

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

15 September 2021

**Council Meeting No. 463  
Online Virtual Meeting  
Commencing at 1.00pm**

**Administrators**

Julie Eisenbise, Chair  
Christian Zahra, Deputy Chair  
Rick Brown



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*

## OUR PURPOSE

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

### Privacy

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

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

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



## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 463 of the  
South Gippsland Shire Council will be held virtually (online) on  
Wednesday 15 September 2021 at 1:00 PM

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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 VIRTUAL (ONLINE) MEETING**

Please ensure Mobile phones remain 'silent' during the Council Meeting.

Over the past year the Federal and State Governments have had clear directives about social gatherings in respect of the COVID19 Pandemic. The recent lockdown has meant that for the safety of community and staff the 15 September 2021 meeting of Council is conducted virtually.

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

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

### **RECOMMENDATION**

That Council:

1. Not allow members of the public to attend the 15 September 2021 Council Meeting in person;
2. Notes that this Council Meeting is being conducted as a virtual meeting, conducted by electronic means of communication pursuant to section 394 of the *Local Government Act 2020*. The 'Minister's Good Practice Guideline MGP-1: Virtual Meetings' have been used to ensure that local

government decision making can continue in line with COVID-19 Pandemic requirements;

3. Notes that the 15 September 2021 Council Meeting remains 'open' via the livestream on the Internet, in keeping with section 395 of the *Local Government Act 2020*; and
4. Notes that this decision is made to protect the health and wellbeing of all people required to be in attendance.

### **1.3. OPENING PRAYER**

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

Amen

### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

## **1.5. APOLOGIES**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No. 462, held virtually (online) on 18 August 2021 be confirmed.

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](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 (Administrator), member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets 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 1 - UNITED SHIRE

### 2.1. COMMUNITY SUPPORT PACKAGE - FINAL REPORT - PHASE 1, 2 AND 3

Economy & Community

#### **Council Plan**

*Objective 1 - United Shire - Strategy 1.4 Deliver Council's 'Community Support Package' to support the community in response to the COVID-19 Pandemic*

*This report outlines an update on the Community Support Package for 2020/21.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with a Final Report for Administrators celebrating the implementation and ongoing outcomes of the *COVID-19 \$2 million Community Support Package (CSP) for 2020/21 (Attachment [2.1.1])*.

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

Initiatives under this project:

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

A budget amount of up to \$2 million to support the South Gippsland community response to the impact of the COVID-19 Pandemic is included in Council's 2020/21 Budget. Resources required for specific projects within the package to date equate to \$1,495,610, and have been allocated in accordance with approval of associated implementation and action plans.

A final report on all phases of the CSP will be provided to Council by June 2022. This report will be developed following completion of an evaluation report which is included as an element of Phase Three.

## RECOMMENDATION

### That Council:

- 1. Receives a Final Report for Administrators celebrating the implementation and ongoing outcomes of the Community Support Package 2020/21, Phase One, Two and Three (Attachment [2.2.1]);**
- 2. Receives a final report on all phases of the CSP including outcomes of the evaluation of the entire Community Support Package by June 2022.**

## REPORT

At the 22 April 2020 Council Meeting, Council endorsed a *COVID-19 Community Support Package (CSP)* of up to \$2 million to support the South Gippsland community and businesses to remain healthy, connected and innovative as the Pandemic situation unfolded across Australia.

The CSP is a set of initiatives that represent South Gippsland Shire Council's response to the COVID-19 Pandemic. The initiatives were developed through consultation with Council and direct feedback from the community. They aimed to provide support, economic relief and social and economic stimulus to key sectors of the South Gippsland community, and have been delivered over three stages:

- Phase One – Targeted Support: delivery of financial relief to business and households, and support to vulnerable and isolated community members, during the initial phases of COVID restrictions;
- Phase Two – Building Resilience: focussed on supporting key industries, such as tourism, small businesses and the arts and creative sector; and
- Phase Three – Recovery and Reconnection: focussed on recovery, rebuilding social connections and supporting economic development, tourism, and sport and community wellbeing.

The CSP has been in operation for over 12 months. It has involved the implementation of 21 projects through Phases One and Two, and is currently focussed on implementation of a further eight projects as part of Phase Three.

A final report on all phases of the CSP will be provided to Council by June 2022 when all components of the program are complete. This report will be developed following completion of the Evaluation Project, adopted as an element of Phase Three by Council in April 2021. An evaluation of the program conducted by an external program evaluator, will provide qualitative

and quantitative data to understand, promote and celebrate the positive impact that the program has had on the community.

The Final Report for Administrators (Attachment) celebrates the achievements of Phase One and Phase 2, and highlights the ongoing positive outcomes of the program, implemented during a unprecedented time across the world.

The current status for projects implemented through Phases One and Two of the CSP is outlined below:

<b>COMPLETED PROJECTS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Outcome</b>
Community Supports Information Brochure	To provide Community with information and advice on health, social and community connection. Partnership across multiple providers.	\$13,000	Third edition currently being distributed – 7,500 copies
Recreation Reserve Income Offset	Extension to existing maintenance grants provided to Council Recreation Reserves	\$126,000	All committees provided with extension
Street Trader Permit Fee Waiver	Rebate on Street Trading Permit Fees where outdoor dining not allowed	\$13,568	166 businesses received support
Business Fee Waiver	Reduced business registration and permit fee.	\$184,000	532 businesses received support. 12 Caravan Parks also benefit from fee waiver.
Community Restarter Kits	Provide community organisations with PPE equipment. Extended to include mask making and distribution by volunteers.	\$30,000	52 community organisations supported with kits. 400+ masks made by over 80 volunteers.
Community Support Grants Program	Grants to community organisations and community service providers for programs,	\$200,000	\$156,000 in grants distributed and 83 community organisations

<b>COMPLETED PROJECTS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Outcome</b>
	projects or assistance to recover.		supported through program
Fee Waiver – Caravan Parks	Waive Annual Site Fees for Council owned Caravan Parks as necessary	\$46,000	34 sites identified and offered x 2 waiver periods.
Rental Relief Program	Waive rental on Council owned properties as necessary	\$31,928	5 properties identified and supported.
Flu Vaccination Program	Provide commercial/community flu vaccination program	\$25,900	839 vaccinations provided over 17 sessions.
Rates and Hardship Policy	Update Hardship Policy to make further options for payment of rates available to those experiencing hardship	\$0	44 payment arrangements made.
Procurement – local suppliers prompt payment	Strengthen Council's local buy preference and fast track payments to suppliers	\$0	94% suppliers paid within 14 days.
Business Grants Program	Grants program targeting small business with shopfronts experiencing hardship.	\$200,000	\$136,000 grants distributed, and 136 businesses supported through program.
Early Learning Support	Extend reach of existing programs to better connect with vulnerable families	\$38,860	Early Learning Program extension program reconnected vulnerable families with support services through maternal child health. Program completed in June 2021.
<b>IN PROGRESS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Outcome</b>

<b>COMPLETED PROJECTS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Outcome</b>
Mental Health First Aid	Promote and facilitate access to Mental Health First Aid and Youth Mental Health First Aid to community members	\$52,250	80 participants enrolled in Mental Health First Aid (complete).  Youth Mental Health project leveraged to develop Live4Life, partnership with Bass Coast.
Arts, Culture & Creative Industry Package	Package of activity for arts, culture and creative industry – 11 projects designed to maintain social connection and provide opportunities for paid employment for arts workers and support local creative business.	\$252,000	5 projects complete with over 600 participants to date.  4 projects underway.  2 projects to be complete by end of year.
Tourism Marketing, Promotion & Training	A program of marketing collaboration and development of Tourism Ambassadors Training Program	\$50,000	Tourism Ambassadors Training – program modules and content created. Currently developing a communications and program launch plan.
Shop Local Campaign	Promotion of local business in the retail sector to stimulate economic activity.	\$40,000	Suite of activities developed including radio and television advertising campaign, printed material including posters, calico bags and decals. Soft launch of TV advertisement currently underway, and full campaign launch programmed for Spring,

Projects developed for Phase Three of the CSP was approved by Council at the 21 April 2021 Council Meeting. This suite of projects is aimed at supporting recovery activity, and helping communities to reconnect.

Planning for each project is well underway, with some projects now moving into the implementation phase.

<b>STAGE THREE PROJECTS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Status</b>
Phase 2 Vaccination Program	Subside flu vaccines and delivery for commercial and community program – repeat of 2020 program	\$25,000	Planning underway
Sporting Club Small Grants	Grants of up to \$500 to community sporting clubs who have experienced a reduction in business sponsorship or other cost pressures during the COVID-19 Pandemic.	\$40,000	Recreation Officer consulting with sporting groups to determine allocation and eligibility.
Community Groups Insurance Rebate	Waiver of the insurance fee charged by Council to community groups operating from council-owned premises and/or accessing Council's insurance cover. This will support approximately 60 community organisations.	\$40,000	Criteria and eligibility being determined. Rebates to occur in the coming months.
Community Connection Package	Rebuilding and re-imagining communication in the community through co-designed projects such as noticeboards, newsletters, equipment in halls, linking council	\$50,000	Discussion with experienced Co-Design company to determine framework for design underway.

<b>STAGE THREE PROJECTS</b>			
<b>Project</b>	<b>Aim</b>	<b>Budget</b>	<b>Status</b>
	and community websites. Investigating opportunities for new social enterprises to support and resource community groups.		
Local Food Network Enterprise	Three grants of up to \$20,000 to strengthen the economic sustainability of local food network enterprises and their associated supply chain.	\$60,000	Planning commenced to determine guidelines.
Economy and Visitor Economy Strategy – Implementation of actions	Creation of an implementation fund for Economic Development and Visitor Economy Strategies that will be completed by 30 June 2021.	\$175,000	Working with Strategy Advisory Groups on annual action plan initiatives to determine where the funding will have the most impact.
Community Connection through Art	Re-invigorating Communication and Connection in our Community post-COVID through legacy art projects, including art installations along the Rail Trail in key towns, and travelling exhibitions	\$85,000	Planning to commence in October. Potential opportunity
Evaluation	Undertake an evaluation of the Impact of CSP, including targeting, community benefit, and effectiveness.	\$30,000	Evaluation scope complete and request for quote distributed. 4 submissions to be assessed.



The CSP has been developed to be innovative and flexible, and is an example of Council's ability to respond to the needs of the community. The package has allowed the community and business sector to successfully navigate some of the difficulties associated with the COVID-19 Pandemic, and has allowed for a creative approach to recovery and reconnection.

