

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

22 July 2020

Council Meeting No. 447
Council Chambers, Leongatha
Commencing at 2.00pm



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



OUR PURPOSE

To serve in the best interests of the whole Shire, delivering quality services and advocating for community needs.

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.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 447 of the South Gippsland Shire Council will be held on 22 July 2020 in the Council Chambers, Leongatha commencing at 2.00pm

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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 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 22 July 2020 Council Meeting in person.
2. Resolve that the 22 July 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.

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

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council:

1. Council Meeting No. 446, held on 24 June 2020 in the Council Chambers, Leongatha; and
2. Special Council Meeting held on 8 July 2020 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Provisions under the *Local Government Act 2020* around Conflict of Interest are not operational until October 2020. Provisions under the *Local Government Act 1989* remain operational until this time.

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.

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*.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

Provisions under the *Local Government Act 2020* around Conflict of Interest are not operational until October 2020. Provisions under the *Local Government Act 1989* remain operational until this time.

The *Local Government Act 1989*, sections 80B and 80C requires 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*.

2. OBJECTIVE 1 - UNITED SHIRE

2.1. COMMUNITY ASSET COMMITTEE ESTABLISHMENT

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The reformed *Local Government Act 2020* (2020 Act) received Royal Assent on 24 March 2020, and aims to improve Local Government democracy, accountability and service delivery for all Victorians.

This report responds to necessary changes to existing *Section 86 Committees* required by amendment to the 2020 Act.

The 2020 Act simplifies the approach to committees. The 2020 Act specifies only three types of committees, and the powers and administrative arrangements related to those committees. Sections 63 and 65 of the Act relating to delegated committees and community asset committees came into effect on 1 May 2020.

Delegations made under the *Local Government Act 1989* remain in force until 1 September 2020, therefore any existing committees operating under delegation will not have the power to exercise these delegations after this date, until new committees are established and new instruments of delegation are made.

RECOMMENDATION

That Council:

- 1. Establishes each of the existing Section 86 Committee formed under s. 86 of the *Local Government Act 1989* as Community Asset Committees pursuant to s. 65 of the *Local Government Act 2020* being:**
 - a. Allambee South Community Hall**
 - b. Dumbalk Hall**
 - c. Foster Showgrounds**
 - d. Stockyard Gallery**
 - e. Foster War Memorial Arts Centre**
 - f. John Terrill Memorial Park & Fish Creek Recreation Reserve**
 - g. Korumburra Recreation Reserve**
 - h. Leongatha Court House**

- i. **Mardan Hall**
 - j. **Meeniyah & District Sports Stadium**
 - k. **Mirboo North Hall**
 - l. **Port Welshpool & District Maritime Museum**
 - m. **TP Taylor Reserve**
 - n. **Walter J Tuck Recreation Reserve**
 - o. **Korumburra Botanic Park**
2. **Requires the Chief Executive Officer to bring a report to the 26 August 2020 Council Meeting to rescind the former Section 86 Committees and establish the memberships of the new Community Asset Committees in accordance with s. 65 of the *Local Government Act 2020*.**
 3. **Notes that the delegations for the new Community Asset Committees will be established by the Chief Executive Officer in accordance with s. 65 of the *Local Government Act 2020*.**
 4. **Reviews the most appropriate long-term governance arrangement for each Community Asset Committee within 12 months, or by 30 August 2021, in consultation with each Committee.**

REPORT

There were many amendments made to the *Local Government Act 1989* over the years, to ensure committees formed by councils, for a range of purposes, were prescribed under this Act. However, the cumulated amendments created confusion and uncertainty, which was exacerbated by the different roles and processes imposed on different types of committees.

One outcome of the *Local Government Act 2020* is the removal of Section 86 Committees as currently recognised. The 2020 Act specifies only three types of committees, with powers and administrative arrangements related to those committees. It is silent, however, on any other type of committee a council may wish to establish.

The three committees as defined under the 2020 Act are as follows;

- Delegated Committee;
- Community Asset Committee; and
- Audit and Risk Committee.

