

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

Wednesday 11 December 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

COUNCILLORS:	<i>Coastal Promontory Ward</i> Councillor Sarah Gilligan Councillor Steve Finlay Councillor Scott Rae <i>Strzelecki Ward</i> Councillor Bron Beach Councillor Nathan Hersey Councillor John Kennedy <i>Tarwin Valley Ward</i> Councillor John Schelling Councillor Brad Snell Councillor Clare Williams
NOT PRESENT:	
OFFICERS:	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

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the
South Gippsland Shire Council was held on Wednesday 11 December 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.

Cr Rae read the opening prayer.

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.

Cr Beach read the acknowledgement of traditional custodians.

1.5. APOLOGIES

NIL

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting held on 27 November 2024 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Beach

That the Minutes of the South Gippsland Shire Council Meeting held on 27 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.

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

- Cr Hersey declared a General Conflict of Interest in Part B of confidential item 9.2 – Personal Information – South Gippsland Shire Council Community Grants Program 2024/25 Round 1.
- Cr Beach declared a General Conflict of Interest in Part C of confidential item 9.2 – Personal Information – South Gippsland Shire Council Community Grants Program 2024/25 Round 1.

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.

NIL

2. COUNCIL REPORTS

2.1. DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP) - ANNUAL IMPLEMENTATION REPORT

Directorate:	Future Communities
Department:	Community Health and Safety

Council Plan

Objective - Healthy and Engaged Communities

Objective - Protecting and Enhancing our Environment

This report relates to the South Gippsland Shire Council – Council Plan 2022-2026 Strategic Objectives Healthy and Engaged Communities and Protecting and Enhancing our Environment.

EXECUTIVE SUMMARY

The purpose of this report is to highlight Council's progress and achievements implementing the Domestic Animal Management Plan (DAMP) 2022-2025 with 97% of actions completed or on track for completion in the final year of the plan.

An Annual Progress Report for 2023-2024 **Attachment [2.1.1]** will be presented and a copy provided to the Minister for Agriculture.

RECOMMENDATION

That Council notes the progress and advises the Minister for Agriculture of the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024 [Attachment 2.1.1]

RESOLUTION

MOVED: Cr Beach

SECONDED: Cr Gilligan

That Council notes the progress and advises the Minister for Agriculture of the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024 [Attachment 2.1.1]

CARRIED UNANIMOUSLY

REPORT

In accordance with section 68A of the *Domestic Animals Act 1994 (Vic)*, Council is required to prepare a Domestic Animal Management Plan (DAMP) every four years. The DAMP 2022-2025 (**Attachment [2.1.2]**) was adopted at the 16 November 2022 Council Meeting and outlines the services, programs and policies established to address the administration of the Domestic Animals Act. It also ensures responsible pet ownership with consideration to the wider environment and municipality.

The DAMP includes nine priority areas and identifies 34 action items to be completed during its three-year life cycle. The progress of these actions is reported annually, with a copy sent to the Minister of Agriculture at the end of each calendar year. **Attachment [2.1.1]** details the progress of the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024.

Councils progress of the 34 actions is noted below:

- 38% Completed (13 actions);
- 59% On Track (20 actions) with high confidence these will be completed in Year Three; and
- 3% Monitor (1 action) and will continue to be reviewed as part of operational deliverables in relation to 'Dangerous, Menacing and Restricted Breed Dogs.

Council has made significant progress, with 97% of actions complete or on track to complete in the final year.

CONSULTATION / COMMUNITY ENGAGEMENT

There was an extensive consultation period during the development of the Domestic Animal Management Plan 2022-2025. Future actions, specifically

those associated with new Council Orders, will be subject to additional community engagement and consultation programs. It is anticipated consultation for new Council Orders will commence in 2025 in preparation for the development of the new DAMP 2025-2029.

RESOURCES / FINANCIAL VIABILITY

The implementation of actions included in the DAMP are accommodated from within the Community Safety team operational budget.

RISKS

If Council does not endorse the Domestic Animal Management Plan 2022-2025 – Annual Progress Report 2023-2024, it will not be able to meet its legislative obligations, including the report being forwarded to the Minister for Agriculture.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Domestic Animal Management Plan 2022-2025 - Progress Reporting [2.1.1 - 4 pages]
2. Domestic Animal Management Plan 2022 2025 [2.1.2 - 34 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Compliance and Enforcement Policy (C64)

General Local Law 2024

Domestic Animal Management Plan

Legislative Provisions

Domestic Animals Act 1994

Gender Equity Act 2020

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

2.2. PETITION RESPONSE: ACCESS & INCLUSION

Directorate:	Future Communities
Department:	Community, Customer and Visitor

Council Plan

Objective - Healthy and Engaged Communities

Council's Access and Inclusion Advisory Committee supports Council to consider universal access and inclusion.

EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition / joint letter submitted by Rainbow Local Government requesting Council explore options for continuing engagement with the LGBTIQ+ community, including establishing a LGBTIQ+ Advisory Committee.

RECOMMENDATION

That Council:

- 1. Thank the petitioner for their submitted petition; and**
- 2. Advise the Rainbow Local Government organisation of Council's Access and Inclusion Advisory Committee and its role in supporting engagement with and inclusion of communities which may experience barriers to access and inclusion and invite the organisation to complete an Expression of Interest; and**
- 3. Notifies the lead Petitioner of the outcome of this report.**

RESOLUTION

MOVED: Cr Williams

SECONDED: Cr Rae

That Council:

- 1. Thank the petitioner for their submitted petition;**
- 2. Advise the Rainbow Local Government organisation of Council's Access and Inclusion Advisory Committee and its role in supporting engagement with and inclusion of communities which may experience barriers to access and inclusion and invite the organisation to complete an Expression of Interest; and**
- 3. Notifies the lead Petitioner of the outcome of this report**

CARRIED UNANIMOUSLY

REPORT

At the 27 November 2024 Council meeting, a petition/joint letter containing 6 signatures was tabled from Rainbow Local Government requesting Council explore options for continuing engagement with the LGBTIQ+ community, including establishing a LGBTIQ+ Advisory Committee.

At the meeting, Council resolved to 'receive and note the petition and receive a report on the matter at its 11 December 2024 Meeting of Council'.

The petition prayer is available in Figure 1 and a full copy of the petition / joint letter is available in **Confidential Attachment [10.1.1]**.

Figure 1 – Petition Prayer

The petition prayer is outlined below.

Petition to South Gippsland Shire Council: LGBTIQ+ Advisory Committee

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

South Gippsland Shire Council is committed to supporting universal access and inclusion. To support this commitment, Council convenes an Access and Inclusion Advisory Committee (the Committee) to provide Council with advice on development and implementation of a South Gippsland Access & Inclusion Action Plan, a plan for equitable access to goods, services and facilities across the municipality. This committee is made up of members with lived experience of barriers to access and / or inclusion, or organisations that support members of the community who experience barriers to access and / or inclusion.

Membership to the Committee is currently open and communities who may experience barriers to access and inclusion are invited to submit applications. This Committee provides an opportunity for members of the South Gippsland LGBTQIA+ community to participate in Council Planning and Committees as requested via the petition.

CONSULTATION / COMMUNITY ENGAGEMENT

Membership of the Committee is currently open, and the Rainbow Local Government organisation can be encouraged to submit an application from a South Gippsland member.

RESOURCES / FINANCIAL VIABILITY

Support for the Access and Inclusion Advisory Committee is contained within current budgets.

RISKS

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

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

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [10.1.1] – Petition Response – Access and Inclusion – 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 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Anti-Discrimination Bullying and Harassment Policy (CE25)

Community Engagement Policy (C06)

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Charter of Human Rights and Responsibility Act 2006

Disability Discrimination Act 1992

Equal Opportunity Act 2020

Gender Equity Act 2020

Local Government Act 2020

2.3. ORGANISATIONAL PERFORMANCE REPORT - JULY 2024 TO SEPTEMBER 2024

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by regular organisational performance reporting against the Council Plan 2022-2026 Measures and Annual Initiatives.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the Organisational Performance Report for the period of 1 July 2024 to 30 September 2024 (**Attachment [2.3.1]**) which includes the financial and organisational performance against the Adopted Budget and highlights progress of the 2024/25 Annual Initiatives for the 2022-2026 Council Plan (Council Plan).

Council adopted 21 Annual Initiatives for 2024/25, with one initiative completed, and the remaining on track to be completed by 30 June 2025.