There are challenges ahead for South Gippsland, and Stage Three is well placed to support our community through these challenges.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

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

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

### **RESOURCES / FINANCIAL VIABILITY**

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

The balance of \$504,390 remains allocated to Phase Three and other remaining projects.

### **RISKS**

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

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

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Community Support Package - Final Report to Administrators COVID-19 Response 2020-21 [2.1.1 - 4 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 5. Communications & Community Engagement

Pillar 7. Risk & Compliance

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

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

Community Engagement Policy (C06)

Community Grants Program Policy (C47)

Annual Budget

Council Plan 2020-2024

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

## 2.2. HEALTH AND WELLBEING PLAN 2021/22

Economy & Community

### **Council Plan**

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

*The Healthy Communities Plan 2021/22 outlines Council's response to supporting the health and wellbeing of the local community in line with Council's legislated role under the Health and Wellbeing Act 2008.*

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Healthy Communities Plan 2021/22* (the Plan) (**Attachment [2.2.1]**) for consideration and determination by Council. The Plan is the *Public Health and Wellbeing Plan* for South Gippsland for the next 12 months.

The Plan is a strategic document that provides a framework to support the development of a *Health and Wellbeing Action Plan (Action Plan)*. It outlines shared outcomes of Council and over 20 external partners. The Action Plan will be developed and implementation commenced in November 2021.

### **RECOMMENDATION**

**That Council adopts the Healthy Communities Plan 2021/22 (Attachment [2.2.1]).**

### **REPORT**

Council is required, under the *Public Health and Wellbeing Act 2008*, to develop a four-year plan within 12 months of an election. Due to Council elections at South Gippsland being held in 2021, an interim one-year *Municipal Public Health and Wellbeing Plan - Healthy Communities Plan 2021/22* (the Plan) has been prepared (**Attachment [2.2.1]**), to cover the intervening gap to meet legislated requirements.

The Plan has been developed in partnership with Bass Coast Shire Council and the local health services, Bass Coast Health, Gippsland Southern Health Service and South Gippsland Hospital and the South Coast Primary and Community Partnership. This partnership approach will support the combined timelines for delivery of a number of health plans across South Gippsland and Bass Coast local government areas and will align efforts in health planning. The Plan includes integration of the Prevention Plan, which is a health promotion plan with actions delivered across South Gippsland and Bass Coast by the South Coast Prevention Team with funding from the Department of

Family, Fairness and Housing (DFFH). The integration of a Municipal Public Health and Wellbeing Plan with Health Promotion / Prevention Plans is recommended by the DFFH.

The *Healthy Communities Plan 2021/22* is a demonstration of this integration and reflects shared principles, goals and focus areas for South Gippsland Shire Council, Bass Coast Shire Council and the South Coast Prevention Team.

An Action Plan will be developed in consultation with relevant health and wellbeing partners external to Council by the end of October 2021. This will detail the work to be undertaken over the next 12 months under each of the priority areas. It will also incorporate relevant actions identified in Council business plans for 2021/22.

Following Council elections, the *Healthy Communities Plan 2022 – 2025* will be developed over the next 12 months in line with the development of the Community Vision and Council Plan. This will allow the Plan to be considered by the incoming Council. It will also allow the respective plans of South Gippsland and Bass Coast Shire Councils to remain aligned over the next four years.

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

Our Story, a community health and wellbeing profile, and animated video was developed in partnership with Bass Coast Shire Council and the Prevention Team. Extensive community and stakeholder consultation using these resources in South Gippsland and Bass Coast has informed the development of the Plan.

Consultation commenced in November 2020 in two consecutive workshops with health and wellbeing stakeholders. Community consultation commenced in April 2021 and concluded early in June 2021. A survey was made available on Council's website over a six-week period.

Community workshops and drop-in sessions were conducted in eight South Gippsland towns with 14 groups. A total of 74 people attended the workshops. Around 300 people contributed to setting priorities and focus areas for the Plan. Full details of the consultation are included in the attached report (refer to **Attachment [2.2.2]**).

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

Many of the actions identified to align with the *Healthy Communities Plan 2021/22* are included in Council business plans, or are the responsibility of external organisations with project specific funding.

Clear strategic priorities and focus areas outlined in the Plan allow Council and their partners to secure external funding for specific program areas.

## **RISKS**

The *Public Health and Wellbeing Act 2008* requires Council to have a Municipal Public Health and Wellbeing Plan.

If Council were to continue with the current *2017–2021 Health and Wellbeing Plan* it would not be meeting its obligations to review and refresh the Plan annually. Nor would it demonstrate alignment with the current *Victorian Health and Wellbeing Plan* or integration with external health promotion plans.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Healthy Communities Plan 2021/22 - September 2021 [2.2.1 - 30 pages]
2. Consultation Report - Healthy Communities Plan 2021/22 [2.2.2 - 3 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 4. Structure, Systems & Policies

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

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

Annual Budget

Council Plan 2020-2024

Municipal Public Health and Wellbeing Plan

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations 2019

## 2.3. DOMESTIC ANIMAL MANAGEMENT PLAN 2021/22

Economy & Community

### **Council Plan**

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

*The Domestic Animal Management Plan one-year Action Plan 2021-2022 enhances the health and safety and wellbeing of the community by communication and education on responsible pet ownership.*

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Domestic Animal Management Plan (DAMP) one-year Action Plan 2021/22 (Action Plan)* for consideration (refer **Attachment [2.3.1]**). This one-year Action Plan continues to set the strategic direction for animal management within South Gippsland Shire Council over the next 12 months, and is based on the current *Domestic Animal Management Plan 2017 – 2021*.

Following the endorsement of the interim one-year Action Plan 2021/22, a four-year *Domestic Animal Management Plan* will be developed for 2022-2025 with the new Council post-election, and with extensive public consultation to set the future strategic direction of animal management in the Shire.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the Domestic Animal Management Plan (DAMP) one-year Action Plan 2021/22 (Attachment [2.3.1]); and**
- 2. Undertakes an extensive public consultation process within the next twelve months to develop the Domestic Animal Management Plan (DAMP) 2022/25.**

### **REPORT**

The *Domestic Animal Management Plan (DAMP)* is required to guide the Local Laws team in addressing the administration of legislation, and promote responsible ownership within the community in accordance with the *Domestic Animals Act 1994*.

This one-year Action Plan 2021/22 will continue to focus on implementing the key initiatives addressed in the DAMP 2017-2021. It will continue to support the Local Laws team with key projects and educational information that will

be delivered to the community for the next 12 months prior to the development of the DAMP 2022-25.

Recent data indicates a decrease in animal management requests received by Council for the year 2020/21, which can be attributed to the impact of COVID-19 pandemic and restrictions. The incident categories in this data includes dog attacks, dog rushes, dogs at large, and nuisance dogs. During the same period, Council has also experienced an increase in cat trap requests for feral cats. This is also likely due to the impact that COVID-19 restrictions have had on the operation of the pound and cat trapping program during this time. These minor statistical amendments have been updated in the one-year Action Plan.

The one-year Action Plan continues to address key strategic initiatives such as:

- Increase in the cat control program;
- Promotion of responsible cat ownership; and
- Introduction of Council's communication plan.

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

This one-year Action Plan continues to set the strategic direction for animal management within South Gippsland Shire Council for the next 12 months. It is based on the current *Domestic Animal Management Plan 2017 – 2021*, and includes updated statistical amendments. Council will undertake an extensive public consultation and engagement process within the next twelve months to develop the Domestic Animal Management Plan (DAMP) 2022-25.

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

This is undertaken within existing Council resources.

#### **RISKS**

South Gippsland Shire Council is required pursuant to section 68A of the *Domestic Animals Act 1994* (the Act) to have a DAMP. Without a DAMP Council is not meeting its commitment under the requirements of the Act.

#### **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. Domestic Animal Management Plan 2021-22 - 1 Year Action Plan [2.3.1 - 29 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

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

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

Council Plan 2020-2024

Domestic Animal Management Plan

General Local Law 2014

### **Legislative Provisions**

Domestic Animals Act 1994

Infringements Act 2006

Local Government Act 1989

Local Government Act 2020

Public Health and Wellbeing Regulations 2019



### 3. OBJECTIVE 2 - ECONOMIC PROSPERITY

#### 3.1. PLANNING APPLICATION 2021/105 - 250 O'GRADYS RIDGE ROAD, FOSTER - EXTENSION TO EXISTING DWELLING

Economy & Community

##### **Council Plan**

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

*The application is meeting the Council objective by utilising the existing development on the land and not removing further land from agricultural production and minimising the impact on the natural environment.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider and determine this planning application. The applicant is seeking approval for the development of the land for extension to the existing dwelling and provide a roof structure over an existing un-used historic Melbourne Tram at 250 O'Gradys Ridge Road, Foster North. The structures are existing on the land being used as an open verandah and garage. The subject land is located approximately 4.5 kilometres (as the crow flies) to the north-west of the Foster township and is currently occupied with a dwelling and various outbuildings.

The application is being presented to Council for a decision as nine (9) objections have been received to the proposal (refer to **Confidential Attachment [13.2.1]** and **Confidential Attachment [13.2.2]**). Key issues raised by objectors include that the additional bedrooms will result in the land being used for tourist accommodation resulting in increased vehicle movements, noise, exposure to fire risk and impacts, a use being operated illegally, the increase in bedrooms and bathrooms having wastewater capacity and environmental impacts to the surrounding waterways, impact to the adjoining Hardwood plantation and other matters around the existing use of buildings and structures on site. A number of other issues have also been raised in submissions.

Having considered the application against the relevant provisions of the South Gippsland Planning Scheme, and having considered the matters under s.60 of the *Planning and Environment Act 1987*. The assessment determines that the application is consistent with the relevant policy objectives and the proposal can be supported by issuing a Notice of Decision to grant a permit subject to appropriate conditions.

