

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council  
25 March 2020

**Ordinary Meeting No. 443**  
**Council Chambers, Leongatha**  
**Commenced at 2:00 pm**



# 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.

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A copy of this policy is located on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

## PRESENT

|                 |   |
|-----------------|---|
| ADMINISTRATORS: | Julie Eisenbise, Administrator Chair<br>Christian Zahra, Administrator Deputy Chair   |
| NOT PRESENT:    | Rick Brown, Administrator   |
| OFFICERS:       | Kerryn Ellis, Chief Executive Officer<br>June Ernst, Coordinator Council Business<br>Jodi Cumming, Corporate and Council Business Officer |

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Ordinary Meeting No. 443  
Wednesday 25 March 2020  
Council Chambers, Leongatha commenced at 2:00pm

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*Kerry Ellis*

**Kerryn Ellis**  
**Chief Executive Officer**

## **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*.

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

Thank you

### **1.2. WELCOME**

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

### **1.3. CLOSURE OF MEETING TO GALLERY ATTENDANCE**

In light of the global spread of COVID-19 and the extraordinary situation we currently find ourselves in, Council is doing its best to manage the advice relating to the safety of our community and our staff.

Over the past week the Federal and State Governments have been increasingly clear in their directives about social gatherings.

To that end Council this has taken the unprecedented step of closing its doors to the public for this Ordinary Meeting.

The closure to the gallery is made in accordance with the Local Government Act 1989 - s.89(2)(g) – Matters affecting the security of Council property, and s.89(2)(h) – Any other matter which the Council considers would prejudice the Council or any person.

Access to the live stream will be the 'open' component of this Meeting.

The safety of the community and staff and the continuation of vital services remain Council's highest priorities.

With that in mind, the Administrators would like to thank staff for continuing to provide services to the community despite having to relocate virtually the entire workforce.

### **1.4. 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

### **1.5. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

### **RECOMMENDATION**

That Council:

1. Not allow members of the public to attend the 25 March 2020 Ordinary Meeting of Council in person.
2. Note that this decision is made to protect the health and wellbeing of all people required to be in attendance.
3. Note that by live streaming the Meeting it remains 'open' in keeping with s.89(2)(g)- Matters Affecting The Security Of Council Property and (h) - Any Other Matter Which The Council Or Special Committee Considers Would Prejudice The Council Or Any Person of the Local Government Act 1989.
4. Recognise the extraordinary efforts of Council officers in continuing to provide a full suite of services while dealing with the impacts of COVID-19.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

### **THAT COUNCIL:**

1. **NOT ALLOW MEMBERS OF THE PUBLIC TO ATTEND THE 25 MARCH 2020 ORDINARY MEETING OF COUNCIL IN PERSON.**
2. **NOTE THAT THIS DECISION IS MADE TO PROTECT THE HEALTH AND WELLBEING OF ALL PEOPLE REQUIRED TO BE IN ATTENDANCE.**
3. **NOTE THAT BY LIVE STREAMING THE MEETING IT REMAINS 'OPEN' IN KEEPING WITH S.89(2)(G)- MATTERS AFFECTING THE SECURITY OF COUNCIL PROPERTY AND (H) - ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON OF THE LOCAL GOVERNMENT ACT 1989.**
4. **RECOGNISE THE EXTRAORDINARY EFFORTS OF COUNCIL OFFICERS IN CONTINUING TO PROVIDE A FULL SUITE OF SERVICES WHILE DEALING WITH THE IMPACTS OF COVID-19.**

**CARRIED UNANIMOUSLY**

**Administrator Chair welcomed the new Chief Executive Office – Ms Kerry Ellis.**

**Administrator Chair addressed Council by providing an update on how Council is continuing to deliver its services during the COVID-19 Pandemic.**

#### **1.6. APOLOGIES**

**Administrator Rick Brown with leave of absence granted at Ordinary Meeting of Council 26 February 2020.**

#### **1.7. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No.442, held on 26 February 2020 in the Council Chambers Leongatha be confirmed.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO.442, HELD ON 26 FEBRUARY 2020 IN THE COUNCIL CHAMBERS LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Any interest that an Administrator 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](http://www.legislation.vic.gov.au).

An interest may be by close association, financial, conflicting duties or receipt of gifts. If an Administrator 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 Administrator 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.

Administrators should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Administrators 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 – October 2012*.

**Nil**

### **1.9. 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**

**2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY**

**2.1. NIL REPORTS**

**3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES**

**3.1. NIL REPORTS**

## **4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT**

### **4.1. PROPOSED LAND SALE - 44 POUND ROAD, FOSTER**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

This report is presented to Council so that it may consider to commence the statutory procedures in accordance with s.189 and s.223 of the Local Government Act 1989 to sell 44 Pound Road Foster, being the land described in certificate of title volume 12175 folio 009 – refer to locality map included in **Attachment [4.1.1]**.

#### **RECOMMENDATION**

That Council:

1. Commences the statutory procedures pursuant to s.189 and s.223 of the Local Government Act 1989 to sell the land described within certificate of title volume 12175 folio 009 with an area of approximately 2.846 hectares via a public sale for no less than a valuation obtained not more than six months prior to the sale (the Proposal).
2. Give public notice in its Noticeboard section of the local newspapers in the week commencing 30 March 2020 (in accordance with s.223 of the Local Government Act 1989) on the proposal inviting written submissions by 5:00pm Tuesday 28 April 2020.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the proposal in item 1.
4. If submissions are received to the public notice:
  - a. Authorises the Chief Executive Officer to fix the time, date, and place of a meeting for the Section 223 hearing for persons who wish to be heard in support of their submission.
  - b. Appoints a Special Committee of Council comprising of all Administrators to hear submissions.
  - c. Receives a further report from the Special Committee of Council at the next appropriate Council Meeting to consider the submissions and determine the decision on the proposal.
5. If no submissions are received to the public notice, implement the proposal in item 1.

**Administrator Eisenbise moved a Motion different from the Recommendation.**

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL DEFER ITEM 4.1 PROPOSED LAND SALE - 44 POUND ROAD FOSTER UNTIL A FUTURE COUNCIL MEETING TO BE DETERMINED, AS IT IS NOT URGENT AND THE DELAY WILL BETTER ALLOW THE COMMUNITY TO PROVIDE COMMENT AT A MORE APPROPRIATE TIME, DUE TO GOVERNMENT RESTRICTIONS WITH THE COVID-19 PANDEMIC.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## REPORT

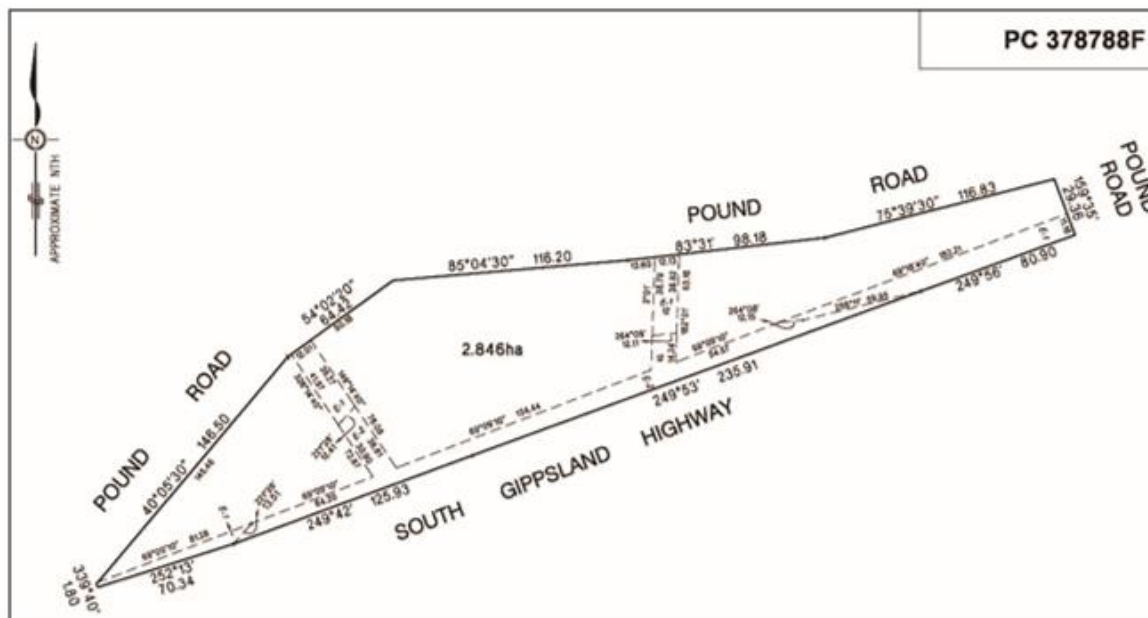
The former South Gippsland Shire owned approximately 9,396m<sup>2</sup> of land situated between Pound Road, Foster and the South Gippsland Highway for the purposes of housing impounded stock. The site included within the fenced boundary approximately 1.906 hectares of unused government Road. The site is currently used for the grazing of cattle.

Council received a report at the Ordinary Council Meeting on 27 April 2016 (Item E.4) to discontinue the government road and commence negotiations with the Department of Environment Land Water and Planning (DELWP) to acquire the land from the road with a view to consolidate the land to Council's title, and possibly sell the entire fenced land approximately 2.846 hectares. Council resolved to proceed with this direction.

Council discontinued the crown road in 2017 and DELWP proceeded with the creation of a crown grant for the parcel of crown land. Once the crown grant was issued, a further report was tabled at the Ordinary Council Meeting on 27 March 2019 (Item 4.2) where Council approved a budget allocation of \$62,000 to acquire part of a former government road reserve and recognised potential income for the possible sale of Council's land at Pound Road, Foster once the former road reserve was consolidated into Council's title.

Council has received the consolidated certificate of title for the land (**Figure 1**) and is in a position to commence the statutory process in accordance to s.189 and s.223 of the Local Government Act 1989 to sell the land.

**Figure 1 – 44 Pound Road, Foster**



A locality map is included in **Attachment [4.1.1]**.

## **CONSULTATION**

The road discontinuance and acquisition had previously gone out to public submissions in accordance with s.223 of the Local Government 1989 and no submissions were received.

Council's Valuers has assessed the site and provided the valuation as detailed in **Confidential Attachment [15.2.1]**.

## **RESOURCES**

The sale of the site will realise the budget allocation for the sale of the site.

