

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

16 February 2022

**Council Meeting No. 467  
Council Chambers, Leongatha  
Commencing at 2.00pm**



# 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](http://www.southgippsland.vic.gov.au).

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 467 of the South Gippsland Shire Council will be held on 16 February 2022 in the Council Chambers, Leongatha commencing at 2.00pm.

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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 TO THE COUNCIL MEETING

#### ***COVID Safe Plan***

Over the past years the Federal and State Governments have had clear directives about social gatherings in respect of the COVID19 Pandemic. While restrictions have 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 provides measures around physical distance, 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.

#### ***Section 8 - Public Questions***

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

### **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**

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

### **1.5. APOLOGIES**

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

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No. 466, held on 15 December 2021 in the Council Chambers, Leongatha be confirmed.

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

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

## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

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



## **2. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE**

### **2.1. DRAFT ROAD MANAGEMENT PLAN 2022**

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 Management Plan forms an integral part of the overall management of Council's road and transport assets to .*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present the revised Road Management Plan for Council's consideration and determination.

In accordance with the requirements of the Road Management (General) Regulations 2016 and the *Local Government Act 2020*, Council has undertaken a review of the current Road Management Plan (2017) and developed a revised plan, being the Road Management Plan (2022).

Amendments made to the Road Management Plan (2017) required appropriate notice be given under Regulation 10 of the Road Management (General) Regulations 2016 for community consultation purposes. The notice period was undertaken from Thursday 9 December 2021 and concluded on Friday 14 January 2022. Interested parties were invited to view the revised Plan either online or at Council offices and make submissions in writing. No submissions were received by Council.

Adoption of the Road Management Plan 2022 (**Attachment [2.1.1]**) by Council will enable the publishing of a notice in the Government Gazette and local newspapers within the Shire, as required by the *Road Management Act 2004* and its subsequent enactment of use. The Plan will also be made available to the general public via Council's website.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Road Management Plan 2022 (Attachment [2.1.1]);**
- 2. Places a notice of this decision in the Government Gazette and all local newspapers; and**

**3. Publishes the Road Management Plan 2022 (Attachment [2.1.1]) and the associated Referral / Incorporated Documents and Revisions Report on Council's website.**

**REPORT**

The Road Management Plan forms an integral part of the overall management of Council's road and transport assets. The Road Management Plan (2017) has been revised as required by the *Road Management Act 2004*.

The key updates in the revised plan relate to the routine inspection frequency and methodology, along with how Council manages identified defects on roads and road related assets.

Council utilises a risk-based approach to the assessment and treatment of identified defects or public safety matters. Under the Road Management Plan 2022, Council officers will use numerous new methods to identify risks and failures within the road network rather than relying solely on periodic inspections. Any risks or failures identified will be assessed by experienced and knowledgeable staff in line with the risk matrix included in the Road Management Plan and repaired within the identified timelines to maintain services levels.

**CONSULTATION / COMMUNITY ENGAGEMENT**

Section 10 of the Road Management (General) Regulations 2016 outlines the procedures for public notification and consultation periods for the revision of the Road Management Plan. As such, to comply with section 10, Council was required to advertise the proposed revised Plan in the Government Gazette and in local newspapers to provide an opportunity for interested parties to provide feedback for a minimum of 28 days.

The formal consultation period for the revised Road Management Plan commenced on Thursday 9 December 2021 and closed on Friday 14 January 2022, which allowed any interested parties a 36 day period to provide responses to Council. A period longer than 28 days was considered appropriate to account for the public holidays associated with Christmas and New Year.

The drafted revised plan was available on Council's website and at Customer Service Centres for any interested parties to obtain a copy.

No submission were received by Council.

## **RESOURCES / FINANCIAL VIABILITY**

There are no direct impacts to resources or financial viability as a result of the adoption of the revised plan.

## **RISKS**

The revised 2022 Road Management Plan (**Attachment [2.1.1]**) addresses the requirements of the *Road Management Act 2004* with respect to development of a Road Management Plan. This mitigates Council's risk with respect to road assets covered by the Plan. This Plan utilises a risk-based approach to the assessment and treatment of identified defects or public safety matters.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Road Management Plan 2022 [2.1.1 - 41 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 4. Structure, Systems & Policies

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

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

Road Management Plan

### **Legislative Provisions**

Local Government Act 2020

Road Management (General) Regulations 2016

Road Management Act 2004

Road Safety (General) Regulations 2009

Road Safety (Traffic Management) Regulations 2009

## **2.2. GREAT SOUTHERN RAIL TRAIL - LEONGATHA TO HEDLEY SECTION - GOVERNOR IN COUNCIL CERTIFICATION (LICENCES)**

Sustainable Infrastructure

### **Council Plan**

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

*Objective 3 – Integrated Services and Infrastructure – Strategy 3.3 – Deliver services that enhance liveability and environmental sustainability for current and future generations.*

*This report contributes to building a sustainable and growing economy by delivering community projects that enhance liveability for current and future generations.*

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider an application to the Department of Environment Land Water and Planning (DELWP) for Governor in Council (GIC) Certification of the Great Southern Rail Trail - Leongatha to Hedley section (GSRT) pursuant to the section 17 (1) of the *Crown Land (Reserves) Act 1978*. Once certification is granted, Council will be able to enter into licences over the GSRT directly with licensees.

### **RECOMMENDATION**

**That Council approves an application to the Department of Environment Land Water and Planning for Governor in Council Certification of the Great Southern Rail Trail – Leongatha to Hedley section, pursuant to section 17(1) of the *Crown Land (Reserves) Act 1978*.**

### **REPORT**

Council is the Committee of Management (COM) of the GSRT which is crown land. When Council became the COM in 2020, it was able to make fresh licences with licensees who had previously held licences with the former DELWP appointed COM - the Great Southern Railway Committee of Management Inc.

Currently there are 42 individual licences of which 27 expire on 30 June 2022.

Generally, the licences are for cultivation and grazing purposes and access to properties adjacent to the GSRT, and others for community purposes.

The process to issue new licences under the existing arrangements involves the following steps:

1. Council submit an application to DELWP for approval in principle to enter into a licence.
2. DELWP considers the application and determines to grant or not grant approval in principle to the Council to enter into the licence.
3. Council then prepares and provides a licence to the licensee for agreement and signature.
4. Once the licence is signed by the Licensee, a Council delegate signs the licence.
5. The signed licence is then sent to DELWP for signature.
6. When signed by DELWP, the licence signed by all parties is returned to Council and Council provides a counterpart to the licensee.

If certification is granted, this will enable the Council to directly enter into licences thus eliminating steps 1, 2, and 5.

It should be noted that the licences under this arrangement can only be for a term of three (3) years. This arrangement does not include leases. A licence only allows non-exclusive use of the land for a fixed term, whereas a lease allows exclusive use of land for a fixed term.

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

Ongoing discussions have been held with DELWP who are in support of the arrangement as a means to streamline the process of issuing and renewing licences to avoid unnecessary costs and delays.

Should Council endorse this recommendation officers will engage with licensees advising them of the changed arrangements and negotiate new licences if the licensees wish to have a new licence.

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

It is not considered that this arrangement will need any increased resources. Eliminating steps 1, 2, and 5 would save resources.

#### **RISKS**

It is considered that there are no strategic or operational risks as Council is already responsible for the management of the GSRT and has included these responsibilities in current strategic and operational plans. The issuing of these licences is only a small part of the overall management of the GSRT. The licences clearly set out the responsibilities of each of the licensees and the Council.

If the Council does not proceed, the process of issuing licences will remain cumbersome, slow, and resource intensive.

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

Nil

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Leasing Policy (C62)

##### **Legislative Provisions**

Crown Land (Reserves) Act 1978

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

Leasing Policy for Victorian Crown Land 2018

## **2.3. GRANT APPLICATIONS - 2021/22 LOCAL SPORTS INFRASTRUCTURE FUND**

Sustainable Infrastructure

### **Council Plan**

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

*The successful delivery of this project will provide the community with services and infrastructure that enhance liveability and environmental sustainability for current and future generations.*

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider applications to the Victorian Government's *2021-22 Local Sports Infrastructure Fund (LSIF)* through Sport and Recreation Victoria (SRV). The LSIF is a competitive Victorian Government program that provides a range of grant opportunities.

