

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

Wednesday 27 November 2024



Council Chambers, Leongatha
Commencing at 2:00 PM



*South Gippsland
Shire Council*



OUR COUNCIL VISION

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

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

The Council Agenda relates to the following Strategic Objectives of the Council Plan 2022-2026:

- ◆ Connecting our People and Places ◆
 - ◆ Economy and Industry ◆
- ◆ Healthy and Engaged Communities ◆
 - ◆ Leading with Integrity ◆
- ◆ Protecting and Enhancing our Environment ◆
 - ◆ Sustainable Growth ◆

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the South Gippsland Shire Council will be held on Wednesday 27 November 2024 in the Council Chambers, Leongatha, commencing at 2:00pm

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Kerryn Ellis
Chief Executive Officer

Privacy Statement

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

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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

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

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

Public Questions

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

1.3. OPENING PRAYER

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

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting held on 20 November 2024 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

2. COUNCIL REPORTS

2.1. RECORD OF OATH OR AFFIRMATION OF OFFICE

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council is required to abide by the Local Government Act 2020.

EXECUTIVE SUMMARY

The purpose of this report is to comply with *Local Government Act 2020*, section 30(2)(c) which requires a record of the oaths or affirmations taken by each Councillor are included in the minutes of a Council meeting.

RECOMMENDATION

That Council notes that copies of the Oaths or Affirmations of Office taken by Councillors are to be included in the minutes.

REPORT

The *Local Government Act 2020*, section 30(2)(c) requires a record of the oaths or affirmations of office taken by each Councillor to be included in the minutes of a Council meeting.

Council held a public ceremony on 13 November 2024 where due to a technical error, Councillors retook their oaths or affirmation on 20 November 2024 before the CEO at a Council briefing session.

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Council would be non-compliant with the *Local Government Act 2020*, if a record of the oaths or affirmations taken by Councillors were not recorded the minutes of a Council meeting.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Legislative Provisions

Local Government (Governance and Integrity) Regulations 2020

Local Government Act 2020

2.2. COUNCIL MEETING TIMETABLE 2025

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council's transparency and governance is demonstrated at its Council Meetings where decisions are made on behalf of the community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the 2025 Council meeting timetable.

The *Local Government Act 2020 (the Act), Part 3 Division 2* sets out the requirements relating to procedures and proceedings relating to council decision making. One of the ways in which Council decision making is undertaken is by resolution at a Council Meeting, and it is a requirement under *the Act* that the conduct of Council Meetings be set out in its *Governance Rules*.

Council adopted *Governance Rules* at the 19 October 2022 Council Meeting. Clause 11 requires the dates and times of Meetings be fixed by Council, and specifically in clause 11.1 that:

At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.

Council may by resolution call an Additional Council Meeting as per clause 13.1 when meetings are required outside of the annual Meeting schedule.

RECOMMENDATION

That Council sets the Council Meeting Schedule for 2025 to be held in the Council Chambers, Leongatha on the following dates and times:

- 1. Wednesday 19 February 2025, 2.00pm**
- 2. Wednesday 19 March 2025, 2.00pm**
- 3. Wednesday 16 April 2025, 2.00pm**
- 4. Wednesday 21 May 2025, 2.00pm**
- 5. Wednesday 25 June 2025, 2.00pm**
- 6. Wednesday 16 July 2025, 2.00pm**

7. **Wednesday 20 August 2025, 2.00pm**
8. **Wednesday 17 September 2025, 2.00pm**
9. **Wednesday 15 October 2025, 2.00pm**
10. **Wednesday 19 November 2025, 2.00pm**
11. **Wednesday 26 November 2025, 2.00pm**
12. **Wednesday 10 December 2025, 2.00pm**

REPORT

Council Meeting Dates and Venues

Council's Governance Rules prescribes that Council must fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year at or before the last Meeting of each calendar year.

It is proposed to hold the first Council Meeting on 19 February 2025 and from then on, generally the third Wednesday of each month for the remainder of the calendar year with three exceptions. There will be one meeting held on the fourth Wednesday, 25 June 2025, 2.00pm in order to expedite the business of Council, incorporating the council budget deliberation processes.

There are two meetings scheduled for November, the first to be used to elect a Mayor and Deputy Mayor on the Wednesday 19 November 2025, 2.00pm. Section 26 of the *Local Government Act 2020* prescribes that the election to determine the Mayor and Deputy Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 or 2 year term (as set by Council) as is reasonably practicable. The second meeting for November, held on the fourth Wednesday, 26 November 2025 is scheduled to conduct the ordinary business of Council.

There will be one meeting held on the second Wednesday, 10 December 2025, 2.00pm.

Council Meetings are to commence at 2.00pm and be held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha.

