

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

27 May 2020

**Council Meeting No. 445**  
**Council Chambers, Leongatha**  
**Commenced at 2:00 pm**



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

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

### Privacy

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the *Freedom of Information Act 1982*. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings".

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

## PRESENT

ADMINISTRATORS:	Julie Eisenbise, Administrator Chair Christian Zahra, Administrator Deputy Chair Rick Brown, Administrator
NOT PRESENT:	-
OFFICERS:	Kerryn Ellis, Chief Executive Officer June Ernst, Coordinator Council Business Natasha Berry, Council Business Officer

# **SOUTH GIPPSLAND SHIRE COUNCIL**

Council Meeting No. 445  
Wednesday 27 May 2020  
Council Chambers, Leongatha commenced at 2:00 pm

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**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*.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

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

Thank you

### **1.2. WELCOME AND OPEN MEETING VIA LIVE STREAM**

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

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 two months the Federal and State Governments have been increasingly clear in their directives about social gatherings. To that end Council has taken the unprecedented step of closing its doors to the public for this Council Meeting.

The closure to the gallery while retaining and open meeting through the livestreaming of the Open Council Meeting is made in accordance with the *Local Government Act 2020* - s.395 – 'Meetings may be closed to the public during the prescribed period.'

Access to the live stream through Council's Internet 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 priority.

## **RECOMMENDATION**

That Council:

1. Not allow members of the public to attend the 27 May 2020 Council Meeting in person.
2. Resolve that the 27 May 2020 Council Meeting remains 'open' via the livestream on the Internet, in keeping with section 395 of the *Local Government Act 2020*.
3. Note that this decision is made to protect the health and wellbeing of all people required to be in attendance.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **NOT ALLOW MEMBERS OF THE PUBLIC TO ATTEND THE 27 MAY 2020 COUNCIL MEETING IN PERSON.**
2. **RESOLVE THAT THE 27 MAY 2020 COUNCIL MEETING REMAINS 'OPEN' VIA THE LIVESTREAM ON THE INTERNET, IN KEEPING WITH SECTION 395 OF THE LOCAL GOVERNMENT ACT 2020.**
3. **NOTE THAT THIS DECISION IS MADE TO PROTECT THE HEALTH AND WELLBEING OF ALL PEOPLE REQUIRED TO BE IN ATTENDANCE.**

**CARRIED UNANIMOUSLY**

**Administrator Chair, Julie Eisenbise addressed Council by acknowledging and thanking:**

- **Emergency Services Officers who are doing so much to keep the community safe;**
- **Businesses who have been through a traumatic time in the last couple of months; and**
- **Families working from home and who may be schooling students.**

## **1.3. OPENING PRAYER**

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

Amen

#### **1.4. 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.

#### **1.5. APOLOGIES**

**Nil**

#### **1.6. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 444, held on 22 April 2020 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 444, HELD ON 22 APRIL 2020 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**



## 1.7. 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**

## **1.8. 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 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. DEFERMENT OF REPORT UPDATE ON CARAVAN PARKS OPERATIONS**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

Council is the Committee of Management for the land comprising the Long Jetty, Yanakie, Korumburra and Waratah Bay caravan parks.

The Yanakie and Long Jetty caravan parks operate under Council's direct management, whereas the Korumburra and Waratah Bay caravan parks are operated under private lease agreements.

At the 25 September 2019 Ordinary Meeting of Council, Council resolved that it:

1. *Receives the Yanakie and Long Jetty Caravan Park – Summary of Operations report for the 2018/19 Financial Year; and*
2. *Receives a report by the May 2020 Ordinary Council Meeting, that considers Council's role in the direct management of Caravan Park operations.*

The report to the 27 May 2020 Council Meeting is recommended for deferral to the July Council Meeting to adequately address the impacts of the Covid-19 pandemic on caravan park operations.

#### **RECOMMENDATION**

That Council:

1. Defers receipt of the report to consider Council's role in the direct management of caravan park operations from the 27 May 2020 Council Meeting to the 22 July 2020 Council Meeting; and
2. Notes the reason for the deferment is to adequately address the impacts of the Covid-19 pandemic on caravan park operations.

**Moved:** Administrator Zahra  
**Seconded:** Administrator Brown

**THAT COUNCIL:**

- 1. DEFERS RECEIPT OF THE REPORT TO CONSIDER COUNCIL'S ROLE IN THE DIRECT MANAGEMENT OF CARAVAN PARK OPERATIONS FROM THE 27 MAY 2020 COUNCIL MEETING TO THE 22 JULY 2020 COUNCIL MEETING; AND**
- 2. NOTES THE REASON FOR THE DEFERMENT IS TO ADEQUATELY ADDRESS THE IMPACTS OF THE COVID-19 PANDEMIC ON CARAVAN PARK OPERATIONS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda item.](#)

## **REPORT**

Council is the Committee of Management for the land comprising the Long Jetty and Yanakie caravan parks. The Yanakie and Long Jetty caravan parks operate under Council's direct management, whereas the Korumburra and Waratah Bay caravan parks are operated under private lease agreements.

Council resolved to take direct management of the Yanakie and Long Jetty caravan parks at the 24 April 2013 Ordinary Council Meeting. This followed a public Expression of Interest (EOI) to re-lease the caravan parks. Council determined that no suitable EOIs were submitted.

In taking on the direct management of the caravan parks, Council committed to bring the land back into compliance with the Victorian Government's *Best Practice Guidelines (2011) for Committees of Management Managing Caravan and Camping Parks on Crown Land*. Council also considered that the caravan parks play an important role in supporting South Gippsland's visitor economy.

Achieving this has required capital renewal, addressing non-compliant structures and reducing the number of annual site holders across both parks.

Now that this work is largely complete, it is appropriate that Council consider whether it continues to directly manage caravan park operations or adopt an alternate approach. The report to the 22 July 2020 Council Meeting will consider how future caravan park operations are best managed and make recommendations accordingly.

## **CONSULTATION**

The 22 July 2020 report will consider what future consultation, if any, is required.

## **RESOURCES**

The annual budget makes provision for operating and capital requirements for all caravan parks located on Council managed land.

## **RISKS**

Council has a variety of reputational, financial and operational risks associated with the management of Crown land and the direct or indirect management of caravan parks.

Council's decision to take direct management of the caravan parks and transition them back into compliance mitigated many of Council's risks.

## **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)*

Economic Development and Tourism Strategy 2018 - 2020

### **Legislative and Other Provisions**

Best Practice Guidelines for Management of Crown Land Caravan Parks (DELWP)

Crown Land Equity of Access Policy (DELWP)

Crown Land (Reserves) Act 1978

Improving Equity of Access to Crown Land Caravan and Camping Parks, May 2010

Leasing Policy for Crown Land in Victoria 2010 (DELWP)

Local Government Act 1989

Residential Tenancies (Caravan Parks and Movable Dwellings) Regulations 2010

Water and Planning (DELWP)

## **2.2. UPDATE TO DESTINATION GIPPSLAND CONSTITUTION**

Office of the Chief Executive Officer

### **EXECUTIVE SUMMARY**

Destination Gippsland Ltd (DGL) is the Regional Tourism Board and the peak tourism organisation for the region in eastern Victoria. DGL is a public company limited by guarantee.