Council can establish any other committee that meets its needs, provided it has no delegated powers of Council and does not manage a community asset on

behalf of Council (i.e. Advisory Committee, Reference Committee, Steering Committee).

Council's Section 86 Committees

South Gippsland Shire Council has 16 Section 86 Committees (previously formed under the *Local Government Act 1989*) which will be impacted by amendments to the 2020 Act. These committees will need to be transitioned to either a Community Asset Committee, or other appropriate, alternative arrangement by 1 September 2020. These alternative arrangements, may include:

- Facility Management;
- Lease/ Licence; and
- Commercial Lease/ Licence.

While these alternative arrangements may provide a more flexible approach to management of assets, their structure cannot be accomplished within a short time frame.

Changes to the future structure of existing Section 86 Committees must be made with careful consideration to the future of volunteering and community engagement with Council. To ensure these changes are approached collaboratively, encourage continued community investment in community assets, and deliver a structure that provides appropriate and effective management, it will be proposed that functioning Section 86 Committees be appointed by Council as Community Asset Committees in the first instance.

It is further proposed that the designated Community Asset Committees be reviewed within 12 months and, where necessary, amendments made to the delegations, once all appropriate governance arrangements have been determined and implemented in consultation with the Committees.

This intention will allow for Council and the Community Asset Committees to explore the possible alternatives, develop appropriate structures and governance requirements and move to appropriate alternate arrangements within a twelve month timeframe.

Potential Future Models

Model	Description
Delegated Committee	A committee formed by a council and to which the council delegates “any power, duty or function of a Council under this Act or any other Act.” (s 11(1)). In effect, a delegated committee may exercise a power or undertake a duty or function as if it is the council. Under the Act, the formation of, appointment to, and administration of delegated committees is highly controlled given their ability to exercise statutory functions and powers on behalf of the council.
Community Asset Committee	A Community Asset Committee is a committee with powers of the council delegated by the Chief Executive Officer, subject to the terms and conditions specified by the Chief Executive Officer, for the purpose of managing a community asset in the municipal district (s 65(2)).
Facility management	Contract to manage the Facility
Lease / Licence	Non-commercial tenure (Community / Not for Profit incorporated organisation)
Commercial Lease / Licence	Commercial Tenure

Community Asset Committee (as described – Engage – Local Government Act 2020)

Model	Community Asset Committee
Purpose	Manages a community asset in the municipal district
Instrument of Delegation	Delegated by Chief Executive Officer
Reporting Requirements	Specified by Chief Executive Officer, the Chief Executive Officer must submit an annual report to Council
Membership	Appointed by Council (can be delegated to Chief Executive Officer)
Other Requirements	<ul style="list-style-type: none"> • indemnity • description of roles and responsibilities • governance requirements specified by the CEO

Existing Section 86 Committees

COMMITTEE	USER GROUP	VENUE TYPE
Allambee South Community Hall	Single	Community Hall
Dumbalk Hall	Single	Community Hall
Foster Showgrounds	Multiple	Recreation
Stockyard Gallery	Single	Community Gallery
Foster War Memorial Arts Centre	Multiple	Community Hall & Performing Arts Centre
John Terrill Memorial Park & Fish Creek Recreation Reserve	Multiple	Recreation
Korumburra Recreation Reserve	Multiple	Recreation
Leongatha Court House	Single	South Gippsland Shire Brass Band
Mardan Hall	Single	Community Hall
Meeniyan & District Sports Stadium	Multiple	Recreation
Mirboo North Hall	Multiple	Community Hall
Port Welshpool & District Maritime Museum	Single	Community Museum
TP Taylor Reserve	Multiple	Recreation & Community Centre
Walter J Tuck Recreation Reserve	Multiple	Recreation
Korumburra Botanic Park	Single	Park / Garden
Corner Inlet Seawalls	No Committee	

CONSULTATION

All Section 86 Committees of Council have been advised of the coming changes to the Local Government Act 2020 by correspondence (May 2020). Officer contact details were provided so that each Committee could contact Council. Consultation with the Committees continues to take place.