## **RECOMMENDATION**

**That Council issue a notice of decision to grant a permit for Development of the land for extension to the existing dwelling and building and works at 250 O'Gradys Ridge Road Foster North subject to the following conditions:**

- 1. Before the building works commence, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a. An annotation on the proposed floor plan to state that no food preparation facilities may be provided within the area shown as LIVING within the extended area of the dwelling; and**
  - b. The correct north point orientation to be shown on the floor plans.****
- 2. The building, works and layout as shown on the endorsed plans, including the external colours and finishes must not be altered or modified except with the written consent of the Responsible Authority;**
- 3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority;**
- 4. The existing driveway must be maintained at an all-weather condition as to accommodate emergency vehicles to the satisfaction of the Responsible Authority;**
- 5. Building construction must be carried out in accordance with Construction Techniques for Sediment Pollution Control (EPA May 1991) and Control of Erosion on Construction Sites (Soil Conservation Authority) to the satisfaction of the Responsible Authority;**
- 6. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority;**
- 7. Any access road, clearings and banks resulting from excavation must be stabilised by the use of retaining walls, terracing, revegetation and other means of slope stabilisation due to the steepness of the block and must be to the satisfaction of the Responsible Authority;**
- 8. Downpipe water from the extension must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible**

- Authority. The external finishes and materials of water tank(s) (if required) must be colour treated in muted low-reflective tones;**
- 9. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the boundaries of the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970;**
  - 10. The waste water system is to comply with the Land Capability Assessment from Strata Geoscience & Environmental Pty Ltd, Report No:03106, Dated 14th March 2019 and/or any updates as negotiated to the satisfaction of the Responsible Authority;**
  - 11. Final Permit to Install to comply with the Requirements of the EPA COP 891.4 as approved by the Permit to Install issued by the Responsible Authority;**
  - 12. This permit will expire if either of the following applies:**
    - a. The development is not started within two (2) years of the date of this permit; and**
    - b. The development is not completed within four (4) years of the date of this permit.**
  - 13. The Responsible Authority may extend the periods referred to in accordance with Section 69 of the Planning and Environment Act 1987, if a request is made in writing.**
  - 14. That Council notes:**
    - a. This permit allows the above land to be developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development;**
    - b. A Consent to Work Within the Road Reserve Permit must be obtained from Council's Engineering Department for the construction and/or alteration of the driveway crossover; and**
    - c. All works associated with the development must be in a manner consistent with the provisions of the Aboriginal Heritage Act, 2006. It is an offence to harm Aboriginal cultural heritage unlawfully. Aboriginal Victoria is the authority for administration of the Aboriginal Heritage Act 2006. The owner/applicant is advised to**

**contact Aboriginal Victoria at GPO Box 2392, Melbourne, 3001.  
Telephone 1800 762 003 or [Aboriginalaffairs@dpc.vic.gov.au](mailto:Aboriginalaffairs@dpc.vic.gov.au).**

## **REPORT**

### **Background**

The subject land is identified as Lot 1 on Plan of Subdivision 622580K, Parish of Doomburrim, County of Buln Buln, more commonly referred to as 250 O'Gradys Ridge Road, Foster North. The subject land is an irregular shape, with a total land area of 4.01ha. The site has frontage of approximately 330 metres to O'Gradys Ridge Road, with direct abuttal to two other properties (being 192 and 270 O'Gradys Ridge Road). The subject land is occupied by a dwelling and multiple outbuildings in an area of approximately 0.75ha.

The subject land is located within the Farming Zone (FZ) and is covered by the Environmental Significance Overlay – Schedule 5 (areas susceptible to erosion). The land is located within a designated Bushfire Prone Area under the Building Act 1993. A permit is required under the provisions of both the FZ and ESO.

The requirement for a planning permit is triggered:

1. Farming Zone (FZ) requires planning permission for a building or works associated with a use in Section 2 as the total floor area exceeds 100 square metres; and
2. ESO Schedule 5 requires planning permission for buildings or to construct or carry out the works as the extension to an existing building exceeds 200 square metres (roof structure over the tram is exempt).

The surrounding land is characterised by a mixture of smaller rural-residential properties, interspersed with larger agricultural holdings used primarily for timber production and dairying. The closest dwelling is located approximately 120 metres measured from the existing dwelling.

(Refer to **Attachment [3.1.1]** – Aerial Photograph and site inspection photos, and **Attachment [3.1.2]** – Zoning Map of Site and Surrounding Area.

### **The Proposal**

The application seeks approval to develop the land for extension to the existing dwelling by enclosing parts of the existing building being verandah and garage for the purpose of creating additional bedrooms, bathrooms and a living area. The application also proposes to provide a roof structure over an existing un-used historic Melbourne Tram to preserve the tram from the weather and climate.

There is a previous application (2018/308) on the subject land in which Council issued a Notice of Decision to grant a Planning Permit in 2019 for the use and development of the land for group accommodation. A Section 82 (objector) appeal was heard by VCAT and Council's decision was set aside and no planning permit was issued.

The proposal is shown in detail in **Attachment [3.1.3]** – Proposed Development Plans.

### **Assessment**

A detailed assessment of the application against relevant sections of the *Planning and Environment Act 1987* and the relevant matters of the South Gippsland Planning Scheme are discussed in **Attachment [3.1.4]** – Delegate's Report.

The primary issues relating to this application are:

- Whether the proposal is an appropriate development in the Farming Zone and on this site;
- Whether the proposal would adversely affect agricultural activities or remove land from agricultural production;
- Whether the proposal's design and location of the buildings is sited in appropriate location minimising any adverse impacts;
- Whether the proposal is likely to cause erosion or landslip; and
- The location of on-site effluent disposal areas and impact to the environment, waterways and natural environment.

It is considered that the proposal is consistent with the relevant *Planning Policy Framework* objectives and strategies, the objectives and decision guidelines of the Farming Zone and the decision guidelines of Clause 65, subject to the inclusion of appropriate conditions to minimise any off-site impacts.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The application was advertised to adjoining and adjacent property owners and occupiers. As a result, nine (9) objections have been received to the application (refer to **Confidential Attachment [13.2.1]** and **Confidential Attachment [13.2.2]**)

The current submissions refer to the previous planning application and VCAT decision with similar concerns raised for this current proposal. Concerns include:

- The owner appears to not live at the site permanently;
- The additional bedrooms will result in the land being used for tourist accommodation;
- Accommodation use will result in increased vehicle movements, noise;
- Exposure to fire risk and impacts;
- A use being operated illegally;
- Relevance of the previous planning application;
- The use of the existing structures onsite;
- Environmental impacts to the surrounding waterways and properties;
- The proposal may impact the adjoining Hardwood plantation;
- The overall use of the tram;
- Capability of the land to treat and retain effluent;
- Inconsistency of planning documents submitted;
- The proposal may impact on adjoining farming businesses.

The application did not require referrals to any external authorities pursuant to Section 55 of the *Planning and Environment Act 1987*. The application was referred internally to Wastewater department who provided conditional consent to the proposal. Referral responses and an Officer response to objector concerns has been provided at **Attachment [3.1.4]** - Delegate's Report.

## OPTIONS

Pursuant to s.61 of the *Planning and Environment Act 1987*, Council may determine to:

1. Grant a Notice of Decision to Grant a Planning Permit subject to conditions; or,
2. Refuse to grant a Planning Permit.

## RESOURCES / FINANCIAL VIABILITY

Should Council issue a Notice of Decision to Grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision.

Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision.

There is a human resource cost to Council to attend VCAT Hearings.

## RISKS

Should Council fail to decide on this application at this meeting, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application within statutory timeframes. Such an appeal affects Council's reputation and opens Council to a potential costs claim for its failure to determine.

## STAFF DISCLOSURE

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

## ATTACHMENTS

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

1. Aerial Photo of Site - Planning Application 2021/105 - 250 O'Gradys Ridge Road, Foster North [3.1.1 - 2 pages]
2. Zoning Map and Surrounding Area - Planning Application 2021/105 - 250 O'Gradys Ridge Road, Foster North [3.1.2 - 1 page]
3. Proposed Development Plans - Planning Applications 2021/105 - 250 O'Gradys Ridge Road, Foster North [3.1.3 - 10 pages]
4. Delegates Report - Planning Application 2021/105 - 250 O'Gradys Ridge Road, Foster North [3.1.4 - 13 pages]

## 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, 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.

**Confidential Attachment [13.2.1] – Planning Application 2021/105 250 O'Gradys Ridge Road Foster – Extension to existing dwelling – Submissions – Part One and Confidential Attachment [13.2.2] – Planning Application 2021/105 250 O'Gradys Ridge Road Foster – Extension to existing dwelling –**

**Submissions – PartTwo** is 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:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

Annual Budget

Council Plan 2020-2024

South Gippsland's Good Governance Framework

South Gippsland's Planning Scheme

### **Legislative Provisions**

Country Fire Authority Act 1958

Environment Protection Act 1970

Environment Protection Act 1994

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987



### **3.2. PLANNING SCHEME AMENDMENT – 379 LANG LANG POOWONG ROAD NYORA – HERITAGE OVERLAY ‘AROYN’ HOMESTEAD - C126**

Economy & Community

#### **Council Plan**

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

*This report seeks Planning Scheme protection for a heritage building that provides architectural, cultural and aesthetic value to the community.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present Planning Scheme Amendment C126 to Council for consideration and determination.

The amendment proposes to include the farm dwelling (Aroyn) at 379 Lang Lang Poowong Road Nyora in the *South Gippsland Planning Scheme Heritage Overlay*. This implements a recommendation of Council's adopted *South Gippsland Heritage Study (2004)*.

The amendment was exhibited from 10 June 2021 to 9 July 2021 and received three submissions of support. It is recommended Council adopt Amendment C126 and submit it to the Minister for Planning for approval.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopts the South Gippsland Planning Scheme Amendment C126 in accordance with the Amendment provisions in Attachment [3.2.1] - South Gippsland Planning Scheme Amendment C126sgip Adoption Documents;**
- 2. Submits the adopted South Gippsland Planning Scheme Amendment C126 to the Minister for Planning for approval;**
- 3. Adopts the Statement of Significance for HO159, 'Aroyn', 379 Lang Lang Road Poowong, Nyora in Attachment [3.2.1] – *Statement of Significance, "Aroyn", July 2021*; and**
- 4. Writes to all submitters to the South Gippsland Planning Scheme Amendment C126 (Attachment [3.2.2]) to thank them for their submission to this process.**

## REPORT

The State Planning Policy seeks to protect Victoria's built heritage for future generations and recognises the importance heritage buildings play in creating a link to the past and a 'sense of place' for the present.

The adoption of the *Heritage Study* in 2004 and its incorporation into the Planning Scheme supported this purpose as it seeks to "protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value" (SGSC PS Clause 15). Amendment C126 continues the implementation of the recommendations of the Heritage Study and the Planning Scheme's heritage objectives.