The DGL Board – which currently includes one regional Chief Executive Officer (CEO) - committed to a process to appoint the remaining five Gippsland CEOs as Directors after the necessary revisions to the company constitution were researched and approved by the Board and financial members.

This Report seeks to endorse the amendment to the Constitution of Destination Gippsland Ltd, noting the new Constitution will be confirmed by a board meeting and provide for the appointment of the South Gippsland Shire Council Chief Executive Officer Ms Kerryn Ellis as a Director to the Board.

### **RECOMMENDATION**

That Council:

1. Notes and endorses the amended constitution of Destination Gippsland Limited at Attachment [2.2.1]; and
2. Notes the new Constitution provides for the appointment of Kerryn Ellis, Chief Executive Officer as a Director on the Destination Gippsland Limited Board.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **NOTES AND ENDORSES THE AMENDED CONSTITUTION OF DESTINATION GIPPSLAND LIMITED AT ATTACHMENT [2.2.1]; AND**
2. **NOTES THE NEW CONSTITUTION PROVIDES FOR THE APPOINTMENT OF KERRYN ELLIS, CHIEF EXECUTIVE OFFICER AS A DIRECTOR ON THE DESTINATION GIPPSLAND LIMITED BOARD.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

Destination Gippsland Ltd (DGL) is the Regional Tourism Board and the peak tourism organisation for the region in eastern Victoria.

The organisation was established in 2008 with the support of Visit Victoria, Parks Victoria and the six-member councils of the Gippsland Local Government Network (GLGN). DGL's role is to grow and serve the Gippsland tourism sector and work in partnership with the industry and government to deliver rewarding and lasting economic, environmental and social outcomes.

DGL is a public company limited by guarantee with six financial members (each Gippsland Council is a member, being Bass Coast Shire Council, Baw Baw Shire Council, South Gippsland Shire Council, Latrobe City Council, Wellington Shire Council and East Gippsland Shire Council). DGL has reporting responsibilities to ASIC as well as funding partners, the Gippsland Local Government Network and Visit Victoria. DGL currently has a skills-based Board of Directors and observer positions for a representative from GLGN, Visit Victoria, Regional Development Victoria and Parks Victoria. The Bass Coast Shire Council Chief Executive Officer has until recently occupied the role of GLGN representative. At the Board's January 2020 meeting, the Bass Coast Shire CEO was appointed as a director of the company. The DGL Board committed to a process to appoint the remaining five Gippsland CEOs as Directors after the necessary revisions to the company constitution were researched and approved by the Board and financial members.

It is proposed that Local Government Authority (LGA) CEOs attend a Special General Meeting to vote on the amendments to the constitution on Friday 19 June 2020. Immediately after that Special General Meeting, the Board will hold its scheduled meeting at which the constitution will be confirmed and LGA CEOs can be formally appointed to the Board of Directors.

The cost to Council for membership of DGL was \$33,940 (excluding GST) for 2019/20. All Gippsland Councils contribute an equal amount in accordance with the current Tourism Services Funding Agreement. It should be noted that the agreement includes a two per cent increase for the next financial year.

Any additional costs of Board appointment borne by Council would be those related to travel and incidental expenses incurred as a result of attendance at Board meetings. No Directors fees are paid.

## **CONSULTATION**

The DGL Board and GLGN group have been extensively consulted on this proposal.

## **RESOURCES**

The cost to Council for membership of DGL was \$33,940 (excluding GST) for 2019/20. All Gippsland Councils contribute an equal amount in accordance



with the current Tourism Services Funding Agreement. It should be noted that the agreement includes a two per cent increase for the next financial year.

Any additional costs of Board appointment borne by Council would be those related to travel and incidental expenses incurred as a result of attendance at Board meetings. No Directors fees are paid.

## **RISKS**

This adjustment provides an opportunity to ensure that South Gippsland Shire Council's contribution to the DGL entity has improved governance and oversight through appointment of the CEO to the Board.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Destination Gippsland Constitution - Updated [2.2.1 - 17 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Economic Development and Tourism Strategy

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

#### **3.1. UPDATE ON COMMUNITY SUPPORT PACKAGE COVID-19 PANDEMIC**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

This report provides an update to Council on the implementation actions taken to date to implement the Community Support Package (CSP) Phase One and seeks endorsement of the specific activities and associated costs included within the proposed Implementation Action Plan.

Following the 22 April 2020 Ordinary Council Meeting, a Community Support Package Project Delivery Team (CSP Team), was established and project plan for Phase One of the CSP commenced. The CSP Team consists of a Project Sponsor, Project Manager, and team members from Economic Development and Tourism, Community Services, and Communications. Other members of management are engaged for specific deliverables.

This report outlines details of Phase One of the CSP as developed by the CSP Team. It provides a proposed Implementation Action Plan (**Attachment [3.1.1]**), complete with costs, measures and stakeholders, and a program view (**Attachment 3.1.2**) that outlines a draft timeline for implementation of the Phase One roll-out.

The total cost of Phase One is currently estimated at \$740,614 and delivers a free influenza vaccination program, community and business grants, waiving of fees and charges and development and distribution of a community information brochure relating to support services.

Following endorsement from Council, management will commence roll-out of Phase One of the CSP, subject to formal approval of the budget in June 2020.

##### **RECOMMENDATION**

That Council:

1. Notes the report outlining progress in implementing Phase One of the Community Support Package;
2. Endorses the Community Support Package Phase One Implementation Action Plan, subject to budget approval;
3. Authorises the Chief Executive Officer to immediately waive fees and charges revenue of up to \$30,000 in the current 2019/20 budget; and
4. Notes that a progress report will be provided at the 26 August 2020 Council Meeting.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. NOTES THE REPORT OUTLINING PROGRESS IN IMPLEMENTING PHASE ONE OF THE COMMUNITY SUPPORT PACKAGE;**
- 2. ENDORSES THE COMMUNITY SUPPORT PACKAGE PHASE ONE IMPLEMENTATION ACTION PLAN, SUBJECT TO BUDGET APPROVAL;**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO IMMEDIATELY WAIVE FEES AND CHARGES REVENUE OF UP TO \$30,000 IN THE CURRENT 2019/20 BUDGET; AND**
- 4. NOTES THAT A PROGRESS REPORT WILL BE PROVIDED AT THE 26 AUGUST 2020 COUNCIL MEETING.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

At the Ordinary Council Meeting on 22 April 2020, Council agreed to the following:

*THAT COUNCIL:*

- 1. Endorses the covid-19 community support package of up to \$2 million to support the south gippsland community and businesses to remain healthy, connected and innovative;*
- 2. Notes the community support package complements other response actions being coordinated through the federal government, state government and other relevant bodies including the municipal emergency management planning committee; and*
- 3. Receives a report at the 27 May 2020 ordinary meeting of council that outlines progress in implementing stage one priorities, and planning for implementation of later stage.*

The \$2 Million budget allowance for a Community Support Package (CSP) creates an opportunity to focus on investments in community support and economic stimulus, particularly those who are isolated and most in need.

