to ensure they remain current and effective as a self-assessment tool for future Councils.

This Policy forms part of the suite of good governance policies established to support the new Council to be successful.

CONSULTATION / COMMUNITY ENGAGEMENT

Over the past twelve months the Administrators and CEO have been instrumental in developing, trialling and revising the new Policy, Procedures and Survey to ensure they are fit-for-service for the new Council. Feedback and refinements have been made to all three documents to bring them to this point ready for Council's consideration.

RESOURCES / FINANCIAL VIABILITY

It is anticipated that the financial implications arising from the adoption of the Policy and Procedures will involve costs for the independent facilitator. These funds will be drawn from the Councillors' training and development budget.

RISKS

The effectiveness of Council in delivering community outcomes is directly a result of how effective Councillors work together as a group. The Policy, Procedures and Survey aim to build the capability of future Councils, by enhancing the governance surrounding the development of tools for self-assessment of each Council's performance to assist them work together effectively.

Undertaking a test of the Pilot Survey has allowed the Administrators to set a strong example for future Councils to replicate.

The development of the Survey, Procedures and Policy address an existing gap in Pillar 8 of the Framework and address limitations raised in the Commission Report.

These tools are aimed at setting future Councils up for success. If the Policy and supporting Procedures and Survey are not implemented, there is a risk that future Councils may not have adequate tools in place to constructively and continually improve their ability to work effectively as a team.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Councillor Self-Assessment Policy (C84) [4.5.1 - 5 pages]
2. Councillor Self-Assessment Procedures [4.5.2 - 4 pages]
3. Councillor Self-Assessment Survey [4.5.3 - 7 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 2. Culture & Behaviour

Pillar 4. Structure, Systems & Policies

Pillar 6. Capability

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Councillor Code of Conduct Policy (C14)

Council Plan 2020-2024

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 2020

4.6. POLICY REVOCATION: POLICY FRAMEWORK POLICY (C72)

Performance & Innovation

Council Plan

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

The Policy Framework Policy (C72) provides the framework for the development of Council policies for the South Gippsland Shire Council consistent with the principles of good governance and the Local Government Act 2020.

EXECUTIVE SUMMARY

The purpose of this report is to review and determine the future of the *Policy Framework Policy (C72)* (the Policy) in **Attachment [4.6.1]**. The Policy has set out the types of policies that may be developed by the organisation to be adopted by Council as a 'Council Policy' for external application, or by the Chief Executive Officer (CEO) for organisational purposes as an 'Operational Policy'.

It is proposed that the Policy be rescinded as a Council policy, noting that it is now administrative in nature whereby the management of the overall policy framework is able to shift to being a Chief Executive Officer responsibility.

The Policy forms part of the suite of Council policies being reviewed and updated in response to the '*Report of the Commission of Inquiry into South Gippsland Sire Council – June 2019*' (Commission Report) 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. Notes the review of the Policy Framework Policy (C72) contained in Attachment [4.6.1];**
- 2. Revokes Policy Framework Policy (C72) – May 2011 and removes from Council's website; and**
- 3. Notes the management of the Policy Framework is now administrative in nature and an operational responsibility of the Chief Executive Officer.**

REPORT

The original *Policy Framework Policy (C72)* (2011 Policy) was adopted by Council at the 25 May 2011 Ordinary Meeting of Council. It has provided guidance to Officers in the development of policies.

In reviewing the 2011 Policy, thought has been given to its on-going value as a Council Policy with an external focus for the community. Its predominant purpose is now considered to be administrative in nature and a responsibility of the Chief Executive Officer to guide.

In line with the Commission Report, the review has also considered whether the Policy still provides value as a required policy.

It is proposed that the 2011 Policy be rescinded and withdrawn from publication. The on-going management for the policy framework is now considered operational in nature and a responsibility for the Chief Executive Officer.

The next twelve-to-eighteen months will see the new integrated strategic planning and reporting framework for the organisation developed in accordance with requirements in the Act. This broader framework will incorporate the policy framework.

CONSULTATION / COMMUNITY ENGAGEMENT

No external consultation or community engagement has been required for this Policy.

The Policy contains minor modifications which were considered by Administrators at a briefing on 14 April 2021. Their feedback has been considered in the review of the Policy.

RESOURCES / FINANCIAL VIABILITY

There are no financial implications required for the implementation of this Policy.