The heritage dwelling (Aroyn) at 379 Lang Lang Poowong Road, Nyora (see **Figure 1**) is recognised by the *South Gippsland Heritage Study 2004* to have local significance. It is the only known house built in the Shire in the 'streamlined moderne style' of the interwar period. It is also a near exact duplicate of 407 High Street, Bendigo which is included in the Heritage Overlay in the Greater Bendigo Planning Scheme.

**Figure 1. 'Aroyn' Homestead (below)**



**Figure 2. Approximate location of Proposed Heritage Overlay H0159 to apply to 'Aroy'n' Homestead (below)**



A more detailed discussion of the amendment's planning policy context is provided in the Explanatory Report included in **Attachment [3.2.1]**.

The subject land is within a residential growth area, and is owned by a property development company that has recently been issued a planning permit for the staged subdivision of the subject land into approximately 320 urban lots.

The subdivision plan initially had lots intersecting at the current location of the heritage building. For this reason, the building would have required demolition to allow for the development of the new residential lots.

Subsequently, Council established an agreement with the land developer to ensure the building would be contained within one lot as part of the new subdivision plan, and include it in the Heritage Overlay. This outcome allows for the retention of the heritage building and the efficient residential subdivision of the immediate surrounding area.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Amendment C126 was on exhibition for approximately four weeks from 10 June 2021 to 9 July 2021. Letters were sent to the owners and occupiers of the subject land as well as to a range of agencies and authorities that might be affected by the amendment. Public notices were placed in the local newspapers and the Government Gazette. Comprehensive details of the Amendment were also placed on Council's and DELWP Planning Victoria webpages.

A total of three submissions were received. Submissions are provided in **Attachment [3.2.2]** - Planning Scheme Amendment C126sgip – Submissions (Redacted version).

### **Submissions**

Three submissions were received to the proposed application of the Heritage Overlay on 'Aroyn'. Submission One and Two offered unconditional support. Submission Three (representing the land development company seeking to subdivide the land) offered conditional support and outlined proposed changes as follows:

- the overlay boundary be realigned to the location and dimensions of the land parcel provided in the draft development plan; and
- the Statement of Significance be updated, refer to **Attachment [3.2.1]** for details of proposed changes.

The updated Statement of Significance has been prepared by a heritage consultant and provides updated details of the history of 'Aroyn' and the heritage elements that contribute to its significance.

Heritage citations are official statements of heritage significance and should be adopted by Council in recognition of their importance as a planning permit assessment tool. It is recommended that Council adopt the H0159 'Aroyn' Statement of Significance (Citation) provided in **Attachment [3.2.1]** and submit it to Heritage Victoria for inclusion in the State-wide heritage database (Hermes).

The proposed changes recommended in Submission Three do not substantially alter the resultant heritage protection of the property. It is therefore recommended that the changes proposed by Submission Three be adopted. Adopting the changes avoids the need to refer the amendment to an independent planning panel, which would add significant cost and time to the assessment process.

### **RESOURCES / FINANCIAL VIABILITY**

Adoption of Amendment C126 will have minimal effect on Council. The requirement for a planning permit to make changes to the heritage building may generate some additional work for Council however the administrative burden will be low and offset by the value in the heritage building's retention.

### **RISKS**

Failure to apply heritage protection may result in the loss of the building and its heritage values.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

1. South Gippsland Planning Scheme Amendment - C126sgip Heritage Protection for 'Aroyn Homestead - Adoption Documents [3.2.1 - 30 pages]
2. South Gippsland Planning Scheme Amendment - C126sgip Heritage Protection for 'Aroyn Homestead - Submissions Report [3.2.2 - 9 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 2. Culture & Behaviour

Pillar 4. Structure, Systems & Policies

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

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

Council Plan 2020-2024

South Gippsland Heritage Study

South Gippsland Housing and Settlement Strategy

South Gippsland's Planning Scheme

### **Legislative Provisions**

Country Fire Authority Act 1958

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

### **3.3. CARAVAN PARK OPERATIONS - FINANCIALS UPDATE 2020/21**

Economic & Community Development

#### **Council Plan**

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

*At the end of each financial year a Council report is tabled to disclose the revenue, operating cost and capital investment for each of the Council Managed caravan parks.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present the end of each financial year a Council report to disclose the revenue, operating cost and capital investment for each Council managed Caravan Parks.

The Long Jetty and Yanakie Caravan Parks (Caravan Parks), are located on Crown Land and Council is the appointed Committee of Management. Council took direct management of the caravan park operations in 2013 following the expiry of 21-year lease agreements. The Caravan Parks were returned to Council in a state of disrepair and almost exclusively occupied by annual permit holders.

Since taking on the direct management of the Caravan Parks, Council has continued to rejuvenate the land, renew essential infrastructure and take steps to bring the land back into compliance with Victoria's rules and regulations for managing caravan and camping parks on Crown Land.

This report provides a summary of financial operations to Council for the period ending 30 June 2021.

#### **RECOMMENDATION**

**That Council receives the Yanakie and Long Jetty (Port Welshpool) Caravan Park - Summary of Financial Operations Report for the period ending 30 June 2021.**

#### **REPORT**

##### **Background**

Council is the Committee of Management for the land comprising the Long Jetty (at Port Welshpool), and Yanakie Caravan Parks (Caravan Parks). Council took direct management of these following the expiry of 21-year lease agreements entered into by Commissioners during Victorian Local Government reform in 1993/94.

By the time the leases had expired, the Caravan Parks were in a state of disrepair requiring capital investment to address electrical, fire and public safety compliance requirements.

They were predominantly occupied by annual site holders with limited short stay accommodation options. Many private caravans and annexes were in poor condition and a range of private structures were unlawfully erected on Crown Land.

They had not been managed in accordance with the Victorian Government's *Best Practice Guidelines (2011) for Committees of Management Managing Caravan and Camping Parks on Crown Land*.

Since taking on direct management of the Caravan Parks, Council has continued to rejuvenate the land, renew essential infrastructure and take steps to bring the land back into compliance with Victoria's rules and regulations for managing caravan and camping parks on Crown Land.

For the period ending 30 June 2021, the Yanakie Caravan Park returned an operating deficit of \$12,618 (revenue minus operating expenses), and the Long Jetty Caravan Park returned an operating deficit of \$115,506. Council made a capital improvement of \$129,198 towards an electrical upgrade and a new cabin at Long Jetty, and works associated with the purchase, installation and delivery of water to Yanakie.

The combined operating deficit for the two Caravan Parks for the period ending 30 June 2021 was \$128,124. The combined operating deficit for the two Caravan Parks for the previous financial year was \$57,814. Several caravan park closures, due to the COVID-19 Pandemic from March 2020 to early November 2020, and February 2021 to May 2021 has had a huge impact on revenue for both Caravan Parks. Yanakie Caravan Park was also closed due to necessary maintenance and infrastructure upgrades during June 2021 which affected revenue during this time.

***Yanakie Caravan Park financials for the period ended 30 June 2021***

**Table 1** below provides the revenue, operating costs and capital investment for the Yanakie Caravan Park for the period 1 July 2020 to 30 June 2021.

**Table 1: Yanakie Caravan Park Revenue, Operating Costs and Capital Investment**

<b>Yanakie – 2020/21</b>	<b>Actuals – YTD 30 June (\$)</b>	<b>Budget – Full Year (\$)</b>	<b>2019/20 – Full Year (\$)</b>
Revenue	404,628	453,747	538,998
Operating Expenses	417,247	512,084	560,386

<b>Yanakie – 2020/21</b>	<b>Actuals – YTD 30 June (\$)</b>	<b>Budget – Full Year (\$)</b>	<b>2019/20 – Full Year (\$)</b>
Operating Result	(12,618)	(58,337)	(21,389)
Capital Investment	29,388	29,388	0

For the period ending 30 June 2021, Yanakie Caravan Park returned an operating deficit of \$12,618 (revenue minus operating expenses).

Revenue for the period ending 30 June 2021 is \$401,310 (11%) lower and operating expenses are \$417,166 (19%) lower compared to the previous full financial year. Revenue was down on the previous financial year as a result of several closures in response to lockdown during the COVID-19 Pandemic in the last half of the financial year, and during the summer period. Yanakie Caravan Park also made a capital investment of \$29,388 towards works associated water tanks purchase, installation and delivery.

#### ***Long Jetty Caravan Park financials for the period ended 30 June 2021***

**Table 2** below provides the revenue, operating costs and capital investment for the Long Jetty Caravan Park for the period 1 July 2020 to 30 June 2021.

**Table 1: Yanakie Caravan Park Revenue, Operating Costs and Capital Investment**

<b><i>Long Jetty – 2020/21</i></b>	<b><i>Actuals – YTD 30 June (\$)</i></b>	<b><i>Budget – Full Year (\$)</i></b>	<b><i>2019/20 – Full Year (\$)</i></b>
Revenue	292,732	305,102	309,497
Operating Expenses	408,238	473,681	345,922
Operating Result	(115,506)	(168,580)	(36,425)
Capital Investment	99,810	185,261	138,025

For the period ending 30 June 2021, the Long Jetty Caravan Park returned an operating deficit of \$115,506 (revenue minus operating expenses). Council made a capital investment of \$99,810 towards an electrical upgrade and a new cabin. Revenue for the period ending 30 June 2021 is \$292,732 (4%) lower, and operating expenses are \$408,238 (14%) higher compared to the previous full financial year.



## **Impacts to Caravan Park Revenue**

Both Caravan Parks have been heavily impacted by two major COVID-19 Pandemic restriction closures during the 2020/21 financial year. During these closures, staff were required on site to support permanent site holders, and to maintain and clean the Caravan Parks in accordance with COVID-19-safe guidelines. Additional staffing was also required when restrictions eased, and the Caravan Parks reopened to ensure that COVID-19-safe guidelines were followed.

### ***Long Jetty Caravan Park***

Accommodation sales (including permit holders) were \$279,403 which represents an overall decrease in revenue compared with last year's result. This is due to caravan park closure in response to the COVID-19 Pandemic. Annual permit holders accounts for \$39,764.

### ***Yanakie Caravan Park***

Accommodation sales (not including permit holders) was still down compared with last financial year with \$318,454 (\$132,388 from 2019/20) due to several Caravan Park closures in response to the COVID-19 Pandemic and in June 2021 for scheduled maintenance. Annual permit holders account for \$86,151 (not included in Accommodation sales).

## **CONSULTATION / COMMUNITY ENGAGEMENT**

At the end of each financial year a Council report is tabled to disclose the revenue, operating cost and capital investment for each of the Council managed Caravan Parks.