RECOMMENDATION

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2024 to September 2024 (Attachment [2.3.1]; and**
- 2. Provides the Organisational Performance Report to the Audit and Risk Committee for information.**

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Rae

That Council:

- 1. Receives and notes the Organisational Performance Report for the period July 2024 to September 2024 (Attachment [2.3.1]); and**
- 2. Provides the Organisational Performance Report to the Audit and Risk Committee for information.**

CARRIED UNANIMOUSLY

REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan and supported by an adopted Budget that contains the first (annual) financial year and subsequent three financial years.

These requirements are legislated under s.90 and 94 of the *Local Government Act 2020* (Act).

Council endorsed the 2024/25 Annual Initiatives (Annual Initiatives) as part of the 2022-2026 Council Plan at the 26 June 2024 Council Meeting. The Council Plan outlines the strategic objectives, priorities, major initiatives and measure of success indicators for the next four years.

2024/25 Annual Initiatives

Annual Initiatives are developed annually and include significant activities that progress the achievement of the objectives and priorities in the Council Plan. These Annual Initiatives are adopted each year in the Budget.

For connectivity, they are also captured each year as an update to the Council Plan. Progress against these Annual Initiatives and performance indicators are monitored and reported to Council within each Quarterly Performance Report.

Year to Date Financial Analysis

The adjusted underlying result for 2024/25 is forecast to be a surplus of 2.2%. The adjusted underlying result demonstrates Council's ability to generate a surplus in its ordinary course of business, excluding non-recurrent capital

grants, non-monetary asset contributions and other contributions to fund capital works from its net result. A surplus or increasing surplus suggest an improvement in operations. The forecast for 2024/25 is an improvement on the 2023/24 result of -30.3%, which was impacted by the timing of the receipt of the Federal Assistance Grants funding and unbudgeted disaster-related expenditure.

Council's proposed forecast Indebtedness Ratio as of 30 June 2025 is 27.3%, and is well within the ratio maximum of 40% or lower.

The movement between Adopted Budget and Approved Forecast is attributed to year-end carry forwards from 2023/24, as endorsed by Council on 11 September 2024. A detailed mid-year budget review will be undertaken during quarter two and presented to Council with the Quarter 2 Organisational Performance Report.

Capital Works expenditure to 30 September 2024 of \$3.84 million is on-track to the forecast \$3.87 million. This is attributable to projects running on time with limited delays and limited adverse weather conditions.

CONSULTATION / COMMUNITY ENGAGEMENT

The Organisational Performance Report will be presented to Council's Audit and Risk Committee in December 2024.

RESOURCES / FINANCIAL VIABILITY

The 2024/25 Annual Initiatives are funded through the 2024/25 Annual Budget.

RISKS

The Organisational Performance Reports ensure the organisation remains in budget and mitigates the risk of annual initiatives not being monitored throughout the financial year. These activities are priority actions required by Council. Inadequate monitoring of their progress may result in activities not within budget, not being achieved, or without understanding the reasons for any delay or budget constraints.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Organisational Performance Report - July 2024 to September 2024 [2.3.1 - 32 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 8. Monitoring & Performance Review

Council Policy / Strategy / Plans

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

Annual Budget

Council Plan 2022-2026

Legislative Provisions

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

Regional, State and National Plan and Policies

Nil

2.4. INSTRUMENT OF DELEGATION - S6 COUNCIL TO MEMBERS OF STAFF

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations and authorisations to Officers, so they can undertake the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council adopts an updated S6 Instrument of Delegation - Council to Members of Staff (**Attachment [2.4.1]**).

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s.11(1) of the *Local Government Act 2020* and the other legislation referred to in the attached S6 Instrument of Delegation - Council to Members of Staff (Attachment [2.4.1]**):**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (**Attachment [2.4.1]**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. Authorises the Chief Executive Officer to sign the S6 Instrument of Delegation (**Attachment [2.4.1]**) to come into force immediately upon signing;**
- 3. On the coming into force of the Instrument of Delegation (**Attachment [2.4.1]**): all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation (**Attachment [2.4.1]**): must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

RESOLUTION

MOVED: Cr Rae

SECONDED: Cr Hersey

That Council resolves that, in the exercise of the powers conferred by s.11(1) of the *Local Government Act 2020* and the other legislation referred to in the attached S6 Instrument of Delegation - Council to Members of Staff (Attachment [2.4.1]):

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [2.4.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
- 2. Authorises the Chief Executive Officer to sign the S6 Instrument of Delegation (Attachment [2.4.1]) to come into force immediately upon signing;**
- 3. On the coming into force of the Instrument of Delegation (Attachment [2.4.1]): all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation Attachment [2.4.1]: must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

CARRIED UNANIMOUSLY

REPORT

The allocation of delegations to the Chief Executive Officer or other employees contributes to the effective functioning of Council. It is important to update delegations to reflect changes in personnel / legislation and improvements recommended by legal advisors to ensure decisions made are valid. The current version of the Instrument of Delegation has been in place since 15 May 2024 and will be revoked as per part 3 of the above recommendation.