This may include changing the Meeting to a different town if the Agenda warrants it. Any changes arising are guided by the *Governance Rules (C82)*, clause 12.1:

12.1 Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

Council publishes notice of Council Meetings in Council's Noticeboard section of local newspapers and on its website.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

2.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 SEPTEMBER 2024 - 25 OCTOBER 2024

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of the information presented to Councillors between 13 September 2024 to 25 October 2024.

As per the Council's Election Period Policy, these matters were certified by the Chief Executive Officer.

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

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
18 September 2024	
Annual Report 2023/24 / Financial and Performance Statements	<p>Councillors Attending: Nathan Hersey, Clare Williams, Mohya Davies, John Schelling, Jenni Keerie, Scott Rae and Sarah Gilligan.</p> <p>Conflict of Interest: Nil disclosed.</p>
2 October 2024	
Agenda Topic Discussion – 2 October 2024	<p>Councillors Attending: Nathan Hersey, Mohya Davies, John Schelling, Jenni Keerie and Scott Rae.</p> <p>Conflict of Interest: Nil disclosed.</p>
16 October 2024	
Agenda Topic Discussion – 16 October 2024	<p>Councillors Attending: Nathan Hersey, Clare Williams, Mohya Davies, John Schelling, Jenni Keerie, Scott Rae and Sarah Gilligan.</p> <p>Conflict of Interest: Nil disclosed.</p>

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council’s Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Public Transparency Policy (C75)

Good Governance Framework

Legislative Provisions

Local Government Act 2020

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

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

That Council receives and notes this report.

REPORT

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

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

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

Nil

Section 173 Agreements are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

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

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 135 Barry Road, Agnes and 294 Barry Road Agnes for a two-lot subdivision. Seal applied 24 September 2024.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 91 Patchings Road and 715 Old Leongatha Road, Kardella South for a two-lot subdivision. Seal applied 24 September 2024.

Contracts Awarded, Varied or Extended

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

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 September 2024 to 12 October 2024.
 - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 13 September 2024 to 12 October 2024.
 - a. CON/391 for the Construction of Retaining Wall at Walkerville Transfer Station was awarded to CivilVic Pty Ltd, signed by the CEO 20 September 2024.
 - b. CON/412 for the South Gippsland Shire Council Technology Refresh was awarded to Dell Australia Pty Limited, signed by the CEO 20 September 2024.
 - c. CON/416 for the Teams Enterprise Voice Implementation was awarded to Nexon Asia Pacific Pty Ltd, signed by the CEO 19 September 2024.

3. Contract variations approved by the CEO between 13 September 2024 to 12 October 2024.
 - a. CON/365-B for the Management and Operation of Selected Aquatic Venues within South Gippsland (Foster and Toora Outdoor Pools) was awarded to EC & CA Bennett and commenced 1 November 2023. Variation to the contract to change the Foster Outdoor Pool service levels was approved and signed by the CEO 4 October 2024.
4. Contract extensions approved by the CEO 13 September 2024 to 12 October 2024.
 - a. Nil

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

General Local Law 2024

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NIL

4. COUNCILLOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. COUNCILLOR UPDATES

5. URGENT BUSINESS

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

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

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

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

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

6. PUBLIC QUESTIONS

6.1. PETITIONS AND JOINT LETTERS

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

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

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

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

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Council received a petition from Sean Mulcahy on behalf of Rainbow Local Government on 23 September 2024. As Council was in the Election (Caretaker) Period (17 September – 26 October) at the time, it was required under the *Election Policy* to not consider the matter until after this period.

The petition prayer is outlined below.

Petition to South Gippsland Shire Council: LGBTIQ+ Advisory Committee

The 'Rainbow Brick Road Report: A Snapshot into LGBTIQ+ Lives in Gippsland' recommends "development of LGBTIQ+ networks and initiatives within each Shire to support local LGBTIQ+ community" and support LGBTIQ+ inclusivity and engagement. The Victorian Government's 'Rainbow Ready Roadmap' also recommends that "LGBTIQ+ residents take part in council committees and in council planning" as an indicator of LGBTIQ+ inclusion. We, residents and ratepayers of the South Gippsland Shire, hereby respectfully petition the Council to explore options for continuing engagement with the LGBTIQ+ community, including establishing an LGBTIQ+ Advisory Committee.

RECOMMENDATION

That Council:

- 1. Receive and note the petition; and**
- 2. Receive a report on the matter at its 11 December 2024 Meeting of Council.**

6.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

6.3. SUBMITTED PUBLIC QUESTIONS

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

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible.

Questions may not be allowed where the question(s) is deemed to be:

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

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

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

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

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

7. CLOSED SESSION

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

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

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

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

Nil

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 11 December 2024 commencing at 2pm in the Council Chambers, Leongatha.