RISKS

Realigning the policy framework to be an operational responsibility of the Chief Executive Officer will allow it to be incorporated into the broader integrated planning and reporting framework over the coming twelve to eighteen months.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Policy Framework Policy (C72) [4.6.1 - 5 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Human Rights Policy (C52)

Public Transparency Policy (C75)

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government Act 2020

4.7. POLICY REVIEW: HUMAN RIGHTS POLICY (C52)

Performance & Innovation

Council Plan

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

The Human Rights Policy (C52) supports compliance with the Charter of Human Rights and Responsibilities Act 2006 and the Local Government Act 2020. It confirms Council's commitment to considering and respecting human rights when making decisions and setting policy directions.

Further the Policy strengthens Council's governance framework through process and policy changes as part of the suite of reforms addressing the recommendations in the Report of the Commission of Inquiry Report into South Gippsland Shire Council – 2019.

EXECUTIVE SUMMARY

The purpose of this report is to consider the revised *Human Rights Policy (C52)* (the Policy), provided in **Attachment [4.7.1]**.

This Policy was previously adopted at the 28 June 2017 Ordinary Meeting of Council to provide direction for Councillors, staff, volunteers and Council committee members in relation to human rights. It seeks to ensure that Council is compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter).

The revised version of the Policy has been reviewed in line with the Charter and the *Local Government Act 2020*. The Policy has had minor changes and is presented to Council for its consideration.

RECOMMENDATION

That Council:

- 1. Adopts the revised Human Rights Policy (C52) contained in Attachment [4.7.1]; and**
- 2. Publishes the Human Rights Policy (C52) (Attachment [4.7.1]) on Council's website.**

REPORT

Council adopted a revised *Human Rights Policy (C52)* on 28 June 2017. This Policy is due for review as part of Council's four-year policy review.

It seeks to ensure that Council is aware of, and compliant with, the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter). It confirms Council's commitment to considering and respecting human rights when making decisions, creating Local Laws and establishing policy directions.

The Policy is applicable to all Councillors, staff, Council volunteers and Council Committee members. The revised Policy in **Attachment [4.7.1]** has also been reviewed in line with the *Local Government Act 2020*.

The Policy plays an important role within the Good Governance Framework by supporting the pillars of 'Structure, Systems and Policies', 'Risk and Compliance' and 'Culture and Compliance' by ensuring the organisation is respecting human rights within the organisation. It has been updated in readiness for the new South Gippsland Shire Council to be elected in October 2021.

CONSULTATION / COMMUNITY ENGAGEMENT

No external consultation or community engagement has been required.

This Policy contains minor modifications including Administrators feedback provided from a briefing held on 14 April 2021.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

The *Human Rights Policy (C52)* aims to minimise the risk of Council breaching the human rights of people by:

1. Providing a mechanism outside the courts for individuals to raise human rights concerns with Council that relate to Council operations;
2. Ensuring accountability for decisions made that affect an individual's human rights;
3. Considering human rights in the development of policy directions; and
4. Establishing specific directions in associated policies, guidelines and codes of practice that seek to create a respectful culture in the workplace.

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.”

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Human Rights Policy (C52) [4.7.1 - 6 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Anti-Discrimination Bullying and Harassment Policy (CE25)

Code of Conduct for Staff Policy (CE20)

Community Engagement Policy (C06)

Councillor Code of Conduct Policy (C14)

Human Rights Policy (C52)

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

Disability Action Plan

South Gippsland's Good Governance Framework

Legislative Provisions

Disability Act 2006

Equal Opportunity Act 2020

Freedom of Information Act 1982

Local Government Act 1989

Local Government Act 2020

4.8. POLICY REVIEW: COUNCILLOR STANDING AS STATE OR FEDERAL CANDIDATE POLICY (C74)

Performance & Innovation

Council Plan

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

The Councillor Standing as a State or Federal Candidate Policy (C74) supports the Local Government Act 2020 by providing guidance to candidates or potential candidates seeking a position through a State or Federal election. It provides guidance in the management of avoiding the misuse of a Councillor's position and/or access to Council resources for these personal pursuits.

Further the Policy strengthens Council's governance framework through process and policy changes as part of the suite of reforms addressing the recommendations in the Report of the Commission of Inquiry Report into South Gippsland Shire Council – 2019.

EXECUTIVE SUMMARY

The purpose of this report is to consider the revised *Councillor Standing as a State or Federal Candidate Policy (C74)* (the Policy), provided **Attachment [4.8.1]**.

This Policy was previously adopted as a new policy at the 19 December 2018 Ordinary Meeting of Council, to provide direction for Councillors standing as candidates in any State or Federal election.