Changes to the S6 Instrument of Delegation, Council to Members of Council staff (S6) are outlined below:

1. Removal of sections 12(2), 12(4)-(7) of the Road Management Act 2004, as Maddocks recommend that Councils use the powers under the Local Government Act 1989 instead, to discontinue a road.
2. Deletion of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, as they have been revoked. The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 commenced on 29 June 2024.
3. The Food Act 1984 was amended pursuant to the Regulatory Legislation Amendment (Reform) Act 2024, which commenced on 6 March 2024, the day after it received Royal Assent. As a result, Maddocks have:
 - 3.1 Included 19(4)(a)(ia) and 19(4)(a)(ib), and amended 19(4)(a)(ii), which relates to Council's power to direct that a copy of an order be affixed, displayed or published.
 - 3.2 Included section 19FA(1), which relates to Council's power to direct a proprietor of a food premises to revise the foods safety program for the premises or comply with any requirements specified in the food safety program.
 - 3.3 Included section 19FA(3)(a), which relates to Council's power to refuse to approve an application for registration or renewal of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1). Please note that, adopting a conservative approach, Maddocks have inserted a comment that this is subject to ratification in accordance with s 58A(2).
 - 3.4 Included section 19FA(3)(b), which relates to Council's power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under section 19FA(1).
 - 3.5 Included section 19FA(3)(c), which relates to Council's power to suspend a registration of premises, where a proprietor of a food premises fails to comply with a direction given under s19FA(1).
4. Updated various position titles to reflect changes in recruited positions.

In accordance with s11(7) of the Local Government Act 2020, Council must review within 12 months after a general election, all delegations which have been made under this section and are still in force.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Failure to update an Instrument of Delegation could result in the decisions of delegated Officers being declared invalid or unenforceable.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. S 6 Instrument of Delegation - Council to Members of Staff [2.4.1 - 134 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

2.5. INSTRUMENT OF APPOINTMENT - S11A PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

This report recommends that Council adopts S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) for staff members, Mitchell Fievez, Chantal Lenthal, Sarah Male, Stepan Hovanesian and Sebastian Lorenzo, under the Planning and Environment Act 1987.

RECOMMENDATION

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

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

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Beach

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

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

CARRIED UNANIMOUSLY

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are arranged for new staff, updated to reflect changes in personnel, or amended to reflect changes in the legislation.

Council officers undertook a review of all authorisations to ensure that all authorisation were up to date and fit for purpose.

New and updated S11A Instruments for the staff members listed below, are presented for adoption enabling them to fulfil the required duties in their respective roles:

- Mitchell Fievez - Senior Community Safety Officer
- Chantal Lenthal - Senior Strategic Planning Officer
- Sarah Male - Coordinator Community Safety
- Stepan Hovanesian – Planning & Building Compliance Officer
- Sebastian Lorenzo - Principal Planner

The Instruments are contained in **(Attachment [2.5.1])**

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. S11A - Instrument of Appointment (PE Act 1987) - Mitchell Fievez [2.5.1 - 1 page]
2. S11A - Instrument of Appointment (PE Act 1987) - Chantal Lenthall [2.5.2 - 1 page]
3. S11A - Instrument of Appointment (PE Act 1987) - Sarah Male [2.5.3 - 1 page]
4. S11A - Instrument of Appointment (PE Act 1987) - Stepan Hovanesian [2.5.4 - 1 page]
5. S 11 A - Instrument of Appointment (PE Act 1987) - Sebastian Lorenzo [2.5.5 - 1 page]

CONFIDENTIAL 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](#).

Nil

Legislative Provisions

Local Government Act 2020

Local Government Act 1989

Planning and Environment Act 1987

Regional, State and National Plan and Policies

Nil

2.6. SUMMARY OF STRATEGIC BRIEFINGS - 8 NOVEMBER TO 21 NOVEMBER 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 8 November and 21 November 2024.

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 Snell

SECONDED: Cr Kennedy

That Council receives and notes this report.