The COVID-19 virus has had a profound impact on all areas of the South Gippsland community. It has isolated many people, increased risk and vulnerability for significant groups, and reduced business and economic activity across the Shire.

Council has a clear and significant leadership role and is responding to these impacts through the CSP which is led by the CSP Team. The CSP Team is led by the Project Sponsor, who is a member of Council's Executive Leadership Team (ELT), and is supported by a Project Manager and members from Economic Development and Tourism, Community Services, and Communications. Other members of management are engaged for specific deliverables.

A proposed Implementation Action Plan is included at **Attachment [3.1.1]**, complete with costs, measures and stakeholders, and a program view is included at **Attachment [3.1.2]** which outlines a draft timeline for implementation of the Phase One roll-out. Project plans are developed for each initiative and an evaluation framework established to measure their impact and to ensure the package can meet any existing and emerging needs.

The total cost of Phase One is currently estimated at \$740,614 and delivers a free influenza vaccination program, community and business grants, waiving of fees and charges and development and distribution of a community information brochure relating to support services. Criteria for applications for the grants programs are currently being developed and will be released in due course.

Planning for Phase Two of the CSP is already underway. Phase Two will focus on longer term actions to support recovery and reconstruction from the impact of COVID-19, including investigating opportunities to support Sporting and Recreation Groups along with any identified vulnerable sectors of our community.

Ongoing, monitoring, reporting and evaluation of both Phase One and Two actions will be undertaken and regularly reported to Council.

It should be noted that in addition to the CSP, the South Gippsland Shire COVID-19 Pandemic Relief and Recovery Plan is also being developed on request by the Municipal Recovery Manager based on the State Relief Plan for COVID-19. The purpose of this plan is to assist in reducing the impact of the Pandemic on the community and guide South Gippsland Shire Council in resourcing and assisting agencies in relief and recovery functions. These two plans will work together in a complementary way to ensure the South Gippsland community is supported in its recovery by Council and all relevant partner agencies.

The Community Support Package aligns with the Municipal Emergency Management Plan and is comparable to strategies adopted or being considered in other municipalities in Gippsland.

## **CONSULTATION**

The proposals identified in this briefing have been informed by internal consultation and collaboration across all disciplines of the organisation.

Consultation between the CSP Team and the Municipal Emergency Management Planning Committee and the Business Emergency Leadership Group is ongoing throughout the planning and delivery of the Phase One and Phase Two development and implementation of the CSP.

Council staff have also consulted with other municipalities, including Latrobe City Council and Bass Coast Shire Council. Each municipality is experiencing similar issues and several opportunities for collaboration have been identified. An analysis of similar support packages across Australia has also been undertaken. This has shown that the approach taken in the CSP is commensurate with similar sized municipalities elsewhere.

There is a need to manage community expectation regarding the scope of and impact action available to council through clear communication and messaging. A communications plan to inform and consult with the community is currently being developed to ensure that the CSP is understood by the community, implemented effectively and is able to respond to emerging needs.

## **RESOURCES**

A budget amount of up to \$2M, to support the South Gippsland community response to the impact of the COVID-19 pandemic is included in Council's draft budget.

Resources required for specific projects within the package have been costed at a total of \$740,614 and allocated in accordance with the detailed Implementation Action Plan (**Attachment [3.1.1]**).

## **RISKS**

If Council does not develop a series of actions to support the community there is a risk of further economic downturn and a negative effect on the health and wellbeing of residents within the Shire, particularly vulnerable members of the community.

There is reputation risk to Council if the community does not see council taking a lead in this area. Neighbouring Councils at Bass Coast and Latrobe have announced similar stimulus packages recently.

Initiatives by the State and Commonwealth Government may have a limited impact on some sectors of the community.

The package has been designed to minimise long-term financial risk to Council and is targeted to areas of greatest need. Coordinating with the Municipal Emergency Management Planning Committee, State and Federal Government and other municipalities, will also ensure an approach which reduces duplication and maximises impact. The package will be flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business when COVID-19 restrictions are eased.

With the majority of council staff currently working from home, there will be challenges to developing and implementing new innovative programs and initiatives in the current and post COVID-19 environment.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Implementation Action Plan [**3.1.1** - 3 pages]
2. Program View [**3.1.2** - 1 page]

## **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

Community Strengthening Strategy

Economic Development and Tourism Strategy

### **Legislative Provisions**

Local Government Act 1989

### **3.2. GENERAL REVALUATION 2020 - RATEABLE AND NON-RATEABLE PROPERTIES IN SOUTH GIPPSLAND**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

A General Valuation of all rateable and non-rateable leviable properties in the Shire of South Gippsland is required annually. The General Valuation 2020 (**Attachment [3.2.1]**) has been completed and Council is required to formally adopt it.

Council is also required to “cause a General Valuation of rateable and non-rateable leviable land” for the 2021 General Valuation.

All references to “the Act” are references to the *Valuation of Land Act 1960* (as amended).

#### **RECOMMENDATION**

That Council:

1. Receives and adopts the General Valuation 2020 (Attachment [3.2.1] - Report of General Valuation Under s.7AA(1)) of the Valuation of Land Act 1960;
2. Submits a copy of the valuation return to the Valuer General Victoria seeking certification as to its general trueness and correctness;
3. In accordance with sections 11 and 13H of the Valuation of Land Act 1960 causes a General Valuation of rateable and non-rateable leviable land to be made as at 1 January 2021 and be returned to Council before 30 April 2021;
4. Notes that the Coordinator Rates and Valuations is appointed under S.13DA(1) of the *Valuation of Land Act 1960* by the Chief Executive Officer for the purposes of carrying out the General Valuations;
5. Advises the Valuer General and each interested rating authority of Council’s intention to cause a general valuation pursuant to s.6(1) of the *Valuation of Land Act 1960*; and
6. Notes the Statutory Declaration of Council’s Valuer (Attachment [3.2.2]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. RECEIVES AND ADOPTS THE GENERAL VALUATION 2020 (ATTACHMENT [3.2.1] - REPORT OF GENERAL VALUATION UNDER S.7AA(1)) OF THE VALUATION OF LAND ACT 1960;**
- 2. SUBMITS A COPY OF THE VALUATION RETURN TO THE VALUER GENERAL VICTORIA SEEKING CERTIFICATION AS TO ITS GENERAL TRUENESS AND CORRECTNESS;**
- 3. IN ACCORDANCE WITH SECTIONS 11 AND 13H OF THE VALUATION OF LAND ACT 1960 CAUSES A GENERAL VALUATION OF RATEABLE AND NON-RATEABLE LEVIABLE LAND TO BE MADE AS AT 1 JANUARY 2021 AND BE RETURNED TO COUNCIL BEFORE 30 APRIL 2021;**
- 4. NOTES THAT THE COORDINATOR RATES AND VALUATIONS IS APPOINTED UNDER S.13DA(1) OF THE *VALUATION OF LAND ACT 1960* BY THE CHIEF EXECUTIVE OFFICER FOR THE PURPOSES OF CARRYING OUT THE GENERAL VALUATIONS;**
- 5. ADVISES THE VALUER GENERAL AND EACH INTERESTED RATING AUTHORITY OF COUNCIL'S INTENTION TO CAUSE A GENERAL VALUATION PURSUANT TO S.6(1) OF THE *VALUATION OF LAND ACT 1960*; AND**
- 6. NOTES THE STATUTORY DECLARATION OF COUNCIL'S VALUER (ATTACHMENT [3.2.2]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda item.](#)



## REPORT

### Background

In accordance with s.11 of the Act, a General Valuation of all rateable properties in the Shire of South Gippsland is required annually.