Internally a Working Group has been established to develop options for Section 86 Committees. There are a number of departments affected by the change to Committees, and this process has identified the need for each Committee to have an assigned 'service provider', who they can contact for individual issues, concerns or information.

Future Consultation

Consultation with Committees relating to the Instrument of Delegation for initial Community Asset Committee will be undertaken to ensure Community Asset Committee memberships are able to be appointed at the 26 August 2020 Council Meeting and delegations made by the Chief Executive Officer before the Section 86 Committees delegations by Council are rescinded.

A further twelve-month period of consultation is proposed to be undertaken with the new Community Asset Committees, to establish long-term governance arrangements.

RESOURCES

Consultation can be undertaken within current budget.

RISKS

Delegations cease by 1 September 2020, and if alternative arrangements are not complete, Committees may be operating without appropriate insurance, delegations and indemnity.

It has been confirmed that the changes to the *Local Government Act* (relating to Section 86 Committees) will not impact on existing insurance, when transitioning from Section 86 Committee to Community Asset Committee. The wording in the policy covers all formal committees set up by Council and does not specifically name committees.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

Community Strengthening Strategy

Legislative Provisions

Local Government Act 2020

3. OBJECTIVE 2 - ECONOMIC PROSPERITY

3.1. NYORA SAND - STRATEGIC EXTRACTIVE RESOURCE AREAS (SERA) COUNCIL SUBMISSION - 22 JULY 2020

Development Services Directorate

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider its submission to the State Government's Strategic Extractive Resource Areas (SERA) Pilot Project (refer to **Attachment [3.1.1]**).

The SERA pilot project is an initiative of the Department of Environment, Land, Water and Planning (DELWP) and the Department of Jobs, Precincts and Regions (DJPR) in partnership with South Gippsland Shire Council and Wyndham City.

The pilot project recommends the rezoning of existing sand quarries in the Nyora district to a Special Use Zone (SUZ) and application of the State Resource Overlay (SRO) to the known extent of commercially viable sand resource. A map of the proposed zone and overlay changes is provided in **Attachment [3.1.2]**.

Consistent with population growth, Victoria's sand extraction has increased by 42 per cent since 2014. It is estimated that 22 percent of Greater Melbourne's sand will come from this region up to 2050.

The purpose of SERA is to protect industry access to the sand resource and to implement planning scheme measures to address amenity impacts resulting from quarrying operations.

The pilot project recommendations are on public exhibition until 24 July 2020. Submissions are being received by DELWP.

RECOMMENDATION

That Council:

- 1. Notes the ongoing participation of Council staff in the development of the State Government's Strategic Extractive Resource Areas (SERA) Pilot Project;**
- 2. Notes the contribution that the Shire's sand and earth resources make to the Local and Victorian economies;**
- 3. Notes that sand extraction in Victoria has increased by 42 per cent since 2014 and it is estimated that 22 percent of Greater Melbourne's sand will come from the region up to 2050;**

- 4. Notes the SERA Pilot Project aims to provide improved decision-making certainty for the extractive resource industry, landowners and development approval authorities including Council now and over the lifetime of resource extraction;**
- 5. Notes the community consultation undertaken by the Department of Environment, Land, Water and Planning in the preparation of the SERA Pilot Project;**
- 6. Endorses Council's submission to the Strategic Extractive Resource Areas Pilot Project as detailed in Attachment [3.1.1]; and**
- 7. Submits the endorsed letter as detailed in Attachment [3.1.1] to the Minister of Planning for consideration.**

REPORT

Background

Extractive resources, and in particular mineral and construction resources, are critical to the development of both the local and State economy. Having access to high quality earth resources close to market (end users) is increasingly at risk due to land use planning conflicts. These conflicts can result in the loss of access to new resource areas, or restrictions on the expansion of existing quarrying operations due to the proximity of existing sensitive land uses like dwellings. This can lead to increased construction costs across the economy as quarries are forced to locate further from demand centres, or restrict production from existing sites (e.g. hours of operation / truck movements) or restrict site expansion.