## **RISKS**

Nil

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

Nil

## **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.2.1]** – Valuation - 44 Pound Road, Foster (February 2020) – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item is deemed confidential as the valuation was prepared for the use only of the South Gippsland Shire Council and the content contained within the valuation is commercial in confidence.

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Nil

### **Legislative Provisions**

Local Government Act 1989

#### **4.2. PROGRESS REPORT - CONTRACT CON/241 - GREAT SOUTHERN RAIL TRAIL (GSRT) EXTENSION - REMOVAL OF RAIL ASSETS - LEONGATHA TO NYORA**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on the status of the Great Southern Rail Trail (GSRT) Extension Project from Leongatha to Nyora.

The current GSRT is a tourism and recreation asset which is 71km in length and runs from Leongatha to Port Welshpool. This project seeks to extend the trail from Leongatha to Nyora, an additional 36km towards Melbourne.

Council's vision is to use this abandoned asset as an economic driver and value add to our tourism economy. It will create greater amenity for our residents and provide safe linkages between many of our towns. The long-term vision is to develop Australia's longest rail trail in partnership with adjoining municipal councils.

To initiate this project, Council has recently awarded a contract for the removal of obsolete rail assets prior to constructing the trail (CON/241) for the lump sum amount of \$50,100.

##### **RECOMMENDATION**

That Council:

1. Notes the current progress on the Great Southern Rail Trail Extension Project (2019/20 Priority Project); and
2. Receives future reports for the award of contracts for the Great Southern Rail Trail and bridge construction works.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

##### **THAT COUNCIL:**

1. **NOTES THE CURRENT PROGRESS ON THE GREAT SOUTHERN RAIL TRAIL EXTENSION PROJECT (2019/20 PRIORITY PROJECT); AND**
2. **RECEIVES FUTURE REPORTS FOR THE AWARD OF CONTRACTS FOR THE GREAT SOUTHERN RAIL TRAIL AND BRIDGE CONSTRUCTION WORKS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)



## **REPORT**

### **Background**

The current GSRT is a tourism and recreation asset which is 71km in length and runs from Leongatha to Port Welshpool. Council now proposes to expand on that facility by extending the GSRT from Leongatha to Nyora, an additional 36km towards Melbourne.

Council's vision is to use this abandoned asset as an economic driver and value add to our tourism economy. It will create greater amenity for our residents and provide safe linkages between many of our towns. The long-term vision is to develop Australia's longest rail trail in partnership with adjoining municipal councils which would extend from Clyde (City of Casey) to Yarram (Wellington Shire Council).

The project involves the construction of two sections; Leongatha to Korumburra and Korumburra to Nyora.

This project has been planned for since the former Council resolved to extend the GSRT at its March 2017 meeting, a decision which was reinforced when the former Council adopted the extension as part of its suite of Priority Projects at its July 2017 Ordinary Meeting.

At Ordinary Council Meeting in September 2019, Council reaffirmed the above two sections for the GSRT as Priority Projects under the 'Advocacy' category.

In February 2019, a Heads of Agreement for the rail corridor between Leongatha and Nyora was executed between Council and VicTrack. A lease agreement was then subsequently signed by the Acting Chief Executive Officer for the rail corridor in August 2019. In the 'Permitted Use' section of the lease, it states that the lease is for "Construction of and maintenance of a shared user path and ancillary community facilities provided that the Tenant must not use the Premises wholly or predominantly for the sale or hire of retail goods or the retail provision of services within the meaning of the Retail Leases Act 2003 (Vic)".

The lease does not cover the full width of the rail corridor for the full length from Leongatha to Nyora. Existing leases between other parties and VicTrack will continue.

### **Project Status**

The proposed stages for the delivery of this project is in the following order:

- Removal of rail assets for full length of corridor.
- Trail construction between Leongatha to Korumburra.
- Bridgeworks (4 in total) between Leongatha and Korumburra.

- Trail construction between Korumburra and Nyora.
- Bridgeworks between Korumburra and Nyora.

The rail asset removal contract was advertised in late September 2019 with tenders closing on 22 October 2019. The contract was awarded for \$50,100 on 20 February 2020 with the award being delayed whilst Council's consultant completed contamination survey works along the full rail alignment. The works which involve the removal of all rail line (including associated steel rail jewellery) and all timber sleepers are expected to be completed by July 2020. The rail ballast will remain on site, consistent with the recommendations in the consultant's contamination report.

The next package will be for the construction of the trail between Leongatha and Korumburra. These works will include removal of vegetation regrowth, cleaning cross culverts, cleaning longitudinal drains, construction of the gravel trail pavement plus treatments at road crossings, signage, and other ancillary works.

Council has already completed a Level 2 Bridge Inspection of bridges between Leongatha and Nyora using a specialist structural consultant. Further work has now been initiated to provide more detailed advice on remedial works required on two existing timber bridges, detailed designs for two new bridges, detailed designs for bridge decks, and barriers on six bridges. This work will enable construction works to be carried out more quickly than using the design and construct method of delivery which was adopted on previous sections of the GSRT.

It is noted that none of the trail or bridge construction works can commence until the outcome of the two grant submissions for this project is known. Commencing construction would prejudice these applications.

No planning permits are required for these works. However, a Cultural Heritage Management Plan may be required and this work will be initiated shortly.

### **Railway Station Precincts**

A Master Planning process was carried out for the Leongatha Railway Station site during 2017. Elements of the recommendations from this work were adopted by the former Council at the December 2017 Ordinary Meeting. Those elements which included a connection to Bair Street, carparking, and landscaping have been the subject of further design work that was carried out by a consultant engaged by Council in 2018.

At the Korumburra Railway Station site, a Master Plan was developed by the consultant engaged to plan for the Korumburra Hub when the proposed site for the new hub was at the station. This Master Plan (excluding the Hub building) forms a basis for potential future works at this site.

There is a future allowance in the Long Term Financial Plan (LTFP) budget for works at the Leongatha Railway Station site but no allowance for the Korumburra site. The current strategy is to focus on delivering the GSRT connections between the towns in the first instance and then confirm funding for the railway station sites into the future.

### **Welshpool to Alberton Section**

Whilst the Leongatha to Nyora sections of the GSRT are Council Priority Projects, Council is currently participating in funding submissions for the Welshpool to Alberton section of the GSRT in conjunction with Wellington Shire Council. There are currently two grant funding applications which have been submitted by Wellington Shire Council under the Federal Government's Building Better Regions Fund and Regional Development Victoria. If successful, all works for both councils would be packaged together and delivered as one project managed by Wellington Shire Council.

### **CONSULTATION**

A stakeholder group involving South Gippsland Shire Council, Cardinia Shire Council, City of Casey, and Bass Coast Shire Council has been established with the first objective to develop an Infrastructure Report and Business Case for the project. Sufficient work was carried out by each council to establish adequate estimates for the Business Case.

The councils involved in the stakeholder group engaged SGS Economics and Planning Consultants Pty Ltd to undertake a Cost Benefit Analysis and Economic Impact Study for the entire rail trail extension from Leongatha to Clyde. Based on this study, the consultant has calculated the benefit cost ratio at 1.28. This means that for every dollar invested in the facility, economic and social benefits estimated at \$1.28 will accrue to the regional population. This report shows that the extension from Leongatha to Nyora is a sound investment for the community.

### **RESOURCES**

Approximately \$3M has been allocated in the Long Term Financial Plan over the 2019/20 and 2020/21 financial years for the Leongatha to Korumburra section of the GSRT. A further \$3M has been allocated for the Korumburra to Nyora section in 2021/22.

Applications for grant funding have been submitted as follows for the Leongatha to Nyora sections:

- \$500,000 application through Regional Development Victoria for the Leongatha to Korumburra section.
- \$800,000 application through Sport and Recreation Victoria for the Korumburra to Nyora section.

It is also noted that Wellington Shire Council has submitted grant funding applications for the Welshpool to Alberton sections of the GSRT under both the Federal Government's Building Better Regions Fund and well as through Regional Development Victoria.

A budget allowance has been included in the Long Term Financial Plan for the ongoing maintenance of both the existing Leongatha to Port Welshpool trail for which Council will inherit responsibility on 1 July 2020 as well as the yet to be constructed Leongatha to Nyora section.

## **RISKS**

A risk assessment has already been completed for the Leongatha to Nyora section of the GSRT.

Council has also carried out further contamination investigation works along the Leongatha to Nyora rail reservation in addition to previous contamination surveys carried out at both the Leongatha and Korumburra Railway Station precincts. The latest survey indicates that the risk to human health from the timber sleepers is low and assessed the sleepers are suitable for any reuse including burning and reuse for landscaping purposes.

The investigation found the majority of ballast and soils within the ballast would be classified as 'Category C' contaminated soils under the Environment Protection Authority (EPA) soil hazard limits. The investigation concluded that all assessed soils along the general alignment were suitable to remain on site for the proposed public open space land use. Council intends to leave the ballast in place and construct the gravel rail trail over the top of this remaining ballast/soil material.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Long Term Financial Plan  
Priority Projects 2019/20  
Procurement Policy (C32)

### **Legislative Provisions**

Retail Leases Act 2003

#### **4.3. CONTRACT VARIATION CON/242 - WARATAH BAY CARAVAN PARK CAMP AMENITIES PROJECT**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

At the Special Meeting of Council on 5 February 2020, Council approved the award of contract CON/242 Design and Construction of New Toilet Blocks at Coleman Park Korumburra and Waratah Bay Caravan Park (CON/242) to GR Design & Construct for the lump sum amount of \$240,513.77. The combined lump sum is made up of \$105,105 for the Waratah Bay Caravan Park and \$135,409 for Coleman Park, Korumburra.

The 2019/20 Capital Works Program includes a budget of \$343,107 to deliver these two projects leaving a total of \$102,593.24 in spare capacity. The spare capacity adequately covered the contingency amount of 20 per cent (\$48,102.75) in order to cater for the additional concrete aprons (for accessible transit) and an upgrade to the sewer infrastructure at both sites.

This spare capacity provides Council with the opportunity to revise the project scope and construct two additional toilet cubicles and a Disability Discrimination Act 1992 (DDA) compliant accessible bathroom to adequately cater for the caravan park users, particularly during the peak season, when the park is at full capacity. The additional amenities will ensure compliance with the number of amenities for the park.