Council formally resolved to undertake the 2020 General Valuation under s.10 of the Act at the Ordinary Meeting of Council 26 June 2019.

The General Valuation of all rateable and non-rateable leviable properties in the Shire has now been completed by Council's in-house valuation team under the supervision of Council's Valuer. Council is required to formally adopt this.

Council is also required to "cause a general valuation of rateable and non-rateable leviable land" for the 2021 general valuation under the Act.

### Discussion

The 2020 General Valuation is based on levels of value as legislated at 1 January 2020 and reflects the prevailing market conditions at that date. Furthermore, the valuation reflects market based changes in the relativity between property values over the previous 12 months prior. It is important to note that although the date is prior to the COVID-19 pandemic, the valuation only distributes the rate burden and does not determine the total rates generated. The next revaluation will be based on sales as at 1 January 2021. Analysis of sales at this time will determine if there is a shift in the rate burden between properties but again will not change the total rate revenue generated.

The Site Value (SV), Capital Improved Value (CIV) and Net Annual Value (NAV) totals for rateable and non-rateable leviable properties are required for reporting purposes. There is a total of 20,252 assessments. The table below details the change in value over the previous 12 months at rollover.

### Rateable and Non-Rateable Leviable Assessments

Level of Value	Site Value	Capital Improved Value	Net Annual Value
2019	\$5,271,053,000	\$9,233,232,000	\$485,105,850
2020	\$5,568,549,000	\$9,735,557,000	\$509,862,350

The table below details the Capital Improved Value of rateable assessments only at rollover. There are 19,919 rateable assessments.

### Rateable Assessments

Level of Value	Capital Improved Value
1 January 2019	\$9,117,475,000
1 January 2020	\$9,616,955,000

The total Capital improved Value of all rateable properties has increased by a \$499,480,000 reflecting a 5.48 per cent increase from 2019. This overall

increase of 5.48 per cent includes all properties across the Shire with subgroups and individual properties reflecting changes above and below the average. The following includes a general statistical overview as every individual property may vary from the average.

It should be noted that the commentary is not a differential rating category analysis.

### **Residential Properties**

An overall gain of 5.8 per cent was posted across all residential Australian Valuation Property Classification Code categories.

The townships towards the western end of the Shire with a closer proximity to the Melbourne urban fringe that had higher increases overall last revaluation have stabilised for this revaluation. A number of the smaller townships including Dumbalk, Meenyan and Buffalo in the central part of the municipality reflect the higher percentage value increases this revaluation as they were coming off a low base. These towns reflected lower increases in previous revaluations. Leongatha increased by 4.63 per cent whilst Korumburra remained sought after with an increase of 4.78 per cent. This is also the case for the villages surrounding the Korumburra centre.

Residential units reflect a higher increase than the balance of residential properties, after a lower increase last revaluation. Increases vary with the more mature unit market of Leongatha increasing by 7.95 per cent, Foster increasing by 6.62 per cent, and Korumburra posting a positive gain of 10.13 per cent.

### **Coastal Towns**

Values in the coastal towns have changed moderately. Most of the change in value has been in the improved value. Sandy Point has increased 1.64 per cent, and Waratah Bay follows with a similar increase of 1.6 per cent. Venus Bay shows a 5.53 per cent from a lower base.

### **Premium Coastal Properties**

Premium coastal lifestyle properties increased by 8.0 per cent being a similar increase to last revaluation although increases vary across the group.

### **Commercial Property**

The site value of commercial property reflects a modest increase in several areas coming off a low value base. Overall the improved value (land and buildings) of commercial property in the shire increased by 3.1 per cent. This category includes large national traders through to small owner-occupied offices. The largest commercial market of Leongatha remained stagnant, the Korumburra commercial property values increased by 1.87 per cent, and Foster increased by 3.22 per cent. Demand for commercial properties with secure leases remains strong, however high vacancy rates in some precincts has put downward pressure on rental returns. The increase in residential development

in the western end of the shire in recent years appears to be flowing through to putting upward pressure on rents and commercial values in those areas.

### ***Industrial Property***

The value of Industrial property increased by 0.9 per cent. This is skewed slightly downward by specialised industrial properties such as wind farms and quarries which are depreciating assets due to obsolescence, reducing resources and limited permitted life spans.

The non-specialized industrial market reflects a moderate positive increase of 5.6 per cent in Leongatha while Korumburra reflects an increase of 7.3 per cent. Demand for both vacant and improved industrial property in these areas remains consistent and again a reflection of increased activity in the area.

### ***Rural Property***

The demand for larger high-quality dairy properties remains strong. Demand for premium undulating grazing land has remained steady. Steeper, more remote land has experienced increased demand over the period with some good increases noted in more desirable and better located properties.

The majority of properties under 50ha with existing dwellings have increased in value by varying degrees. The residential content of these properties generally reflects a higher value gain the closer in proximity they are to the urban centres of Melbourne and the Latrobe Valley. These properties have skewed the overall statistical increase of the rural category upwards to an overall increase of 5.7 per cent.

The well-established farming districts have experienced an increase in CIV levels since the 2019 revaluation. The premium areas of Leongatha and Korumburra rural have remained steady with increases of 6.8 per cent and 11.4 per cent respectively. The average increase for properties over 50 ha is 5.3 per cent.

### ***Non-Rateable – Leviable Properties***

This category includes properties exempt from rates however are assessed for Fires Services Levy. The majority of properties in this category include; water authority assets, local government assets, some electrical assets and places of worship. The value of this category increased by 2.46 per cent.

## **CONSULTATION**

The General Valuation of the municipality has been completed in accordance with Council's statutory obligations and Council is now required to formally adopt the 2020 general valuation and resolve to cause the 2021 general valuation.

## **RESOURCES**

The costs associated with the return of the 2020 general valuation and undertaking the 2021 general valuation are contained within the 2020/21 and 2021/22 budgets.

*Valuation of Land Act 1960 - ss.10, 11, 13BC, 13DA and 13H.*

Valuation Best Practice Specifications Guidelines prepared by the Valuer-General under s.5AA of the Valuation of Land Act 1960.