A 2016 report by the former Department of Economic Development, Jobs, Transport and Resources estimates that the value of production generated from the (then) 485 quarries in Victoria was approximately \$676 million per year. In 2019 over two million tonnes of sand was quarried in the Nyora SERA with production increasing approximately 10 per cent per year since 2014. There is at least 20 years supply of sand remaining and it is estimated that 22 per cent of Greater Melbourne's sand requirements will be supplied from the Nyora SERA between now and 2050.

The report identified that the encroachment of sensitive land uses (e.g. dwellings and accommodation) close to resource extraction operations, or on top of resource reserves, reduces the economic viability of resource extraction resulting in a range of negative economic impacts.

Council commenced a project to identify, protect and manage the Nyora sand resource in 2017. A consultant's report was completed and preparation for a Planning Scheme Amendment commenced. Following interest from the Victorian Government the project expanded into the SERA pilot project.

Two pilot project local government areas (Wyndham City and South Gippsland Shire) were identified and are being used to trial and test production for identified SERA sites through the implementation of newly-developed planning controls. The pilot project presents an opportunity to develop planning controls to directly address issues that extractive industry operators are currently facing, as well as test and refine methodology to identify appropriate SERA sites in the future. The exhibited draft planning controls are provided in **Attachment [3.1.3]**.

Council Submission

Council has been supportive of the SERA pilot project in recognition of the importance of the sand resource to the local and Victorian economies. It also seeks to address the increasing number of amenity conflict issues. In recent years quarries have objected to dwelling applications and local landowners have objected to quarry applications. It is clear that land use conflicts related to resource extraction are increasing and that Council should closely consider applications for new uses in the sand resource area that may impact future access to the sand or create the potential for more conflict. The draft SERA planning scheme provisions significantly improve the ability to avoid and/or manage new amenity conflict issues and discourage uses that compromise resource access. On this basis, Council's submission supports the planning scheme principles established by the SERA pilot project.

The SERA provisions will benefit resource management however they have the potential to affect landowners over an extended period of time. Identifying land in the SRO is a clear statement that a quarry may operate on SRO land sometime in the future. For landowners already concerned about existing quarry operations, this presents a legitimate concern and is likely to be reflected in the submissions DELWP receive. Importantly, the proposed SRO does not prohibit anything. It introduces additional planning permit triggers for new dwellings and some buildings and works and retains appeal rights should Council refuse an application. The SRO removes public notice and third-party appeal rights for new quarries that are more than 250m from a sensitive land use provided they have direct access to the South Gippsland Highway. The SUZ retains the planning permit requirement for a quarry and prohibits most forms of sensitive land uses at the quarry site.

The high concentration of rural residential style development in the sand resource area and immediate surrounds has established the potential for ongoing amenity conflict concerns which will remain challenging to manage while quarrying continues. Balancing the concerns of existing residents with the economic importance of the resource is not easy however the criticality of high-quality sand, close to market, when access to new resource is becoming more difficult, means that protecting the resource must have a high priority. Discouraging a proliferation of sensitive land uses in the SERA, and approving uses only when amenity impacts can be addressed, should be a priority to protect the state significant resource.

Council's draft submission supports the proposed planning scheme controls and requests that implementation of the controls involve further exhibition and the opportunity for independent review. This is considered warranted given the extent and complexity of the proposed changes.

Consideration should also be given to providing more planning permit exemptions in the SRO for buildings and works related to existing dwellings and agricultural uses. Most of the freehold land in the proposed SRO area is in the Farming Zone or Rural Living Zone. These zones do not promote the use of land for more than one dwelling and it is the number of new dwellings and new residents that creates conflict potential and not the size of a residential extension or farm building. For this reason, it is recommended that more planning permit exemptions be included in the SRO to reduce its burden on local residents and agricultural operations.

