

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

Wednesday 19 February 2025



Council Chambers, Leongatha
Commencing at 2:00 PM



*South Gippsland
Shire Council*

PRESENT

<p>COUNCILLORS:</p>	<p><i>Coastal Promontory Ward</i> Councillor Sarah Gilligan, Deputy Mayor 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, Mayor Councillor Brad Snell</p>
<p>NOT PRESENT:</p>	<p>Councillor Clare Williams</p>
<p>OFFICERS:</p>	<p>Allison Jones, Interim Chief Executive Officer Tony Peterson, Director Sustainable Infrastructure Lucas Gardiner, Director Future Communities Michelle Jorgensen, Acting Director Performance and Innovation Christian Stefani, Director Strategy and Partnerships Rhys Matulis, Manager Governance & Integrity Thomas Hender, Desktop Support Officer Ally Low, Governance Officer Jodi Cumming, Corporate Reporting and Governance Officer</p>

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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.

The Opening Prayer was read by Councillor Gilligan

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.

The Acknowledgment of Traditional Custodians was read by Councillor Hersey

1.5. APOLOGIES

Councillor Clare Williams

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting held on 11 December 2024 in the Council Chambers, Leongatha be confirmed.

That the Minutes of the South Gippsland Shire Council Meeting held virtually on 15 January 2025 be confirmed.

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Hersey

That the Minutes of the South Gippsland Shire Council Meeting held on 11 December 2024 in the Council Chambers, Leongatha be confirmed.

That the Minutes of the South Gippsland Shire Council Meeting held virtually on 15 January 2025 be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 9.2 Award Contract CON/419 Fish Creek Streetscape

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.

Rhys Matulis, Manager Governance and Integrity has declared a General Conflict of Interest in the Agenda item 3.1 Notice of Motion – Emergency Services and Volunteer fund.

Tony Peterson, Director Sustainable Infrastructure has declared a General Conflict of Interest in Confidential Agenda Item 9.1. Arts Advisory Committee – Appointment.

2. COUNCIL REPORTS

2.1. FUNDING OPPORTUNITY - REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND, ROUND TWO.

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Healthy and Engaged Communities

The Korumburra Tennis Club Pavilion Re-development Project will provide compliant, accessible and female friendly facilities that will help to increase tennis participation in South Gippsland.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of a funding application to the Victorian Government's Regional Community Sports Infrastructure Fund for the Korumburra Tennis Club Pavilion Re-development Project.

The estimated total project cost for the Korumburra Tennis Club Pavilion Re-development is \$1.5M. The Korumburra Tennis Club has generously committed \$25,000 towards the project. If a grant application for \$1M is successful, Council will be required to contribute the balance of \$475,000.

This report seeks Council endorsement to submit the application by 5pm, 17 March 2025.

RECOMMENDATION

That Council:

1. Endorses the application for \$1M under the Victorian Government's Round 2 of the Regional Community Sports Infrastructure Fund (RCSIF) – Community Facilities Stream for the Korumburra Tennis Club Pavilion Re-development Project; and
2. Refers Council's contribution of \$475,000 excluding GST to the 2025/26 Annual Budget, if the funding application is successful.

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Beach

That Council:

- 1. Endorses the application for \$1M under the Victorian Government's Round 2 of the Regional Community Sports Infrastructure Fund (RCSIF) – Community Facilities Stream for the Korumburra Tennis Club Pavilion Re-development Project; and**
- 2. Refers Council's contribution of \$475,000 excluding GST to the 2025/26 Annual Budget, if the funding application is successful.**

CARRIED

2.2. APPOINTMENT OF CHAIR OF THE AUDIT AND RISK COMMITTEE 2025

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

The purpose of this report is for Council to appoint the Chair of the Audit and Risk Committee for a 12-month period.

Council's Audit and Risk Committee consists of three Independent Members and two Councillor Members. Councillors are ineligible to apply for the role in line with the *Local Government Act 2020*. Nominations from the independent members of the Audit and Risk Committee interested in fulfilling the role of Chair were requested at the 3 December 2025 Audit and Risk Committee Meeting. The Audit and Risk Committee nominated Jen Johanson as the Committee Chair for the year.

RECOMMENDATION

That Council appoints Independent Audit and Risk Committee Member, Ms Jen Johanson, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2025 until the Council Meeting in February 2026.