## **RESOURCES / FINANCIAL VIABILITY**

This report provides the revenue, operating costs and capital investments made during the annual operation of Council managed Caravan Parks'. The annual budget makes provision for operating and capital requirements for the Caravan Park operations.

## **RISKS**

Council has a variety of reputational, financial and operational risks associated with the management of Crown land and the direct or indirect management of caravan parks. Council's decision to take direct management of the caravan parks and transition them into compliance with the guidelines seeks to mitigate many of Council's risks.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

Pillar 4. Structure, Systems & Policies

Pillar 5. Communications & Community Engagement

Pillar 7. Risk & Compliance

Pillar 8. Monitoring & Performance Review

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

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

General Local Law 2014

Economic Development and Tourism Strategy

Recreational Vehicle (RV) Strategy

Annual Budget

Council Plan 2020-2024

### **Legislative Provisions**

Best Practice Guidelines for Management of Crown Land Caravan Parks (DELWP)

Crown Land Equity of Access Policy (DELWP)

Crown Land (Reserves) Act 1978

Crown Land Caravan Parks Policy Update 2019 (DELWP)

Leasing Policy for Crown Land in Victoria 2010 (DELWP)

Crown Land (Reserves) Act 1978

Local Government Act 1989

Local Government Act 2020

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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

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

Improving Equity of Access to Crown Land Caravan and Camping Parks

### 3.4. TRANSITION OF COUNCIL MANAGED CARAVAN PARKS

Economy & Community

#### **Council Plan**

Objective 2 - Economic Prosperity - Strategy 2.1- Build a sustainable and growing economy that: Strategy 2.3 - Deliver services that support the growth of the local and regional economy.

*Transitioning to a leasing model for the operation of Council caravan parks attracts and supports local business and creates local employment.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on the transition of the Council operated Yanakie and Long Jetty (Port Welshpool) Caravan Parks to a 21-year leasing model.

At the 24 February 2021 Ordinary Council Meeting, Council resolved to lease out the Yanakie Caravan Park and the Long Jetty Caravan Park (Port Welshpool) through a public tender process. All annual permit holders and affected staff have been advised of this decision.

It is proposed to have the commencement date of the leases as 1 July 2022 as the draft leases and tender documents had not been finalised at the time of this report due to amendments in the State Government's standard caravan park lease template. Council will deliver an effective transition to the end of this financial year by fully supporting and informing staff and site holders during this period.

#### **RECOMMENDATION**

**That Council notes this report and the progress in the transition to a leasing model for the operation of the Yanakie Caravan Park and the Long Jetty Caravan Park in Port Welshpool by 30 June 2022.**

#### **REPORT**

At the 24 February 2021 Ordinary Council Meeting, Council resolved to lease out the Yanakie Caravan Park and the Long Jetty Caravan Park (Port Welshpool) through a public tender process.

It is proposed to have the leases commence on 1 July 2022 which will allow time for the draft leases and tender documents to be finalised in accordance with the amendments in the state government's standard caravan park lease template. Council will deliver an effective transition to the end of this financial year (30 June 2022) by fully supporting and informing staff and site holders during this period.

Once Council receives the draft lease and tender documents, a specialised valuer, who has been appointed, will need approximately one month to value the rental for the lease and to value the business and cabins.

Tenders can commence once valuations are in place with an advertising period of 4-weeks. The successful tenderer will be Council's preferred lessee but will be subject to:

- Council's statutory process which includes calling for public submissions for 28 days and hearing and considering of those submissions; and
- Department of Environment Land Water and Planning (DELWP) "Approval in Principle" (AIP) process, Parliamentary Scrutiny, and Minister approval.

The leases will be for 21-years in accordance with the Crown Land (Reserves) Act 1978 and State Government guidelines for camping on crown land.

A timeline for the transition to a lease model for both parks is included in **Attachment [3.4.1]**. Both parks will go through the same steps however Yanakie has an additional step being the Parliamentary Scrutiny due to the protection of the coast line reservation.

### **Operations**

Council will conduct a 'business as usual' approach, which includes any COVID-19 Pandemic restrictions / closures, and both caravan parks will be adequately staffed until 30 June 2022 (lessee(s) commence operations on 1 July 2022).

The current staffing structure for both parks has been included in **Confidential Attachment [13.2.1]**.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

All annual permit holders and affected staff have been advised of the decision to lease out the Yanakie Caravan Park and the Long Jetty Caravan Park (Port Welshpool) through a public tender process.

Public submissions will be called for on the proposed lease of the caravan parks once the tender is completed and the proposed lessee is determined.

### **RESOURCES / FINANCIAL VIABILITY**

The annual budget makes provision for operating and capital works requirements for the caravan park operations.

A specialised valuer will determine the rental for the lease and the sale of the business and cabins.

## RISKS

Council is undertaking a considered approach to transitioning to a leased model of operation through the tender process.

The leases will be conducted in accordance with the Crown Land (Reserves) Act 1978 and State Government Guidelines for camping on crown land. This will mitigate any potential reputational, financial and operational risks associated with the management of Crown land and the direct or indirect management of caravan parks.

## 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

1. Timeline - Caravan Parks Leasing [3.4.1 - 4 pages]

## 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 [13.2.1] – Council Management Caravan Parks Staffing Structure (EFT's)** – is 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

Pillar 4. Structure, Systems & Policies

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

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

Annual Budget

Council Plan 2020-2024

General Local Law 2014

Economic Development and Tourism Strategy

Recreational Vehicle (RV) Strategy

**Legislative Provisions**

Best Practice Guidelines for Management of Crown Land Caravan Parks (DELWP)

Crown Land Equity of Access Policy (DELWP)

Crown Land Caravan Parks Policy Update 2019 (DELWP)

Crown Land (Reserves) Act 1978

Leasing Policy for Crown Land in Victoria 2010 (DELWP)

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

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

Improving Equity of Access to Crown Land Caravan and Camping Parks

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

### **4.1. CHARGING SOUTH GIPPSLAND FOR FUTURE TRANSPORT GRANT APPLICATION (DCAV)**

Sustainable Infrastructure

#### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.4 Work together with surrounding councils to support regional growth and prosperity*

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

*The report responds to strategy 3.3 to deliver services that enhance liveability and environmental sustainability for current and future generations.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to note an application submitted to the Victorian Government's *Destination Charging Across Victoria (DCAV)* Grant Program for \$120,000 for the *Charging South Gippsland for Future Transport Project* (the Project). The DCAV Program aims to establish an electrical vehicle (EV) fast-charging network at key tourist destinations and regional towns across Victoria.

The *Charging South Gippsland for Future Transport Project* involves installing three journey enablement 50kW DC chargers in three separate towns across South Gippsland Shire being Leongatha, Korumburra, and Foster. The estimated total project cost is \$272,000.

#### **RECOMMENDATION**

**That Council:**

- 1. Notes the application submitted for \$120,000 to the Victorian Government's Destination Charging Across Victoria (DCAV) Grant Program for the Charging South Gippsland for Future Transport Project;**
- 2. Allocates \$130,000 as Council's contribution towards the Charging South Gippsland for Future Transport Project from Council's Round 3 allocation of the Australian Government's Local Roads and Community Infrastructure Program (LRCI); and**
- 3. Notes that Council's in-kind contribution of \$22,000 towards the Charging South Gippsland for Future Transport Project.**

**REPORT****Destination Charging Across Victoria (DCAV) Grant**

The *Destination Charging Across Victoria (DCAV) Program* provides \$5 million in grants to establish a fast-charging network across Victoria, with 80 per cent of this fund being spent on fast-chargers in regional Victoria.

The DCAV Program will help businesses, councils, and community organisations install public EV fast-charging stations.

The aim of the DCAV Program is to establish an EV fast-charging network at key destinations across the state. By creating an EV fast-charging network with power ratings between 11 kW – 100 kW at key tourist destinations and high-use locations, it allows EVs to be charged while EV drivers go about their business. These chargers will provide EVs with 100 km worth of battery power in 10 to 100 minutes.

Preference will be given to applications that provide at least a 50 per cent contribution.

**Charging South Gippsland for Future Transport Project**

The Project involves installing three journey enablement 50kW DC chargers in three separate towns across the South Gippsland Shire (Leongatha, Korumburra, and Foster). These locations are closely aligned with the priority towns listed in the DCAV Guidelines (Leongatha and Tidal River).

These locations have been chosen to connect the beautiful tourism region of South Gippsland, including Wilsons Prom and the many coastal and hill towns across the municipality along with the urban areas of Melbourne, the communities to the north in and around the Latrobe Valley, as well as those towards East Gippsland. It is envisaged to deliver a community-centric Gippsland EV Charging Network for enhanced tourism and to drive EV ownership across the region by working collaboratively with three other Gippsland councils (East Gippsland, Wellington and Bass Coast).

Below is a summary of the anticipated Project funding:

<b>Charging South Gippsland for Future Transport Project</b>	<b>\$272,000</b>
Victorian Government's DCAV Grant	\$120,000
Australian Government's LRCI Round 3	\$130,000
Council contribution (in-kind)	\$22,000



## **Project Scope**

A network of three Council owned and operated 50kW DC chargers, each with two charging ports (one each of CHAdeMO and CCS2), will be installed in three strategic locations across the Shire.

The EV charging points will be installed at:

- 9 Smith Street, Leongatha – public car park outside Council offices
- 24 Commercial Street, Korumburra – town centre car park
- 22 Station Road, Foster – town centre car park

Works under this grant will involve the procurement and installation of the charging infrastructure, all electrical cabling and connections back to the switchboard, as well as associated civil works (such as line marking, signage, safety lighting, and bollards).

The infrastructure procurement and roll-out will be delivered in partnership with Bass Coast, East Gippsland, and Wellington Shire Councils, to share workloads and increase procurement power, maximising the benefit for the community. This collaboration will result in a community centric Gippsland charging network for enhanced tourism and to drive EV ownership across the region.

This project will build on previous research undertaken in 2019 by all six Gippsland councils; the *Charging Gippsland for Future Transport Study* which looked at opportunities and issues associated with EV charging across Gippsland.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Council recently adopted the *Visitor Economy Strategy* which identifies the need for EV charging infrastructure to facilitate tourism in the municipality. Council's Sustainability team have been in a constant dialogue with the local community around EV chargers, with significant interest in the topic from traders' associations and individuals alike.

Local Government has a strong reputation for engaging directly with our community and is best placed to deliver an equitable EV charging service. Council has collaborated effectively with the project partners (Bass Coast Shire, East Gippsland Shire, and Wellington Shire Councils) on a number of previous projects, including the *Charging Gippsland for Future Transport Study*. One of the aims of that study was to facilitate the roll out of EV charging infrastructure across the Gippsland region, and this project will see that come to fruition.