The submission also notes the impact of sand trucks on the local road network and the amenity impacts of trucks on local residents. If the area is to experience an increase in truck movements in coming years, it is important that the State Government work with Council and the local community and lead implementation measures to maintain roads and manage amenity impacts. A large portion of sand truck movements occur on McDonalds Track, which is the Shire's most heavily trafficked Council road. The strategic significance of McDonalds Track for access to the resource, combined with Council's limited resources to provide for its upgrading, supports its transfer from Council to a State Government responsibility as a matter of priority.

Separate to the submission, additional feedback will be provided to DELWP requesting clerical and procedural changes to the draft provisions that do not affect the broader merits of the proposal. This includes typographical corrections, updating clause numbers, minor text and formatting changes.

CONSULTATION

SERA consultation occurred over a two-month period and concludes on Friday 24 July 2020. An extended exhibition period was provided in response to COVID-19. As DELWP is the project lead agency it sent letters to all directly affected landowners and interest groups in May 2020. Some feedback has been expressed to DELWP that letters should have been more broadly distributed. It is normal practice to notify all directly affected landowners. For those not directly affected, a consultation plan was developed to ensure as many people were informed as possible of the SERA.

Council has SERA exhibition details on its webpage directing visitors to the State Government's 'Engage Victoria' webpage.

Council was advised by DELWP that submissions had been received in relation to the Nyora element of pilot project. DELWP is not able to provide Council with copies of the submissions and could only inform Council in broad and general terms of the submission contents. Key themes emerging from the submissions are:

- Residents are concerned that the SRO will see more quarries established in the area;
- Existing quarries are affecting landowner amenity and having traffic impacts;
- Quarries affect land values; and
- Quarries affect flora and fauna in the locality.

RESOURCES

Council's involvement in the SERA pilot project is limited to a partnership role which has no financial implications for Council other than staff resources.

RISKS

Should demand for the sand resource continue or increase, there is a risk that land use conflict issues with increase, access to the resource will be compromised and more residents will be exposed to amenity impacts from the quarrying operations.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Strategic Extractive Resource Areas SERA Pilot - Council submission draft 22 July 2020 [3.1.1 - 3 pages]
2. Strategic Extractive Resource Areas SERA - Planning Provision Application (Proposed) Map [3.1.2 - 1 page]
3. Strategic Extractive Resource Areas SERA - Planning Controls - Draft [3.1.3 - 38 pages]

REFERENCE DOCUMENTS

Council Policy

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

Revised Council Plan 2017 – 2021
South Gippsland Planning Scheme

Legislative Provisions

Catchment and Land Protection Act 1994
Environment Protection Act 1970
Environment Protection Act 1994
Gippsland Regional Growth Plan, September 2013, State Government Victoria
Land Act 1958
Local Government Act 1989
Local Government Act 2020
Planning and Environment Act 1987
Subdivision Act 1988

3.2. CARAVAN PARKS OPERATIONS - YANAKIE AND LONG JETTY CARAVAN PARK

Development Services Directorate

EXECUTIVE SUMMARY

The Long Jetty and Yanakie caravan parks are located on Crown Land and Council is the appointed Committee of Management. Council took direct management of the caravan park operations in 2013 following the expiry of 21-year lease agreements. The caravan parks were returned to Council in a state of disrepair and almost exclusively occupied by annual permit holders.

Since taking on the direct management of caravan parks, Council has continued to rejuvenate the land, renew essential infrastructure and take steps to bring the land back into compliance with Victoria's rules and regulations for managing caravan and camping parks on Crown Land.

At the end of each financial year a Council report is tabled to disclose the revenue, operating cost and capital investment for each Council managed caravan park.

For the period ending 15 June 2020 the Yanakie caravan park returned an operating deficit of \$2,319 (revenue minus operating expenses) and the Long Jetty caravan park returned an operating deficit of \$2,219. Council made a capital improvement of \$138,025 towards a new toilet block at Long Jetty.

The combined operating deficit for the two caravan parks for the period ending 15 June 2020 was \$4,538. The combined operating surplus for the two caravan parks for the previous financial year was \$14,943.