## **RISKS**

If the recommendations contained in this report are not adopted, the Council will be unable to declare the rates and charges and adopt the annual budget in a timely manner, thus putting at risk Council's ability to function effectively.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Valuer-General Victoria - Report of General Valuation - Stage 4 2020 Revaluation [3.2.1 - 1 page]
2. Statutory Declaration 2020 - Report of General Valuation [3.2.2 - 2 pages]

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 2020

Valuation of Land Act 1960

### **3.3. COMMUNITY VISION - PROJECT REPORT - 2019/20 ANNUAL INITIATIVE UPDATE**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The *2017-2021 Council Plan* contains a strategy and a 2019/20 Annual Initiative to commence the development of a Community Vision. This report addresses the requirements of the Annual Initiative which is to:

*“Develop and commence implementation of a 10+ year Community Vision over the two-year term of the Administrators, by instigating a significant community consultation project. The scope and process to be defined and reported to Council within the 2019/20 financial year.”*

Administrators have deliberated on the context and requirements for the development of the Community Vision and given serious consideration to the governance aspects of its development. Fundamental to these considerations have been:

1. The new *Local Government Act 2020* (2020 Act) places the main responsibility for developing a new, or review of an older Community Vision, to the next Council to be elected. That Council is responsible for ensuring deliberative community engagement is undertaken. These requirements are set out under s.88 in the 2020 Act by 31 October in the year following a general election.
2. The Administrators recognise their own term of office has been by appointment of the Minister to establish good governance practices that sets the foundation for the new Council to be successful. In regard to the Community Vision, their role is better served in seeing a strong engagement framework established that can then be applied in the development of the Community Vision. The duly elected Council will be able to engage with the community using this framework and have a greater sense of shared ownership of the new Community Vision.
3. The unanticipated constraints and stresses COVID-19 pandemic has placed on the community and Council's ability to engage freely with community groups and members, are such that the project would be jeopardised by commencing it under these circumstances.

Given these deliberations the Administrators have considered that the most substantial component of the development and adoption of the Community Vision would be best completed by the new Council. This will allow the new Council to engage intensely with the community in building a shared direction for the future of the Shire. To this end it is recommended that Council require the Chief Executive Officer to develop a governance framework for the development of the Community Vision in readiness for the new Council to utilise.

## **RECOMMENDATION**

That Council requires the Chief Executive Officer to develop a governance framework for the development of the Community Vision, ready for the new Council elected in October 2021 to utilise.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL REQUIRES THE CHIEF EXECUTIVE OFFICER TO DEVELOP A GOVERNANCE FRAMEWORK FOR THE DEVELOPMENT OF THE COMMUNITY VISION, READY FOR THE NEW COUNCIL ELECTED IN OCTOBER 2021 TO UTILISE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda item.](#)

## REPORT

At the time of developing the *2017-2021 Council Plan*, it was recognised by the former Council that the Bill being prepared to replace the Local Government Act 1989 was seeking to mandate the requirement for each Council to have a 10+ year Community Vision. The development of the Community Vision was expected to require deliberative community engagement practices.

Council developed a Community Vision in 2002. *Vision 2020* is reaching the end of its designated term. Its content has a focus on Infrastructure, Environment, Economy and Supporting our Community. These focus areas still remain relevant to Council's decision making in 2020. As such, it can provide substance for the current Council to consider through to the development of the new Community Vision.

The former Council having considered *Vision 2020* was nearing the end of its designated term and the projected mandated requirements in the future Local Government Act, established Strategy 1.1 in the *2017-2021 Council Plan* that aimed to:

*"Develop a 'vision for the future growth and development of the Shire in partnership with the community.'"*

The Council commenced initial work on a Community Vision in 2017-2018, however further work was placed on hold pending the gazettal of the new Act.

The extended period of around three years taken for the new *Local Government Act 2020* to receive Royal Assent, has delayed the development of the Community Vision.

It was considered by the former Council, and more recently by the Administrators, that the development of the Community Vision needed to meet the requirements of the new Local Government Act 2020. Section 88 of the 2020 Act that sets out the requirements for a mandatory Community Vision. Further details to clarify what is expected, are currently under development by Local Government Victoria in consultation with the sector.

The Administrators, in deliberating on the requirements of the 2020 Act, have considered the legislated responsibility for developing and adopting a mandatory 10+ year Community Vision belongs primarily with the next elected Council. To this end, discussions have centred around the role the Administrators can take now in establishing a governance framework for the project that will assist the success of this project by the future Council.

The Administrators have also given serious thought to the impacts of commencing the Community Vision during the strict contact limitations and extenuating stresses that have been created by the COVID -19 pandemic.

The project will require a large body of work over an extended period of time involving many community members, groups and sectors. There will be a

reasonable cost requirement in resources to undertake the deliberative engagement practices to complete it. The current information being formed by Local Government Victoria will assist Council to plan the deliberative engagement requirements, manage the project and clarify resourcing requirements.

Over the next two years the Administrators are seeking to organise community engagement activities with community groups and industry sectors to inform Council's current and future decision making. These activities will be formed and held separately to the Community Vision, however insights gained and information/themes collated from these sessions can be provided to the new Council as background information.

## **CONSULTATION**

A briefing was held with the Administrators on 11 March 2020 to discuss the scope and project of the Community Vision.

## **RESOURCES**

Resourcing requirements for the Community Vision will need to be considered and factored into the long-term financial budgets once clarity has been by Local Government Victoria through guidelines or regulations that support the legislated requirements of s.88 of the *Local Government Act 2020*.

## **RISKS**

The 2020 Act requires the Council to develop, or review the Community Vision by 31 October in the year following the Council election in 2021. Preliminary planning and community engagement activities will assist the new Council to prepare for the implementation of s.88 of the 2020 Act.

## **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)

Vision 2020

Community Engagement Policy (C06)

Community Strengthening Strategy

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020



### **3.3. GOOD GOVERNANCE FRAMEWORK - LOCAL LAW NO. 2 2020 - MEETING PROCEDURE AND COMMON SEAL**

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 4 June 2020.

Council endorsed the Proposed Local Law No 2. 2020 at the 30 March 2020 Ordinary Council Meeting for public consultation. The '*Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal*' (2020 Local Law) is an interim measure for governing Council Meetings until such time as the transitional requirements of the new *Local Government Act 2020* (2020 Act) requiring Governance Rules to replace meeting procedure local laws, are established. Under s.60 of the 2020 Act, the Governance Rules must be adopted by 1 September 2020.

No community submissions were received from the public consultation process conducted between 2 and 30 April 2020.

The 2020 Local Law has been finalised and is contained in **Attachment [3.3.1]** for Council's consideration. The 2020 Local Law includes only minor administrative changes from the 2010 Meeting Procedure Local Law.

#### **RECOMMENDATION**

That Council:

1. Adopts the Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal (Attachment [3.3.1]), with the commencement date being the day after the Local Law is published in the Government Gazette and the sunset clause being ten years after gazettal unless revoked sooner;
2. Gives notice in the Government Gazette of the adopted 'Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' specifying:
  - a. The title of the local law; and
  - b. The purpose and general purport of the local law; and
  - c. That a copy of the local law may be inspected at the Council office.
3. Requires the Chief Executive Officer apply the Common Seal to 'Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal', following gazettal.