RESOLUTION

MOVED: Councillor Gilligan

SECONDER: Councillor Snell

That Council appoints Independent Audit and Risk Committee Member, Ms Jen Johanson, as Chair of the South Gippsland Shire Council Audit and Risk Committee for the period from February 2025 until the Council Meeting in February 2026.

CARRIED UNANIMOUSLY

2.3. AUDIT AND RISK COMMITTEE - 17 SEPTEMBER 2024 MINUTES AND BI-ANNUAL CHAIR REPORT

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

Audit and Risk Committee Minutes - 17 September 2024

The draft minutes of the Audit and Risk Committee meeting held on 17 September 2024 (**Attachment [2.5.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit and Risk Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Jenni Keerie (Council member)
- Cr Clare Williams (Mayor) (Ex-officio Council Member)

Bi Annual Chair Report - June 2024 to December 2024

June 2024 to December 2024 Bi Annual Chair report (**Attachment [2.5.2]**) is provided to Council for noting.

RECOMMENDATION

That Council:

1. Notes the draft Audit and Risk Committee Minutes –17 September 2024 (Attachment [2.5.1]); and
2. Notes the Audit and Risk Committee Chair report to Council by Audit and Risk Committee Chair Ms Jen Johanson. (Attachment [2.5.2])

RESOLUTION

MOVED: Councillor Gilligan

SECONDED: Councillor Beach

That Council:

3. Notes the draft Audit and Risk Committee Minutes –17 September 2024 (Attachment [2.5.1]); and
4. Notes the Audit and Risk Committee Chair report to Council by Audit and Risk Committee Chair Ms Jen Johanson. (Attachment [2.5.2])

CARRIED UNANIMOUSLY

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

Directorate:	Strategy & Partnerships
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 to include the Subdivision Officer from the Planning and Building Services Department (**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. Members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (**Attachment [2.4.1]**) be delegated with the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;
2. The Chief Executive Officer is authorised to sign the S6 Instrument of Delegation (**Attachment [2.4.1]**), to come into force immediately upon signing;
3. Upon this Instrument of Delegation (**Attachment [2.4.1]**) coming into force, 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 by Council officers delegated to do so, and the powers set out in the Instrument of Delegation must be executed by them, in accordance with any guidelines or policies that Council may adopt.

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Gilligan

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. **Members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [2.4.1]) be delegated with the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;**
2. **The Chief Executive Officer is authorised to sign the S6 Instrument of Delegation (Attachment [2.4.1]), to come into force immediately upon signing;**
3. **Upon this Instrument of Delegation (Attachment [2.4.1]) coming into force, 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 by Council officers delegated to do so, and the powers set out in the Instrument of Delegation must be executed by them, in accordance with any guidelines or policies that Council may adopt.**

CARRIED UNANIMOUSLY

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

Directorate:	Strategy & Partnerships
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 member, Vanessa Carson, 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. It will remain in force until such time as Council determines to vary it, or it is revoked by Council's Chief Executive Officer in the event:
 - a. The officer resigns from Council; or
 - b. Is appointed to a position where this appointment and authorisation is not required or suitable.

RESOLUTION

MOVED: Councillor Beach

SECONDED: Councillor Gilligan

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. It will remain in force until such time as Council determines to vary it, or it is revoked by Council's Chief Executive Officer in the event:**
 - a. The officer resigns from Council; or**
 - b. Is appointed to a position where this appointment and authorisation is not required or suitable.**

CARRIED UNANIMOUSLY

2.6. SUMMARY OF STRATEGIC BRIEFINGS - 22 NOVEMBER 2024 TO 18 DECEMBER 2024

Directorate:	Strategy & Partnerships
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 22 November and 18 December 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: Councillor Hersey

SECONDED: Councillor Rae

That Council receives and notes this report.

CARRIED UNANIMOUSLY

2.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 NOVEMBER 2024 -12 JANUARY 2025

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 13 November 2024 to 12 January 2025. 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;
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Beach

SECONDED: Councillor Hersey

That Council receives and notes this report.

CARRIED UNANIMOUSLY

3. NOTICES OF MOTION AND/OR RESCISSION

Rhys Matulis, Manager of Governance and Integrity, left the room at 2:23pm due to declared Conflict of Interest.