GR Design & Construct have costed the additional works at \$85,551.49 and have submitted a variation price under this contract which would bring the revised contract lump sum price to \$326,065.25. After a review of the preliminary designs, the contingency allowance was revised to \$17,041.75 which allows Council to deliver the additional works at the Waratah Bay Caravan Park within the allocated budget of \$343,107.

Therefore, it is recommended that Council approves a contract variation for CON/242 and upgrade the Waratah Bay Caravan Park camp amenities block to include two additional toilets and a DDA compliant accessible bathroom bringing the revised project lump sum amount to \$326,065.25 with a revised contingency amount of \$17,041.75.

## RECOMMENDATION

That Council:

1. Notes that the project budget allocated in the 2019/20 Capital Works Program to deliver the two projects is \$343,107.
2. Approves the variation to contract CON/242 Design and Construction of New Toilet Blocks at Coleman Park Korumburra and Waratah Bay Caravan Park to include two additional toilet cubicles and a Disability Discrimination Act 1992 compliant accessible bathroom at the Waratah Bay Caravan Park at a cost of \$85,551.49 bringing the revised lump sum price to \$326,065.25 (original lump sum price of \$240,513.77).
3. Delegates to the Manager Infrastructure Delivery the power to approve variations up to a contingency allowance increased by \$17,041.75 (original contingency allowance of \$48,102.75).

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

## THAT COUNCIL:

1. **NOTES THAT THE PROJECT BUDGET ALLOCATED IN THE 2019/20 CAPITAL WORKS PROGRAM TO DELIVER THE TWO PROJECTS IS \$343,107.**
2. **APPROVES THE VARIATION TO CONTRACT CON/242 DESIGN AND CONSTRUCTION OF NEW TOILET BLOCKS AT COLEMAN PARK KORUMBURRA AND WARATAH BAY CARAVAN PARK TO INCLUDE TWO ADDITIONAL TOILET CUBICLES AND A DISABILITY DISCRIMINATION ACT 1992 COMPLIANT ACCESSIBLE BATHROOM AT THE WARATAH BAY CARAVAN PARK AT A COST OF \$85,551.49 BRINGING THE REVISED LUMP SUM PRICE TO \$326,065.25 (ORIGINAL LUMP SUM PRICE OF \$240,513.77).**
3. **DELEGATES TO THE MANAGER INFRASTRUCTURE DELIVERY THE POWER TO APPROVE VARIATIONS UP TO A CONTINGENCY ALLOWANCE INCREASED BY \$17,041.75 (ORIGINAL CONTINGENCY ALLOWANCE OF \$48,102.75).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## REPORT

### Background

Contract CON/242 Design and Construction of New Toilet Blocks at Coleman Park Korumburra and Waratah Bay Caravan Park (CON/242) was awarded to GR Design & Construct for the lump sum amount of \$240,513.77. A contingency amount of 20 per cent, equating to \$48,102.75, was delegated to the Manager Infrastructure Delivery for variations to the contract in order to cater for the additional concrete aprons (for accessible transit) and an upgrade to the sewer infrastructure at both sites. The breakdown of costs under this contract is in **Table 1**.

The two toilet blocks were advertised as a package for the purpose of obtaining cheaper prices via economies of scale, however, the tender document invited potential tenderers to provide a price for either or both of the toilet blocks. At the conclusion of the tender process, the tendered amount for each of these components came in at:

- Coleman Park, Korumburra – \$135,409.26
  - Design and construction of a five cubicle amenities block containing two ambulant toilet cubicles (one female and one male), two standard toilet cubicles (one female and one male), and one DDA compliant accessible bathroom.
- Waratah Bay Caravan Park – \$105,104.50
  - Design and construction of an amenities block (camp toilets) containing two toilet cubicles (one female and one male), and two shower cubicles (one female and one male).

The 2019/20 Capital Works Program includes a budget of \$343,107 to delivery these two projects leaving a total of \$102,593.24 in spare capacity. The spare capacity adequately covered the contingency amount of 20 per cent (\$48,102.75) in order to cater for the additional concrete aprons (for accessible transit) and an upgrade to the sewer infrastructure at both sites.

As the design is yet to commence on the Waratah Bay Caravan Park camp toilet, GR Design & Construct were asked to provide a variation price to upgrade the amenities block to include two additional toilet cubicles (one female and one male) and for the inclusion of a DDA compliant accessible bathroom (the third one in the park), for best practice and to also adequately cater for the caravan park users, particularly during the peak season, when the park is at full capacity.

### RESOURCES

The budget for this project is accommodated within Council's 2019/20 Capital Works Program which currently has a combined budget of \$343,107 for the two

toilet blocks. Council allocated \$189,357 for the Coleman Park Korumburra toilet block and \$153,750 for the Waratah Bay Caravan Park Camp toilet block.

Now that it is proposed to revise the project scope for the Waratah Bay Caravan Park camp toilets, a contract variation has been submitted by GR Design & Construct – refer to **Table 1**.

**Table 1 – Contract Variation for CON/242**

|   |                     |
|---|---------------------|
| <b>Revised Lump Sum CON/242</b>   | <b>\$326,065.25</b> |
| Coleman Park, Korumburra component  | \$135,409.26        |
| – Design and construction of a five cubicle toilet block at Coleman Park .....  | \$135,409.26        |
| Waratah Bay Caravan Park component  | \$190,655.99        |
| – Design and construction of an Amenities Block containing 2 toilet cubicles, and 2 Shower Cubicles (Original scope) .....    | \$105,104.50        |
| – Design and construction of two additional toilet cubicles and a DDA compliant accessible bathroom (Addition to scope) ..... | \$85,551.49         |
| Additional Contingency allowance (Originally \$48,102.75)   | \$17,041.75         |

Originally, the contingency amount of 20 per cent (\$48,102.75) was approved in order to cater for the additional concrete aprons (for accessible transit) and an upgrade to the sewer infrastructure at both sites. However, after an internal review of the preliminary designs, the contingency allowance was revised to \$17,041.75 which allows Council to deliver the additional works at the Waratah Bay Caravan Park within the allocated budget of \$343,107.

## RISKS

Though not required by legislation due to other sufficient facilities available in the caravan park, Council may be seen as being discriminatory by providing a new amenities block that doesn't contain its own accessible bathroom. This risk is mitigated with the inclusion of a DDA compliant accessible bathroom in the camp toilets at the park.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

Nil



## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

2019/20 Capital Works Program

Procurement Policy (C32)

### **Legislative Provisions**

Disability Discrimination Act 1992

Local Government Act 1989

## **5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE**

### **5.1. GOOD GOVERNANCE FRAMEWORK - PROPOSED MEETING PROCEDURE LOCAL LAW NO.2 2020**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council's procedures governing Council Meetings and Special Committees are governed by its *'Local Law No.3 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal'* (2010 Meeting Procedure Local Law). The 2010 Meeting Procedure Local Law was made on 19 May 2010 and gazetted on 3 June 2010. It will reach its sunset date on 3 June 2020.

Council requires a new meeting procedure local law to govern Council Meetings until such time as the new Local Government Act is gazetted and requirements for Governance Rules to replace meeting procedure local laws are determined.

Section 91(1) of the 'Local Government Act 1989' (1989 Act) requires Council to have a local law to govern the conduct of meetings of the Council and special committees. Section 122 of the 1989 Act outlines that, unless revoked sooner, a local law will be revoked on the day which is 10 years after the day on which it came into operation. As a result, Council is required to adopt a new meeting procedure local law, as the 2010 Meeting Procedure Local Law cannot be extended past its sunset clause date.

The *'Proposed Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal'* (Proposed 2020 Meeting Procedure Local Law) is contained in **Attachment [5.1.1]** includes only minor administrative changes from the 2010 Meeting Procedure Local Law. These are indicated with tracked changes to assist in identifying the few amendments made.

This Proposed 2020 Meeting Procedure Local Law has been prepared to bridge the gap until the new Local Government Act comes into effect. Feedback from the s.223 community engagement process will inform both this review and the establishment of the new Governance Rules.

## RECOMMENDATION

That Council:

1. Endorses in principle the 'Proposed Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' in Attachment [5.1.1], acknowledging this is an interim requirement to bridge the gap until such time as the transition requirements for Governance Rules proposed in the Local Government Bill 2019 may be enacted.
2. Approves commencement of the statutory procedures to seek community submissions on the 'Proposed Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' in Attachment [5.1.1], pursuant to s.119 and s.223 of the Local Government Act 1989.
3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 2 above;
4. Establish a Special Committee of Council consisting of Administrators to determine how to hear and consider the s.223 submissions and provide recommendations to Council;
5. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID-19;
6. Gives notice in the Government Gazette and public notice in Council's Noticeboard section of the local newspapers advertising:
  - a. The purpose of the 'Proposed Local Law – No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal';
  - b. A copy of the 'Proposed Local Law – No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' and the 'Proposed Local Law No.2 2020 Community Impact Statement' are available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au), Libraries and at the Council Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 24 March 2020 and 30 April 2020; and
  - c. That any person affected by the 'Proposed Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' may make a submission relating to the proposed local law under s.223 of the Local Government Act 1989.
7. States in the public notice:

- a. A person proposing to make a submission under s.223 of the Local Government Act 1989 must submit no later than 5.00pm on Thursday 30 April 2020. Late submissions will not be considered by Council;
  - b. The submission must be addressed to the Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council office, 9 Smith Street, Leongatha;
  - c. Submissions are preferred to be sent via email for the Proposed Local Law No.2 2020 to [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au);
  - d. All submissions will be considered in accordance with s.223 of the Local Government Act 1989;
  - e. Any person(s) making a written submission is entitled to state in their submission that he or she wishes to appear in person, or be represented by a person specified in their submission, at a Special Meeting for the hearing of submissions to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID-1;
  - f. Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the s.223 submissions;
  - g. Individuals concerned with the use and public disclosure of their personal details are required to email [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au) and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 30 April 2020 to discuss concerns;
  - h. The time, date and place for hearing of submissions to be determined by the Special Committee of Council; and
  - i. Following the consideration of any submissions, Council may or may not decide to amend 'Local Law – No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal'.
8. Advises those person(s) who wish to be heard in support of their submission of the date, time and place of the hearing of their submissions; and
  9. Requires the Local Law No 2, 2020 to be presented to Council for adoption at the Ordinary Meeting of Council 27 May 2020.