The revised version of the Policy has been reviewed in line with the *Local Government Act 2020* (Act) and it is maintained that the Policy is still required in situations where a Councillor is standing as a candidate in any State or Federal election. The Policy has minor changes and is presented to Council for endorsement.

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

RECOMMENDATION

That Council:

1. **Adopts the revised Councillor Standing as a State or Federal Candidate Policy (C74) contained in Attachment [4.8.1]; and**
2. **Publishes the Councillor Standing as a State or Federal Candidate Policy (C74) (Attachment [4.8.1]) on Council's website.**

REPORT

At the Ordinary Meeting of Council 24 October 2018, Council resolved to develop a new policy providing direction for Councillors standing as candidates in any State or Federal election as follows:

"That Council:

1. *Require a 'Councillor Standing as a State or Federal Candidate Policy' be prepared and brought to the December Ordinary Council Meeting, using the Municipal Association of Victoria Guidelines as a base; and*
2. *Require all Councillors to abide by the Municipal Association of Victoria Guidelines for Councillors standing as a candidate in the upcoming State Government election."*

The original Policy was prepared using the Municipal Association of Victoria Guidelines (MAV Guidelines) as a base. The original Policy also incorporated relevant components of Council's *Election Period Policy*. The original Policy was adopted at the Ordinary Meeting of Council 19 December 2018.

The revised Policy in **Attachment [4.8.1]** has been reviewed in line with the *Local Government Act 2020*. It has been updated in readiness for the new South Gippsland Shire Council to be elected in October 2021.

The Policy will be utilised in situations where a Councillor is standing as a candidate in any State or Federal election. It will provide guidance in avoiding a potential conflict of interest or misuse of a Councillor's position and/or access to Council resources for their personal pursuits.

It is a Councillor's responsibility to ensure they do not misuse their position as a Councillor in regard to conflicting roles and personal interests, including running as a candidate in a State or Federal election. A breach of s.23 of the Act, prohibits a Councillor from misusing or making inappropriate use of their position which can attract serious penalties, including possible imprisonment.

CONSULTATION / COMMUNITY ENGAGEMENT

No external consultation or community engagement has been required.

This Policy contains minor modifications arising from feedback received from Administrators at a briefing held on 14 April 2021.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

The Policy provides direction for Councillors seeking to stand as candidates in any State or Federal election.

The Policy aims to mitigate the risk of Councillors from not complying with legislative provisions, misusing their positions, or using Council resources inappropriately when standing as candidates. It allows them to manage any real or perceived conflicts of interest. These in turn reduce their risk, as a Councillor, of breaching the *Local Government Act 2020* and potentially incurring penalty points.

The reputation of Council will also be enhanced if the community perceives good governance practices are being addressed by candidates.

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

1. Councillor Standing as State or Federal Candidate Policy (C74) [4.8.1 - 6 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Councillor Standing as a State or Federal Candidate Policy (C74)

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

Councillor Code of Conduct Policy (C14)

Election Period Policy (C30)

Governance Rules (C82)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

4.9. POLICY REVIEW: FRAUD AND CORRUPT CONDUCT POLICY (C19)

Performance & Innovation

Council Plan

Objective 4 - Customer Focused Organisation

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 Fraud and Corrupt Conduct Policy (C19) formalises Councils commitment to ensuring that fraudulent and corrupt behaviour within or against Council is not tolerated. This has been developed to comply with Council's good governance and conduct obligations in line with various legislation, principally the Local Government Act 2020.

EXECUTIVE SUMMARY

Council is committed to ensuring that fraudulent and corrupt behaviour within or against Council is not tolerated. The *Fraud and Corrupt Conduct Policy (C19)* (Policy), provided in **Attachment [4.9.1]** has been rewritten to reflect more broadly Councils approach to fraud and corruption control principles in particular, a "zero tolerance" approach, and is presented to Council for its consideration.

This Policy specifically sets out Councils plans to prevent, detect and respond to incidents of fraud and corruption by establishing robust internal controls and embedding a strong culture of ethical conduct throughout the organisation. The proposed amendments align the Policy to the *Local Government Act 2020* (Act).

RECOMMENDATION

That Council:

- 1. Adopts the revised Fraud and Corrupt Conduct Policy (C19) contained in Attachment [4.9.1]; and**
- 2. Publishes the Fraud and Corrupt Conduct Policy (C19) Attachment [4.9.1] on Council's website.**

REPORT

A review has been conducted of Council's *Fraud and Corrupt Conduct Policy (C19)* to ensure compliance with legislation and to enable a clear and consistent approach to fraudulent and/or corrupt conduct. The review also

aims to ensure best practice through alignment with the *Australian Standard: Fraud and Corruption Control AS 8001-2008 and AS/NZS ISO 31000:2018 Risk Management – principles and guidelines*.