Applications to the program were opened to councils only and closed on 7 February 2022.

There are five funding streams through the LSIF being: Indoor Stadiums/Aquatic Facilities, Female Friendly Facilities, Community Sports Lighting, Community Facilities, and Planning.

After consultation with relevant community groups, Council officers and SRV, it is recommended that applications were submitted for the following projects:

1. Korumburra Showgrounds Changerooms Upgrade Project
2. Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyah)
3. Loch Bowls Club Synthetic Greens Project (resubmission)

### **RECOMMENDATION**

**That Council:**

1. **Endorses the application for \$800,000 under the Victorian Government's 2021/22 Local Sport Infrastructure Fund – Female Friendly Facilities Stream for the Korumburra Showgrounds Changerooms Upgrade project;**
  - a. **Notes that \$600,000 has been allocated through the Australian Government's Local Roads and Community Infrastructure Program – Phase 3 (LRCI) for the Korumburra Showgrounds Changerooms Upgrade project;**

- b. **Notes the community contribution of up to \$100,000 for the Korumburra Showgrounds Changerooms Upgrade project**
- 2. **Endorses the application for \$250,000 under the Victorian Government's 2021/22 Local Sport Infrastructure Fund – Community Sports Lighting Stream for the Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyam);**
  - a. **Notes that \$250,000 has been allocated through the Australian Government's Local Roads and Community Infrastructure Program – Phase 3 (LRCI) for the Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyam);**
  - b. **Notes the Fish Creek and Meeniyam community contribution of \$50,000 each for the Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyam);**
- 3. **Endorses the resubmission of an application for \$210,000 under the Victorian Government's 2021/22 Local Sport Infrastructure Fund – Community Facilities stream for the Loch Bowls Club Synthetic Green project;**
  - a. **Allocates a Council contribution of \$55,000 from the proposed 2022/23 Community Infrastructure Projects budget towards the Loch Bowls Club Synthetic Green project, if the grant is approved;**
  - b. **Notes the community contribution of the \$50,000 towards the Loch Bowls Club Synthetic Green project; and**
- 4. **Notes that applications for the Korumburra Showgrounds Changerooms Upgrade, Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyam), and Loch Bowls Club Synthetic Green projects were submitted to the Victorian Government's 2021/22 Local Sports Infrastructure Fund prior to the closing date of 7 February 2022.**

## **REPORT**

### **Local Sport Infrastructure Fund (LSIF)**

The 2021/22 LSIF will provide up to \$27 million to plan and deliver new and improved infrastructure across the state, with a particular focus on providing facilities to encourage more women and girls to participate.

Funding from the LSIF is available under the following streams:



FUNDING STREAM	INDOOR STADIUMS/ AQUATIC FACILITIES	FEMALE FRIENDLY FACILITIES	COMMUNITY SPORTS LIGHTING	COMMUNITY FACILITIES	PLANNING
NUMBER OF APPLICATIONS	ONLY 1 PER LGA/ARB	UNLIMITED UP TO \$800,000 PER LGA/ARB	UNLIMITED UP TO \$250,000 PER LGA/ARB	UNLIMITED UP TO \$500,000 PER LGA/ARB	ONLY 1 Municipal or Regional PER LGA/ARB
MAXIMUM TOTAL GRANT AMOUNT PER APPLICANT	UP TO \$2 MILLION	UP TO \$800,000	UP TO \$250,000	UP TO \$250,000	\$30,000 (MUN) \$50,000 (REG)
PROJECT TYPES ELIGIBLE FOR FUNDING	Indoor Stadiums Multi-Sport Courts Aquatic Leisure Centres	Change Rooms LED Lighting Sports fields Courts Pavilions	LED Lighting	Change rooms Courts Sports fields Active Recreation LED Lighting Outdoor seasonal pools BMX, Skate Parks Scoreboards Fixed Equipment	<b>MUNICIPAL</b> Recreation/Leisure Strategies Facility Feasibility Planning Master planning for 3+ sites <b>REGIONAL</b> Specific sport/s strategic planning Active Recreation plans

Applications to the program closed on 7 February 2022 with expected outcomes announced late May/June 2022.

The following projects are assessed as eligible for funding through the LSIF:

### 1. Korumburra Showgrounds Changerooms Upgrade Project

This project scope involves upgrading the current football changerrooms and redevelopment of the netball changerrooms to meet the AFL Unisex Amenities and Netball Victoria Facilities Guidelines. The project supports the objective to encourage women and girls to participate in both Netball and Australian Rules Football. The current facilities are assessed as inadequate and also do not provide for accessible amenities.

The project is identified as a priority in Council's Sport and Recreation Infrastructure Strategy 2020-2030 for the Korumburra Showgrounds. The strategy also identifies for change facilities and public toilet renewal at recreation reserves as a key priority.

To maximise the LSIF allocation, it is recommended that a grant application is submitted to the LRCI Program for funding.

Below is an estimated breakdown of the funding for the project which is based on an external Quantity Surveyor Report.

<b>Estimated Total Project Cost</b>	<b>\$1.5M</b>
LSIF – Female Friendly Facilities Stream	\$800K
LRCI Phase 3*	\$600K
Community Contribution	\$100K

*\* LRCI – Refer to Council Agenda 16 February 2022 – Item 2.4 – Grant Applications - Local Roads and Community Infrastructure Program - Phase 3.*

#### 5. **Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyan)**

This project scope involves the upgrading of oval lighting at Fish Creek (Terrill Park) and Meeniyan recreation reserves with new 100 Lux LED lighting as per Australian Standards. The upgraded lighting will meet the AFL Facilities Guidelines for training and address current safety issues.

Both projects are identified as a priority in the South Gippsland Shire Council Sport and Recreation Infrastructure Strategy 2020-2030 for the Terrill Park (Fish Creek) and Meeniyan recreation reserves. The strategy also identifies future investment for training standard lighting.

To maximise the LSIF allocation, it is recommended that a grant application is submitted to the LRCI Program for funding.

Below is an estimated breakdown of the funding for the project based on external quotes received from specialised contractors.

<b>Estimated Total Project Cost</b>	<b>\$600K</b>
LSIF – Community Sports Lighting	\$250K
LRCI – Phase 3*	\$250K
Community Contribution (Fish Creek)	\$50K
Community Contribution (Meeniyan)	\$50K

*\* LRCI – Refer to Council Agenda 16 February 2022 – Item 2.4 – Grant Applications - Local Roads and Community Infrastructure Program - Phase 3.*

#### 6. **Loch Bowls Club Synthetic Green Project (Resubmission)**

This 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.

An application was submitted to the previous round of the LSIF in March 2021 which was unsuccessful. The Loch Bowls Club have requested that Council consider resubmitting the project to the 2021-22 LSIF program.

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.

<b>Estimated Total Project Cost</b>	<b>\$315K</b>
LSIF – Community Facilities	\$210K
Council Contribution	\$55K
Community Contribution	\$50K

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The project is strategically supported by Council’s Social Community & Economic Infrastructure Blueprint and the Sport & Recreation Infrastructure Strategy.

Council was briefed on 8 December 2021 in relation to the proposed project and were supportive of the proposal to submit the applications under this funding program.

The original application for the Loch Bowls Club Synthetic Green project was endorsed by Council on 19 May 2021.

### **RESOURCES / FINANCIAL VIABILITY**

It is anticipated that funding allocated from the LRCI Phase 3 program will be approved by late February for the Korumburra Showgrounds Changerooms Upgrade Project and Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyah).

Funding of \$430,978 is available in the proposed 2022/23 Annual Budget to cover Council’s recommended contribution for the Loch Bowls Club Synthetic Green project if the grant is approved.

### **RISKS**

There is a potential risk that the projects may come in over budget once the projects are tendered. This has been mitigated by obtaining an external Quantity Surveyor Report for the Korumburra Showgrounds Changerooms Upgrade project.