Revenue at the parks was down on the previous financial year as a result of caravan park closures in response to the Covid-19 pandemic.

RECOMMENDATION

That Council receives the Yanakie and Long Jetty Caravan Park - Summary of Operations Report for the period ending 15 June 2020.

REPORT

Background

Council is the Committee of Management for the land comprising the Long Jetty and Yanakie caravan parks. Council took direct management of these Parks following the expiry of 21-year lease agreements entered into by Commissioners during Victorian Local Government reform in 1993/94.

By the time the leases had expired, the caravan parks were in a state of disrepair requiring capital investment to address electrical, fire and public safety compliance requirements.

The parks were predominantly occupied by annual site holders with limited short stay accommodation options. Many private caravans and annexes were in poor condition and a range of private structures were unlawfully erected on Crown Land.

The parks had not been managed in accordance with the Victorian Government's *Best Practice Guidelines (2011) for Committees of Management Managing Caravan and Camping Parks on Crown Land*.

In preparing for the expiry of the 21-year leases, Council undertook a public Expression of Interest (EOI) for the parks to be privately managed under a new lease. At the 24 April 2013 Council Meeting it was determined that suitable EOIs had not been received and Council resolved to bring the parks back under direct management.

Since taking on direct management of the caravan parks, Council has continued to rejuvenate the land, renew essential infrastructure and take steps to bring the land back into compliance with Victoria's rules and regulations for managing caravan and camping parks on Crown Land.

Yanakie Caravan Park financials for the period ended 15 June 2020

The table below provides the revenue, operating costs and capital investment for the Yanakie Caravan Park for the period 1 July 2019 to 15 June 2020.

Yanakie – 2019/20	Actuals – YTD 15 June (\$)	Budget – Full Year (\$)	2018/19 – Full Year (\$)
Revenue	539,119	645,806	642,297
Operating Expenses	541,438	493,506	558,192
Operating Result	(2,319)	152,300	84,105
Capital Investment	8,130	9,881	2,556

For the period ending 15 June 2020 the Yanakie caravan park returned an operating deficit of \$2,319 (revenue minus operating expenses).

Revenue for the period ending 15 June 2020 is \$103,178 (16%) lower and operating expenses are \$16,754 (3%) lower compared to the previous full financial year. Revenue at the parks was down on the previous financial year as a result of caravan park closures in response to the Covid-19 pandemic.

Long Jetty Caravan Park financials for the period ended 15 June 2020

The table below provides the revenue, operating costs and capital investment for the Long Jetty Caravan Park for the period 1 July 2019 to 15 June 2020.

Long Jetty – 2019/20	Actuals – YTD 15 June (\$)	Budget – Full Year (\$)	2018/19 – Full Year (\$)
Revenue	309,525	306,075	317,348
Operating Expenses	311,744	457,342	386,500
Operating Result	(2,219)	(151,266)	(69,162)
Capital Investment	145,405	202,225	263,236

For the period ending 15 June 2020 the Long Jetty caravan park returned an operating deficit of \$2,219 (revenue minus operating expenses).

Council made a capital investment of \$138,025 (\$263,236 for the full 2018/19 year) towards a new toilet block at Long Jetty. The previous toilet block has reached the end of its life and the project was completed over two financial years.

Revenue for the period ending 15 June 2020 is \$7,823 (2%) lower and operating expenses are \$74,756 (19%) lower compared to the previous full financial year.

Key Revenue points to note with the Caravan Parks closure due to COVID-19:

Long Jetty Caravan Park

Accommodation sales (not including permit holders) from April to June 2020 while the park has been closed was \$0.00. During the same 3-month period in 2019, the accommodation sales were \$53,000.

Yanakie Caravan Park

Accommodation sales (not including permit holders) from April to June 2020 while the park has been closed was \$1,000. During the same 3-month period in 2019, the accommodation sales were \$76K. The impact of COVID-19 and the park's closure resulted in lower revenue of approximately \$75,000.