3.1. NOTICE OF MOTION 726 - CR HERSEY - EMERGENCY SERVICES AND VOLUNTEERS FUND

Councillor Nathan Hersey has submitted a Notice of Motion to the CEO for Consideration by Council.

MOTION

That South Gippsland Shire Council

1. Write to the Premier of Victoria, the Treasurer of Victoria, the Victorian Minister for Local Government and to our local Victorian Parliamentary representatives to formally object to Council collecting the increased emergency services tax, the Emergency Services and Volunteers Fund, on behalf of the State Government, on the basis that the;
 - a. Victorian Government should be utilising the State Revenue Office, who are best placed to collect the new tax.
 - b. Victorian Government has not adequately engaged or consulted with Local Government regarding the introduction of a tax that will be administered by Local Government and entirely passed to the State Government.
 - c. Emergency Services and Volunteers Fund represents a state tax reform and a doubling of the levy, which will unfairly impact regional ratepayers, particularly Victorian farmers.
 - d. Our agricultural producers will carry a disproportionate burden due to this Fund, noting South Gippsland Shire has the most agricultural businesses of any local government area in Victoria as one of State's key food bowls.
 - e. Administrative burden will be too great, particularly for regional and rural Councils, necessitating system upgrades and reconfiguration to raise a Victorian Government tax, and will significantly impact Council staff who will need to manage the calls from ratepayers requesting assistance and experiencing bill shock due to the doubling of a State Tax.

2. That a further report be prepared for Council which examines;
 - a. The challenges for South Gippsland in administering this tax, the impact on our ratepayers and outlines options for revising the Rates & Charges Financial Policy (C53) to ensure that payments are applied to current rates charges first, before addressing any overdue charges for the Emergency Services and Volunteers Fund, and
 - b. If the State continues to force Local Government to collect taxes that are the responsibility of the State, the report outlines options to clearly explain to and inform our rate payers of what is a Council charge and what is a State Government charge or tax.

Councillor Rae requested an extension of time at 2:34pm

MOVED: Councillor Hersey

SECONDED: Councillor Gilligan

CARRIED UNANIMOUSLY

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Rae

That South Gippsland Shire Council

1. **Write to the Premier of Victoria, the Treasurer of Victoria, the Victorian Minister for Local Government and to our local Victorian Parliamentary representatives to formally object to Council collecting the increased emergency services tax, the Emergency Services and Volunteers Fund, on behalf of the State Government, on the basis that the;**
 - a. **Victorian Government should be utilising the State Revenue Office, who are best placed to collect the new tax.**
 - b. **Victorian Government has not adequately engaged or consulted with Local Government regarding the introduction of a tax that will be administered by Local Government and entirely passed to the State Government.**

- c. **Emergency Services and Volunteers Fund represents a state tax reform and a doubling of the levy, which will unfairly impact regional ratepayers, particularly Victorian farmers.**
 - d. **Our agricultural producers will carry a disproportionate burden due to this Fund, noting South Gippsland Shire has the most agricultural businesses of any local government area in Victoria as one of State's key food bowls.**
 - e. **Administrative burden will be too great, particularly for regional and rural Councils, necessitating system upgrades and reconfiguration to raise a Victorian Government tax, and will significantly impact Council staff who will need to manage the calls from ratepayers requesting assistance and experiencing bill shock due to the doubling of a State Tax.**
- 2. That a further report be prepared for Council which examines;**
- a. **The challenges for South Gippsland in administering this tax, the impact on our ratepayers and outlines options for revising the Rates & Charges Financial Policy (C53) to ensure that payments are applied to current rates charges first, before addressing any overdue charges for the Emergency Services and Volunteers Fund, and**
 - b. **If the State continues to force Local Government to collect taxes that are the responsibility of the State, the report outlines options to clearly explain to and inform our rate payers of what is a Council charge and what is a State Government charge or tax.**

CARRIED UNANIMOUSLY

Rhys Matulis returned to the room at 2:38pm.