The risk has also been mitigated by developing a cost estimate that has been developed based on previous projects as well as seeking external quote from specialised contractors for the Recreation Reserves Oval Lighting Upgrade Project (Fish Creek and Meeniyah) and Loch Bowls Club Synthetic Green Project.

There is also a reputational risk to Council if Council does not support the proposed applications and therefore miss an opportunity to seek external funding to upgrade sport and recreation infrastructure across the shire.

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

Nil

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

An Age-Friendly South Gippsland Plan

Community Infrastructure Project Management Policy (C09)

Environmental Sustainability Strategy Framework

Municipal Public Health and Wellbeing Plan

Social Community & Economic Infrastructure Blueprint

Sport & Recreation Infrastructure Strategy

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

AFL Unisex Amenities and Netball Victoria Facilities Guidelines

## **2.4. GRANT APPLICATIONS - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND - PHASE 3**

Sustainable Infrastructure

### **Council Plan**

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

*To provide the community with services and infrastructure that enhance liveability and environmental sustainability for current and future generations.*

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider projects for the Australian Government's Local Roads and Community Infrastructure (LRCI) – Phase 3.

Under Phase 3 of the LRCI Program, South Gippsland Shire Council will receive a funding allocation of \$4,769,062. This funding will be available from 1 January 2022, with construction of approved projects due to be completed by 30 June 2023.

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It was expected that councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities.

It is recommended that the following projects be submitted to the Phase 3 of the Program;

1. Upper Commercial Street, Korumburra
2. Municipal Lighting Upgrade Project – Phase 2
3. Recreation Stadiums Allocations (Welshpool, Leongatha, Korumburra, Poowong, Meenian, Foster)
4. Electric Vehicles (EV) Charging Stations
5. Mirboo North Pool Car Park
6. Leongatha Early Learning Centre (LELC) Carpark
7. Wonga Square Top Slip, Foster North
8. Simons Lane Upgrade, Leongatha
9. Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meenian) \*

10. Korumburra Showground Change Room Facilities Upgrade, Korumburra \*

*\* These projects are subject to additional funding being secured through the Victorian Government's Sport and Recreation Victoria (SRV) Local Sport Infrastructure Fund (LSIF). Refer to Confidential Strategic Briefing – Proposed Grant Applications - Local Sports Infrastructure Fund (SRV).*

**RECOMMENDATION**

**That Council:**

- 1. Notes that \$4,769,062 has been received from the Australian Government's Local Roads and Community Infrastructure Program – Phase 3;**
- 2. Endorses the Australian Government's Local Roads and Community Infrastructure Program – Phase 3 Work Schedule for the following projects;**
  - a. Upper Commercial Street, Korumburra**
  - b. Municipal Lighting Upgrade Project – Phase 2**
  - c. Recreation Stadiums Allocations (Welshpool, Leongatha, Korumburra, Poowong, Meeniyan, Foster)**
  - d. Electric Vehicles (EV) Charging Stations**
  - e. Mirboo North Pool Car Park**
  - f. Leongatha Early Learning Centre (LELC) Carpark**
  - g. Wonga Square Top Slip, Foster North**
  - h. Simons Lane Upgrade, Leongatha**
  - i. Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meeniyan)**
  - j. Korumburra Showground Change Rooms Facilities Upgrade**
- 3. Notes that the Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meeniyan) and Korumburra Showground Change Rooms Facilities Upgrade projects are dependent on applications to the Victorian Governments 2021/22 Local Sports Infrastructure Fund being approved;**
- 4. Notes that the required Council contribution is identified in the Long-Term Financial Plan; and**

**5. Notes that all other funding contributions have been secured.**

**REPORT**

**Local Roads and Community Infrastructure Program (LRCI)**

On 22 May 2020, the Australian Government announced the Local Roads and Community Infrastructure Program (LRCI) which Council was allocated \$2,384,531.

Through the 2020/21 Annual Budget, the Australian Government announced an extension of the LRCI Program, following strong community and local government support, which Council was allocated an additional \$2,376,032 under Phase 2.

The following projects have been approved under Phase 1 and 2.

**LRCI Phase 1**

- Clancys Road, Korumburra
- Atherton Drive, Venus Bay
- Loch-Poowong Road, Loch
- Poowong Netball Court, Poowong
- Road Rehabilitation Bundle
- Port Welshpool Marine Search and Rescue Hub Redevelopment Project
- Nicholls Road, Culvert Replacement

The Upper Commercial Street, Korumburra Carpark project was initially approved through Phase 1, however, was withdrawn due to complications with the planning application process. A variation was approved by the Australian Government to withdraw the project with a condition that the project be resubmitted for funding under Phase 3 of the LRCI Program.

**LRCI Phase 2**

- Municipal Lighting Upgrade Project
- Port Welshpool Boat Ramp Car Park Enhancement Project

**LRCI Phase 3**

On the 19 May 2021, Council was advised that under Phase 3 of the LRCI Program, South Gippsland Shire Council would receive an additional funding

allocation of \$4,769,062. This funding will be available from 1 January 2022, with construction of approved projects due to be completed by 30 June 2023.

Phase 3 will continue to assist local governments to deliver local road and community infrastructure projects, as well as create local job opportunities particularly where employment in other sectors which have been negatively impacted.

As Council has been aware of the funding since May 2021, a portion of the allocated funds has already been committed to the following projects to ensure project planning could be undertaken – refer to the following table.

**Table 1 – Funding Allocation for Phase 3 Projects**

<b>Projects</b>	<b>Recommended LRCI Phase 3 Allocation</b>
Upper Commercial Street, Korumburra	\$750,000
Municipal Lighting Upgrade Project – Phase 2	\$200,000
Recreation Stadiums Allocations (Welshpool, Leongatha, Korumburra, Poowong, Meeniyah, Foster)	\$300,000
Electric Vehicles (EV) Charging Stations	\$550,000
Mirboo North Pool Car Park	\$400,000
Leongatha Early Learning Centre (LELC) Carpark	\$200,000
<b>Total</b>	<b>\$2,400,000</b>

It is recommended that the remaining available funding \$2,519,062 through the LRCI Program - Phase 3 be allocated towards the following projects in **Table 2** and **Table 3**.

**Table 2 – Recommended LRCI Phase 3 Allocation**

<b>Projects</b>	<b>Recommended LRCI Phase 3 Allocation</b>
Wonga Square Top Slip, Foster North	\$500,000
Simons Lane Upgrade, Leongatha	\$1,019,062
<b>Total</b>	<b>\$1,519,062</b>

To maximise the LRCI Program – Phase 3 allocation, it is recommended that the below two projects in **Table 3** are submitted to SRV's 2021/22 Local Sports Infrastructure Fund (LSIF) for funding.



**Table 3 – Recommended LRCI Phase 3 Allocation (Seed Funding SRV)**

<b>Projects</b>	<b>SRV LSIF*</b>	<b>Recommended LRCI Phase 3 Allocation</b>
Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meeniyan)	\$250,000*	\$250,000
Korumburra Showgrounds Changerooms Upgrade	\$800,000*	\$600,000
<b>Total</b>		<b>\$850,000</b>

*\* LSIF – Refer to Council Agenda 16 February 2022 – Item 2.3 – Grant Applications - 2021/22 Local Sports Infrastructure Fund (SRV).*

The delivery of both projects would be subject to the applications to the LSIF grant program being approved.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The proposed projects to the LRCI Program – Phase 3 were presented to Council on the 17 November 2021 and the 08 December 2021 Strategic Briefing sessions.

All recommended projects have been assessed internally as eligible, with relevant briefings provided to the previous Administrators and the Executive Leadership Team.

The proposed projects are recommended based on community feedback and are supported by the following strategic documents of Council:

- Social Community & Economic Infrastructure Blueprint;
- Environmental Sustainability Strategy Framework;
- Community Stadiums Plan;
- Road Management Plan;
- Asset Management Plans;
- Sport and Recreation Infrastructure Strategy; and
- Children and Families – A plan for the future in South Gippsland.