**Administrator Eisenbise moved a Motion different from the Recommendation.**

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. ENDORSES IN PRINCIPLE THE 'PROPOSED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL' IN ATTACHMENT [5.1.1], ACKNOWLEDGING THIS IS AN INTERIM REQUIREMENT TO BRIDGE THE GAP UNTIL SUCH TIME AS THE TRANSITION REQUIREMENTS FOR GOVERNANCE RULES PROPOSED IN THE LOCAL GOVERNMENT BILL 2019 MAY BE ENACTED.**
- 2. APPROVES COMMENCEMENT OF THE STATUTORY PROCEDURES TO SEEK COMMUNITY SUBMISSIONS ON THE 'PROPOSED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL' IN ATTACHMENT [5.1.1], PURSUANT TO S.119 AND S.223 OF THE LOCAL GOVERNMENT ACT 1989.**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE STATUTORY PROCEDURES OUTLINED IN ITEM 2 ABOVE;**
- 4. ESTABLISH A SPECIAL COMMITTEE OF COUNCIL CONSISTING OF ADMINISTRATORS TO DETERMINE HOW TO HEAR AND CONSIDER THE S.223 SUBMISSIONS AND PROVIDE RECOMMENDATIONS TO COUNCIL;**
- 5. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO DETERMINE THE APPROPRIATE PUBLIC AND OCCUPATIONAL HEALTH AND SAFETY PRECAUTIONS REQUIRED UNDER COUNCIL'S BUSINESS CONTINUITY PLAN RELATING TO COVID-19;**
- 6. GIVES NOTICE IN THE GOVERNMENT GAZETTE AND PUBLIC NOTICE IN COUNCIL'S NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS ADVERTISING:**
  - a. THE PURPOSE OF THE 'PROPOSED LOCAL LAW – NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL';**
  - b. A COPY OF THE 'PROPOSED LOCAL LAW – NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL' AND THE 'PROPOSED LOCAL LAW NO.2 2020 COMMUNITY IMPACT STATEMENT' ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE [WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU), BETWEEN 2 APRIL 2020 AND 30 APRIL 2020 AND THOSE UNABLE TO**

**ACCESS THE WEBSITE MAY RING THE COUNCIL ON PHONE 5662 9200 TO REQUEST A COPY BE MAILED; AND**

- c. THAT ANY PERSON AFFECTED BY THE 'PROPOSED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL' MAY MAKE A SUBMISSION RELATING TO THE PROPOSED LOCAL LAW UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989.**

**7. STATES IN THE PUBLIC NOTICE:**

- a. A PERSON PROPOSING TO MAKE A SUBMISSION UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 MUST SUBMIT NO LATER THAN 5.00PM ON THURSDAY 30 APRIL 2020. LATE SUBMISSIONS WILL NOT BE CONSIDERED BY COUNCIL;**
- b. THE SUBMISSION MUST BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL, PRIVATE BAG 4, LEONGATHA 3953 OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET, LEONGATHA;**
- c. SUBMISSIONS ARE PREFERRED TO BE SENT VIA EMAIL FOR THE PROPOSED LOCAL LAW NO.2 2020 TO [SUBMISSION@SOUTHGIPPSLAND.VIC.GOV.AU](mailto:SUBMISSION@SOUTHGIPPSLAND.VIC.GOV.AU);**
- d. ALL SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989;**
- e. ANY PERSON(S) MAKING A WRITTEN SUBMISSION IS ENTITLED TO STATE IN THEIR SUBMISSION THAT HE OR SHE WISHES TO APPEAR IN PERSON, OR BE REPRESENTED BY A PERSON SPECIFIED IN THEIR SUBMISSION, AT A SPECIAL MEETING FOR THE HEARING OF SUBMISSIONS TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, SUBJECT TO ACTIONS REQUIRED UNDER COUNCIL'S BUSINESS CONTINUITY PLAN RELATING TO COVID-1;**
- f. PRIVACY COLLECTION STATEMENT AS: COPIES OF SUBMISSIONS (ONLY INCLUDING SUBMITTER'S NAMES), WILL BE MADE AVAILABLE IN OPEN AGENDAS RELATING TO THE S.223 SUBMISSIONS;**
- g. INDIVIDUALS CONCERNED WITH THE USE AND PUBLIC DISCLOSURE OF THEIR PERSONAL DETAILS ARE REQUIRED TO EMAIL [SUBMISSION@SOUTHGIPPSLAND.VIC.GOV.AU](mailto:SUBMISSION@SOUTHGIPPSLAND.VIC.GOV.AU) AND/OR CONTACT THE COUNCIL BUSINESS UNIT PRIOR TO SUBMITTING THEIR SUBMISSION, OR BY 5.00PM ON THURSDAY 30 APRIL 2020 TO DISCUSS CONCERNS;**
- h. THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS TO BE DETERMINED BY THE SPECIAL COMMITTEE OF COUNCIL; AND**

- i. **FOLLOWING THE CONSIDERATION OF ANY SUBMISSIONS, COUNCIL MAY OR MAY NOT DECIDE TO AMEND 'LOCAL LAW – NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL'.**
- 8. ADVISES THOSE PERSON(S) WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION OF THE DATE, TIME AND PLACE OF THE HEARING OF THEIR SUBMISSIONS; AND**
- 10. REQUIRES THE LOCAL LAW NO 2, 2020 TO BE PRESENTED TO COUNCIL FOR ADOPTION AT THE ORDINARY MEETING OF COUNCIL 27 MAY 2020.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## REPORT

*'Council's Local Law No.3 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal'* will reach its sunset clause on 3 June 2020.

The Local Government Bill 2019 (Bill) includes a requirement to establish Governance Rules by 1 September 2020 to replace existing meeting procedure local laws of each Council.

A new meeting procedure local law needs to be in place and gazetted in early June 2020 to govern Council meetings until such time as the new Local Government Act receives Royal Assent and requirements for the transition are determined. The Proposed 2020 Meeting Procedure Local Law (**Attachment [5.1.1]**) has been prepared to bridge this gap.

Section 91(1) of the 'Local Government Act 1989' (1989 Act) requires Council to have a local law to govern the conduct of meetings of the Council and special committees. Section 122 of the 1989 Act outlines that, unless revoked sooner, a local law will be revoked on the day which is 10 years after the day on which it came into operation. Council is required to adopt a new meeting procedure local law, as the 2010 Meeting Procedure Local Law cannot be extended past its sunset clause date.

Only minor administrative changes have been included in the Proposed 2020 Meeting Procedure Local Law. These are changes to create the document as the new Local Law, align several clauses to the current 1989 Act and address a few administrative items.

Council has prepared the Proposed 2020 Meeting Procedure Local Law now so that it can be adopted prior to the June Ordinary Council meeting. The legislated requirements include a public engagement process to be gazetted and undertaken in accordance with s.223 of the Local Government Act 1989 (1989 Act).

The s.223 engagement process will provide a two-fold purpose. It will inform any further minor amendments of the Proposed 2020 Meeting Procedure Local Law and the more substantive development of Governance Rules and consultation requirements flagged as the further stage to be undertaken later this year, once the Local Government Bill 2019, passes through parliament and becomes law.

The final adopted 2020 Meeting Procedure Local Law will need to be gazetted before it is officially recognised as the new 2020 Meeting Procedure Local Law for Council.

The Proposed 2020 Meeting Procedure Local Law fits within the 'Decision Making' pillar of the *'South Gippsland Shire Council Good Governance Framework – December 2019'* (Framework). The preparation of the Proposed 2020 Meeting Procedure Local Law and the further substantive development of Governance Rules both strengthens Council's 'Decision Making Pillar' as a driver for achieving the Framework's 'Good Governance Outcomes'.



The minor amendments from the 2010 Local Law version are set out in the 'Proposed Local Law No.2 2020 Community Impact Statement' (Impact Statement) contained in **Attachment [5.1.2]**. The Impact Statement will be published with the Proposed 2020 Meeting Procedure Local Law for the purposes of advising the community on the main changes made.

## **CONSULTATION**

The 2010 Meeting Procedure Local Law has been used as the base for the review. Discussions have been held with the Executive Leadership Team and the Administrators to determine the best way to proceed in bridging the gap between the sunset clause of the 2010 Meeting Procedure Local Law and the anticipated requirements of the new Local Government Act.

## **RESOURCES**

As Council is likely to be required to establish Governance Rules to replace the 2020 Meeting Procedure Local Law within a 12-month period, internal resources have been used to prepare the Proposed 2020 Meeting Procedure Local Law utilising the substantive content of the 2010 Meeting Procedure Local Law.

Further resources will be required later in the year to develop the Governance Rules for Council.

## **RISK**

A new meeting procedure local law needs to be in place and gazetted by June 2020 to govern Council meetings until such time as the new Local Government Act is gazetted and requirements are determined. The Proposed 2020 Meeting Procedure Local Law has been prepared to bridge this gap.

The Proposed 2020 Meeting Procedure Local Law, in part, addresses the Commission of Inquiry Report requirements raised by the Minister for Local Government being:

*"During the period of administration, the Council reviews and implements improved council policies and processes, with a focus on councillors' induction and training, the Councillor Code of Conduct and meeting procedures."*

The substantive development of Governance Rules later in the year will further address the concerns raised by the Minister for Local Government.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Local Law No. 2 2020 Processes of Municipal Government - Meeting Procedures [5.1.1 - 44 pages]
2. South Gippsland Shire Council - Local Law No 2, 2020 - Community Impact S [5.1.2 - 5 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Election Period Policy (C30)

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

Public Participation in Meetings with Council Policy (C65)

### **Legislative Provisions**

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

## **5.2. POLICY REVIEW: INVESTMENT OF COUNCIL FUNDS POLICY (C24)**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

A review of the Investment of Council Funds Policy (C24) (the Policy) (**Attachment [5.2.1]**) has been undertaken to ensure the Policy remains relevant, compliant and appropriate considering Council's risk profile and appetite.

The revised Policy is contained in **Attachment [5.2.1]** for consideration. This version replaces the former version adopted in 22 May 2013.

### **RECOMMENDATION**

That Council adopts Investment of Council Funds Policy (C24) (Attachment [5.2.1]) which supersedes all previous resolutions related to the (C24) Investment of Council Funds Policy.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**THAT COUNCIL ADOPTS INVESTMENT OF COUNCIL FUNDS POLICY (C24) (ATTACHMENT [5.2.1]) WHICH SUPERSEDES ALL PREVIOUS RESOLUTIONS RELATED TO THE (C24) INVESTMENT OF COUNCIL FUNDS POLICY.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## **REPORT**

The proposed Policy continues support for the Bendigo Bank, recognising its role and contribution to the local community. This is achieved through aiming to invest up to 35 per cent of total investments with the Bendigo Bank on the proviso that their rates remain competitive.