4. Requires the Chief Executive Officer to provide the Minister for Local Government with a copy of the adopted 'Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal.'
5. Requires that a copy of Local Law No.2 2020 is available on Council's website, and is available for inspection and can be purchased during office hours at the Council offices.
6. Requires the Chief Executive Officer to develop Governance Rules in accordance with s.60 of the Local Government Act 2020.
7. States that Local Law No.3 2010 is automatically revoked on 4 June 2020 having reached its sunset date, being ten years after the day on which the local law came into operation.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ADOPTS THE LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL (ATTACHMENT [3.3.1]), WITH THE COMMENCEMENT DATE BEING THE DAY AFTER THE LOCAL LAW IS PUBLISHED IN THE GOVERNMENT GAZETTE AND THE SUNSET CLAUSE BEING TEN YEARS AFTER GAZETAL UNLESS REVOKED SOONER;**
2. **GIVES NOTICE IN THE GOVERNMENT GAZETTE OF THE ADOPTED 'LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL' SPECIFYING:**
  - a. **THE TITLE OF THE LOCAL LAW; AND**
  - b. **THE PURPOSE AND GENERAL PURPORT OF THE LOCAL LAW; AND**
  - c. **THAT A COPY OF THE LOCAL LAW MAY BE INSPECTED AT THE COUNCIL OFFICE.**
3. **REQUIRES THE CHIEF EXECUTIVE OFFICER APPLY THE COMMON SEAL TO 'LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL', FOLLOWING GAZETAL.**
4. **REQUIRES THE CHIEF EXECUTIVE OFFICER TO PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 'LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT - MEETING PROCEDURES AND COMMON SEAL.'**

5. **REQUIRES THAT A COPY OF LOCAL LAW NO.2 2020 IS AVAILABLE ON COUNCIL'S WEBSITE, AND IS AVAILABLE FOR INSPECTION AND CAN BE PURCHASED DURING OFFICE HOURS AT THE COUNCIL OFFICES.**
6. **REQUIRES THE CHIEF EXECUTIVE OFFICER TO DEVELOP GOVERNANCE RULES IN ACCORDANCE WITH S.60 OF THE LOCAL GOVERNMENT ACT 2020.**
7. **STATES THAT LOCAL LAW NO.3 2010 IS AUTOMATICALLY REVOKED ON 4 JUNE 2020 HAVING REACHED ITS SUNSET DATE, BEING TEN YEARS AFTER THE DAY ON WHICH THE LOCAL LAW CAME INTO OPERATION.**

**CARRIED UNANIMOUSLY**

## REPORT

Council's current '*Local Law No.3 2010 – Processes of Municipal Government (Meeting Procedures and Common Seal*' will reach its sunset clause on 4 June 2020.

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.

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

The new 2020 Local Law has been prepared, as it needs to be in place and gazetted in early June 2020 to govern Council meetings until such time as the transition to Governance Rules required under s.60 of the 2020 Act are adopted. The 2020 Local Law (**Attachment [3.3.1]**) has been prepared to bridge this gap.

Local Law No.2 2020 will require the sunset clause to be ten years after gazettal unless revoked sooner, in accordance with s.122 of Local Government Act 1989. The requirement for revocation of Local Law No.2 2020 will be included with the report seeking Council's adoption of the Governance Rules in July or August 2020

Only minor administrative changes have been included in the 2020 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. Additional details have been included to expand on clauses for Special Meetings due to the transition phases of the 2020 Act replacing the 1989 Act. Slight modifications have been made so the 2020 Local Law can cover the existing Special Committees formed under the Local Government Act 1989 and those formed as Delegated Committees and Community Asset Committees under the 2020 Act.

The legislated requirements for making a local law under s.119 of the *Local Government 1989* have been implemented. These included a public engagement process to be gazetted and undertaken in accordance with s.223 of the Local Government Act 1989 (1989 Act). The consultation period commenced with the Government Gazettal on 2 April 2020 and ended at 5pm on Thursday 30 April 2020.

No submissions were received by the 5pm deadline on 30 April 2020.

The adopted 'Local Law No.2 2020 – Processes of Municipal Government - Meeting Procedures and Common Seal' will need to be gazetted in the Victorian Government Gazette before it is officially recognised and commences as the new 2020 Local Law for Council. The requirements for creating a local law under the 2020 Act are not yet required.

Once gazetted, the Common Seal of Council is to be affixed to the 2020 Local Law by Kerryn Ellis, Chief Executive Officer, on behalf of Council. A copy is to be provided to the Minister for Local Government, made available on Council's website and made available for inspection and sale at the Council offices.

The development and adoption of the 2020 Local Law fits within the 'Decision Making' pillar of the 'South Gippsland Shire Council Good Governance Framework – December 2019' (Framework). The preparation of the 2020 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'.

## **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.

The Proposed Local Law No.2 2020, was endorsed for public consultation by Council at the 25 March 2020 Ordinary Meeting. The consultation period was held between 2 and 30 April 2020. No submissions were received by the 5pm closing time on 30 April 2020. As a result, the Special Committee established to hear and consider submissions did not need to meet.

## **RESOURCES**

Internal resources have been used to prepare the 2020 Meeting Procedure Local Law.

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

## **RISKS**

A new meeting procedure local law needs to be in place and gazetted in time for the Council Meeting to be held in 24 June 2020. The 2020 Local Law has been prepared for adoption to govern Council meetings until such time as the 2020 Act requirements for Governance Rules are determined and developed.

The 2020 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 recommendations required raised by the Commission of Inquiry Report.

## **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 - May [3.3.1 - 43 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

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

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

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

##### **4.1. NIL**

## 5. PROCEDURAL REPORTS

### 5.1. ORGANISATIONAL PERFORMANCE REPORT – 1 JULY 2019 TO 31 MARCH 2020

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

The Organisational Performance Report for the period July to March 2020 (refer to **Attachment [5.1.1]**) provides detailed reporting on Council's performance against the 2019/20 Annual Initiatives, Performance Indicators, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, updates and events that occurred during this reporting period and highlights the progress against the Council Plan 2017-2021 and Annual Initiatives (Council Plan).

The Council Plan is reviewed annually and includes key Strategic Outcomes, Objectives and Initiatives. A series of indicators are allocated to the four Outcomes of the Council Plan and progress against these indicators and service performance measures are outlined within the report.

The alignment of the Council Plan, Organisational Performance Report and Council Agenda topics in Ordinary Meetings of Council all outline the various activities and initiatives that work towards achieving the Council Plan Strategic Outcomes and Strategies.

The COVID-19 pandemic commenced during the period of this Quarterly Performance Report. It's impacts on the community have been considerable. Council has been able to adapt quickly to the unanticipated disruptions created by the pandemic, while still continuing the delivery of services to the community. The final outcome of some Council Plan initiatives may be impacted as a result of the pandemic.

This Organisational Performance Report (**Attachment [5.1.1]**) will be presented to Council's Audit Committee on 9 June 2020.

#### RECOMMENDATION

That Council:

1. Receives and notes the Organisational Performance Report for the period July to March 2020 (Attachment [5.1.1]);
2. Publishes the Organisational Performance Report (Attachment [5.1.1]) to Council's website; and
3. Presents the Organisational Performance Report (Attachment [5.1.1]) to Council's Audit Committee in June 2020.