### **RESOURCES / FINANCIAL VIABILITY**

The funding breakdown for each of the projects is identified in the following table:

Table 4 – Project Funding Breakdown

<b>Project <i>Total Cost</i></b>	<b>LRCI Phase 3</b>	<b>Council Contribution</b>	<b>State Government</b>	<b>Community</b>
<b>Upper Commercial Street <i>\$1,000,000</i></b>	\$750,000	\$250,000		
<b>Municipal Lighting Upgrade Project – Phase 2 <i>\$200,000</i></b>	\$200,000			
<b>Recreation Stadiums Allocations <i>\$300,000</i></b>	\$300,000			
<b>Electric Vehicles (EV) Charging Stations <i>\$670,000</i></b>	\$550,000		\$120,000	
<b>Mirboo North Pool Car Park <i>\$400,000</i></b>	\$400,000			
<b>Leongatha Early Learning Centre (LELC) Car Park <i>\$250,000</i></b>	\$200,000	\$50,000		
<b>Wonga Square Top Slip, Foster North <i>\$600,000</i></b>	\$500,000	\$100,000		
<b>Simons Lane, Leongatha South <i>\$2,500,000</i></b>	\$1,019,062	\$1,480,938		
<b>Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meeniyam) <i>\$600,000</i></b>	\$250,000		\$250,000 (pending)	\$100,000
<b>Korumburra Showgrounds Changerooms Upgrade <i>\$1,500,000</i></b>	\$600,000		\$800,000 (pending)	\$100,000

Council's contribution to all of the projects is identified in the Long-Term Financial Plan.

Applications to the Victorian Government for the Recreation Reserve Oval Lighting Upgrades (Fish Creek and Meeniyam) and Korumburra Showgrounds Changerooms Upgrade are pending.

All other funding contributions are confirmed.

## RISKS

It should be noted that the Recreation Reserves Oval Lighting Upgrades (Fish Creek and Meeniyam) and Korumburra Showgrounds Changerooms Upgrade is reliant on the proposed pending grant applications to the Victorian Government's 2021-22 LSIF being approved. Outcomes of the applications are expected to be announced May/June 2022.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

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

Asset Management Policy (C04)

Asset Management Strategy

Asset Management Plan - Buildings (internal)

Asset Management Plan - Road Infrastructure (internal)

Children and Families - A Plan for the Future in South Gippsland

Community Infrastructure Project Management Policy (C09)

Council Plan 2020-2024

Economic Development and Tourism Strategy

Environmental Sustainability Strategy Framework

Long-Term Financial Strategies

Municipal Early Year's Plan

Municipal Public Health and Wellbeing Plan

Road Management Plan

Social Community & Economic Infrastructure Blueprint

Sport & Recreation Infrastructure Strategy

## **2.5. PROPOSED ACQUISITION - PART 69 AND 71 COMMERCIAL STREET KORUMBURRA (LITTLE COMMERCIAL STREET UPGRADE)**

Sustainable Infrastructure

### **Council Plan**

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

*These acquisitions are proposed to facilitate the construction of a footpath connection that is currently missing in the Korumburra central business district. The footpath connection will enable safe and efficient movement of pedestrians between the Little Commercial Street and Commercial Street retail precincts.*

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider and determine a compulsory land acquisition process in accordance with the Land Acquisition and Compensation Act 1986 to acquire parcels of land from several properties in Commercial Street, Korumburra.

Council's Capital Works program includes the upgrade of Little Commercial Street between Bridge Street and Radovick Street Korumburra.

Council's internal design team has designed these streetscape works, and as part of their investigations, Council has been made aware of the need to acquire two small splays of land at the rear of 69 and 71 Commercial Street Korumburra for road purposes to accommodate pedestrian traffic.

In order to proceed with this project, a land acquisition process is required to be carried out in accordance with section 112 of the *Local Government Act 2020*, the *Land Acquisition and Compensation Act 1986* and *Land Acquisition and Compensation Regulations 2010*.

### **RECOMMENDATION**

**That Council:**

- 1. Pursuant to section 112 of the Local Government Act 2020, the Land Acquisition and Compensation Act 1986 and Land Acquisition and Compensation Regulations 2010, undertakes the process to acquire two parcels of land from the rear of 69 and 71 Commercial Street Korumburra being:**
  - a. 6.2m<sup>2</sup> shown as R1 on PS903694D in Figure 1, being part of 69 Commercial Street Korumburra and part of certificate of title volume 2653 folio 449; and**

- b. 14.3m<sup>2</sup> shown as R1 on PS903696Y in Figure 2, being part of 71 Commercial Street Korumburra and part of certificate of title volume 4887 folio 334

**REPORT**

Council’s Capital Works program includes the upgrade of Little Commercial Street between Bridge Street and Radovick Street Korumburra.

Council’s internal design team has designed these streetscape works, and as part of their investigations, Council has been made aware of the need to acquire two small splays of land at the rear of 69 and 71 Commercial Street Korumburra for road purposes to accommodate pedestrian traffic. **See Figure 1 and 2.**

**Figure 1. Proposed acquisition of part 69 Commercial Street Korumburra**

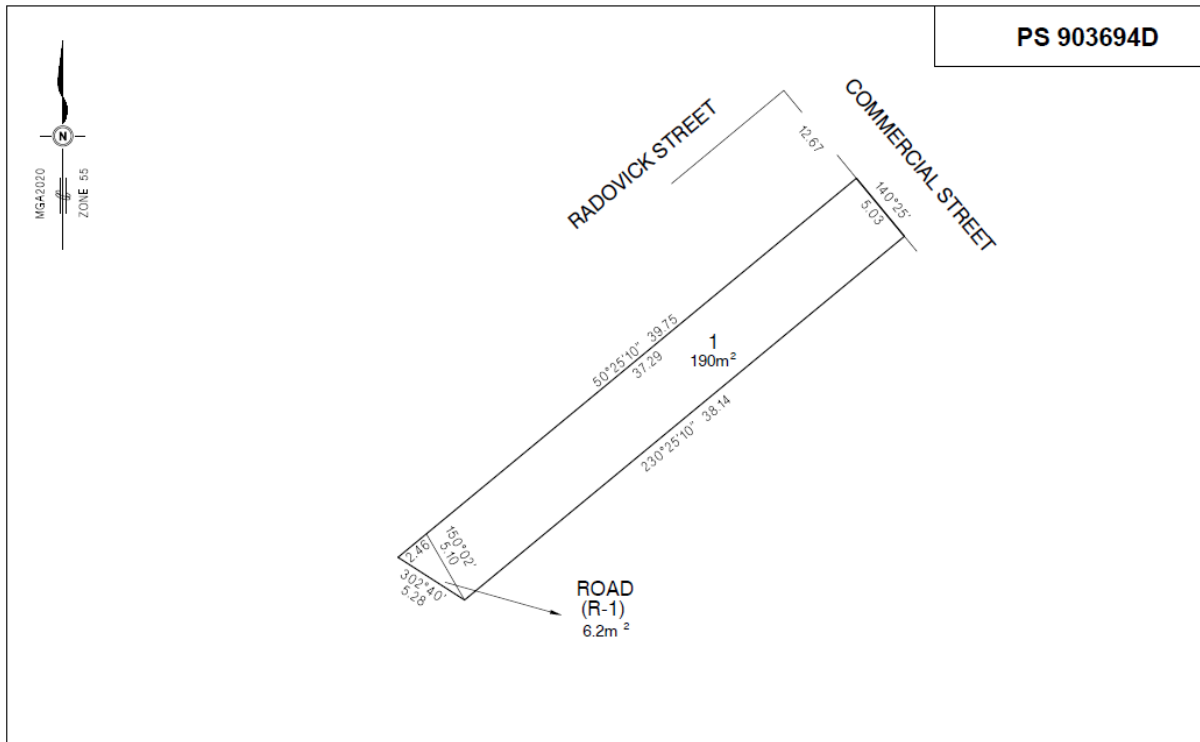
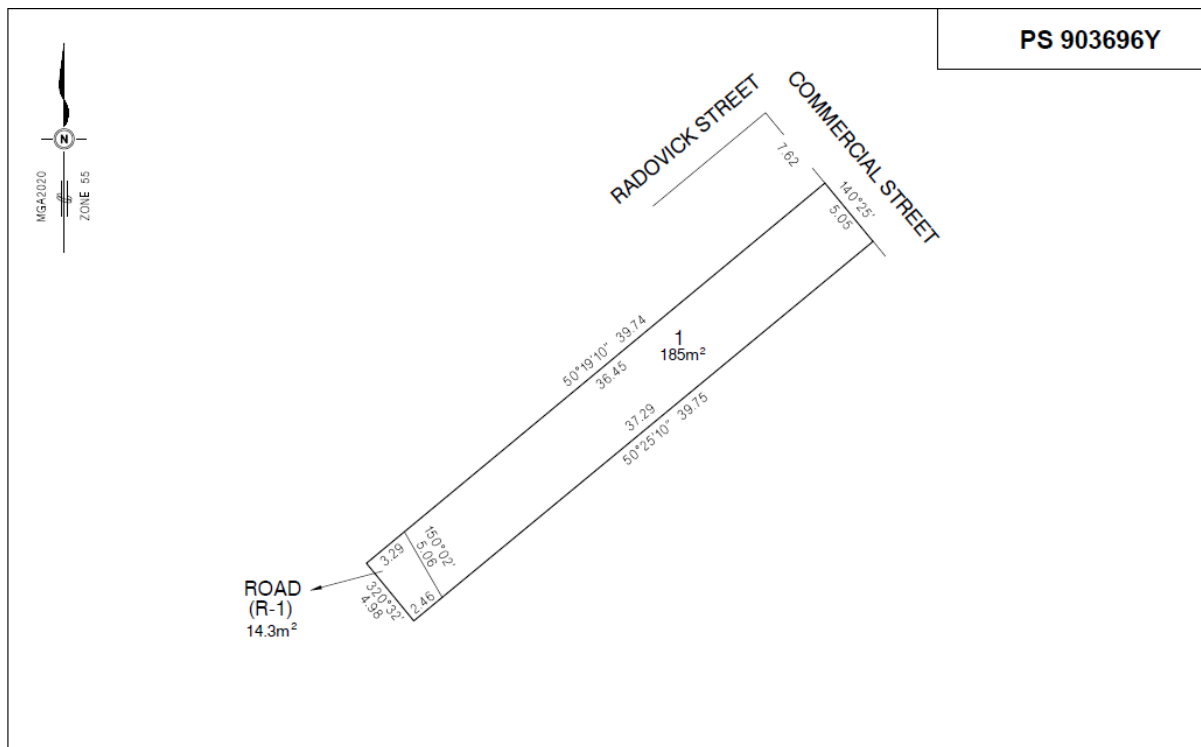


