



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

10 April 2013

**SPECIAL MEETING OF COUNCIL
COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 9AM**

MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

SOUTH GIPPSLAND SHIRE COUNCIL

**NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE
SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
10 APRIL 2013 IN THE COUNCIL CHAMBERS, LEONGATHA
COMMENCING AT 9AM**

INDEX

| | |
|---|----------|
| SECTION A - PRELIMINARY MATTERS | 1 |
| SECTION B - COUNCIL REPORTS..... | 5 |
| CLOSED SESSION | 5 |
| SECTION C - URGENT OR OTHER BUSINESS | 6 |
| SECTION D - MEETING CLOSED | 7 |

**Phil Stone
Acting Chief Executive Officer**

SECTION A - PRELIMINARY MATTERS

A.1 Welcome

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

A.2 Opening Prayer

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

Amen

A.3 Acknowledgement of Traditional Custodians

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

A.4 Apologies

A.5 Declaration of Conflict of Interest for Councillors

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Organisational Development Department (Governance) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts.

If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from the Organisational Development Department – Governance).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately.

Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend.

Detailed information is available in Conflict of Interest in Local Government – A Provisional Guide with amendments to 1 October 2010.

| Type of Interest | | Example of Circumstance |
|--------------------------|-----------------------------|---|
| Direct Interest | | Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected. |
| Indirect Interest | Close Association | A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest. |
| | Indirect financial Interest | Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you. |
| | Conflict of Duty | Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body. |
| | Applicable Gift | Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt. |
| | Party to the Matter | Initiated or became party to civil proceedings in relation to the matter. |

Privacy

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings". A copy of this policy is located on Council's website www.southgippsland.vic.gov.au. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

A.6 Declaration of Conflict of Interest for Staff

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in '*Conflict of Interest A Guide for Council staff*', October 2011.

A.7 Public notice of meeting

Under Section 89(4) of the Local Government Act Council must at least 7 days before the holding of a Special Council Meeting give public notice of the Meeting. Section 89(4A) says that if urgent or extraordinary circumstances prevent Council from complying with Section 89(4) Council must give notice as soon as is practicable and specify the urgent or extraordinary circumstances that prevented Council from complying with Section 89(4). Council has given notice as soon as is practicable by way of inserting a public notice in the next available edition of the The Star, The Sentinel Times, Mirboo North Times and Foster Mirror on Tuesday 9 April 2013 and placed on Council's website on 3 April 2013.

RECOMMENDATION

That Council:

- 1. Note that notice was given as soon as is practicable by way of inserting a public notice in the next available edition of The Star, The Sentinel Times, Mirboo North Times and Foster Mirror on Tuesday 9 April 2013 and placed on Council's website on 3 April 2013.**
- 2. State that the meeting was called without the required 7 days public notice due to urgent circumstances in that the business to be transacted requires consideration now to ensure that the legislative requirements for the adoption of the 2013/2014 Council Budget are met.**

SECTION B - COUNCIL REPORTS

CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, Section 89(2).

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

RECOMMENDATION

That Council close the Meeting to discuss matters under Section 89(2)(e) and (h) as provided for by the Local Government Act 1989 in connection with setting of the Council Budget 2013-2014.

SECTION C - URGENT OR OTHER BUSINESS

Under Section 84(4) of Local Government Act 1989, at a Special Meeting of Council, unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in this notice is to be transacted.

SECTION D - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday 24 April 2013 commencing at 2pm in the Council Chambers, Leongatha.