The Policy introduces a risk based approach to investments, setting a ceiling on both the amount (expressed as a percentage of total investments) that can be invested with any one institution at any one time as well as the maximum amount of investments that can be maintained with institutions holding certain ratings as determined by Standard & Poor's (S&P) rating agency.

This Policy may be reviewed each year to ensure that current economic conditions are considered that may impact on the Authorised Deposit Taking Institutions (ADI's) S&P rating.

## **CONSULTATION**

The revised Policy was reviewed and approved by the Executive Leadership Team.

## **RESOURCES**

The recommended changes will not require any additional resourcing.

## **RISKS**

Any major changes to the Policy could have financial impacts which would need to be considered as part of the proposed change.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. C24 Investment of Council Funds Policy - Draft March 2020 [5.2.1 - 5 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Nil

### **Legislative Provisions**

Nil

### 5.3. PROPOSED COUNCIL PLAN 2020 - 2024

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

The Proposed Council Plan 2020-2024, including the draft rolling four year Strategic Resource Plan, (Proposed Council Plan) (**Attachment [5.3.1]**) outlines the strategic objectives, strategies and indicators of Council for the next four years. The new Proposed Council Plan requires formal consultation to seek the views of the community on the directions proposed in accordance with s.223 of the *Local Government Act 1989* (Act).

The Proposed Council Plan also contains the proposed 2020/21 Annual Initiatives (Annual Initiatives) to provide context for actions that will progress the Proposed Council Plan Objectives and Strategies in 2020/21. These are also captured in Section 2 of the Proposed Annual Budget 2020/21 (Proposed Budget) through which they will be funded. Formal s.223 public consultation and submissions will be sought on the Annual Initiatives through the Proposed Budget 2020/21.

Any changes required to the Annual Initiatives and/or the four year Strategic Resource Plan (SRP) following the public consultation phase, will be amended in both the Final 2020-2024 Council Plan and the Final Annual Budget 2020/21 ready for formal adoption by Council in June 2020.

The Proposed Council Plan in **Attachment [5.3.1]** is presented to Council for endorsement.

Once endorsed, formal public submissions will be sought on the Proposed Council Plan and Proposed Annual Budget from 31 March 2020 until 5.00pm on Thursday 30 April 2020. These two strategic documents are interlinked.

A public hearing of submitters who wish to speak will be held, subject to actions required under Council's Business Continuity Plan relating to COVID-19.

A Special Committee of Council consisting of Administrators will be established to determine how to hear and consider the s.223 submissions and provide recommendations to Council.

#### RECOMMENDATION

That Council:

1. Endorses the Proposed Council Plan 2020-2024, including the Strategic Resource Plan, contained in Attachment [5.3.1], pursuant to s.125 and s.126 of the *Local Government Act 1989*;
2. Approves commencement of the statutory procedures to invite public submissions on the Proposed Council Plan 2020-2024, in conjunction with

the Proposed Budget 2020/21 pursuant to ss.125, 126 127, 129, 158, and 223 of the Local Government Act 1989.

3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 2 above;
4. Establish a Special Committee of Council consisting of Administrators to determine how to hear and consider the s.223 submissions and provide recommendations to Council;
5. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID-19;
6. Gives public notice on Tuesday 31 March 2020 and on Council's website of the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 in accordance with ss.125, 126, 127 and 129 of the Local Government Act 1989 and commences a s.223 public consultation process inviting written submissions from the community on the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 by 5.00pm on Thursday 30 April 2020;
7. The public notice on Tuesday 31 March 2020, incorporates that:
  - a. The Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020-2021, have been prepared;
  - b. Copies of the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014, is available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) Libraries and at the Council Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 31 March 2020 and 30 April 2020; and that
  - c. A person proposing to make a submission under s.223 of the Local Government Act 1989 must do so by 5.00pm on Thursday 30 April 2020. Late submissions will not be considered by Council;
  - d. Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council.
  - e. Separate submissions are to be lodged for each separate document.
  - f. Submissions are preferred to be sent via email for the Proposed Council Plan 2020-2024 and Proposed Annual Budget 2020/21 to [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au);

- g. All formal written submissions will be considered in accordance with s.223 of the Local Government Act 1989;
  - h. Any person making a written submission is required to state in their submission(s) if he or she wishes to appear in person, or be represented by a person specified in their submission(s), at an open meeting to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID-19;
  - i. Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the s.223 submissions;
  - j. Individuals concerned with the use and public disclosure of their personal details are required to email [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au) and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 30 April 2020 to discuss concerns.
  - k. The time, date and place for hearing of submissions to be determined by the Special Committee of Council; and
  - l. Following consideration of the submissions, Council may or may not amend the final Council Plan 2020-2024 and Annual Budget 2020/21.
8. Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing, as determined by the Special Committee of Council; and
9. Requires the final Council Plan 2020-2024 be presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020.

**Administrator Eisenbise moved a Motion different from the Recommendation.**

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. DEFERS CONSIDERATION OF AGENDA ITEMS 5.3. PROPOSED COUNCIL PLAN 2020 – 2024 AND 5.4. PROPOSED ANNUAL BUDGET 2020/21 DUE TO EXTRAORDINARY CIRCUMSTANCES ARISING FROM COVID-19 PANDEMIC, UNTIL SUCH TIME AS COUNCIL CAN CONSIDER THE IMPLICATIONS ARISING FROM THIS PANDEMIC ON THE SHIRE OF SOUTH GIPPSLAND.**
- 2. REQUESTS THE CHIEF EXECUTIVE OFFICER TO PREPARE A REPORT TO CONSIDER OPTIONS TO DEAL WITH THE IMPACT OF COVID-19 ON THE SOUTH GIPPSLAND COMMUNITY.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)



## 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 a four year Strategic Resource Plan. These requirements are legislated under s.125 of the Act.

Council considered a review of the Council Plan 2017-2021 – Revised 2019, in accordance with s.125 of the *Local Government Act 1989* (the Act), and determined it was appropriate to create a new four year Council Plan to guide the term of Administrators and the commencement of the new Council's term, to be elected in October 2021.

Council has worked together to develop the Strategic Objectives, Strategies and Strategic Indicators contained in the Proposed Council Plan 2020-2024 in **Attachment [5.3.1]**.

New Strategic Objectives have been developed being:

1. United Shire – shared community direction;
2. Economic Prosperity – corner stone for local employment and business growth;
3. Integrated Services and Infrastructure; and
4. Customer Focused Organisation.

Each Strategic Objective contains strategic directions and measures of success. The relevant Council services provided and adopted plans and strategies of Council that work towards achieving the Strategic Objectives are also articulated.

The Measures of Success seek to monitor relevant trends Council is aiming to influence. These indicators include measures that Council's actions can directly control the outcome of the results, along with measures that Council can influence the outcomes and some indicators outside of Council's influence but are relevant to assist with future planning.

A further section in the Proposed Council Plan sets out the Local Government Performance Indicators relevant to each Strategic Objective with targets Council is striving to achieve. These results of Council's performance in regard to these indicators will be reported at the end of each year in the Annual Report and on the State Government's 'Know Your Council' website. Council's performance can then be compared against all other Victorian Council's regarding these indicators.

Annual Major Initiatives are incorporated as a separate section outlining the actions Council plans to implement in the 2020-2021 financial year. These actions work towards achieving the strategies and vision for each Strategic

Objective. These are also captured in Section 2 of the Proposed Annual Budget 2020-2021 from where they are funded.

The Strategic Resource Plan is the final component included in the Council Plan. This captures the forecast resources required for the coming four years to implement the Council Plan and Council's operations. This information is captured from the Proposed Annual Budget 2020-2021 and the next three years forecast estimates from the Long Term Financial Plan.

This Proposed Council Plan, including the Annual Initiatives and the SRP, is presented to Council for endorsement. Formal submissions will then be sought and heard, prior to the presentation of a final Council Plan 2020-2024 for adoption in June 2020.

It is recommended that formal consultation be undertaken on the Annual Initiatives through the Proposed Annual Budget 2020/21, in accordance with ss.127, 129 and 223 of the Act. Any changes to the SRP or the Annual Initiatives arising from the consultation phase will be updated in the final Council Plan 2020-2024 and presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020.

Community members interested in making a submission regarding the Annual Initiatives are encouraged to refer to the Proposed Annual Budget 2020/21 report, being considered by Council at today's meeting, for details on the timeline and process for making a formal submission.

## **CONSULTATION**

Council has considered community feedback, Managers feedback and Administrator ideas in the development of the Proposed Council Plan over the course of workshops held between October 2019 and February 2020. Information from various Council Departments has also been included to inform the review, the development of Initiatives and any budgetary implications.

Further public consultation will be undertaken through formal written s.223 submissions to be conducted from 31 March to 30 April 2020.

## **RESOURCES**

Financial implications normally arise as a result of the directions and priorities Council sets for the four year term. Council has considered these implications through the development of the Proposed Council Plan, Proposed Annual Budget and Long Term Financial Plan (LTFP).

## **RISKS**

Consideration of the financial implications required to implement the strategic directions of Council aims to mitigate the risk of overcommitting Council to achieve outputs and outcomes it does not have the resources to support. The Financial Strategies, outlined in the Proposed Annual Budget and in the SRP,

provide guidance for Council in determining how to responsibly plan for future service provision. Adherence to these strategies will further mitigate this risk.

Council is required to adopt a Council Plan for its four year term and review it annually in accordance with s.125 of the Act. The Council Plan must contain Strategic Objectives, Strategies to achieve the Objectives for at least four years, Strategic Indicators to monitor the achievement of the Objectives and a rolling four year SRP to deliver the Council Plan. Without these sections, Council risks breaching the legislative requirements set out in the Act. Proposed Council Plan contains all of these sections.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Council Plan 2021-2024 - Draft March 2020 [5.3.1 - 34 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Revised Council Plan 2017-2021 incorporating the Strategic Resource Plan

### **Legislative Provisions**

Local Government Act 1989

## **5.4. PROPOSED ANNUAL BUDGET 2020/21**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The Council Budget is a fundamental document for Council as it outlines our future financial and other resource planning to support delivery of the Council Plan. At its core, the Council Budget notes our aspirations for the year ahead – how we intend to serve the community with the services and facilities we provide. The budget incorporates community feedback and input about future community priorities.