Figure 2. Proposed acquisition of part 71 Commercial Street Korumburra



In order to proceed with this project, a land acquisition process is required to be carried out in accordance with the *Land Acquisition and Compensation Act 1986* and *Land Acquisition and Compensation Regulations 2010*.

Council can not acquire land without adhering to the Land Acquisition and Compensation Act 1986 unless the land is publicly advertised for sale. Refer to **Confidential Attachment [13.1.1]** Overview of the legislation.

**CONSULTATION / COMMUNITY ENGAGEMENT**

All parties that hold an interest in the land will be consulted in accordance with the *Land Acquisition and Compensation Act 1986*.

**RESOURCES / FINANCIAL VIABILITY**

The cost of the land acquisitions will be determined by valuation of the properties prior to acquisition, and will also include any associated fees.

The Korumburra Streetscape project comprises three elements including redevelopment of Little Commercial Street, Commercial Street and “Upper Commercial Street” in the railway land. There is adequate budget for these acquisitions.

State Government funding in the form of a subsidised low interest rate loan to the value of \$5M has been secured to assist with the delivery of the Little Commercial Street and Commercial Street components of this overall project.

## RISKS

There is no other Council owned land available to accommodate this footpath connection from Little Commercial Street to Radovick Street. If this acquisition doesn't proceed, the footpath connection will be unable to be completed, which limits the functionality of the footpath network and accessibility to the new Korumburra Community Hub.

Preliminary discussions with the affected landowners indicate support for the proposal and a willingness to negotiate. Therefore, the acquisitions are considered to be a low risk.

## 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

## 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] – Overview Land Acquisition and Compensation Act 1986 Information** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(e) - legal privileged information, being information to which legal professional privilege or client legal privilege applies.

The grounds for designation have been made as the document is legal advice provided to Council.

## REFERENCE DOCUMENTS

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

Pillar 3. Decision Making

### **Legislative Provisions**

Land Acquisition and Compensation Act 1986

Land Acquisition and Compensation Regulations 2010

Local Government Act 2020

## **2.6. PROPOSED SALE - 630 MARDAN ROAD, KOOROOMAN**

Sustainable Infrastructure

### **Council Plan**

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

*The proposed sale of this land will contribute to improved liveability and amenity in this immediate vicinity.*

### **EXECUTIVE SUMMARY**

This report is presented to Council to commence the statutory procedures for the proposed sale of 630 Mardan Road Koorooman to the adjoining land owner for the purposes of a cattle underpass.

### **RECOMMENDATION**

**That Council:**

- 1. Pursuant to section 114 of the Local Government Act 2020 commence the statutory procedures to sell 630 Mardan Road Koorooman being Lot 2 TP745274 and part certificate of title volume 3403 folio 496 being an approximate area of 3,178m<sup>2</sup> to the adjoining owners of 631 and 570 Mardan Road Koorooman for the purpose of construction a cattle underpass, for a valuation of the land which is made not more than 6 months prior to the sale (the Proposal);**
- 2. Give public notice in the local newspapers in the week commencing 21 February 2022 of the Proposal in accordance with Section 114 of the Local Government Act 2020 to commence a public consultation process inviting written submissions from the community by 5.00pm Wednesday 23 March 2022;**
- 3. 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 hearing for persons who wish to be heard in support of their submission; and**
  - b. Requires the Chief Executive Officer to bring a report to the next appropriate Council meeting after the outcome of the hearing to determine the outcome of the proposal;**
- 4. If no submissions are received to the public notice:**
  - a. Undertake the Proposal in item 1; and**



- b. **Include a clause in the contract of sale that the land is to be consolidated into the purchaser's adjoining land.**

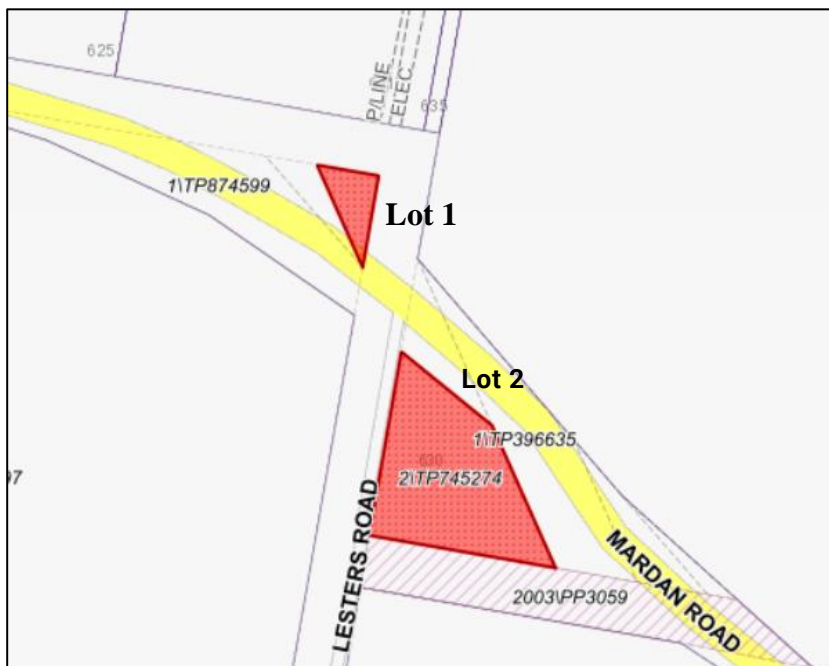
**REPORT**

Council received correspondence from the owners of 631 Mardan Road Koorooman who also owns other farming properties within the vicinity requesting that Council sell them 630 Mardan Road Koorooman for the purposes of constructing a cattle underpass for safer crossing of their cattle between their properties on either side of Mardan Road Koorooman – refer to **Confidential Attachment [13.2.1]**.