The collaborative partnership between councils will ensure:

- a coordinated approach to communications and engagement, with the development of a communications plan;
- joint procurement of services/hardware where feasible, to ensure better cost outcomes for community; and
- a more uniform approach across Victoria by adopting the Charging the Regions approach to charging rates (currently 40c/kWh), standards for signage, space marking etc.

### **RESOURCES / FINANCIAL VIABILITY**

The Charging South Gippsland for Future Transport Project cost is \$272,000. It is proposed to allocate \$130,000 from Round 3 of the Australian Government's *Local Roads and Community Infrastructure (LRCI) Program*. Under Round 3 of the LRCI Program, South Gippsland Shire Council will receive an additional funding allocation of \$4,769,062. This funding will be available from 1 January 2022, with construction due to be completed by 30 June 2023.

Council will also allocate \$22,000 in-kind which primarily relates to internal Project Management expenses.

### **RISKS**

Should an application to the DCAV not be submitted, and Council are unsuccessful with the DCAV application, there is a risk that Council will miss an opportunity to seek external funding to meet an objective of the *Environmental Sustainability Strategy Framework, Visitor Economy Strategy, and Charging Gippsland for Future Transport Study*.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Economic Development and Tourism Strategy  
Environmental Sustainability Strategy Framework  
Procurement Policy (C32)  
Visitor Economy Strategy

**Regional, State and National Plan and Policies**  
Charging Gippsland for Future Transport Study

## 5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 5.1. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2020/21

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 Annual Financial Statements and Performance Statement provides an overview of Council's performance for the 2020/21 financial year and presents fairly the financial performance and position of Council to the community and aligns with the Local Government Act 1989.*

#### EXECUTIVE SUMMARY

The purpose of this report is to provide Council and the community with Council's unaudited financial position as at 30 June 2021. The annual accounts and financial statements are a key transparency and public assurance measure, providing information to the community about Council's financial position. The unaudited Financial Statements (**Attachment [5.1.1]**), Performance Statement (**Attachment [5.1.2]**) and the Governance Management Checklist (**Attachment [5.1.3]**) for 2020/21 are presented to Council:

- To seek in-principle approval of the Statements;
- To seek a resolution of Council authorising the Administrator representative on the South Gippsland Shire Council Audit and Risk Committee and one other Administrator to certify the Statements following audit completion; and
- The Administrator Chair and Chief Executive Officer (CEO) to certify the Governance Management Checklist.

The Financial Statements (**Attachment [5.1.1]**), Performance Statement (**Attachment [5.1.2]**) for the 2020/21 financial year, present fairly the financial performance and position of the Council for the financial year.

It is recommended that Council approve the Statements in-principle and sign the Certification of the Performance and Financial Statements This will then be submitted to the Victorian Auditor-General's Office (VAGO) for the issuance

of the Independent Auditor's Report which is required to be included as part of the Statements and Annual Report.

## **RECOMMENDATION**

**That Council:**

- 1. Approves in-principle, subject to any final amendments arising from the Audit and Risk Committee review, the draft Annual Financial Statements (Attachment [5.1.1]), the draft Performance Statement (Attachment [5.1.2]) and the Governance Management Checklist (Attachment [5.1.3]) for the year ended 30 June 2021;**
- 2. Requires any amendments to the attachments arising from the Audit and Risk Committee be included as the Minute Version for this Council report;**
- 3. Authorises Administrators Rick Brown and Julie Eisenbise to certify the Financial Statements, and Performance Statement on behalf of Council, once the audit has been finalised;**
- 4. Authorises Administrator Julie Eisenbise and the Chief Executive Officer Kerryn Ellis to certify the Governance Management Checklist (Attachment [5.1.3]), on behalf of Council;**
- 5. Demonstrates the Administrators and Chief Executive Officer's willingness to certify the Financial Statements, Performance Statement and the Governance Management Checklist by agreeing for their digital signatures be included in the appropriate signature locations in the statements and checklist;**
- 6. Sends the Annual Financial Statements and the Performance Statement for the year ended 30 June 2021 to the Victorian Auditor-General's Office (VAGO) for certification;**
- 7. Authorises the Chief Executive Officer to make any administrative and non-material changes to the Statements as recommended by the Victorian Auditor-General's Office (VAGO);**
- 8. Upon receipt of the Independent Auditor's Report, include this with the Performance Statement and Financial Statements, combines these documents with the Report of Operations as the 2021/21 Annual Report;**
- 9. Provides a copy of the 2020/21 Annual Report to the Minister for Local Government by 30 September 2021;**

- 10. Advertises the preparation of the 2020/21 Annual Report through a public notice and makes it available for public inspection at the Council Offices 9 Smith Street, Leongatha (subject to COVID-19 restrictions) and on Council's website, for a two-week period prior to the 20 October 2021 Council Meeting; and**
- 11. Considers the 2020/21 Annual Report at the Council Meeting of 20 October 2021 for final adoption.**

## **REPORT**

The transitional provisions in the *Local Government Act 2020* require the 2020/21 Annual Report to be prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*. Local Government Victoria also annually provides the *Local Government Better Practice Guides* for the preparation of the various components of the Annual Report. These documents have guided Council in the required content of each section of the *2020/21 Annual Report*.

Pursuant to s.133(1) of the *Local Government Act 1989* (the Act), the Annual Report of Council must be submitted to the Minister of Local Government by 30 September 2021. Under s.131(2) of the Act, the audited Financial Statements and Performance Statement, including the Auditor's report on both Statements, are to form part of the Annual Report. This requires the completion and audit of the Statements by early to mid-September to allow sufficient time for their inclusion into the Annual Report.

Under s.132 (2) of the Act, Council must approve 'in principle' the draft Financial Statements and Performance Statement prior to formally submitting the accounts for audit. Due to the timing constraints noted above and the requirements of the Auditor General, it is standard practice to complete audits prior to Council approving the draft Statements.

A meeting of the Audit and Risk Committee (Committee) was held on 14 September 2021, which included reviewing the draft Financial and Performance Statements, the Final Management Letter and Closing Report 2020/21 with Council's auditors. Any amendments to the Statements arising from Committee's review, are to be incorporated prior to them being sent to the Auditor General. It is recommended any changes arising be made and incorporated as the Minute Version to this Council report.

As Council's approval is only in-principle, based on the draft Financial Statements and Performance Statement, opportunities for changes to the Statements may arise, particularly after final review by VAGO. To cover such changes, s.132(5) requires Council to appoint two Councillors / Administrators

to certify the Statements following any amendments that may arise after finalisation of the audit.

There is a strong correlation between the *Long-Term Financial Plan*, the *Annual Budget* and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15-year financial framework. It should be noted that there may be differences in the financials quoted in this report as compared to the final Financial Statements due to the timing of the audit.

### 2020/21 Annual Results

<b>Comprehensive Income Statement (Profit &amp; Loss)</b>	<b>2020/21 \$000</b>	<b>2019/20 \$000</b>	<b>Variance Fav/ (Unfav)</b>
Total Revenue	80,365	70,797	9,568
Total Expense	64,079	73,559	9,480
<b>Surplus/ (Deficit)</b>	<b>16,286</b>	<b>(2,762)</b>	<b>19,048</b>
Net asset revaluation increment/ share of other comprehensive income of associates and joint ventures	4,228	7,335	(3,127)
<b>Comprehensive result</b>	<b>20,514</b>	<b>4,593</b>	<b>15,921</b>

<b>Balance Sheet</b>	<b>2020/21 \$000</b>	<b>2019/20 \$000</b>	<b>Variance Fav/ (Unfav)</b>
Current Assets	49,181	43,894	5,287
Current Liabilities	16,281	12,687	(3,594)

Working Capital Ratio	3.0	3.5	(0.5)
Non-Current Assets	580,317	558,982	21,335
Non-Current Liabilities	7,694	5,180	(2,514)
Net Assets/ Total Equity	605,523	585,009	20,514

<b>Statement of Changes in Equity</b>	<b>2020/21 \$000</b>	<b>2019/20 \$000</b>	<b>Variance Fav/ (Unfav)</b>
Balance at beginning of financial year	585,009	582,430	2,579
Impact of change in accounting policy	0	(2,014)	(2,014)
Adjusted opening balance	585,009	580,416	4,593
Surplus / (deficit) for the year	16,286	(2,762)	19,048
Net Asset revaluation increment (decrement)	4,228	7,335	(3,107)
<b>Balance at end of financial year</b>	<b>605,523</b>	<b>585,009</b>	<b>20,514</b>

<b>Cash Flow Statement</b>	<b>2020/21 \$000</b>	<b>2019/20 \$000</b>	<b>Variance Fav/ (Unfav)</b>
Net cash inflows from operating activities	29,302	21,807	7,495
Net cash outflows from investing activities	(28,972)	(18,316)	(10,656)
Net cash outflows from financing activities	2,445	(2,699)	5,144
Net increase (decrease) in cash held	2,775	792	1,983
Cash at the beginning of the year	7,792	7,000	792
Cash at the end of the year	10,567	7,792	2,775

<b>Statement of Capital Works</b>	<b>2020/21</b>	<b>2019/20</b>	<b>Variance</b>
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	\$000	\$000	Fav/ (Unfav)
Land	0	735	(735)
Buildings	1,286	1,542	(256)
Plant and Equipment	3,832	2,544	1,288
Infrastructure	23,555	11,248	12,307
<b>Total capital works expenditure</b>	<b>28,673</b>	<b>16,069</b>	<b>12,604</b>
Asset renewal expenditure	25,939	13,890	12,049
Asset expansion expenditure	1,259	1,887	(628)
Asset upgrade expenditure	1,475	292	1,183

### Comprehensive Income Statement:

Income has increased by \$9.6 million mainly due to:

- Additional \$5.8 million in capital grants. Capital grants can vary greatly year on year as they are dependent on the value of projects delivered. These grants include the Local Government Infrastructure Program, funds for the Leongatha Business Precinct Project and the Great Southern Rail Trail.
- Additional \$3.4 million in non-monetary contributions. Non-monetary contributions relate to developer contributions and are charged when new development occurs. This can vary greatly year on year depending on the level of subdivision activity.