The *Fraud and Corrupt Conduct Policy (C19)* was last adopted by Council on 26 April 2017. The Policy is an integral part of Pillar 7 *Risk and Compliance* of Council's Good Governance Framework, whereby fraud and corruption risks are managed.

In reviewing the Policy, thought has been given to providing clarity on the prevention, detection, and prevention principles together with the notification protocols for reporting to IBAC (Independent Broad-based Anti-corruption Commission). Incorporating these enhancements, has resulted in a full rewrite of this Policy.

CONSULTATION / COMMUNITY ENGAGEMENT

No external consultation or community engagement has been required for this Policy.

This Policy contains significant modifications including incorporating feedback from Council's Audit and Risk Committee.

RESOURCES / FINANCIAL VIABILITY

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

RISKS

Council acknowledges that it is possible that some incidents of fraud or corruption may occur impacting on its operations. The implementation of this Policy and the principles outlined will assist to minimise the risk and exposure of fraud and corrupt conduct across Council. Without a clear policy, supported by an operating code of conduct, there exists open boundaries of interpretation of acceptable conduct.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Fraud and Corrupt Conduct Policy (C19) [4.9.1 - 14 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

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

Fraud and Corrupt Conduct Policy (C19)

Human Rights Policy (C52)

Procurement Policy (C32)

Public Transparency Policy (C75)

Legislative Provisions

Local Government Act 2020

4.10. FINANCIAL AND LOCAL PROCUREMENT REPORT - JULY 2020 TO MARCH 2021

Performance & Innovation

Council Plan

Objective 4 – Customer Focused Organisation

The Financial Performance report provides an overview of Council's financial performance for the period July 2020 to March 2021. The report provides timely communication to the community and Council regarding Council's financial performance and aligns with the Local Government Act 2020.

EXECUTIVE SUMMARY

The Financial Performance report has been prepared in accordance with section 97 of the Local Government Act 2020 (the Act) and provides an overview of Council's financial performance for the period July 2020 to March 2021.

The results in summary:

- Operating result: \$7.0M surplus which is \$2.1M favourable when compared with the year-to-date budget projection of a \$4.9M surplus.
- Capital works: \$18.7M expenditure which is \$4.2M behind the year-to-date budget of \$22.9M.
- Projected financial outcome for 2020/21 is a \$11.5M surplus. This is \$5.0M favourable compared to the original budgeted surplus of \$6.5M.

The introduction of Local Procurement initiatives in 2020 included a requirement to provide quarterly reporting to Council. The attached report fulfils that commitment and provides graphical and statistical reporting, commentary on trending information, and details of initiatives undertaken to enhance local procurement.

RECOMMENDATION

That Council:

- 1. Notes the Local Procurement Report for the period July 2020 to March 2021 (Attachment [4.10.1]);**
- 2. Receives and notes the Financial Performance Report for the period July 2020 to March 2021 (Attachment [4.10.2]); and**

3. **Notes, as required by section 97(3) of the *Local Government Act 2020*, there is no indication that a revised budget will need to be adopted for the 2020/21 financial year.**

REPORT

Local Procurement Report

Aspects highlighted in the report are:

- Local procurement spending is strengthening following the COVID-19 Pandemic impacted periods of 2020 and consistently over \$1.3M per month (including significant suppliers within the shire);
- Training across the staff base has included local procurement practices and procedures; and
- New software will improve access for local and small businesses to Council procurement opportunities.

Financial Performance Report

Section 97 of the *Local Government Act 2020* (Quarterly budget report) states:

“That Council:

1. *As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to Council at a Council meeting which is open to the public.*
2. *A quarterly budget report must include a. A comparison of the actual and budget results to date; and b. An explanation of any material variations; and c. any other matters prescribed by the regulations.*
3. *In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.”*

As per s.97(3) of the Act, there is no indication that a revised budget will need to be adopted for the 2020/21 financial year.

Council each year sets an Annual Budget within the framework of a 15-year Long-Term Financial Plan. Guidance is provided by the Long-Term Financial Strategies when developing annual and longer-term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

1. Comparing year-to-date actual financial performance with the year-to-date budgets.
1. Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
2. Monitoring the longer-term financial ramifications against the originally adopted Long-Term Financial Plan.