Council purchased the land known as 630 Mardan Road Koorooman from the ancestor of the owners of 631 Mardan Road Koorooman for road realignment purposes in 1909 – refer to **Confidential Attachment [13.2.2]**.

No. 630 Mardan Road Koorooman is currently in one certificate of title volume 3403 folio 496 that includes two allotments (refer to ref shading in **Figure 1** below) being Lot 1 TP745274 situated on the northern side of Mardan Road and Lot 2 TP745274 on the southern side of Mardan Road. It is the southern allotment that is proposed for sale – refer to **Figure 1**.

**Figure 1 – 630 Mardan Road (Lot 1 and 2 TP745274)**



**CONSULTATION / COMMUNITY ENGAGEMENT**

**Internal**

Council's Strategic Planning Coordinator and Council's Biodiversity Supervisor has assessed the site and Proposal. It has been advised that if the land is sold

to the proposed purchaser, the land should be consolidated into their certificate of title.

Council's Asset Engineer has determined that the southern parcel of 630 Mardan Road Koorooman is surplus to the needs for Mardan Road to function.

### **External**

In accordance with section 114 of the Local Government Act 2020, Council must undertake a community engagement process in accordance with its Community Engagement Policy. The community engagement process for the sale of Council land has remained similar to the former legislation from the Local Government Act 1989 where by Council will call for public submissions regarding the proposal and allow 28 days for the public to submit those submissions. If submissions are received, Council will hear, consider and determine the outcome of the proposal. Officers will also notify any other abutting land owner.

### **RESOURCES / FINANCIAL VIABILITY**

If the proposal succeeds, the funds from the sale of land will be surplus to Council's budget. Refer to valuation in **Confidential Attachment [13.2.3]**.

### **RISKS**

If the proposal does proceed the activity of crossing the livestock across Mardan Road will no longer occur providing a safer outcome for traffic movements, no cattle damage to the road and would make livestock movements safer.

### **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

### **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 Attachments [13.2.1 – 13.2.3]** are designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal

information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Community Engagement Policy (C06)

Community Engagement Policy (C06)

### **Legislative Provisions**

Local Government Act 2020

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

#### **3.1. COUNCILLOR CODE OF CONDUCT (C14)**

Performance and Innovation

##### **Council Plan**

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

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

*The presentation of the Councillor Code of Conduct - 2022 works towards achieving the Council Plan Objective 4 - Strategy 4.2 and Strategy 4.4, including the measure of success "All legislated policies and procedures reviewed and adopted in accordance with legislated timelines."*

*The review and adoption of the Councillor Code of Conduct - 2022 is required by the Local Government Act 2020.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's consideration and determination of the revised Councillor Code of Conduct – 2022 (C14) (Code) in **Attachment [3.1.1]**

The review aligns the Code with the standards of conduct for Councillors required under the *Local Government Act 2020* (Act) and the *Local Government (Governance and Integrity) Regulations 2020* (Regulations).

##### **RECOMMENDATION**

**That Council:**

- 1. Adopts the C14 Councillor Code of Conduct – 2022, contained in Attachment [3.1.1]**
- 2. Suspends standing orders for Councillors to demonstrate their willingness to abide by the Councillor Code of Conduct by signing the C14 Councillor Code of Conduct – 2022, with the Chief Executive Officer signing it as their witness; and**
- 3. Publishes the signed 'Councillor Code of Conduct – 2022' on Council's website.**

## REPORT

Section 139(1) and (2) of the Act requires Council to develop a Councillor Code of Conduct that includes the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions and any provisions prescribed by the Regulations.

Section 139(5) of the Act requires that the Councillor Code of Conduct must be adopted by a formal resolution of the Council passed by at least two-thirds of the total number of Councillors elected to the Council. In the current Council situation, the resolution has to be passed by a minimum of six Councillors.

Section 139(4) of the Act requires the Council, elected in October 2021, to review the Councillor Code of Conduct within a four-month period after the general election. This requires the Code to be considered and determined by the 23rd February 2022.

The revised Code in **Attachment [3.1.1]** incorporates:

1. High level principles, with supporting commitments, to meet the requirements of the Standards of Conduct required in s.139(3)(a) of the Act and Schedule 1 of the Regulations.
2. A pro-active style and content, that sets out required expected behaviours or Councillors, along with behaviours that are not to be displayed.
3. A Councillor Charter, that sets the overall tone of the Code with the intent of promoting behaviours that would seek to help Councillors to be a successful team.
4. A revised suite of 'Shared Values and Principles' determined by the Councillors that embraces the constructive culture they aspire to achieve and use to guide them towards being a successful team.
5. Key elements of the Dispute Resolution, without excessive process.

Councillors signed the Councillor Code of Conduct – 2021 when they took their oath or affirmation of office in November 2021. The Councillor Code of Conduct – 2021 had been established and adopted by the Administrators in August 2022 as a requirement of their Ministerial appointment for the new Council.

In setting the new standards of behaviour and commitments that support them, Councillors will be able to demonstrate their agreement to abide by this

revised Councillor Code of Conduct by signing the C14 Councillor Code of Conduct –2022 in **Attachment [3.1.1]** upon adoption.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Councillors have held two workshops as part of their transition program to establish ways of working to assist them to become a successful team. A workshop held on 2 February 2022 encouraged the Councillors to consider and determine shared values and principles to guide the culture of their team.

This workshop was followed by a review of the Councillor Code of Conduct by the Councillors. The changes required by the Councillors are contained in the revised Councillor Code of Conduct – 2022 (C14), in **Attachment [3.1.1]**.

### **RESOURCES / FINANCIAL VIABILITY**

There are no financial requirements or implications associated with the review of this Code.

### **RISKS**

The revision of the Councillor Code of Conduct to align it with the Act and Regulations, mitigates Council's risk of not meeting its legislative requirements.

The adoption of the Councillor Code of Conduct – 2022 (C14) will strengthen Council's suite of contemporary governance policies to support the Council to be successful in the application of good governance practices.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

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

1. Councillor Code of Conduct (C14) - February 2022 [3.1.1 - 26 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 2. Culture & Behaviour

Pillar 8. Monitoring & Performance Review

**Council Policy / Strategy / Plans**

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

Councillor Code of Conduct Policy (C14)  
Councillor Support and Expenditure Policy (C51)  
Governance Rules (C82)  
Human Rights Policy (C52)  
Occupational Health and Safety Policy (CE78)  
South Gippsland's Good Governance Framework

**Legislative Provisions**

Charter of Human Rights and Responsibility Act 2006  
Local Government Act 2020  
Local Government (Governance and Integrity) Regulations 2020

### **3.2. ORGANISATIONAL PERFORMANCE REPORT - JULY 2021 TO DECEMBER 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 purpose of this report is for Council to consider the Organisational Performance Report July 2021 to December 2021, including progress against the *2021/22 Annual Initiatives* for the *2020 – 2024 Council Plan*.

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 and supported by an adopted Budget that contains the first (annual) financial year and subsequent three financial years. These requirements are legislated under s.90 and 94 of the *Local Government Act 2020 (Act)*.

Council endorsed the *2021/22 Annual Initiatives* (Annual Initiatives) as part of the *Council Plan 2020-2024* (Council Plan) at the 23 June 2021 Council Meeting. The Council Plan outlines the strategic objectives, strategies and indicators of Council for the next four years.

These Annual Initiatives further the implementation of activities to progress the achievement of the Council Plan Objectives and Strategies for the 2021/22 financial year. The Annual Initiatives are also captured in Section 2 of the Budget 2021/22 (Budget), through which they are funded.