RESOURCES

This report provides the revenue, operating costs and capital investments made during the annual operation of Council managed caravan parks. The annual budget makes provision for operating and capital requirements for the caravan park operations.

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 into compliance with the guidelines seeks to mitigate many of Council's risks.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

General Local Law 2014

Recreational Vehicle (RV) Strategy

Revised Council Plan 2017 – 2021

Economic Development and Tourism Strategy

Legislative Provisions and other related documents

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

Crown Land Equity of Access Policy (DELWP)

Crown Land (Reserves) Act 1978

Crown Land Caravan Parks Policy Update 2019 (DELWP)

Leasing Policy for Crown Land in Victoria 2010 (DELWP)

Local Government Act 1989

Local Government Act 2020

Residential Tenancies (Caravan Parks and Movable Dwellings) Regulations 2010

3.3. SOUTH GIPPSLAND - SMALL BUSINESS FRIENDLY CHARTER - UPDATE

Development Services Directorate

EXECUTIVE SUMMARY

At its meeting of 27 February 2019, Council resolved to become a signatory to the Victorian Small Business Friendly Charter. The Charter is a product of the Victorian Small Business Commission (VSBC) (refer to **Attachment [3.3.1]**).

Council's commitment recognises the importance of small business to the local economy and the role that Council can play to support small business.

The Charter outlines opportunities to deliver better outcomes for small businesses. Council have signed up to its six key elements and has taken steps to implement these over the past 12 months. The six elements are:

1. Mitigating the impact of disruptive infrastructure projects on small businesses;
2. Supporting small businesses to build stronger business networks;
3. Streamlining permit approvals processes for small businesses;
4. Faster payment of invoices for small businesses;
5. Coordinating resources available to small businesses from local councils, Small Business Victoria and the VSBC; and
6. Creating strong and mutually beneficial channels of communication between VSBC and local councils.

This report outlines the work completed to implement the Victorian Small Business Friendly Charter over the past year.

RECOMMENDATION

That Council:

1. **Receives the report noting the work completed to implement the Small Business Friendly Charter, including;**
 - a. **using the Victorian Small Business Engagement Guidelines - Working with Small Businesses during disruptive infrastructure projects, to inform works and engagement on the Revitalisation of the Bair Street Project;**
 - b. **processes to pay invoices immediately upon receipt of goods and services with a valid invoice;**
 - c. **participating in the Better Approvals Project to stream-line permit approval processes for small business; and**
-

- d. **development of the Business Expansion and Retention (BEAR) program.**
- 2. **Continues its commitment to the Victorian Small Business Friendly Charter by signing up to the Charter for a further 12 months.**

REPORT

The Victorian Small Business Commission (VSBC) developed a Small Business Friendly Council Initiative (the Initiative), which included the Small Business Friendly Charter Agreement (the Charter) (refer to **Attachment [3.3.1]**).

The VSBC worked with 12 councils to develop the Charter which includes six key elements. The Charter outlines the commitment from the VSBC to work with Small Business Victoria and councils for the benefit of small business.

South Gippsland Shire Council agreed to participate in all six key elements of the Charter and to implement these within 12 months.

Below is the work undertaken against each key element over the past 12 months.

1. Mitigating the impact of disruptive infrastructure projects on small businesses

Council has implemented the Victorian Small Business Engagement Guidelines - Working with Small Businesses during disruptive infrastructure projects (the Guidelines).

Implementing the Guidelines has benefited the Bair Street revitalisation project. Strategic engagement between affected small businesses and Council has sought to address the impacts of these works on small businesses.

A project reference group with business owners was established and a Council liaison officer assigned to streamline communications. A display with information about the project is located on-site. Updates are provided on Council's Facebook page and website.

A database of Bair Street businesses was created and is used to distribute project information and updates.

This will be replicated as part of the Korumburra Hub and Streetscape projects.

2. Supporting small businesses to build stronger business networks

- Council developed the Business Expansion and Retention (BEAR) program to support new and existing businesses. The BEAR program includes the following initiatives and communications:
 - Regular liaison with local Business and Tourism Associations.