The financial performance indicators that were used to develop the annual and long-term budgets are used to monitor projected financial outcomes at year-end as well as the longer-term financial ramifications.

At the end of the financial year, comprehensive financial statements and performance statements are produced, subject to external audit and included in the Annual Report.

Financial Performance Report July 2020 to March 2021 contains detailed reporting in (**Attachment [4.10.1]**).

Section 1 - Financial Performance Statement

This section provides an overview of Operating performance and expenditure on the Capital Works program. It also includes commentary around the treasury function including:

- Cash position and investments held; and
- Debtors (rates and general).

Section 2 - Financial Statements

This section lists the following financial statements (including variance commentary) as at 31 March 2021:

- Balance Sheet
- Cash Flow Statement

Section 3 – Annual Year to Date Financial Analysis

This section provides key financial sustainability indicators for the adopted budget and the full year forecast.

RESOURCES / FINANCIAL VIABILITY

Financial reporting is performed internally within budgeted resources.

RESOURCES / FINANCIAL VIABILITY

Financial reporting is performed internally within budgeted resources.

RISKS

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year to date results as well as the annual and longer-term financial implications.

Council can assess both year-to-date performances, as well as understand the annual and longer-term financial implications.

Quarterly reporting reduces finance and procurement risk by increasing the transparency and accountability to Council and the Community.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Local Procurement Report - July 2020 to March 2021 [4.10.1 - 4 pages]
2. Financial Report - July 2020 to March 2021 [4.10.2 - 18 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making Pillar

8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Annual Budget

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

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

4.11. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS - 13 MARCH - 12 APRIL 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 March and 12 April 2021.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 17 March 2021	
Agenda Topic Discussion – Council Meeting 17 March 2021	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Briefing Proposed Annual Budget 2021/22	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Tuesday 22 March 2021	
Briefing Proposed Annual Budget 2021/22	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Wednesday 7 April 2021	
Planning Scheme Amendment C124 – Rezone Council Land Submission Hearing	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Agenda Topic Discussion – Council Meeting 14 April 2021	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Community Support Package	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Sustainability Strategy	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed
Community Stadiums Strategic Plan	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: 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

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

4.12. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 MARCH TO 16 APRIL 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 March to 16 April 2021. Council's *Procurement Policy* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

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

RECOMMENDATION

That Council receives and notes this report.

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 March to 16 April 2021.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 150 Old Korumburra Road Leongatha in relation to use and development of land for a winery and dwelling in association with agriculture (vineyard). Seal applied 17 March 2021.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 87 Bradley Avenue Venus Bay in relation to a develop land with a dwelling. Seal applied 17 March 2021.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 14 Nolans Road Venus Bay in relation to a two-lot subdivision. Seal applied 24 March 2021.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 52 Hall Road Buffalo in relation to a use and development of land for a dwelling (replacement) and outbuilding and removal of vegetation. Seal applied 24 March 2021.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 28A Nyora Road Poowong in relation to a staged subdivision of the land, native vegetation removal and creation of an access to a Road Zone - Category 1. Seal applied 24 March 2021.
6. Section 173 Agreement between South Gippsland Shire Council and the owner of 6 Anthony Avenue Venus Bay in relation to a develop land with a dwelling. Seal applied 24 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 March to 16 April 2021.

Nil

2. Contracts awarded after a public tender process within the CEO's delegation between 13 March to 16 April 2021.

Nil

3. Contract variations approved by the CEO between 13 March to 16 April 2021.

- a. CON/186 for the Develop a Master Plan for the Korumburra Railway Station Site and Design of the Community Hub was awarded to Francis-Jones Morehan Thorp Pty Ltd. A contract variation of \$22,020 was signed by the CEO after consultation with the Administrator Chair on 30 March 2021.

4. Contract extensions approved by the CEO between 13 March to 16 April 2021.

- a. SGC12-09 for Provision of Litter Bin Collection Services was awarded to JJ's Waste and Recycling. The contact has been extended for a further 1 year term (01 July 2021 – 30 June 2022), approved 30 March 2021.

STAFF DISCLOSURE

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

ATTACHMENTS

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

Governance Rules (C82)

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

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

5. NOTICES OF MOTION AND/OR RESCISSION

5.1. NIL

6. ADMINISTRATOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

6.2. ADMINISTRATORS UPDATES

6.3. COMMITTEE UPDATES

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.

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.

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.

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)(g) Agenda items 11.1, 11.2 and 11.3, designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. **The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.**

10. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 2 June 2020 commencing at 1pm in the Council Chambers, Leongatha.