Expenditure has decreased by \$9.480 million mainly due to:

- A one-off non-cash impairment expense of \$11.4 million occurred in 2019/20 for a change in the valuation method to land under roads.
- Increased employee costs of \$2.242 million. Council received grants funds from the State government in 2020/21 for the Working for Victoria scheme. This relates to \$1.3 million of additional costs (fully funded). Enterprise Agreement increases also account for 2.0% of additional costs year on year.

### Balance Sheet

- Increase of \$5.3 million in current assets is primarily due to increased cash holdings.
- Increase of \$21.335 million in non-current assets primarily due to capitalisation of assets as part of the capital works program.

- Increase of \$3.6 million in current liabilities primarily due to the recognition of capital grants received in advance
- Increase of \$2.5 million in non-current liabilities primarily due to the drawdown of loan funds related to the Mirboo North pool.

### Statement of Changes in Equity

Overall, equity has increased by \$20.5 million which is primarily due to the surplus achieved in the 2020/21 year.

### Cash flow Statement

- Cash related to operating activities increased by \$7.5 million primarily due to increased government grants.
- Cashflows for investing activities increased by \$10.7 million in line with the capital works program.
- Cash provided by financing activities increased by \$5.2 million primarily due to the repayment of borrowing in the 2019/20 year and draw down of loan funds in the 2020/21 year.

### Statement of Capital Works

Overall, Council spent an additional \$12.6 million in the 2020/21 year. This mainly related to the major projects including the Mirboo North Pool, the Leongatha Business Precinct Project and the roads sealing and re-sealed programs. By far, the greatest capital expenditure works was classified as renewal.

### Victorian Auditor General's Office: Financial Sustainability Ratios

Council uses financial sustainability ratios (as defined by the Victorian Auditor- General's Office) to monitor trends and performance and assess longer term financial risk.

Indicator	2020/21	2019/20	2018/19	2017/18	2016/17
<b>Net result (%)</b> Net result/Total revenue	20.3%	-3.9% (Amber)	7.9% (Green)	10.8% (Green)	17.5% (Green)
<p>A positive result indicates a surplus, and the larger the percentage, the stronger the result. Council's five-year average, being 10.5% is greater than 0%, this indicates Council's ability to generate surpluses consistently. The extraordinary result in 2019/20 was due to a non-cash once-off impairment of assets due to change in land under roads valuation methodology. (Long-term risk indicator: Green)</p>					

Indicator	2020/21	2019/20	2018/19	2017/18	2016/17
<b>Adjusted underlying result</b>					
Adjusted underlying surplus/Adjusted underlying revenue	5.8%	-7.5% (Red)	2.2% (Amber)	7.3% (Green)	12.1% (Green)
<p>Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business.</p> <p>Council's five-year average, being 4.0% is less than 5%, this indicates that Council generates sufficient surpluses to fund operations. The extraordinary result in 2019/20 was due to a non-cash once-off impairment of assets due to change in land under roads valuation methodology.</p> <p>(Long-term risk indicator: Amber)</p>					
<b>Liquidity (ratio)</b>					
Current assets/Current liabilities	3.02	3.46 (Green)	2.98 (Green)	3.10 (Green)	2.82 (Green)
<p>A ratio of one or more means there are more cash and liquid assets than short-term liabilities. A ratio greater than 1 means an entity can sufficiently fund its short-term liabilities.</p> <p>Council's five-year average, being 3.08 suggests that there is no immediate issues with repaying short-term liabilities as they fall due.</p> <p>(Long-term risk indicator: Green)</p>					
<b>Internal financing (%)</b>					
Net operating cash flow/Net capital expenditure	159.8%	203.8% (Green)	247.5% (Green)	198.1% (Green)	232% (Green)
<p>This measures the ability of an entity to finance capital works from generated cash flows. As Council's five-year average, being 208.3%, is greater than 100%, this confirms that Council is generating enough cash from operations to fund new assets.</p> <p>(Long-term risk indicator: Green)</p>					
<b>Indebtedness (%)</b>					
Non-current liabilities/own-sourced revenue	15.2%	10.3% (Green)	7.3% (Green)	12.7% (Green)	12.6% (Green)
<p>The higher the percentage, the less the entity is able to cover non-current liabilities from the revenues the entity generates.</p> <p>Council's five-year average, being 11.6%, is well below the benchmark of 40%. This suggests that there are no concerns over the ability to repay debt from own-source revenue:</p> <p>(Long-term risk indicator: Green)</p>					
<b>Capital Replacement Ratio (ratio)</b>					
Cash outflows for property,	2.42	1.34 (Green)	0.97 (Red)	1.36 (Amber)	1.61 (Green)

Indicator	2020/21	2019/20	2018/19	2017/18	2016/17
plant and equipment/Depreciation					
<p>Comparison of rate of spending on infrastructure with its depreciation. A ratio higher than 1 indicates that spending is faster than the depreciation rate.</p> <p>Council's five-year average, being 1.54, is above the benchmark of 1.5, thus confirming that there is a low risk of insufficient spending on asset renewal.</p> <p>(Long-term risk indicator: Green)</p>					
<b>Renewal gap (ratio)</b> Renewal and upgrade expenditure/depreciation	2.31	1.18 (Green)	0.86 (Green)	1.31 (Amber)	1.56 (Amber)
<p>Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. A ratio higher than 1 indicates that spending on existing assets is faster than the depreciation.</p> <p>Council's five-year average is 1.44, which is above the benchmark of 1.00. This indicates that there is a low risk of insufficient spending on the renewal of existing assets.</p> <p>It is a positive sign for Council that this ratio has been higher for the most recent 2 financial years. (Long-term risk indicator: Green)</p>					

## Performance Statement

The Performance Statement provided in (**Attachment [5.2.2]**) is in line with the required format and content. The audited Local Government Performance Reporting Framework indicators are incorporated from 2016/17 to 2020/21. The indicators provide a comparison against the past financial years' results. These indicators will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The Financial Statements and the Performance Statement will be combined with the Annual Report of Operations, once the two statements have been certified.

The Performance Statement includes material variation comments for a number of financial and non-financial indicators, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material variation comments are also included where a variance is + or – 10 per cent compared to 2019/20.

## **Governance Management Checklist**

The *Governance Management Checklist* (**Attachment [5.1.3]**) requires certification by the Administrator Chair and the CEO. It is recommended these certifications are made at the same time as the Financial and Performance Statements.

It is important to note that some items in the *Governance Management Checklist* remain current under the former legislated requirements of the *Local Government Act 1989*. This anomaly exists due to South Gippsland Shire Council's election being delayed by 12 months. Many of the checklist items are regulated under the *Local Government Act 2020* to be completed in the 12 months following the Council election. While the majority of Victorian Councils are able to meet these requirements this year, South Gippsland Shire Council will bring these items into alignment in the 2021/22 financial year, following the Council election in October 2021.

## **Completion of the 2020/21 Annual Report**

The *Local Government Act 1989* requires Council's *2020/21 Annual Report* to be submitted annually by close of business on 30 September to the Minister for Local Government.

Once the *2020/21 Annual Report* has been submitted to the Minister for Local Government, it will be advertised through a public notice and made available for public inspection for a two-week period, prior to being presented at the 20 October 2021 Council Meeting for final adoption.

## **STAFF DISCLOSURE**

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

## **ATTACHMENTS**

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

**Note:** Attachments proposed to be posted by Saturday 11 September 2021.

1. 2020/21 Financial Statements [**5.1.1** - 52 pages]
2. 2020/21 Performance Statement [**5.1.2** - 17 pages]
3. 2020/21 Government and Management Checklist [**5.1.3** - 5 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2020/21

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

**Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Local Government Better Practice Guide – Annual Report – Report of Operations  
2020/21

Local Government Better Practice Guide – Annual Report – Performance  
Statement 2020/21

Local Government Better Practice Guide – Local Government Better Practice  
Guide – Annual Report – Performance Reporting Indicator Workbook 2020/21

## 5.2. GOOD GOVERNANCE FRAMEWORK - ADMINISTRATORS' COMMUNITY UPDATE - SEPTEMBER 2021

Performance & Innovation

### **Council Plan**

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

*Council's governance is strengthened by regular reporting, review and monitoring of Council's performance. This report is a legislated requirement as part of the Commission of Inquiry into South Gippsland Shire Council Report 2019.*

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council consideration of the combined fourth and final *Good Governance Framework* update and '*Administrators' Community Update*' (**Attachment [5.3.1]**) on progress made towards restoring good governance practices and implementing the recommendations of the *Commission of Inquiry into South Gippsland Shire Council Report 2019*. These recommendations are:

*"That Council:*

- a. Develop and deliver an extensive community leadership development programme that:
  - i. Encourages widespread participation in community and civic life in the municipality;*
  - ii. Supports the development of community leadership skills; and*
  - iii. Supports an improvement in the relationship between the Council and its community.**
- b. Review and implement improved Council policies and processes, with a focus on Councillor Code of Conduct and meeting procedures."*

The *Minister for Local Government* wrote to the Administrator Chair on 11 September 2019 requiring Council:

*"Develop a plan to implement these recommendations and regularly report to your community on these Council programs and that reports be tabled in the Council meeting minutes so that they are publicly available."*

This is the final community update before the end of the Administrators term in office, leading into Council's election in October 2021. A copy of the '*Administrators' Community Update – September 2021*' is provided in **(Attachment [5.2.1])**. This document also incorporates the progress report on the *Good Governance Framework*. Further updates will be included in future Annual Reports.

## **RECOMMENDATION**

### **That Council:**

- 1. Adopts the 'Administrators' Community Update – September 2021', (Attachment [5.2.1]);**
- 2. Notes the progress in the Good Governance Framework outlined in the 'Administrators' Community Update – September 2021' (Attachment [5.2.1]);**
- 3. Publishes a copy of the 'Administrators' Community Update – September 2021' in the 15 September 2021 Council Meeting Minutes and on Council's website;**
- 4. Provides a copy of the 'Administrators' Community Update – September 2021', to the Minister for Local Government, the Hon Shaun Leane MP.**

## **REPORT**

### ***Background***

The Victorian Government appointed a panel of three Administrators on 24 July 2019 to perform the functions of the South Gippsland Shire Council, following the dismissal of the former Council. The Administrators were appointed to restore good governance practices and implement the recommendations of the Commission of Inquiry, through to Council's election in October 2021.