**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. RECEIVES AND NOTES THE ORGANISATIONAL PERFORMANCE REPORT FOR THE PERIOD JULY TO MARCH 2020 (ATTACHMENT [5.1.1]);**
- 2. PUBLISHES THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [5.1.1]) TO COUNCIL'S WEBSITE; AND**
- 3. PRESENTS THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [5.1.1]) TO COUNCIL'S AUDIT COMMITTEE IN JUNE 2020.**

**CARRIED UNANIMOUSLY**

[Link to the next Agenda item.](#)

## **REPORT**

### **Background**

The 2019/20 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 24 July 2019. It sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July to March 2020 (**Attachment [5.1.1]**).

The 2017-2021 Council Plan, adopted in July 2019 and reviewed annually, includes key Strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the Annual Plan 2019/20 Performance Update. These indicators have been reviewed annually and are also reflected in the 2019/20 Annual Budget.

### **Discussion**

This report provides an overview of the major activities undertaken by Council in the three quarters of the 2019/20 financial year (1 July 2019 to 31 March 2020). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 100 per cent of the 27 Annual Plan initiatives for 2019/20 are on track or have been completed by March 2020.
- 76 per cent of the 176 Capital Works Program initiatives for 2019/20 have been completed or are on track as at March 2020.
- Progress on Council's Priority Projects for the Great Southern Rail Trail with an application of funding of \$500,000 has been submitted to the State Government.
- Funding amounts of \$10M as part of the Victoria Government Community Infrastructure Loan Scheme has been approved for the Korumburra Community Hub and Korumburra Streetscape.
- 88 per cent of assessed applications submitted to the State and Federal governments for project funding, have been approved, totalling \$12.9M in funding as at 31 March 2020.
- 51 applications totalling \$152,280, have been approved for Council funding through the Community Grants Program.

### **CONSULTATION**

The Organisational Performance Report (**Attachment [5.1.1]**) will be presented to Council's Audit Committee in June 2020.

## **RESOURCES**

The 2019/20 Annual Initiatives and Capital Works Program are funded through the 2019/20 Annual Budget.

## **RISKS**

The Organisational Performance Report (**Attachment [5.1.1]**) mitigates the risk of annual initiatives and capital works activities not being monitored.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Organisational Performance Report - July 2019 - March 2020 [5.1.1 - 52 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, ss.125, 127 and 223  
Local Government Act 1989, Environmental Upgrade Agreement, s.138  
Local Government Better Practice Guide 2016/17 – Performance Reporting Framework Indicator Workbook, Version 1, April 2017

## **5.2. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 16 MARCH TO 30 APRIL 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 March to 30 April 2020. Council's adopted Procurement Policy 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 Zahra

**SECONDED:** Administrator Brown

**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'.

Section 173 Agreements are prepared in accordance with s.173 of the *Planning and Environment Act 1987*.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 16 March to 30 April 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 27 Mercury Drive Venus Bay in relation to the development of land with dwelling and vegetation removal: Seal applied 16 March 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 51 Alfred Crescent Venus Bay in relation to the development of land with dwelling. Seal applied 19 March 2020.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 30 and 66 Lawsons Road Koorooman in relation to three lot subdivision and use and development of a dwelling on proposed Lot 2. Seal applied 19 March 2020.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 65 Boundary Road Loch and 35 Sunnyside Road Loch in relation to two lot subdivision. Seal applied 1 April 2020.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 15 Moncur Court Venus Bay in relation to use of the land for a restricted recreation facility (yoga studio) and art and craft centre (stained glass studio) and the development of land with dwelling and removal of native vegetation: Seal applied 22 April 2020

6. Section 173 Agreement between South Gippsland Shire Council and the owner of 140 Franklin River Road Toora in relation to the subdivision of the land into two lots and creation of a carriageway easement. Seal applied 22 April 2020.
7. Section 173 Agreement between South Gippsland Shire Council and the owner of 16 Centre Road Venus Bay in relation to the development of land with dwelling and vegetation removal. Seal applied 22 April 2020.
8. Instrument of Delegation to Chief Executive Officer under s.98(1) of the *Local Government Act 1989* – Resolution of Ordinary Meeting of Council No. 443 - 25 March 2020. Seal applied 25 March 2020.
9. CON/249 for Construction of Sealed Asphalt Carpark – Toora Pool. Seal applied 27 March 2020.
10. CON/247 for Jumbunna Road Korumburra – Shared footpath Construction. Seal applied 19 March 2020.
11. CON/246 for Timms Road Bridge Construction. Seal applied 19 March 2020.

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

1. Contracts awarded after a public tender process within the CEO's delegation between 16 March to 30 April 2020:  
Nil
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 16 March to 30 April 2020:  
Nil
3. Contract variations approved by the CEO between 16 March to 30 April 2020:  
Nil
4. Contract extensions approved by the 16 March to 30 April 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)*

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

Procurement Policy (C32)

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

Instrument of Delegation to the Chief Executive Officer, 25 March 2020

#### **Legislative Provisions**

Local Government Act 1989, ss.5 and 186

Planning & Environment Act 1987

### **5.3. ASSEMBLY OF COUNCILLORS - 22 MARCH TO 30 APRIL 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 March and 30 April 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 Brown

**SECONDED:** Administrator Zahra

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

**CARRIED UNANIMOUSLY**

[Link to next Agenda item.](#)



**REPORT**

<b>Meeting Title</b>	<b>Details</b>
<b>Wednesday 25 March 2020</b>	
<b>Executive Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Prom Country Regional Tourism</li> <li>• Business Continuity Plan – COVID19 Pandemic</li> <li>• State Government Conventional Gas Policy changes</li> </ul>
<b>Sport &amp; Recreation Strategy 2020 - 2030</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered Draft Sport & Recreation Strategy 2020-2030 - Community Consultation.
<b>Ordinary Meeting Agenda Topic Discussion – 25 March 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 25 March 2020.
<b>Tuesday 31 March 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Gippsland Shared Services</li> </ul>
<b>Wednesday 1 April 2020</b>	
<b>Executive Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Business Continuity Plan – COVID19 Pandemic</li> <li>• Volunteer Champion Award</li> <li>• State Government Conventional Gas Policy changes</li> </ul>

Meeting Title	Details
<b>Wednesday 1 April 2020</b>	
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, 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>• <i>Strategic Planning Project List</i></li> <li>• <i>Planning Applications of Interest</i></li> <li>• <i>Decisions from December 2020</i></li> <li>• <i>VCAT Decisions</i></li> <li>• <i>Applications received December 2020</i></li> </ul>
<b>Tuesday 7 April 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, 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>• Draft Council Budget</li> </ul>
<b>Wednesday 8 April 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, 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>• Business Continuity Plan – COVID19 Pandemic</li> </ul>
<b>Budget Impacts COVID19 Pandemic</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the Budget impacts of COVID19 Pandemic.</p>
<b>Community Support Package</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered as part of its response to the COVID19 Pandemic a suite of measures and activities that Council propose to implement.</p>