The three formal steps required by the Local Government Act 1989 (the Act) in relation to the Annual Budget are:

- Preparation (s.127);
- Public submission process (s.223); and
- Adoption (s.130).

This report recommends that Council formally prepare the Proposed Annual Budget 2020/21 in accordance with s.127 of the Act and advertise it under s.129.

### **RECOMMENDATION**

That Council:

1. Endorses the Proposed 2020/21 Annual Budget contained in Attachment [5.4.1], pursuant to s.127 of the Local Government Act 1989;
2. Acknowledges adjustments may be required to the Proposed 2020/21 Annual Budget prior to final adoption in response to the fast-changing circumstances developing from the COVID-19 virus;
3. Approves commencement of the statutory procedures to invite public submissions on the Proposed Budget 2020/21, in conjunction with the Proposed Council Plan 2020-2024, pursuant to ss.125, 129, 158, 129 and 223 of the Local Government Act 1989.
4. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 2 above;
5. Establish a Special Committee of Council consisting of Administrators to determine how to hear and consider the s.223 submissions and provide recommendations to Council;

6. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions required under Council's Business Continuity Plan relating to COVID-19;
7. Gives public notice on Tuesday 31 March 2020 and on Council's website of the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 in accordance with ss.125, 127 and 129 of the Local Government Act 1989 and commences a s.223 public consultation process inviting written submissions from the community on the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 by 5.00pm on Thursday 30 April 2020;
8. The public notice on Tuesday 31 March 2020, incorporates that:
  - a. The Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024, have been prepared;
  - b. Copies of the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 together with information prescribed by the Local Government (Planning and Reporting) Regulations 2014, is available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au), libraries and at the Council Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 31 March 2020 and 30 April 2020; and that
  - c. A person proposing to make a submission under s.223 of the Local Government Act 1989 must do so by 5.00pm on Thursday 30 April 2020. Late submissions will not be considered by Council;
  - d. Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council;
  - e. Separate submissions are to be lodged for each separate document;
  - f. Submissions are to preferred to be sent via email for the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024 to [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au);
  - g. All formal written submissions will be considered in accordance with s.223 of the Local Government Act 1989;
  - h. Any person making a written submission is required to state in their submission(s) if he or she wishes to appear in person, or be represented by a person specified in their submission(s), at an open meeting to be heard in support of their submission, subject to actions required under Council's Business Continuity Plan relating to COVID-19;

- i. Privacy Collection Statement as: Copies of submissions (only including submitter's names), will be made available in open agendas relating to the s.223 submissions;
  - j. Individuals concerned with the use and public disclosure of their personal details are required to email [submission@southgippsland.vic.gov.au](mailto:submission@southgippsland.vic.gov.au) and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 30 April 2020 to discuss concerns.
  - k. The time, date and place for hearing of submissions to be determined by the Special Committee of Council; and
  - l. Following consideration of the submissions, Council may or may not amend the Proposed Annual Budget 2020/21 and Proposed Council Plan 2020-2024.
9. Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing, as determined by the Special Committee of Council;
10. Requires the final Annual Budget 2020/21 be presented to Council for adoption at the Ordinary Meeting of Council 24 June 2020; and
11. Calls for a report to the 22 April 2020 Ordinary Meeting of Council regarding Council's response to the COVID-19 and potential impacts on Council services, resources and financial implications.

**NOTE: The recommendation was DEFERRED as part of a motion, refer to page 40.**

[Link to next Agenda Item](#)

## **REPORT**

### **Implementation**

The tabled Proposed Annual Budget 2020/21 document in **Attachment [5.4.1]** is the Budget for the purposes of preparing a budget under s.127 of the Local Government Act 1989 (the Act).

The Proposed Budget follows the Better Practice Guidelines and Model Budget issued by Local Government Victoria (LGV) in accordance with the Local Government (Planning and Reporting) Regulations 2014.

Council is required to give 28 days' notice of its intention to adopt the Proposed Annual Budget 2020/21 (**Attachment [5.4.1]**). During this public exhibition period the general public can consider the budget and make formal written submissions to the Chief Executive Officer pursuant to s.223 of the Act. An opportunity to speak to submissions will be provided to submitters upon request. Any written submission must be considered by Council before the adoption of the Budget.

A public hearing of submitters who wish to speak will be held, subject to actions required under Council's Business Continuity Plan relating to COVID-19.

A Special Committee of Council consisting of Administrators will be established to determine how to hear and consider the s.223 submissions and provide recommendations to Council.

Council may endorse the Proposed Annual Budget (**Attachment [5.4.1]**) as presented or consider any further amendments, prior to the commencement of the public consultation period.

## **CONSULTATION**

Council has considered community feedback in the development of the Budget over a number of workshops held between October 2019 and February 2020. Information from various Council Departments and other sources has also informed the Budget, including:

1. Verbatim comments from community members from the 2019 Customer Satisfaction Survey;
2. Community ideas and feedback from various community engagement activities held during 2019 and in previous years;
3. The Council Plan; and
4. Council's strategic risk register.

Further public consultation will be undertaken through formal written s.223 submissions to be conducted from 31 March to 30 April 2020.

## **RESOURCES**

The Budget is the primary document of Council that identifies the resources needed to carry out Council's functions and meet its objectives. These resources include cash, infrastructure, property, plant and equipment, and people.

## **RISKS**

One of the principles of sound financial management under s.136 of the Act is that Council manages financial risks prudently, having regard to economic circumstances. Council's Audit Committee regularly considers reports in relation to Council's strategic risks.

The risk of not adopting a Budget by the statutory deadline of 30 June 2020 is that Council will suffer reputational damage and be constrained in its ability to raise the necessary funds to carry out its functions and meet its objectives.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. 2020-21 Proposed Annual Budget [5.4.1 - 82 pages]

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Council Plan 2017-2021

##### **Legislative Provisions**

Local Government Act 1989



## **6. OTHER COUNCIL REPORTS**

### **6.1. NEW COUNCIL POLICY: CITIZENSHIP CEREMONY DRESS CODE (C80)**

Executive Office

#### **EXECUTIVE SUMMARY**

The objective of the *Citizenship Ceremony Dress Code Policy (C80)* (the Policy) is to meet the requirement of the Australian Citizenship Ceremonies Code, under the *Australian Citizenship Act 2007*, which states that every local council should have a Dress Code for its citizenship ceremonies.

#### **RECOMMENDATION**

That Council adopts the South Gippsland Shire Council Citizenship Ceremony Dress Code Policy (C80) in Attachment [6.1.2].

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL ADOPTS THE SOUTH GIPPSLAND SHIRE  
COUNCIL CITIZENSHIP CEREMONY DRESS CODE POLICY (C80)  
IN ATTACHMENT [6.1.2].**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## REPORT

The revised Australian Citizenship Ceremonies Dress Code (Citizenship Ceremony Code) (refer **Attachment [6.1.1]**) was announced by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, The Honourable David Coleman MP, on 20 September 2019.

The Citizenship Ceremony Code follows the *Australian Citizenship Act 2007* and sets out the legal and other requirements for conducting citizenship ceremonies as well as the roles and responsibilities for those involved in citizenship ceremonies.

For the most part, Citizenship Ceremony Code is not dissimilar to the previous Code in place since 2011.

One of the new requirements of the revised Australian Citizenship Ceremonies Code is for Councils to adopt a Dress Code:

On page 25 of the Citizenship Ceremony Code it says:

*"The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion.*

*A Dress Code is to be set by individual councils.*

*Councils must provide a current copy of their Dress Code to the Department of Home Affairs."*

In compliance with the revised Australian Citizenship Ceremony Code, a draft South Gippsland Shire Council Citizenship Ceremony Dress Code Policy C80, refer **Attachment [6.1.2]**. The Policy is succinct and does not seek to be overly prescriptive.

## CONSULTATION

Information on the revised Citizenship Ceremony Code has been obtained from Citizenship Services Victoria, Department of Home Affairs.

A desktop review of four other councils provided information for consistent policies.

## RESOURCES

Nil

## RISKS

A dress code is a requirement of the Australian Citizenship Ceremonies Code. The development of a Policy ensures Council is compliant with the requirements of this Code.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Australian Citizenship Ceremonies Code [6.1.1 - 48 pages]
2. C80 Citizenship Ceremony Dress Code Policy [6.1.2 - 2 pages]

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Australian Citizenship Act 2007

Australian Citizenship Ceremonies Codes – dated August 2019

## **7. NOTICES OF MOTION AND/OR RESCISSION**

### **7.1. NIL**

## **8. PROCEDURAL REPORTS**

### **8.1. ASSEMBLY OF COUNCILLORS - 22 JANUARY TO 21 FEBRUARY 2020**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council is committed to making relevant, timely and useful information available for members of the public with the aim of enhancing transparency. The matters listed in this report were presented or considered at either an Advisory Committee Meeting, Strategic Briefing Session or Public Presentation Session between 22 January and 21 February 2020.