4. COUNCILLOR REPORTS

4.1. REQUESTS FOR LEAVE OF ABSENCE

4.2. COUNCILLOR UPDATES

Councillor Steve Finlay, addressed Council by reporting on attendance at or made comments on:

- Attending several meetings and events, noting all have been worthwhile.
-

Councillor Bron Beach, addressed Council by reporting on attendance at or made comments on:

- Shaping South Gippsland pop-ups, providing the opportunity for Councillors and staff of South Gippsland Shire Council to network with the community. Noted positive community engagement.
 - Youth Forum 19 February 2025. Focus on the future of young people from the region. Great opportunity to attend an event with our future leaders.
-

Councillor Scott Rae, addressed Council by reporting on attendance at or made comments on:

- Responded to a resident's concern regarding the weeds across the hills above Foster.
 - Reiterated the importance of community members utilising the Community Engagement pop-up stalls and surveys on the Council website and social media, to voice concerns for the future of the Shire. Participating in the surveys will allow the Councillors to bring forward current concerns such as roadside weed spraying.
-

Councillor Brad Snell, addressed Council by reporting on attendance at or made comments on:

- Vision and Plan staff and community consultation has been a very positive experience.
 - Attended Youth Forum 19 February 2025 as a guest speaker. The forum gave the opportunity to engage with regional secondary students and representatives to discuss the future for youth within the Shire. Highlighted the issues around youth mental health. Keen to work within this space during Councillor term.
-

Councillor John Kennedy, addressed Council by reporting on attendance at or made comments on:

- Noted the success of the Korumburra show.
 - Highlighted the Council office opening at 42 Commercial Street, Korumburra.
-

Councillor Nathan Hersey, addressed Council by reporting on attendance at or made comments on:

- Commented on the success of the Rotary Art Show, Coal Creek Summer Session and Korumburra Show.
 - Reported on the positive and inclusive celebration of Australia Day across the Shire. This included the success of the Australia Day barbeque and activities held at Coleman Park in Korumburra and attendance at the breakfast held at Kongwak Public Hall.
 - Highlighted recent position of Chair for One Gippsland. Noted that Gippsland is transitioning through significant population, growth and energy changes.
-

Councillor Sarah Gilligan, addressed Council by reporting on attendance at or made comments on:

- Noted discussions with MAV for Coastal Round Table
 - Commented on the recent community engagement opportunities with Sandy Point and Venus Bay. Noted the biggest request for these areas is paths, trails and safety.
 - Highlighted the activation of the Venus Bay Art Cubes.
 - Highlighted the launch of Emergency Response stands on some of our beaches.
 - Attended the South Gippsland Youth Disco in Mirboo North.
 - Attended the Youth Forum. Enjoyed engaging with the students. Found that the biggest highlighted issue for Korumburra and Leongatha students was public transport.
 - Planned attendance to MAV Emergency Management Committee meeting coming up next week.
 - Planned attendance to Fish Creek on Thursday 20 February for Gippsland Skies community engagement session.
-

Councillor John Schelling, Mayor, addressed Council by reporting on attendance at or made comments on:

- Listed local markets around the shire and their success.
 - Highlighted the Australia Day awards.
 - Noted the 30 Year Anniversary of amalgamation of South Gippsland Shire Council.
 - Commented on the positive interactions with the community pop-up engagement sessions. Encouraged the community to support the Councillors by attending or completing the surveys.
-

- Mentioned the recovery soiree for the recovery of the Mirboo North Storm in February 2024.
- Highlighted the focus of Council supporting agricultural land in the shire.

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.

Nil

6.3. SUBMITTED PUBLIC QUESTIONS

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

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

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

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

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

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

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

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

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

Three questions were submitted before the meeting via the public question time box in the chamber and were taken on notice.

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 – Arts Advisory Committee - Appointment, 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;
2. Per s.3(1)(g) Agenda item 9.2 – Award Contract CON/419 Fish Creek Streetscape, designated as private commercial information,
 - a. Being information provided by a business, commercial or financial undertaking that;
 - i. Relates to trade secrets; or
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and

- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Snell

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 – Arts Advisory Committee - Appointment, 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;**
- 2. Per s.3(1)(g) Agenda item 9.2 – Award Contract CON/419 Fish Creek Streetscape, designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**

CARRIED UNANIMOUSLY

8. MEETING CLOSED

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

The Council Meeting closed for closed session at 2:58pm.

The Council Meeting concluded at 3:06pm

Confirmed this 19th day of March 2025.

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Councillor John Schelling, *Mayor*