Meeting Title	Details
<b>Wednesday 8 April 2020</b>	
<b>New Policy: COVID19 Pandemic Rates and Charges Hardship Policy</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered new policy: COVID19 Pandemic Rates and Charges Hardship Policy (C81).
<b>Venus Bay Tourism Precinct Plan</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered a Tourism Precinct Plan for Venus Bay.
<b>Ordinary Meeting Agenda Topic Discussion – 25 March 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 22 April 2020.
<b>Tuesday 14 April 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Draft Council Budget</li> <li>• Community Support Package (COVID-19)</li> <li>• Venus Bay Tourism Precinct Plan</li> </ul>
<b>Wednesday 15 April 2020</b>	
<b>Community Support Package</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Strategic briefings scheduling</li> </ul>

Meeting Title	Details
<b>Wednesday 15 April 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, 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>• Business Continuity Plan – COVID19 Pandemic</li> <li>• Planning Scheme Amendment</li> <li>• Tidy Town Awards</li> <li>• Suicide Prevention Funding</li> </ul>
<b>Waratah Bay Caravan Park Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update relating to the Waratah Bay Caravan Park.</p>
<b>Korumburra Community Hub</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a proposed master plan for the Little Commercial Street Precinct and the Railway Station Site to accommodate the development of the Korumburra Community Hub.</p>

Meeting Title	Details
<b>Wednesday 22 April 2020</b>	
<b>Executive Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• <i>National Reconciliation Week</i></li> <li>• <i>Active Ageing Committee update</i></li> <li>• <i>COVID19 update</i></li> </ul>
<b>Social Community Infrastructure Blueprint</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered the development of the Social Community Infrastructure Blueprint 2020-2030.
<b>Ordinary Council Agenda Topics Discussion</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 22 April 2020.
<b>Tuesday 28 April 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Council Plan progress report</li> <li>• Community engagement policy and planning</li> <li>• Economic Development and Tourism advisory committees</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

## **6. ADMINISTRATOR REPORTS**

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

**Nil**

### **6.2. ADMINISTRATORS UPDATES**

**Administrator Rick Brown addressed Council by reporting on the contact that he has had with a wide range of community groups and businesses within the Shire. He relayed an overall sentiment that these are times when one appreciates the value of living in the country, the sense of community spirit and open space to walk around and enjoy. He also mentioned that the response to COVID19 Pandemic is heartening when you see how the community look after each other, voluntarily without fanfare, ensuring those that are isolated or vulnerable are being looked after.**

**Administrator Deputy Chair, Christian Zahra addressed Council by reporting on the amazing response he has seen demonstrated by the community minded people of South Gippsland. He noted how well organised and committed community groups are, how they have adapted to the current conditions [COVID19 Pandemic] by conducting their meetings on line, and at the same time checking in on their colleagues and friends. It is a typical response in South Gippsland, the high level of participation of local community and volunteer groups.**

**Administrator Zahra also mentioned how the workforce may change, that working from home/ remote working may create an opportunity in the future that has the potential to benefit the region. In rural areas this will be dependent on telecommunications infrastructure.**

**Administrator Chair, Julie Eisenbise addressed Council by sharing the range of contact that she has had over many different online platforms to meet with community members. Administrator Eisenbise further addressed Council by reporting on:**

- Attendance at weekly Municipal Emergency Management Plan Committee (MEMPC) meeting along with 20 other agencies.**
- Attendance at Gippsland Local Government Network (GLGN) meeting, there was much discussion on the impacts of COVID19 Pandemic and the commencement of relief and recovery strategies.**
- The passing of long serving former Councillor Jeanette Harding, condolences have been extended to her family on behalf of Council.**

### **6.3. COMMITTEE UPDATES**

**Nil**

## **7. 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.

**Nil**

## **8. PUBLIC QUESTIONS**

### **8.1. 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 Council Meeting 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 Council Meeting, 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**



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

Answers to previous questions taken on notice at the former Council Meeting, are included in the Minutes of this Meeting.

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

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**

### 8.3. SUBMITTED PUBLIC QUESTIONS

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

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

Public Question Time in Council Meetings are to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

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

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

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

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

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

**Mr David Amor submitted written questions and responses are provided in these Minutes.**

**Question 1**

**With all Administrators [and staff], working from home, are they [staff] now doing a 3 or 4 day week, with the way work is being done in this COV 19, have the staff been cut on wages? Are they now getting a work subsidy from the Government?**

**Question 2**

**Are the Administrators still undertaking normal hours, or if they are working reduced hours, has their remuneration reduced as a percentage to reflect the reduced hours?**

**Response to question 1 and 2**

Since the commencement of the COVID19 Pandemic, Council has continued to keep its services operating, staff are working predominantly offsite, under the existing terms of their employment conditions. Whilst there is no face to face reception, a full suite of customer service is still available and may be accessed via telephone, online or email. Local government employees are not eligible for Job Keeper payments from the Government, however at this stage no South Gippsland staff member has been stood down as there is work available for all staff. This has included both provision of current services and planning and preparation for future projects, which positions us well for grant opportunities. This work has paid off as we have recently been successful in securing a number of grants for shovel ready projects.

Administrators have also undertaken their usual duties and have been working predominantly offsite, except where attendance at Council has been required. The Administrators have been undertaking the same hours of work as they were appointed to, so therefore their remuneration remains the same.

## 9. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection—

- (a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of **confidential information** in section 3(1); and
- (b) an explanation of why the specified ground or grounds applied.

The Act defines **confidential information** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

## RECOMMENDATION

That Council pursuant to section 66(5) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information: per s.3(1):

1. Agenda Item 11.1 considers information that was confidential information for the purposes of section 77 of the Local Government Act 1989;
2. Agenda items 11.2, 11.3 and 11.4 Private Commercial Information that is deemed commercial in confidence to protect the privacy of the contractors, tender scores and tendered amounts submitted for consideration.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL PURSUANT TO SECTION 66(5) OF THE *LOCAL GOVERNMENT ACT 2020* CLOSE THE COUNCIL MEETING TO THE PUBLIC TO CONSIDER THE FOLLOWING CONFIDENTIAL INFORMATION:**

- 1. PER S.3(1)(I) AGENDA ITEM 11.1 CONSIDERS INFORMATION THAT WAS CONFIDENTIAL INFORMATION FOR THE PURPOSES OF SECTION 77 OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. PER S.3(1)(g) AGENDA ITEMS 11.2, 11.3 AND 11.4 PRIVATE COMMERCIAL INFORMATION THAT IS DEEMED COMMERCIAL IN CONFIDENCE TO PROTECT THE PRIVACY OF THE CONTRACTORS, TENDER SCORES AND TENDERED AMOUNTS SUBMITTED FOR CONSIDERATION.**

**CARRIED UNANIMOUSLY**

**11.1. CONFIDENTIAL INFORMATION LG ACT 1989 - GIPPSLAND SHARED SERVICES**

- 2. MAKES PUBLIC IN THESE COUNCIL MINUTES COUNCIL'S DECISION TO WITHDRAW FROM THE GIPPSLAND SHARED SERVICES PROGRAM, NOTING THAT COUNCIL WILL CONTINUE TO PURSUE OTHER OPPORTUNITIES TO DELIVER SHARED SERVICES.**

## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 24 June 2020 commencing at 2pm in the Council Chambers, Leongatha.

**The Council Meeting closed at 2.48pm.**

**Confirmed this**

**24<sup>th</sup> day of June 2020.**

**Administrator Chair, Julie Eisenbise**