The matters summarised in this report satisfy Council's requirements under the *Local Government Act 1989*, s.80A(2):

*The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable—*

- a. reported at an ordinary meeting of the Council; and*
- b. incorporated in the minutes of that Council meeting.*

#### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

**REPORT**

| <b>Meeting Title</b>                                     | <b>Details</b>  |
|--|---|
| <b>Wednesday 22 January 2020</b>                         |   |
| <b>Draft 2020-2021 Annual Budget</b>                     | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered the draft 2020-2021 Annual Budget and Capital Works Program.</p>   |
| <b>Early Years Infrastructure Review</b>                 | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered the early years infrastructure needs across the Shire.</p>  |
| <b>Special Meeting of Council Agenda 5 February 2020</b> | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered and asked questions relating to Agenda items for the Special Meeting of Council 5 February 2020.</p>                                 |
| <b>Executive Update</b>                                  | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Prom Country Regional Tourism (PCRT)</li> <li>• Domestic Animal licences</li> <li>• Planning department matter</li> </ul> |
| <b>Wednesday 5 February 2020</b>                         |   |
| <b>Special Meeting of Council Agenda 5 February 2020</b> | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered and asked questions relating to Agenda items for the Special Meeting of Council 5 February 2020.</p>                                      |
| <b>Meeting Title</b>                                     | <b>Details</b>  |
| <b>Wednesday 5 February 2020</b>                         |   |

|  |  |
|--|--|
| <b>Leongatha<br/>Gymnastics Club</b>                   | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered the project status of the Leongatha Gymnastics Club.</p>   |
| <b>Rating Category –<br/>Extractive<br/>Industries</b> | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators were provided information regarding the application of a differential rating category for extractive industries.</p>  |
| <b>Leongatha<br/>Revitalisation<br/>Project</b>        | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators received an update on the Bair Street works.</p>  |
| <b>Planning Briefing</b>                               | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered Planning Items including:</p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for November 2019</li> <li>• VCAT Decisions</li> <li>• Applications received November 2019</li> </ul> |

| Meeting Title  | Details  |
|--|--|
| <b>Executive Update</b>                                    | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b> <ul style="list-style-type: none"> <li>Proposed development</li> <li>Rail Asset Removal</li> <li>Road Works</li> <li>Draft 2020/21 Annual Budget – memberships and contributions</li> </ul>    |
| <b>Aquatic Facilities</b>                                  | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the performance of aquatic facilities across the Shire.   |
| <b>Leongatha Community Hub</b>                             | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered an update regarding the Leongatha Community Hub planning.   |
| <b>Tuesday 11 February 2020</b>                            |  |
| <b>Great Southern Rail Trail</b>                           | <b>Administrators Attending:</b><br>Julie Eisenbise, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered aspects of the forthcoming handover of the Great Southern Rail Trail - Committee of Management.  |
| <b>Local Law - Meeting Procedures and Governance Rules</b> | <b>Administrators Attending:</b><br>Julie Eisenbise, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the future of the Local Law for meeting procedures and the requirements for Governance Rules proposed to replace them in the Local Government Bill 2019. |
| <b>Meeting Title</b>                                       | <b>Details</b>   |
| <b>Wednesday 12 February 2020</b>                          |  |



|   |  |
|---|--|
| <b>Local Law – Meeting Procedure and Governance Rules</b> | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the future of the Local Law for meeting procedures and the requirements for Governance Rules proposed to replace them in the Local Government Bill 2019. |
| <b>Draft 2020-2024 Council Plan</b>                       | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the draft 2020-2024 Council Plan.  |
| <b>Draft 2020-2021 Annual Budget and Capital Works</b>    | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the draft 2020-2021 Annual Budget and Capital Works Program.   |
| <b>Executive Update</b>                                   | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Leongatha Gymnastics Club project status</li> <li>• Proposed development</li> </ul>  |
| <b>Swimming Pool Registrations</b>                        | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered recent changes to state legislation in respect of Swimming Pool Registrations and subsequent actions.  |
| <b>Meeting Title</b>                                      | <b>Details</b>   |
| <b>Wednesday 12 February 2020</b>                         |  |
| <b>South Gippsland Heritage Study</b>                     | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed   |

|   |   |
|---|---|
|   | <b>Matters Considered:</b><br>The Administrators received a briefing on the progress of a review of South Gippsland Heritage Study.   |
| <b>Ordinary Council Meeting Agenda<br/>26 February 2020</b> | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 26 February 2020. |
| <b>Community Leadership Development Program</b>             | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered a Community Leadership Development Program.   |
| <b>Council Plan and Annual Initiatives</b>                  | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown, Christian Zahra<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b><br>The Administrators considered the draft 2020-2024 Council Plan and Annual Initiatives.                                |
| <b>Wednesday 19 February 2020</b>                           |   |
| <b>Executive Update</b>                                     | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown<br><b>Conflict of Interest:</b> Nil disclosed<br><b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Municipal Association Victoria conferences</li> </ul>  |

| Meeting Title  | Details  |
|--|--|
| <b>Wednesday 19 February 2020</b>  |  |
| <b>Ordinary Council Meeting Agenda 26 February 2020</b>                      | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 26 February 2020.</p>  |
| <b>Annual Risk Briefing and Strategic Risk Register update</b>               | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered Council's Risk Management Framework.</p>   |
| <b>Key Economic Statistics in South Gippsland</b><br><br><b>Open Session</b> | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered information on key economic statistics for South Gippsland Shire.</p>  |
| <b>Community Strengthening</b><br><br><b>Open Session</b>                    | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b><br/>The Administrators considered an update on key community strengthening activities including:</p> <ul style="list-style-type: none"> <li>• Bicycle Safety Project</li> <li>• 55+ years Monthly Online Newsletter</li> </ul> |
| <b>Executive Update</b>  | <p><b>Administrators Attending:</b><br/>Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Leongatha Gymnastics Club project status</li> <li>• Organisational Performance Report</li> </ul>  |

| Meeting Title  | Details  |
|--|--|
| <b>Wednesday 19 February 2020</b>  |  |
| <b>Public Presentation</b>   | <b>Administrators Attending:</b><br>Julie Eisenbise, Rick Brown  |
| <b>Open Session</b>  | <b>Conflict of Interest:</b> Acting Director, Paul Stampton left Council Chambers at 2.00pm with a declared indirect conflict of interest on the Walkerville North Master Plan item. |
| <b>The Administrators considered a presentation from:</b> <ul style="list-style-type: none"> <li>• Mr Mark Reilly, Principal Landscape Architect - Tract Consultants and Mr Bill Bray, President - Walkerville Foreshore Reserve Committee of Management regarding the Walkerville North Master Plan.</li> <li>• Ms Anna Hopkins, Toora Community Action Team President and Ms Alex Berry, Vice President regarding presentation of the Community Plan.</li> <li>• Ms Sue Svenson, regarding the definition of farmland in respect of Rating differentials.</li> </ul> |  |

## REFERENCE DOCUMENTS

### Council Policy

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*  
Public Participation in Meetings with Council Policy (C65)

### Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

## **8.2. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 16 JANUARY TO 15 FEBRUARY 2020**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Acting Chief Executive Officer (CEO) which occurred during the period from 16 January to 15 February 2020. Council's adopted Procurement Policy (C32) and Instrument of Delegation to the Chief Executive Officer (CEO) 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.

**MOVED:** Administrator Eisenbise  
**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)

## **REPORT**

### **Documents Sealed**

Under the *Local Government Act 1989* (the Act), each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Local Law No. 3 2010, Part 9, clause 107(f)(iv) – the Common Seal of Council, states that 'If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.' Council's Instrument of Delegation to the CEO also delegates to the CEO the power to 'use the Common Seal of Council subject to that use being reported to Council'.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 16 January to 15 February 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 763 Lees Road Venus Bay in relation to the development of land with dwelling and vegetation removal. Seal applied 20 January 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 8 Rodney Avenue Venus Bay in relation to the development of land with dwelling: Seal applied 24 January 2020.

### **Contracts Awarded, Varied or Extended**

1. Contracts awarded after a public tender process within the CEO's delegation between 16 January to 15 February 2020:  
  
Nil
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 16 January to 15 February 2020:  
  
Nil
3. Contract variations approved by the CEO between 16 January to 15 February 2020:  
  
Nil

4. Contract extensions approved by the 16 January to 15 February 2020:

Nil

#### **STAFF DISCLOSURE**

Nil

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

Local Law No. 3 2010, Processes of Municipal Government (Meeting  
Procedures and Common Seal)

Procurement Policy (C32)

##### **Legislative Provisions**

Local Government Act 1989, ss.5 and 186

### **8.3. FINANCIAL PERFORMANCE REPORT JULY TO FEBRUARY 2020**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This Financial Performance report provides an overview of Council's financial performance for the period July 2019 to February 2020, in summary:

- Operating result: \$3.69M surplus which is \$3.09M favourable when compared with the year-to-date budget projection of a \$0.60M surplus.
- Capital works: \$8.33M expenditure which is \$1.26M behind a year-to-date budget of \$9.59M.
- Cash and investment assets: Projected 30 June \$23.56M, against the Original budget of \$18.06M.
- Underlying working capital ratio: Projected 30 June 2020 2.79 to 1 against the Original budget of budget 1.83 to 1. This has improved due to Council paying out a loan during the year which was funded from reserves.
- The projected financial outcome for 2019/20 is a \$4.23M surplus. This is \$0.94M unfavourable compared to the originally budgeted surplus of \$5.17M

Section 138 of the Local Government Act 1989 (Quarterly statements) states that;

- (1) *At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.*

#### **RECOMMENDATION**

That Council receives and notes the Financial Performance Report July 2019 to February 2020 (Attachment [8.3.1]).

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**THAT COUNCIL RECEIVES AND NOTES THE FINANCIAL PERFORMANCE REPORT JULY 2019 TO FEBRUARY 2020 (ATTACHMENT [8.3.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item](#)



## REPORT

Council each year sets an Annual Budget within the framework of a 15 year Long Term Financial Plan. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

1. Comparing year-to-date actual financial performance with the year-to-date budgets.
2. Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
3. Monitoring the longer term financial ramifications against the originally adopted Long Term Financial Plan.

The financial performance indicators that were used to develop the annual and long term budgets are used to monitor projected financial outcomes at year-end as well as the longer term financial ramifications.

The Financial Performance Reports are intentionally prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August: Report identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June.
- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the commencement of the development of the annual budget for the following financial year.
- February: Report aligns with annual budget process.
- May: Report provides Council with an anticipated financial outcome for year-end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At the end of the financial year, comprehensive financial statements and performance statements are produced, subject to external audit and included in the Annual Report.

## **Discussion**

Financial Performance Report July to February 2020 contains detailed reporting in **(Attachment [8.3.1])**.

## **Executive Summary**

This section provides a high level overview of Budget and Actual Operating performance and Capital Work expenditure.

## **Financial Statements as at 29 February 2020**

This section lists the five major financial statements:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Capital Works Statement

## **Annual Year-to-Date Financial Analysis**

This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end.

## **Long Term Financial Plan analysis**

This section benchmarks and strategically analyses the financial impact of the projected financial results for the year against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

## **RISKS**

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year to date results as well as the annual and longer term financial implications.

Council can assess both year-to-date performance, as well as understand the annual and longer term financial implications.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Financial Quarterly Report - February 2020 [8.3.1 - 23 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

### **Legislative Provisions**

Local Government Act 1989

## **9. ADMINISTRATOR REPORTS**

### **9.1. REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

### **9.2. ADMINISTRATORS UPDATES**

**Administrator Deputy Chair, Christian Zahra addressed Council by acknowledging the remarkable displays of community leadership through the adversity of COVID-19 Pandemic, the support, compassion and working together displayed are encouraging.**

**Administrators Chair, Julie Eisenbise addressed Council by acknowledging that Administrators will continue business as usual much of it remotely. Administrator Eisenbise commented further by thanking the staff for their continued work and efforts during this difficult time.**

### **9.3. COMMITTEE UPDATES**

**Nil**

## **10. URGENT OR OTHER BUSINESS**

There are two basic parts to this section of the Agenda:

### **1. Urgent Business**

Normally no motion should be debated by Administrators unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, 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 Ordinary Meeting of Council or by Officers under delegation.

