

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

2021/22 Annual Budget and Financial Plan

Community Submission Hearing

2 June 2021

Council Meeting No. 458
Virtual Council Meeting
Commencing at 1.00pm

Administrators

Julie Eisenbise, Chair

Christian Zahra, Deputy Chair

Rick Brown



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



OUR PURPOSE

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

Privacy

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

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

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.458 of the South Gippsland Shire Council will be held virtually on Wednesday 2 June 2021 commencing at 1.00pm, Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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Kerry Ellis

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 are set to 'silent' during the Council Meeting.

Over the past year the Federal and State Governments have had clear directives about social gatherings in respect of the COVID19 Pandemic. The recent introduction of a seven day lockdown has meant that for the safety of community and staff the 2 June 2021 meeting of Council be conducted virtually.

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

Access to the live stream through Council's Internet 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.

RECOMMENDATION

That Council:

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

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.457, held on 19 May 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 4 - CUSTOMER FOCUSED ORGANISATION

2.1. COMMUNITY SUBMISSIONS - PROPOSED 2021/22 ANNUAL BUDGET - OPEN HEARING

Performance & Innovation

Council Plan

Objective 4 - Customer Focused Organisation

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

The Submission Hearing provides an opportunity for the community to be engaged in development of the Proposed Budget 2021/22 and Financial Plan.

EXECUTIVE SUMMARY

At the 14 April 2021 Council Meeting, Council endorsed the Proposed Budget 2021/22 (Budget) and Proposed Financial Plan. Council resolved to invite formal submissions from the public pursuant to ss. 91, 94 and 96 of the *Local Government Act 2020* (Act) on these strategic documents.

This Submission Hearing (Hearing) is for Council to note all submissions received and hear from speakers in support of their written submissions refer **Attachment [2.1.1]**. Ten minutes have been allocated for each presenter and a list of the presenters is located in **Table 1**. This includes time for the presentation and clarifying questions from Administrators.

Table 1: Submission Names

Topic	Submitter	Time slot
Proposed Memorial Hall Redevelopment	Peter Western on behalf of the Leongatha Lyric Theatre	1.05 pm
Meeniyan Township – Solar Pathway Lighting – Great Southern Rail Trail / Recreation Reserve	Clive Hope on behalf of the Meeniyan Progress Association	1.15 pm
Loch Township - multiple upgrade requests	Sean Taylor-Lyons on behalf of the Loch Community Development Association	1.25 pm
Poowong Township – Betula Drive footpath / carparking / swimming pool upgrade	Lorraine Brunt on behalf of the Poowong Community Consultative Committee Inc	1.35 pm

Topic	Submitter	Time slot
Fish Creek Township – sewerage / traffic & carparking / black dump site	Craig Privett on behalf of the Fish Creek Community Development Group	1.45 pm
Youth Liaison Coordinator	Rebecca Matthews on behalf of the Manna Gum Community House	1.55 pm
Support for Manna Gum Submission (Youth Liaison Coordinator) / Tarwin River Precinct	Alyson Skinner on behalf of the Venus Bay Community Centre Inc	2.05 pm
Youth Liaison Coordinator	Dr Susan Plowright on behalf of the Corner Inlet Youth Council	2.15 pm
Replacement lighting for the Mirboo North Football Club	Wayne Roberts on behalf of the Walter J Tuck Recreation Reserve Community Asset Committee	2.25 pm
Fitness Equipment in Fish Creek	Bridget Crowe	2.35 pm

RECOMMENDATION

That Council:

1. **Notes all the submissions from the public pursuant to ss.91, 94 and 96 of the *Local Government Act 2020* (Attachments [2.1.1]); and**
2. **Hears submissions from the public pursuant to ss.91, 94 and 96 of the *Local Government Act 2020* (Attachments [2.1.1]):**
 - a. **Peter Western on behalf of Leongatha Lyric Theatre;**
 - b. **Clive Hope on behalf of the Meeniyah Progress Association;**
 - c. **Sean Taylor-Lyons on behalf of the Loch Community Development Association;**
 - d. **Lorraine Brunt on behalf of Poowong Community Consultative Committee Inc.;**
 - e. **Craig Privett on behalf of the Fish Creek Community Development Group;**
 - f. **Rebecca Matthews on behalf of the Manna Gum Community House;**

- g. Alyson Skinner on behalf of the Venus Bay Community Centre Inc.;**
- h. Dr Susan Plowright on behalf of the Corner Inlet Youth Council;**
- i. Wayne Roberts on behalf of the Walter J Tuck Recreation Reserve Community Asset Committee; and**
- j. Bridget Crowe.**

REPORT

The Budget and Financial Plan have been prepared following community consultation throughout the year and is guided by priorities outlined in its key strategic documents.

Council received 23 written submissions. These have been combined to each form one submission report. Ten submitters requested to speak at this Open Hearing. The ten submissions that will be heard from 1.00pm on 2 June 2021 are in **Attachment [2.1.1]**.

Council will have the opportunity to consider and discuss all the submissions received at a briefing scheduled on 9 June 2021, before considering the final budget at the Council Meeting 23 June 2021.

CONSULTATION / COMMUNITY ENGAGEMENT

Community consultation was conducted throughout the year to inform the development of the Budget and Financial Plan.

The Budget and Financial Plan documents were placed on public exhibition from 15 April 2021 until Monday 17 May 2021, 5pm on Council's website.

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Without a comprehensive process of community engagement there is a risk the budget may not represent the needs and aspirations of 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. 2021/22 Annual Budget - Submissions 2021 [2.1.1 - 98 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

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

Community Engagement Policy (C06)

Legislative Provisions

Local Government Act 2020

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NIL

4. ADMINISTRATOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. ADMINISTRATORS UPDATES

4.3. COMMITTEE UPDATES

5. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

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

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

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

2. Other Business

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

6. PUBLIC QUESTIONS

6.1. PETITIONS AND JOINT LETTERS

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

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

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

6.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

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

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

6.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Council Business Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' during a Council Meeting on the prescribed form. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

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

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

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

7. CLOSED SESSION

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

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

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

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

Nil

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 16 June 2021 commencing at 1pm in the Council Chambers, Leongatha.