

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

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 ◆

**PRESENT**

<p>COUNCILLORS:</p>	<p><i>Coastal Promontory Ward</i>            Councillor Sarah Gilligan            Councillor Steve Finlay            Councillor Scott Rae</p> <p><i>Strzelecki Ward</i>            Councillor Bron Beach            Councillor Nathan Hersey            Councillor John Kennedy</p> <p><i>Tarwin Valley Ward</i>            Councillor John Schelling            Councillor Brad Snell            Councillor Clare Williams</p>
<p>NOT PRESENT:</p>	<p></p>
<p>OFFICERS:</p>	<p>Kerryn Ellis, Chief Executive Officer            Tony Peterson, Director Sustainable Infrastructure            Allison Jones, Director Performance and Innovation            Lucas Gardiner, Acting Director Future Communities            Rhys Matulis, Manager Governance            Janice Pouw, Coordinator Governance</p>

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the  
South Gippsland Shire Council was 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 box on the table at the entrance to the Chamber. 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**

Cr Hersey submitted an apology for this meeting.

#### **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.**

##### **RESOLUTION**

**MOVED:** Cr Rae

**SECONDED:** Cr Gilligan

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

**CARRIED UNANIMOUSLY**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

**Nil**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

**Nil**

## 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.**

#### **RESOLUTION**

**MOVED:** Cr Williams

**SECONDED:** Cr Beach

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

**CARRIED UNANIMOUSLY**

#### **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**

#### **RESOLUTION**

**MOVED:** Cr Gilligan

**SECONDED:** Cr Snell

**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**

**CARRIED UNANIMOUSLY**

## 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](http://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.**

### RESOLUTION

**MOVED:** Cr Gilligan

**SECONDED:** Cr Rae

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

**CARRIED UNANIMOUSLY**



**REPORT**

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

### RESOLUTION

**MOVED:** Cr Beach

**SECONDED:** Cr Williams

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

**CARRIED UNANIMOUSLY**

## 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**

**MOVED:** Cr Schelling

**SECONDED:** Cr Gilligan

**That Council grants Cr Hersey leave of absence for the 27 November 2024 Council Meeting.**

**CARRIED UNANIMOUSLY**

#### **4.2. COUNCILLOR UPDATES**

The following Councillors addressed Council on a variety of matters:

Deputy Mayor, Cr Sarah Gilligan

- Attendance at many Councillor Inductions;
- Fishy Stories 2024 festival at Fish Creek;
- 10<sup>th</sup> Anniversary of Alison Lester's shop in Fish Creek;
- Women in Politics forum organised by the Southern Women's Business Association;
- Preparation for the upcoming Audit and Risk Committee meeting; and
- 16 Days of Activism - walk against family violence.

Cr Clare Williams

- Recognising the RSL for the Remembrance Day Service;
- Mirboo North meetings including discussions on resilience;
- 16 Days of Activism - walk against family violence - commencing at 12.30pm from the front of the Memorial Hall in Leongatha;
- Women in Politics forum – encouraging more women to participate;
- Anticipation of the official opening of the overhead bridge in Leongatha;

- Visit and enjoy the accommodation, local produce and beef at Wandilla in Leongatha;
- Leongatha Business Association preparing for Christmas with decorations in town.

Cr John Kennedy

- Recognising the work involved in being a Councillor and the financial constraints ahead for council over the next couple of years;
- Korumburra Senior Citizens – not taking discussions lightly.

Cr Brad Snell

- Honour to represent the community with resilience being at the forefront of many conversations;
- 10<sup>th</sup> Anniversary of Alison Lester's shop;

Cr Bron Beach

- Important work of the Access & Inclusion Advisory Committee.
- Looking forward to engaging with the community on the Council Plan;
- Members of the community may experience pressure with Xmas approaching. Request to buy locally.

Cr Scott Rae

- Invitation for contact to discuss becoming a Councillor in the future;
- 16 Days of Activism – walk against family violence
- International Mens Day.

Mayor, Cr John Schelling

- Mirboo North and District Storm Recovery Session - <https://www.southgippsland.vic.gov.au/stormeupdate>
- Mirboo North Foundation AGM;
- Visit and enjoy the accommodation, local produce and beef at Wandilla in Leongatha;
- Leongatha Chamber of Commerce Christmas catch up. How to be successful in business.



## 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.

**Nil**

## 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.**

**RESOLUTION:**

**MOVED:** Cr Beach

**SECONDED:** Cr Williams

**That Council:**

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

**CARRIED UNANIMOUSLY**

## **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 box on the table at the entrance to the Chamber. 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.

The Mayor asked the CEO Ellis if there were any questions submitted to the meeting.

The CEO advised that the first 2 sets of questions were of a similar matter and would be responded to together.