CARRIED UNANIMOUSLY

REPORT

Meeting Title	Details
Monday 11 November 2024	

Meeting Title	Details
Transition Program Details	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Swearing in Ceremony Procedures and role of Mayor and Deputy Mayor	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Introduction to Code of Conduct	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Introduction to the Business of Council	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Integrated Planning Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Tuesday 12 November 2024	

Meeting Title	Details
Councillor Aspiration Conversation	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Introduction to Local Government - Maddocks	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Wednesday 13 November 2024	
Oath of Office – Swearing in Ceremony	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Council Meeting and Governance Rules Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Council Committee Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>

Meeting Title	Details
Mayoral Election Process Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Briefing and Meeting Cycle Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Thursday 14 November 2024	
November Agenda Review	<p>Councillor Attending Nathan Hersey, Clare Williams, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil disclosed.</p>
Project Planning & Delivery Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Advocacy Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Statutory & Strategic Planning Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>

Meeting Title	Details
Community Vision 2040 Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Councillor Requests & Customer Service Overview	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Friday 15 November 2024	
Introduction to Planning	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Wednesday 20 November 2024	
Oath of Office	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Councillor – Roles & Responsibilities as an Employer	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Q1 Quarterly Performance Report & Capital Works Update	<p>Councillor Attending</p>

Meeting Title	Details
	<p>Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, Bron Beach, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</p>
Thursday 21 November 2024	
<p>A Safe Workplace – Occupational Health and Safety</p>	<p>Councillor Attending Nathan Hersey, Clare Williams, John Schelling, Scott Rae, Sarah Gilligan, Steve Finlay, John Kennedy and Brad Snell</p> <p>Conflict of Interest: Nil</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)

Legislative Provisions

Local Government Act 2020

2.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2024 -12 NOVEMBER 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 October 2024 to 12 November 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 Gilligan

SECONDED: Cr Kennedy

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 October 2024 to 12 November 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 October 2024 to 12 November 2024.

Nil

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 October 2024 to 12 November 2024.
 - a. Nil

2. Contracts awarded after a public tender process within the CEO's delegation between 13 October 2024 to 12 November 2024.
 - a. Nil
3. Contract variations approved by the CEO between 13 October 2024 to 12 November 2024.
 - a. Nil
4. Contract extensions approved by the CEO 13 October 2024 to 12 November 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

2.8. COUNCILLOR APPOINTMENT TO MYLI

Directorate:	Performance and Innovation
Department:	Performance and Innovation

Council Plan

Objective - Leading with Integrity

This report ensures Councillors are represented on internal and external committees, boards and advisory committees to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider representation to the Myli Board. Myli is a charitable and not for profit entity established to operate libraries on behalf of South Gippsland Shire, Bass Coast Shire, Baw Baw Shire and Cardinia Shire Councils.

RECOMMENDATION

That Council appoints Councillor John Schelling to the Myli Board, for a period of 1 year.

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Snell

That Council appoints Councillor John Schelling to the Myli Board, for a period of 1 year.

CARRIED UNANIMOUSLY

REPORT

Council at its meeting on 20 November 2024 resolved to appoint Cr Steve Finlay to the Myli Board for a term of two years. Since that time Cr Finlay has indicated that participation on the Myli Board will not be possible for him to undertake. Therefore, Council is required to appoint another Councillor.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships of the approved committees.

RISKS

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information and supports Councillors in their community advocacy and leadership roles.

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

Council Policy / Strategy / Plans

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

Nil

Legislative Provisions

Local Government Act 2020

Regional, State and National Plan and Policies

Nil

3. NOTICES OF MOTION AND/OR RESCISSION

3.1. NIL

4. COUNCILLOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

NIL

4.2. COUNCILLOR UPDATES

The following Councillors addressed Council on a variety of matters:

Cr John Kennedy

- 05/12/2024 - Attended the Community Planning Network presentations. Great to hear what the committees need and to work with them.