It is necessary for the Administrator 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 Administrator....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 Local Law No. 3 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.

### **2. Other Business**

This provides an opportunity for Administrators to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**THAT COUNCIL CONSIDERS AGENDA ITEM 10.1 URGENT BUSINESS - INSTRUMENT OF DELEGATION COUNCIL TO CHIEF EXECUTIVE OFFICER AS URGENT IN ORDER TO ALLOW FOR BUSINESS CONTINUITY AND LEGISLATIVE COMPLIANCE DURING THE PERIOD WHERE COUNCIL'S OPERATION IS IMPACTED BY THE COVID – 19 VIRUS AND THE DECLARATION OF THE CURRENT STATE OF EMERGENCY.**

**CARRIED UNANIMOUSLY**

## 10.1 URGENT BUSINESS – INSTRUMENT OF DELEGATION COUNCIL TO CHIEF EXECUTIVE OFFICER

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

This report recommends that Council approves a revised Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (**Attachment [10.1.1]** – Instrument of Delegation Council to CEO – 25 March 2020) to provide additional powers to the CEO if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the CEO forms the opinion that any meeting of Council which would otherwise have determined a particular matter would lapse for want of a quorum. The exercise of these additional powers will be subject to consultation with any available Administrators and subject to any decision made by the CEO being reported to the next available Council Meeting.

It is intended that this be a temporary delegation to allow for business continuity and legislative compliance during the period where Council's operation is impacted by the COVID – 19 Virus and the declaration of the current State of Emergency.

### RECOMMENDATION

In the exercise of the powers conferred by s.98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer (CEO) (Attachment [10.1.1] – Instrument of Delegation Council to CEO – 25 March 2020), South Gippsland Shire Council (Council) resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of CEO the powers, duties and functions set out in the attached Instrument of Delegation to the CEO, subject to the conditions and limitations specified in that Instrument;
2. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;
3. On the coming into force of the Instrument, all previous Instruments of Delegation to the CEO are revoked;
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it has adopted or may from time-to-time adopt; and
5. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with s. 98(3) of the Act.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Eisenbise

**IN THE EXERCISE OF THE POWERS CONFERRED BY S.98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER (CEO) (ATTACHMENT [10.1.1] – INSTRUMENT OF DELEGATION COUNCIL TO CEO – 25 MARCH 2020), SOUTH GIPPSLAND SHIRE COUNCIL (COUNCIL) RESOLVES THAT:**

- 1. THERE BE DELEGATED TO THE PERSON HOLDING THE POSITION, ACTING IN OR PERFORMING THE DUTIES OF CEO THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THE ATTACHED INSTRUMENT OF DELEGATION TO THE CEO, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
- 2. THE INSTRUMENT COMES INTO FORCE IMMEDIATELY AFTER THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
- 3. ON THE COMING INTO FORCE OF THE INSTRUMENT, ALL PREVIOUS INSTRUMENTS OF DELEGATION TO THE CEO ARE REVOKED;**
- 4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES OF COUNCIL THAT IT HAS ADOPTED OR MAY FROM TIME-TO-TIME ADOPT; AND**
- 5. IT IS NOTED THAT THE INSTRUMENT INCLUDES A POWER OF DELEGATION TO MEMBERS OF COUNCIL STAFF, IN ACCORDANCE WITH S. 98(3) OF THE ACT.**

**CARRIED UNANIMOUSLY**



## REPORT

### Background

The effective functioning of local government would not be possible if all decisions were made by Council, hence many decision-making powers are allocated by formal delegations to the CEO.

It is proposed to temporarily update the Instrument to provide additional powers to the CEO if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the CEO forms the opinion that any meeting of Council which would otherwise have determined a particular matter would lapse for want of a quorum. The exercise of these additional powers will be subject to consultation with any available Administrators and subject to any decision made by the CEO being reported to the next available Council Meeting.

It is intended that this be a temporary delegation to allow for business continuity and legislative compliance during the period where Council's operation is impacted by the COVID – 19 Virus and the declaration of the current State of Emergency.

It is also proposed to remove from the current Instrument of Delegation Council to the CEO a restriction on the CEO ending agreements under section 173 of the Planning and Environment Act 1987 as there is currently an anomaly with the current Council delegation to Staff, which delegates this power to the Director Development Services and Manager Planning. The removal of this restriction would enable the CEO to also perform this function in addition to the Director Development Services and Manager Planning.

### CONSULTATION

Consultation on the revised Instrument (**Attachment [10.1.1]** – Instrument of Delegation Council to CEO – 25 March 2020) has occurred with Council's legal advisors, Maddocks and the CEO.

### RESOURCES

The Instrument provides a financial delegation to the CEO to enable the efficient and flexible functioning of Council, with reporting required to Council to advise of the exercising of this financial delegation in accordance with the requirements of the [Procurement Policy \(32\)](#).

### RISKS

The proposed amendment to the Instrument (**Attachment [10.1.1]** – Instrument of Delegation Council to CEO – 25 March 2020) allows Council to delegate to the CEO additional powers if there is a state of emergency declared under the *Public Health and Wellbeing Act 2008* and the CEO forms the opinion that any meeting of Council which would otherwise have determined a particular matter would lapse for want of a quorum. The exercise of these additional powers will be subject to consultation with any available Administrators and subject to any decision made by the CEO being reported to the next available Council Meeting.

This will ensure Council can continue to operate and meet its legislative obligations under these specific circumstances only.

## **ATTACHMENTS**

*Attachments are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

1. Instrument of Delegation – Council to CEO – 25 March 2020 – [10.1.1 – 5 pages)

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)*

Procurement Policy (C32)

### **Legislative Provisions**

Local Government Act 1989

**10.2 URGENT BUSINESS – LEGAL MATTER PURSUANT TO SECTION 89(2)(f)**

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL CONSIDERS ITEM 10.2 AS CONFIDENTIAL URGENT BUSINESS - LEGAL MATTER PURSUANT TO SECTION 89(2)(f) LEGAL ADVICE OF THE LOCAL GOVERNMENT ACT 1989, TO BE DEALT WITH IN THE CLOSED SESSION OF THIS MEETING.**

**CARRIED UNANIMOUSLY**

## **11. PUBLIC QUESTIONS**

### **11.1. PETITIONS AND JOINT LETTERS**

Petitions and Joint letters are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by an Administrator. A petition presented to the Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to an Administrator at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Administrator presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

**Nil**

### **11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

Answers to previous questions taken on notice at the former Ordinary 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.

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Nil**

### 11.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by 9.00am on the Monday morning preceding the Ordinary 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 Ordinary Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' during an Ordinary Council Meeting on the prescribed form. These questions will be taken on notice, included in the Minutes and responses provided at the next Ordinary Council Meeting.

Public Question Time in Ordinary 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 Ordinary 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 Ordinary Meeting by the CEO or Mayor.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Mr Charles Price submitted written questions and responses are provided in these Minutes.**

**Question 1**

**Where does a struggling rate payer come up with the money to pay a financial councillor to submit a rate deferment request because of financial hardship?**

**Response**

There are a number of free financial counselling services available. Council's Rates Office can provide this type of information, contact 03 5662 9200.

**Question 2**

**Why was there no waiver in the hardship policy?**

**Response**

South Gippsland Shire Council will not waive rates, municipal charges or service charges, but will consider applications to waive or inhibit interest and or legal charges as per the *Rates and Charges Hardship Policy*.

The *Rates and Charges Hardship Policy* seeks to treat everyone equally and allow individuals to work out their own long term solution, possibly with the support of an independent financial counselling and support service. Rates are not waived to retain fairness and equity to all ratepayers, as waiving the rate obligations from one ratepayer transfers the obligation to all other ratepayers.

**Question 3**

**How much will rates go up in 2020/2021 to pay for the down payment of the refurbishment of The Leongatha council chambers?**

**Response**

The Budget does not allow for the refurbishment of the Leongatha Council Chambers other than for routine maintenance.

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**Ms Cheryl Denham submitted written questions and responses are provided in these Minutes.**

**Question 1**

**Council is taking out full colour pages advertising, has there been a Council resolution to increase this expenditure?**

**Response**

It was the view of Administrators that Council's advertising should better communicate the services and achievements of the organisation and the community, hence the new approach in 2020. A Council resolution was not required. A feedback to this approach has been very positive.

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**Mr Lindsay Love submitted written questions and responses are provided in these Minutes.**

**Question 1**

**Is Council responsible for the recent TV advertisements promoting the rail trail and at what cost?**

**Response**

Recent television advertisements have been conducted by the Great Southern Rail Trail Committee of Management, costs relating to this activity will be available from that Committee.

**Question 2**

**Given that COVID-19 is severely impacting the income stream for many what reductions in Shire expenditure have been planned?**

**Response**

As circumstances relating to the pandemic (COVID-19) are fast pace and ever-changing, Council will review its Council Plan objectives and statutory requirements as each priority presents itself.

Council's Budget process is just one process that is impacted by priorities and Council has at this Meeting decided to defer the Budget for further consideration.

**Question 3**

**With Tourism activity severely curtailed will Council cease expenditure on the Rail Trail extension?**

**Response**

Work on rail asset removal will continue in accordance with the awarded contract. The next package of works for the construction of the trail between Leongatha and Korumburra will be advertised following advice on the outcome of the grant funding application. It is hopeful that the tourism industry will be rebounding once the trail is finished.

## **12. 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 Closed ITEM 14.1 Contractual Matter pursuant to section 89(2)(d) a contractual matter of the Local Government Act 1989.

**MOVED:** Administrator Eisenbise

**SECONDED:** Administrator Zahra

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF CLOSED ITEM 14.1 CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) A CONTRACTUAL MATTER OF THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**The Administrator Chair requested to stop the live streaming for consideration of the Confidential Closed Session of the Ordinary Meeting of Council.**



### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 22 April 2020 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting closed at 2.56pm.**

**Confirmed this**

**22<sup>nd</sup> day of April 2020.**

**Administrator Chair, Julie Eisenbise**