**Question 1 - Angie Bowen**

- (a) If Council consistently considered their ownership of 14-16 Radovick St, why was there a transfer of the Title in 2016 at all? Thankyou
  - (b) When do the Senior Citizens of Korumburra get the key back to their hall at 14-16 Radovick St Korumburra? Thankyou
  - (c) Angie Bowen – Why is the shire of South Gippsland not respecting the former wishes of the Shire of Korumburra? (copy of newspaper page of 19 April 1961 provided)
- 

**Question 2 - Kris Crichton**

Re Senior Citizens Centre of Korumburra 14-16 Radovick Street  
Korumburra

It is recorded historically in the Korumburra Times dated the 19<sup>th</sup> of April 1961 in the words of the Shire President of the Shire of Korumburra that the land on which the Senior Citizens Hall was constructed was donated and set aside for the specific purpose of a Senior Citizens Hall.

- (a) Given the very clear intent of the of this donation can you please provide copies of the minutes of the Shire of Korumburra or alternatively The South Gippsland Shire Council that transferred this donation to purported ownership by the South Gippsland Shire Council???
- (b) If you are unable to provide the minutes supporting the alteration to the donation of the land copies of any or all Legislation that enabled the South Gippsland Shire Council to claim ownership of the land and transfer the land in 2016???

**Response to questions 1 and 2**

*The title to the properties in question was previously recorded 'the President, Councillors and Ratepayers' of the Shire of Korumburra as the registered proprietor of the land. This expression was a common convention of the Registrar of Titles to reflect that land was owned by the Shire of Korumburra. In 1994, by publication of a notice in the Victorian Government Gazette (No. S 94, dated 2 December 1994):*

- *the Shire of Korumburra ceased to exist;*
- *the South Gippsland Shire Council became the successor at law to the former Shire of Korumburra as part of the amalgamation of local councils across Victoria; and*
- *all property, rights and assets owned by the Shire of Korumburra were transferred to the newly created South Gippsland Shire Council.*

*On and from the date of that gazettal, South Gippsland Shire Council became the lawful owner of the Property as successor at law to the Shire of Korumburra. The Registrar of Titles updated the title particulars to record 'South Gippsland Shire Council' as the registered proprietor of the Property on 8 August 2016 to give effect to the vesting of the land in Council's ownership as a result of the amalgamations in 1994.'*

*Any new resolutions of Council overrides any previous resolutions of Council. Council has completed its statutory process and resolved to sell the land.*

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### **Question 3 - David Amor**

- (a) Hi with weather forecast going to extreme hot this summer, will the Shire be able to get all major roads slashed also working with Vic Roads as well in 2024?
- (b) Is it possible with new Councillors to bring back, public speaking and question time once, shire chamber meeting is done monthly?
- (c) With the major push back in Korumburra rate payers, is the Shire going to work with rate payers and not the so called groups that do not info the public to get a better understanding.

### **Responses to question 3**

- (a) *Council has an annual slashing program for Fire Break roads that commences in December and is completed mid-January. All other roads are slashed annually for drain maintenance and sight distance. Council does not undertake any slashing of Vic Roads managed road sides, although we do work closely with Vic Roads.*
  - (b) *Council does have public question time at Council Meetings. The community also have the opportunity to address Councillors via an expression of interest process which can be found on Council's website.*
  - (c) *Council undertakes a range of activities to inform residents on projects, strategy progress and engagement opportunities occurring across South Gippsland. This includes providing updates to various business and community groups/networks and through the dispersal of information on*
-

*Council's website, newsletters and local newspapers. We also encourage interested residents to disseminate information through their own networks.*

An additional two questions were received prior to the meeting and have been taken on notice for the next Council meeting.



## 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.

**The meeting closed at 2.30pm.**

**Confirmed this 11th day of December 2024**

**Councillor John Schelling, Mayor**

SOUTH GIPPSLAND SHIRE COUNCIL

# Oath of Office



South Gippsland  
Shire Council

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

.....  
.....  
.....

Declared this 20th day of November 2024 before me

.....  
.....

Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Oath of Office



South Gippsland  
Shire Council

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..... Scott Rae ..... 20/11/2024 .....

Declared this 20th day of November 2024 before me

..... K M Ellis .....

Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Oath of Office



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I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

 Nathan Hershey 20/11/2024

Declared this 20th day of November 2024 before me



Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office



South Gippsland  
Shire Council

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

..... Brad Snell .....  ..... 20/11/24.

Declared this 20th day of November 2024 before me

.....  .....

Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office



South Gippsland  
Shire Council

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..... *Clare Williams* ..... CLARE WILLIAMS ..... 20-11-24 .....

Declared this 20th day of November 2024 before me

..... *Kerryn Ellis* .....

Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office



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Bronwyn Beach  20/11/24

Declared this 20th day of November 2024 before me



Kerryn Ellis

**Chief Executive Officer**



SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office



South Gippsland  
Shire Council

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

 JOHN Kennedy 20/11/24

Declared this 20th day of November 2024 before me



Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office



South Gippsland  
Shire Council

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

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I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

.. Sarah Gilligan ..  .. 20/11/24 ..

Declared this 20th day of November 2024 before me

..  ..

Kerryn Ellis

**Chief Executive Officer**

SOUTH GIPPSLAND SHIRE COUNCIL

# Affirmation of Office




South Gippsland  
Shire Council

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I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement.

Steve Finlay  20.11.24

Declared this 20th day of November 2024 before me



Kerryn Ellis

**Chief Executive Officer**