Cr Brad Snell

- Attended Xmas in the Boo at Mirboo North
- Attended the Community Planning Network presentations

Cr Bron Beach

- Attended the Community Planning Network presentations
- Community Carols
- Korumburra Carols being held 22 December 2024
- Shout out to Arts Groups in Gippsland – recently won approximately 90% of the awards
- Arts Advisory Committee – Expressions of interest applications are now open if you would like to be part of the Arts Advisory Committee. Details are on Council's website.
- Korumburra Business Association are holding a Xmas event on 19 December 2024

Cr Scott Rae

- Encouraging people in agriculture to consider standing for Council in 44 months time
- Xmas wishes and to look after each other

- Expressed appreciation to the Chief Executive Officer, Kerryn Ellis, following her resignation announcement

Cr Clare Williams

- 29 November 2024 – (It's No) Drama – Melt 2024 – Congratulations on the production of the Lady of the Swamp.
- Community Leadership – South Coast Community Leadership Program – A 6 month free program commencing March 2025 – Encourage applications are open until 2 February 2025 Partnership between South Gippsland and Bass Coast Councils
- Leongatha Xmas Carols being held Friday 13 December 2024
- Xmas, New Year Period – Help each other and the volunteers through this period. Reach out to those on their own.

Cr Steve Finlay

- Received and attended a variety of events and meetings. Good to hear back from the community and receive feedback.
- Endorsed Councillors sentiments of looking after each other and enjoy the festive season

Cr Nathan Hersey

- Grateful for message of support while recently unwell
- Thank you to volunteers who run events and festivals.
- Extended Xmas wishes to all
- Attended Xmas in the Village at Loch that was run by volunteers
- Korumburra Show planning meeting. First year Korumburra Show will be held on a Friday night and Saturday in 2025.
- MAV Board Meeting – Elected Deputy President – Non Metro Region
- Congratulated Council's Chief Executive Officer, Kerryn Ellis for her work over the past 5 years. This being the CEO's last Council meeting.

Deputy Mayor, Cr Sarah Gilligan

- Attended her first Audit & Risk Committee Meeting
- Attended the VLGA and Australian Coastal Council Associations AGM's
- Venus Bay Surf Lifesaving Club – Safety units being installed on beaches 1 to 5
- Walkerville CFA has open station nights – Friday nights (contact for further details)

- Meeniyan Tavern night
- Attended VLGA training
- Extended congratulations to Council's Chief Executive Officer, Kerryn Ellis for her work at her time at Council. She is leaving a legacy and position of strength and a strong organisation.

Mayor, Cr John Schelling

- Attended Audit and Risk Committee meeting
- Walked for the 16 Days of Activism - walk against family violence where 40 – 50 people attended
- Attended the Community Planning Network presentations. Fifteen community groups in attendance.
- Met and advocated to Monash candidates on projects Council would like supported prior to the upcoming Federal Election
- Wished everyone a very safe and happy Xmas and New Year and recommended we shop local
- Extended his gratitude to Council's Chief Executive Officer Kerryn Ellis who will be with us until 7 February 2025. Recognised CEO needs another challenge. Appreciate what she has done for Council. She has made Council stable. Wish the CEO all the very best.

Kerryn Ellis responded to the Mayor and Councillors recognition acknowledging it was a privilege to work at South Gippsland Shire Council.

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.

NIL

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.

The Mayor asked the CEO if there were any questions taken on notice.

The CEO responded that we did receive 2 public questions at the last council meeting, one of which had been responded to and the other which could not be accepted as it related to a confidential matter.

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.

One public question was received from Mr Dean Hurlston.

Question

What is the approximate cost per public Council meeting for Councillor and staff meals, refreshments and beverages? (If applicable)

Response

Catering is not offered at or before Council meetings. For all Council briefing days which occur each Wednesday, tea, coffee, water, morning tea and lunch are provided at an approximate cost of \$650.

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.

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 9.1 – PERSONAL INFORMATION - Australia Day Awards Recipients 2025, 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 the applicants (personal information); and**
2. **Per s.3(1)(f) Agenda item 9.2 - PERSONAL INFORMATION - South Gippsland Shire Council Community Grants Program 2024/25 Round 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.**

RESOLUTION

MOVED: Cr Hersey

SECONDED: Cr Williams

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 9.1 – PERSONAL INFORMATION - Australia Day Awards Recipients 2025, 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 the applicants (personal information); and**
- 2. Per s.3(1)(f) Agenda item 9.2 - PERSONAL INFORMATION - South Gippsland Shire Council Community Grants Program 2024/25 Round 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.**

CARRIED UNANIMOUSLY

8. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 19 February 2025 commencing at 2pm in the Council Chambers, Leongatha.

The Mayor thanked the gallery and wished everyone a Merry Christmas.

After considering the confidential matters on the agenda the meeting closed at 2.52pm.

Confirmed this 19th day of February 2025

Councillor John Schelling, Mayor