The Organisational Performance Report for the period July 2021 to December 2021 (refer to **Attachment [3.2.1]**) is presented to Council and provides detailed reporting on Council's performance against these Annual Initiatives, Performance Indicators, and Capital Works Program.

The Organisational Performance Report (**Attachment [3.2.1]**) will also be presented to Council's Audit and Risk Committee in March 2022.



## RECOMMENDATION

### That Council:

1. **Receives and notes the Organisational Performance Report for the period July 2021 to December 2021 (Attachment [3.2.1]);**
2. **Publishes the Organisational Performance Report (Attachment [3.2.1]) to Council's website; and**
3. **Presents the Organisational Performance Report (Attachment [3.2.1]) to the March 2022 Audit and Risk Committee Meeting.**

## REPORT

### Background

Council endorsed the *2021/22 Annual Initiatives* (Annual Initiatives) as part of the *Council Plan 2020-2024* (Council Plan) at the 23 June 2021 Council Meeting.

The Council Plan includes key Strategic Objectives, Strategies and a series of indicators called 'Measures of Success' (Indicators).

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 Indicators are monitored and reported to Council in each Quarterly Performance Report.

Annual Initiatives are developed annually and include significant activities that progress the achievement of the Objectives and Strategies in the Council Plan. These Annual Initiatives are adopted each year in the Budget. The current Annual Initiatives are in the *2021/22 Budget* adopted at the 23 June 2021 Council Meeting. For connectivity, they are also captured each year as an update to the Council Plan. Progress against these Annual Initiatives are also reported to Council within each Quarterly Performance Report.

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 Objectives and Strategies.

The Organisational Performance Report – July 2021 to December 2022 has been prepared and is presented to Council for consideration. It is contained in **Attachment [3.2.1]**.

### **Discussion**

This report provides an overview of the major activities undertaken by Council in the first half of the 2021/22 financial year (1 July 2021 to 31 December 2021). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 90 per cent of the Council Plan 2020-2024 Measures of Success indicators are on track or target achieved.
- 100 per cent of the Annual Plan initiatives for 2020/21 are either target achieved or on-track as at end of September 2021.
- Successful completion of Council's *Community Leadership Program* with 20 participants completing the second intake of the Program.
- The South Gippsland's *Municipal Emergency Management Plan 2021-2025* developed by the South Gippsland Municipal Emergency Management Planning Committee (MEMPC) adopted by Council at the December 2021 Council Meeting.
- Consultant appointed for the Visitation and Marketing Plan for the Great Southern Rail trail (GSRT).
- Contract awarded for the Korumburra Streetscape Redevelopment for Little Commercial Street on 24 November 2021.
- Contract awarded for the Carpark construction at the Leongatha Rail Yards on 15 December 2021.
- The Performance and Financial Statement and LGPRF results were audited by VAGO for the year ended 30 June 2021 and combined into the full 2020/21 Annual Report that was adopted by Council at the 20 October 2021 Council Meeting.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Organisational Performance Report (**Attachment [3.2.1]**) will be presented to Council's Audit and Risk Committee in March 2022.

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## **RESOURCES / FINANCIAL VIABILITY**

The *2021/22 Annual Initiatives* and *Capital Works Program* are funded through the *2021/22 Annual Budget*.

## **RISKS**

The Organisational Performance Report (**Attachment [3.2.1]**) 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 at the following [LINK](#).*

1. Organisational Performance Report - July 2021 to December 2021 [**3.2.1** - 38 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 8. Monitoring & Performance Review

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

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

2021/22 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

### **3.3. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - ENVIRONMENT PROTECTION ACT 2017 (S11B)**

{directorate}

#### **Council Plan**

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

*Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.*

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an appointment and authorisation for staff member Lynda Kee under the *Environment Protection Act 2017*.

#### **RECOMMENDATION**

**That Council resolves that, in the exercise of the powers conferred by s 242(2) of the *Environment Protection Act 2017*, s 224 of the *Local Government Act 1989* and s 313 of the *Local Government Act 2020*:**

- 1. The member of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instrument attached and detailed in the report; and**
- 2. The Instrument of Appointment and Authorisation comes into force immediately when it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

#### **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

A new Instrument is presented for adoption for the employee (Lynda Kee) recently recruited as an Environmental Health Officer within the Community Health & Safety department.

The instrument is contained in **Attachment [3.3.1]**.

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## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

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

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. S11B Instrument of Appointment - EPA - Lynda Kee - 16 February 2022 - unsigned [3.3.1 - 1 page]

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

### **Legislative Provisions**

Environment Protection Act 2017

Local Government Act 1989

Local Government Act 2020

### **3.4. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987 (S11A)**

Performance and Innovation

#### **Council Plan**

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

*Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.*

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an appointment and authorisation for staff members Lucas Gardiner and Annelise Hughes under the *Planning and Environment Act 1987*.

#### **RECOMMENDATION**

**That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:**

- 1. The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in each instrument and detailed in the report; and**
- 2. The Instruments of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

#### **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

New Instruments are presented for adoption for Lucas Gardiner enabling Lucas to fulfil the required duties as Manager of Planning Services and Annelise Hughes recently recruited as a Statutory Planning Officer within the Planning Services department.

The two Instruments are contained in **Attachments [3.4.1]** and **[3.4.2]**.

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

Nil

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

Nil

#### **RISKS**

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

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

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

1. S11A Instrument of Appointment - P& E Act - Annelise Hughes - 16 February 2022 - unsigned [3.4.1 - 1 page]
2. S11A Instrument of Appointment - P& E Act - Lucas Gardiner - 16 February 2022 - unsigned [3.4.2 - 1 page]

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

##### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

### 3.5. APPOINTMENT CHAIR OF THE AUDIT AND RISK COMMITTEE 2022

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*

*The Audit and Risk Committee acts as an advisory committee to Council overseeing and monitoring the integrity of internal risk and financial controls and other audit functions. This oversight strengthens the organisation's governance functions through scrutiny of operational practices, financial and performance management and control of risks.*

#### **EXECUTIVE SUMMARY**

This report is to appoint the Chair for the Audit and Risk Committee for a 12-month period. Nominations from independent members of the Audit and Risk Committee interested in fulfilling the role of Chair were requested by officers.

Independent members of the Audit and Risk Committee consist of Mr Chris Badger, Mr Homi Burjorjee and Ms. Jen Johanson. Council have been advised of any nominations received.

#### **RECOMMENDATION**

**That Council appoints Independent Audit and Risk Committee Member, < insert name >, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2022 until the Council meeting in February 2023.**

#### **REPORT**

The Audit and Risk Committee (the Committee) is an advisory committee to Council, established under Section 53 of the *Local Government Act 2020 (Vic)*, with the purpose of supporting Council to discharge its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and controls, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements.

In accordance with the Audit and Risk Committee Charter, the Chairperson of the Committee must be an Independent member, will be appointed by Council and the term of the Chair is to be one (calendar) year. Independent members of the Audit and Risk Committee consist of Mr Chris Badger, Mr Homi Burjorjee and Ms Jen Johanson.



Mr Chris Badger was appointed as current Chair of the Committee at the Ordinary Meeting of Council held on 26 August 2020 for the remainder of the 2020 Calendar year, following the resignation of the former Committee Chair. He was then reappointed for the 2021 Calendar year at the Ordinary Meeting of Council of 24 February 2021.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Nominations from Independent members of the Audit and Risk Committee to be appointed as Chair for 2022 were requested at the Committee meeting held on 14 December 2021. Council have been advised of any nominations received.

No external community engagement or consultation was required or undertaken for this item.

### **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including indexation of fees) are made within Council's current and forward budgets.

