

Special Meeting of Council

Business to be transacted:

That Council:

1. Extend Free Green Waste Amnesty
2. Close the Meeting to the public to allow for the consideration of:
 - a. Closed Items: CONTRACTUAL MATTERS, three (3) items pursuant to section 89(2)(d) of the Local Government Act 1989; and
 - b. Closed Item: PERSONNEL MATTER, pursuant to section 89(2)(a) of the Local Government Act 1989.

5 February 2020

Council Chambers, Leongatha

Commenced at 11:00am



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.

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.

SOUTH GIPPSLAND SHIRE COUNCIL

Special Meeting of Council
Wednesday 5 February 2020
Council Chambers, Leongatha commenced at 11:00 am

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Bryan Sword
Acting Chief Executive Officer

PRESENT

ADMINISTRATORS:	Julie Eisenbise, Administrator Chair Rick Brown, Administrator
ADMINISTRATORS NOT PRESENT:	Christian Zahra, Administrator Deputy Chair
OFFICERS:	Bryan Sword, Acting Chief Executive Officer Faith Page, Director Corporate and Community Services Anthony Seabrook, Director Infrastructure Services Paul Stampton, Acting Director Development Services Rick Rutjens, Manager Executive Support and Community Information June Ernst, Coordinator Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

1. COUNCIL REPORTS

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*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

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.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

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

Thank you

2. WELCOME

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

3. OPENING PRAYER

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

Amen

4. 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.

5. APOLOGIES

Administrator Deputy Chair, Christian Zahra was an apology for the Special Meeting as he had to attend to urgent personal matters.

6. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

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 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) 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 Council Business Department at South Gippsland Shire Council).
- 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 – A Guide for Councillors – October 2012*.

Nil

7. DECLARATION OF CONFLICTS 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 the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

1.1. EXTENSION OF FREE GREEN WASTE AMNESTY PERIOD

Infrastructure Directorate

EXECUTIVE SUMMARY

Australia has suffered a devastating early bushfire season with fires across several states, including east and north Victoria, burning through hundreds of thousands of hectares and destroying hundreds of properties.

Each year South Gippsland Shire Council provides its residents with a green waste amnesty period where green waste can be dropped off at transfer stations free of charge. The amnesty period is provided to encourage residents to clean up their properties prior to the peak fire danger period. The green waste amnesty period runs from the Saturday prior to the Melbourne Cup Day until 31 December each year. Outside of the green waste amnesty period, residents are able to dispose of green waste at transfer stations upon payment of disposal fees.

In the wake of devastating bushfires across eastern Victoria, it is recommended that Council provide its residents the opportunity to clean up their property and surrounds to further reduce fire risks through the provision of a one-off additional green waste amnesty in 2020 only for a period of four weeks.

RECOMMENDATION

That Council:

1. Provide a one-off additional green waste amnesty in 2020 only, for a period of four weeks, commencing immediately after required mulching has been completed (approx. mid-February);
2. Broadly advertise the details of the additional green waste amnesty period; and
3. Increase its waste management budget in the 2019/20 financial year by an additional \$53,000 to fund costs associated with the provision of the four week free green waste amnesty period in 2020.

MOVED: Administrator Brown

SECONDED: Administrator Eisenbise

THAT COUNCIL:

- 1. PROVIDE A ONE-OFF ADDITIONAL GREEN WASTE AMNESTY IN 2020 ONLY, FOR A PERIOD OF FOUR WEEKS, COMMENCING IMMEDIATELY AFTER REQUIRED MULCHING HAS BEEN COMPLETED (APPROX. MID-FEBRUARY);**
- 2. BROADLY ADVERTISE THE DETAILS OF THE ADDITIONAL GREEN WASTE AMNESTY PERIOD; AND**
- 3. INCREASE ITS WASTE MANAGEMENT BUDGET IN THE 2019/20 FINANCIAL YEAR BY AN ADDITIONAL \$53,000 TO FUND COSTS ASSOCIATED WITH THE PROVISION OF THE FOUR WEEK FREE GREEN WASTE AMNESTY PERIOD IN 2020.**

CARRIED UNANIMOUSLY

REPORT

Australia has always had devastating bushfires, therefore the importance of preparing and planning for the high-risk bush fire season is paramount.