The report contained in **Attachment [5.2.1]**, is the final *Administrators' Community Update* for their term in office. It also contains the final six-monthly update of the *Good Governance Framework*. Further updates on the *Good Governance Framework* will be contained in future Annual Reports. This completes the resolution of Council dated 18 December 2019, agenda item 5.1 *Development of the South Gippsland's Good Governance Framework*, where Council resolved in part:

*5. Receives a public report at six monthly intervals which measures progress against the South Gippsland Shire Council Good Governance Framework until the end of the Administrators Term and thereafter in the Annual Report.*



## **End of Term Update on Primary Actions**

Administrators have met with local businesses and business associations, community groups and one-on-one with community members since the beginning of their term. Due to the COVID-19 Pandemic, one-on-one or group interaction has been limited from March 2020, however, the Administrators have continued to support community members via phone calls or virtual online meetings and face-to-face meetings when COVID-19 restrictions have allowed.

### ***Community Leadership Program***

The first Council-led *Community Leadership Program*, involving 20 participants, took place from October 2020 to March 2021. This Program was very successful.

The Program aims to equip participants with a set of skills that will enable them to effectively work with other people, strengthen their leadership capability, manage conflict, delegate and meet objectives. It is hoped participants will use the skills they gain through the Program to positively influence and support the development of local communities in South Gippsland.

Council undertook an extensive review of the first intake of the Program and implemented several changes. The first allowed for the replacement of participants should participants choose to leave the Program early. The second was for a member of the Executive Leadership Team to be assigned to participate on the Assessment Panel. This established the Panel to be four members, including an independent member, to further streamlined the selection process.

Council launched the second intake of the Program in July 2021 and appointed 20 participants and is currently underway.

### ***Building Community Resilience and Self-support***

Council sees that building community capacity is best achieved by supporting communities, local businesses and community groups to support themselves. With this in mind, Council has finalised the funding of the *\$2 million COVID-19 Community Support Package Program* as part of the 2020/21 Annual Budget. Refer to **Attachment [5.2.1]** for further details on how this funding stream has supported the community during the difficult times of the COVID-19 Pandemic.

In addition to this, Council allocated over \$207,000 in funding to 34 community groups through its first and second round of the *2020/21 Community Grants Program*, for this financial year. The grants aim to support

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and help fund the development of community assets, build community capacity, strengthen community sport and create community culture. This funding will help support community projects with a value of over \$580,000.

Council also funded over \$19,000 in the Small Grants Program that provides funding of up to \$1,000 for small projects within the Shire. A funding amount of over \$33,000 was also allocated to projects that require immediate funding as part of the Emergency (Quick) Grant Program. This Program aims to equip applicants with funding of up to \$5,000 for projects that require immediate attention. These grants are generally assessed within a two-week timeframe.

### ***Strengthening Good Governance***

Council adopted the *Community Engagement Policy* at the 24 February 2021 Council Meeting. This followed a consultation review process with the community that took place in mid-November to early December 2020. Following the Policy adoption, the *Community Engagement Strategy* was also adopted by Council at the 19 May 2021 Council Meeting.

In addition to the *Governance Rules, Election Period Policy, Public Transparency Policy* and the *Councillor Expense Policy*, adopted earlier in the Administrators' term, Council has now adopted the *Councillor Self-Assessment Policy* and *Councillor Code of Conduct* to further improve good governance practices.

The *Councillor Code of Conduct* aligns with the changes in the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulations 2020*. The Code contains new principles that aims to support the new Council to be a successful team.

Council has also conducted an extensive review of other governance, corporate planning and reporting documents and functions to ensure Council meets the legislated timelines of the *Local Government Act 2020* and establishes effective practices. The following plans and policies have all been adopted:

- *Customer Service Charter* reviewed and adopted at the 19 May 2021 Council Meeting;
- *Capital Works Policy* and *Leasing Policy* adopted at the 19 May 2021 Council Meeting;
- *Human Rights Policy* reviewed and adopted at the 19 May 2021 Council Meeting;
- *2021/22 Annual Budget* and the *10-year (2021/22 – 2030/31) Financial Year Plan* adopted at the 23 June 2021 Council Meeting; and

- *Economic Development Strategy* and a *Visitor Economy Strategy* adopted at the 21 July 2021 Council Meeting.

To further support the incoming Council, Council has significantly progressed the development of a comprehensive *Councillor Transition Program* which aims to support the in-coming Councillors to work successfully as a team and in the interests of the community as a whole.

Council continues to follow *South Gippsland Good Governance Framework* (SGSC Framework), which was adopted in December 2019. It aims to guide good governance practices and prioritises works across the organisation. A range of projects have already been implemented with updated policies and plans adopted, improvements made to communication avenues with the community and further projects have been completed or under development.

Four key components of the Good Governance Framework include:

1. Good Governance Outcomes to be achieved;
2. Eight Pillars of Good Governance to achieve the outcomes;
3. Principles and behaviours that demonstrate good governance in practice; and
4. Key Performance Indicators (KPI) that assist in monitoring performance trends.

More detail is provided in the *Administrators' Community Update – September 2021* (refer **Attachment [5.2.1]**) that captures the progress report and initiatives conducted as part of the *Good Governance Framework*.

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

The *Administrators' Community Update – September 2021 (Attachment [5.2.1])* report is sent to the *Minister of Local Government* to provide an update on progress made towards restoring good governance practices and implementing the recommendations of the *Commission of Inquiry into South Gippsland Shire Council Report 2019*.

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

This update has been compiled using existing resources.

#### **RISKS**

The actions taken by the Administrators and the organisation have been aimed at strengthening good governance practices and policies in readiness

to prepare the return of an elected Council in October 2021 and to build community leadership capability and resilience.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

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

1. Administrators' Community Update - September 2021 [5.2.1 - 42 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 8. Monitoring & Performance Review

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

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

Audit and Risk Committee Charter and Terms of Reference

Code of Conduct for Staff Policy (CE20)

Community Engagement Policy (C06)

Community Engagement Strategy

Community Strengthening Strategy

Council Plan 2020-2024

Councillor Support and Expenditure Policy (C51)

Election Period Policy (C30)

Fraud and Corrupt Conduct Policy (C19)

Governance Rules (C82)

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

Risk Management Framework (C35)

Risk Management Policy (C35)

South Gippsland's Good Governance Framework

#### **Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

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

### **5.3. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS - 13 JULY - 12 AUGUST 2021**

Performance and Innovation

#### **Council Plan**

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

*Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions 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 July and 12 August 2021.

#### **RECOMMENDATION**

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

**REPORT**

<b>Meeting Title</b>	<b>Details</b>
<b>Wednesday 14 July 2021</b>	
<b>Agenda Topic Discussion – Council Meeting 14, 21 July 2021</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Policy Review – Councillor Code of Conduct</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 21 July 2021</b>	
<b>Agenda Topic Discussion – Council Meeting 21 July 2021</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 4 August 2021</b>	
<b>Health and Wellbeing Plan</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Leongatha Early Learning Centre</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Financial Policies Review</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 11 August 2021</b>	
<b>Agenda Topic Discussion – Council Meeting 18 August 2021</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed

**REFERENCE DOCUMENTS****Council's Good Governance Framework**

Pillar 3. Decision Making

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

Public Transparency Policy (C75)

**Legislative Provisions**

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

#### **5.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 17 JULY TO 13 AUGUST 2021**

Performance and Innovation

##### **Council Plan**

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

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

##### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 17 July to 13 August 2021. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

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

##### **RECOMMENDATION**

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

##### **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 17 July to 13 August 2021.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 400 Stony Creek-Dollar Road Stony Creek in relation to no further subdivision and no further dwellings on the land. Seal applied 3 August 2021.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 111 Todds Road Stony Creek in relation to no further subdivision and no further dwellings on the land. Seal applied 3 August 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 17 July to 13 August 2021.
  - a. CON/267 for the Construction of the Korumburra Community Hub was awarded to 2Construct Pty Ltd. Signed by the CEO 27 July 2021.
  - b. CON/287 for the Replacement of Roof Cladding to Leongatha Stadium and Leongatha Memorial Hall was awarded to May Constructions Pty Ltd. Signed by the CEO 27 July 2021.
  - c. MAV Contract SL3911 for the Energy Efficient Street Lighting Hardware & Installation Services was awarded to Schreder Australia.

3. Contracts awarded after a public tender process within the CEO's delegation between 17 July to 13 August 2021.
  - a. Nil
4. Contract variations approved by the CEO between 17 July to 13 August 2021
  - a. CON/271 for the Great Southern Rail Trail Extension - Construction of a Gravel Trail –Leongatha to Nyora was awarded to MACA Civil Pty Ltd. A number of variations have been forecast in consultation with the Contractor which would bring the aggregated variation amount beyond the Contract Superintendent's delegation. The variations generally describe works which were unforeseen and do not fall within the scope of the original contract. A Contract Variation of \$136,412.99 (excluding GST) was approved by the CEO after consultation with the Chair Administrator on 09 August 2021.
5. Contract extensions approved by the CEO between 17 July to 13 August 2021
  - a. CON/173 for the Supply / Delivery / Laying of Hot / Cold Bituminous Asphalt Products was awarded to Gippsland Asphalt Pty Ltd, Fowlers Asphalt Pty Ltd, A1 Asphalt Pty Ltd and A1 Asphalt Supplies Pty Ltd. An extension of 1 year has been approved, signed by the CEO 21 July 2021.

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

Nil

#### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures

and Common Seal)  
Procurement Policy (C32)

**Legislative Provisions**

Local Government Act 1989  
Local Government Act 2020  
Planning and Environment Act 1987

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

### **6.1. NIL**

## **7. ADMINISTRATOR REPORTS**

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

### **7.2. ADMINISTRATORS UPDATES**

### **7.3. COMMITTEE UPDATES**

## 8. URGENT OR OTHER BUSINESS

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

### 1. Urgent Business

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

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

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

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

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

### 2. Other Business

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

## **9. PUBLIC QUESTIONS**

### **9.1. PETITIONS AND JOINT LETTERS**

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

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

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

## 9.2. 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**

### 9.3. SUBMITTED PUBLIC QUESTIONS

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

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

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

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

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

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

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

*Source: Governance Rules (C82) – adopted August 2020.*



## 10. CLOSED SESSION

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

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

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

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

### RECOMMENDATION

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

1. **Per s.3(1)(f) Agenda item 12.1, designated as personal information,**
  - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
  - b. **The grounds for designation have been made to protect the privacy of an individual's personal information.**
2. **Per s.3(1)(g) Agenda items 12.2, 12.3, 12.4 and 12.5, designated as private commercial information,**
  - a. **being information provided by a business, commercial or financial undertaking that –**

- i. Relates to trade secrets; or**
  - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.**

## **11. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 20 October 2021 commencing at 1pm in the Council Chambers, Leongatha.