### **RISKS**

The Audit Committee undertakes an integral and active role in risk mitigation (including financial) and oversees organisational compliance with legislation.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 7. Risk and Compliance

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

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

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

Audit Policy (C55)

Risk Management Framework (C35)

Risk Management Policy (C35)

**Legislative Provisions**

Local Government Act 2020

Local Government (General) Regulations 2015

Local Government (Planning and Reporting) Regulations 2015

### **3.6. AUDIT AND RISK COMMITTEE MEETING - MINUTES - 14 DECEMBER 2021**

Performance and Innovation

#### **Council Plan**

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

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

#### **EXECUTIVE SUMMARY**

The draft minutes of the Audit and Risk Committee meeting held on 14 December 2021 (**Attachment [3.6.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Mr. Chris Badger (Audit Committee Chair)
- Mr. Homi Burjorjee
- Ms. Jen Johanson
- Cr. Sarah Gilligan (Council member)
- The Mayor Cr. Mohya Davies (ex-officio observer)

#### **RECOMMENDATION**

**That Council notes the draft Audit and Risk Committee Minutes – 14 December 2021 (Attachment [3.6.1]).**

#### **REPORT**

The matters considered by the Audit and Risk Committee at the 14 December 2021 meeting are contained in **Attachment [3.6.1]**.

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

The draft Audit and Risk Committee Minutes for 14 December 2021 (**Attachment [3.6.1]**) have been circulated to the Audit and Risk Committee for feedback which is included in the attached, and will be formally accepted by the Committee at the next meeting.

## **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit Committee Members' attendance fees are included within Council's current and forward budgets.

## **RISKS**

Council must establish an Audit and Risk Committee under s.53 of the *Local Government Act 2020*. The Committee supports Council in discharging its oversight responsibilities as set out in the Audit and Risk Committee Charter, including risk management.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Audit Risk Committee minutes - 14 December 2021 [3.6.1 - 9 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk & Compliance

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

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

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

### **Legislative Provisions**

Local Government Act 2020

### **3.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 NOVEMBER 2021 TO 14 JANUARY 2022**

Office of the Chief Executive

#### **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 November 2021 to 14 January 2022. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

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

#### **RECOMMENDATION**

**That Council receives and notes this report.**

#### **REPORT**

##### **Documents Sealed**

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

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) 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 November 2021 to 14 January 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 66 and 80 Bena Road Korumburra in relation to a staged subdivision. Seal applied 25 November 2021.
2. S11A Instrument of Appointment under Planning and Environment Act 1987 to officers – Allison Jones, Laura Acreman, Renae Littlejohn. Seal applied 16 December 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 November 2021 to 14 January 2022.
  - a. CON/291 for the Provision of Transfer Stations Management and Booked Hard Waste Collection Services was awarded to Dasma Environmental Pty Ltd. Signed by the CEO 15 November 2021.
  - b. CON/307 for the Streetscape Redevelopment of Little Commercial Street Korumburra was awarded to Ace Earthmoving (Victoria) Pty Ltd. Signed by the CEO 1 December 2021.
  - c. CON/309 for the Pavement Rehabilitation – Mt. Eccles Road was awarded to Downer EDI Works Pty Ltd. Signed by the CEO 20 December 2021.

- d. CON/312 for the Energy Efficient Street Lighting Bulk Replacements was awarded to Magnetic Training and Consultancy Pty. Ltd. t/as Magnetic Power Services. Signed by the CEO 21 December 2021.
3. Contracts awarded after a public tender process within the CEO's delegation between 13 November 2021 to 14 January 2022.
  - a. CON/310 for the Provision of Transfer Station Hook Lift Bins was awarded to Easyquip Pty Ltd. Signed by the CEO 10 January 2022
4. Contract variations approved by the CEO between 13 November 2021 to 14 January 2022.
  - a. CON/270 for the Foster Indoor Stadium Redevelopment was awarded to Becon Constructions Pty Ltd and commenced in February 2021. Variations which will exceed the contingency allowance are recommended, these include additional asphalt to the carpark and a new metering board. A Contract Variation of \$36,850.88 was approved by CEO after consultation with the Mayor on 13 December 2021.
5. Contract extensions approved by the CEO between 13 November 2021 to 14 January 2022.
  - a. SGC13/08 for the Provision of Kerbside Garbage & Recycling Collection Services was awarded to Cleanaway Pty Ltd. An extension of 1 year has been approved, signed by the CEO 9 December 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 at the following [LINK](#).*

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



### 3.8. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 NOVEMBER TO 12 JANUARY 2022

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 in Council Meetings 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 presentations to 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 November 2021 and 12 January 2022.

#### RECOMMENDATION

**That Council receives and notes this report.**

#### REPORT

Meeting Title	Details
<b>Wednesday 17 November 2021</b>	
<b>Agenda Topic Discussion – Council Meeting 24 November 2021</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Michael Felton, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Cr Williams left the room with a declared direct material conflict of interest in Confidential Agenda Item 9.1 PRIVATE COMMERCIAL INFORMATION - Request for Tender – Streetscape Redevelopment -</p>

Meeting Title	Details
	Little Commercial Street Korumburra (RFT/307) as she is a joint owner of a business that has made a submission to each tender process.
<b>Wednesday 1 December 2022</b>	
<b>Road Management Plan</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<b>Community Grant Program 2021/22</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Cr Sarah Gilligan left the room with a declared direct material conflict of interest in this item as she was directly involved with the application submission process on behalf of the Tarwin Landcare Group which made a submission to the community grants program.</p>
<b>Wednesday 8 December 2021</b>	
<b>Proposed Funding Applications</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<b>Agenda Topic Discussion – Council Meeting 15 December 2021</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Cr Williams left the room with a declared direct material conflict of interest in Confidential Agenda Item 12.4 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Carpark Construction - Leongatha Rail Yards (RFT/308) and 12.5 PRIVATE COMMERCIAL INFORMATION - Request for Tender – Pavement</p>

Meeting Title	Details
	<p>Rehabilitation - Mount Eccles Road, Mount Eccles (RFT/309) as she is a joint owner of a business that has made a submission to each tender process.</p> <p>Cr Sarah Gilligan left the room with a declared direct material conflict of interest in Confidential Agenda item 12.2 – 2021/22 Community Grants Program - Round 1 Assessment that she was directly involved with the application submission process on behalf of the Tarwin Landcare Group which made a submission to the community grants program.</p>
<b>Wednesday 15 December 2021</b>	
<b>Councillor Support &amp; Expenditure Policy</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Agenda Topic Discussion – Council Meeting 15 December 2021</b>	<p><b>Councillors Attending:</b> Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai</p> <p><b>Municipal Monitor:</b> Prue Digby</p> <p><b>Conflict of Interest:</b> Cr Williams left the room with a declared direct material conflict of interest in Confidential Agenda Item 12.4 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Carpark Construction - Leongatha Rail Yards (RFT/308) and 12.5 PRIVATE COMMERCIAL INFORMATION - Request for Tender – Pavement Rehabilitation - Mount Eccles Road, Mount Eccles (RFT/309) as she is a joint owner of a business that has made a submission to each tender process.</p> <p>Cr Sarah Gilligan left the room with a declared a direct material conflict of interest in Confidential Agenda item 12.2 – 2021/22 Community Grants Program - Round 1 Assessment that she was directly involved with the application submission process on behalf of</p>

Meeting Title	Details
	the Tarwin Landcare Group which made a submission to the community grants program.

**REFERENCE DOCUMENTS**

**Council's Good Governance Framework**

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

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

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

## **4. NOTICES OF MOTION AND/OR RESCISSION**

### **4.1. NIL**

## **5. COUNCILLOR REPORTS**

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

### **5.2. COUNCILLOR UPDATES**

### **5.3. COMMITTEE UPDATES**

## 6. 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 Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 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 Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

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

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

### 2. Other Business

This provides an opportunity for Councillors 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.

## 7. PUBLIC QUESTIONS

### 7.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.



## 7.2. 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: [Governance Rules \(C82\)](#) – adopted August 2020.*

**Nil**

### 7.3. 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.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 1.00pm and placed in the receptacle at the Governance Officers table. 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: [Governance Rules \(C82\)](#) – adopted August 2020.

## 8. CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

1. **Per s.3(1)(g) Agenda item 12.1 Plant Replacement (No. 612) - Single Axle Sealed Road Maintenance Truck, 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 contractor's tender information submitted for consideration.**

## **9. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 16 March 2022 commencing at 2pm in the Council Chambers, Leongatha.