At the 24 April 2013 Ordinary Council Meeting, Council resolved to introduce fees for the disposal of green waste at transfer stations from 1 July 2013. Prior to that date, green waste was accepted free of charge at transfer stations.

To ensure that the fees did not deter residents from reducing fire risk through the responsible clearing and disposal of green waste, the report also recommended the provision of an amnesty period, during which green waste disposal fees would be waived for residents. The amnesty period commences from the Saturday before Melbourne Cup Day and runs until the end of December each year. The objective of the amnesty period (as outlined in the Council Report) is not to provide a “free” service to residents, but to encourage the reduction of fire risk on private properties in the shire.

Since it was introduced, the green waste amnesty has been well utilised by the community with approximately 65 per cent of the total annual amount of green waste received at transfer stations, disposed of during the amnesty period.

CONSULTATION

Council were consulted at a Confidential Briefing Session on 22 January 2020.

RESOURCES

Any extension to the current amnesty period length will have a financial impact for Council. The figures in **Table 1** are conservative estimates only, based on previous years of green waste amnesty data and current contract costs. The actual costs involved would vary based on the actual volume of green waste received and could well be significantly higher, if volumes of green waste received during the amnesty are higher than anticipated. It is not expected that costs will be notably less than the figures estimated.

Table 1 – Financial Impact of a Green Waste Amnesty Extension (Estimate)

ITEM	COST (EX GST)
Increased green waste management costs, based on 6,514m ³ of green waste (average amount received in the last five years during December)	\$14,161 (minimum)
Mulching, based on 1,636m ³ of mulch produced (ratio of 4m ³ of green waste received to 1m ³ of mulch produced)	\$27,384
Advertising (local newspapers)	\$1,000
Lost income (based on average January income for the last 3 years)	\$10,363
Total	\$52,908

Therefore, it is recommended that Council increase the waste management budget in the 2019/20 financial year by an additional \$52,000 to fund costs associated with the provision of the additional four week free green waste amnesty period in 2020.

RISKS

The main risk posed to Council is the financial impact of providing an additional green waste amnesty period. There is potential for actual costs to be higher than the estimated costs above if high volumes of green waste are received.

It is believed the positive outcomes of properties reducing their fire risks outweigh the financial impact of providing the additional amnesty period.

CONCLUSION

Despite the generous green waste amnesty period already provided by Council every year in November and December, with the current bushfire situation affecting east and north east Victoria, an additional green waste amnesty is justified to encourage residents to reduce their fire risks further.

It should be advertised as a one off arrangement with future years reverting to the regular amnesty times.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

2019/20 Annual Budget
Sustainability Strategy
Waste Management Strategy

Legislative Provisions

Local Government Act 1989

2.1. 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, 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 the public to allow for consideration of:

1. Three (3) CONTRACTURAL MATTERS pursuant to section 89(2)(d) contractual matters; and
2. One (1) PERSONNEL MATTER pursuant to section 89(2)(a) a personnel matter of the Local Government Act 1989.

MOVED: Administrator Brown

SECONDED: Administrator Eisenbise

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF:

1. **THREE (3) CONTRACTURAL MATTERS PURSUANT TO SECTION 89(2)(d) CONTRACTURAL MATTERS; AND**
2. **ONE (1) PERSONNEL MATTER PURSUANT TO SECTION 89(2)(a) A PERSONNEL MATTER OF THE LOCAL GOVERNMENT ACT 1989.**

CARRIED UNANIMOUSLY

The Administrator Chair requested that the gallery be cleared to consider confidential items.

CONFIDENTIAL ITEM 14.4 PERSONNEL MATTER - APPOINTMENT OF A CHIEF EXECUTIVE OFFICER

The following was resolved by Council to be made public in the Open Minutes of the Special Meeting of Council 5 February 2020:

ATTACHMENT [14.4.3] - Chief Executive Officer Recruitment Summary Report to be made public in the Special Meeting Minutes.

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 26 February 2020 commencing at 2pm in the Council Chambers, Leongatha.

The Special Meeting of Council closed at 11.15am.

Confirmed this

26th day of February 2020.

Administrator Chair, Julie Eisenbise