- Development of the Good Governance Toolkit. This manual assists associations with their administration and governance practices.
- Hosting Small Business Victoria workshops.
- Holding the Annual Small Business Festival, including a business event in cooperation with all Gippsland councils.
- Providing business mentoring through the Small Business Mentoring Service and Business Victoria Small Business Bus.
- Providing free Social Media training for local businesses.
- Distributing the business E-newsletter.
- Regular Facebook posts to promote business activities or information;
- Creating the 'Open in Your Area – Shop Local' website as a result of COVID-19. Managed by Council, this central directory was designed for South Gippsland businesses to advertise during Covid-19 trading restrictions.
- Launching the 'Be Kind to Business South Gippsland' to help lighten the increasing impact of COVID-19 on small businesses.
- Contacting businesses affected by COVID-19.
- Engaging with the local Business Emergency Leadership Group (BELG).

3. Streamlining permit approvals processes for small businesses

Council committed to the Better Approvals Project in 2019 which is an initiative of Small Business Victoria. The project was designed to streamline Council regulatory processes for business applications.

It involved a review of regulatory approval processes from the customers perspective. Interviews were conducted with businesses that have undertaken recent approval processes. The initiative was supported by an external facilitator.

As a result of the Program, Council has developed a more coordinated approach to business applications. This process continues to be refined. The role of the Economic Development and Tourism team in approvals has broadened to include a liaison officer assigned to support projects. Pre-application meetings with the proponent and Council staff are offered.

4. Faster payment of invoices for small businesses

Council has developed processes to pay invoices immediately upon receipt of goods and services with a valid invoice.

COVID-19 support initiatives have also included prompt payment of suppliers. Council averages 20 business days for payment of invoices with 60% paid within 14 business days.

5. Coordinating resources available to small businesses from local councils, Small Business Victoria and the VSBC

Council's Business Expansion and Retention (BEAR) Model provides a wide range of support to businesses through its programs.

Businesses have access to Business Victoria resources through Council's business website page and through attending workshops.

Council has provided information on resources available to small business through its monthly business newsletter. The newsletter distribution has been increased to weekly during COVID-19.

The VSBC Retail Lease Checklist is available on Council's website and businesses are directed when enquiring about retail leases.

6. Creating strong and mutually beneficial channels of communication between VSBC and local councils

The VSBC have been receiving updates from Council through the regular business E-newsletters and the VSBC website link is on Council's website business page.

Council have provided a written report to the VSBC on the implementation of the Charter. A case study was also provided on the Bair Street Reference Group, this may be detailed in their Annual Report.

CONSULTATION

Council's Economic Development unit conducts regular ongoing consultation with South Gippsland's business community, including with small business.

Engagement with the VSBC during implementation of the Charter commitments. Consultation with businesses during the development of the Better Approvals Program and the Bair Street Revitalisation project.

Implementation of the initiatives will improve engagement activities with small businesses on an ongoing basis.

RESOURCES

The initiative has been implemented within existing budgets and resources.

RISKS

Being a signatory to the Small Business Friendly Charter continues to recognise the importance of small business to the local economy and the role that Council can play to support small business.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Small Business Friendly Council Charter Agreement - August 2019 [3.3.1 - 4 pages]

REFERENCE DOCUMENTS

Council Policy

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

Economic Development and Tourism Strategy

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

3.4. POLICY REVIEW: FOOD SAFETY MANAGEMENT POLICY (C18)

Development Services Directorate

EXECUTIVE SUMMARY

The *Local Government Act 2020* defines the role of Council as providing good governance in its municipal district for the benefit and wellbeing of the municipal community. Included within the Act's overarching governance principles and supporting principles are:

- Council decisions are to be made and actions taken in accordance with relevant law;
- Priority is given to achieving the best outcomes for the municipal community, including future generations; and
- The transparency of Council decisions, actions and information is to be ensured.

The *Food Act 1984* (the Act) regulates the sale of food in Victoria to ensure food for sale is safe and fit for human consumption. Local Government is responsible for administering the laws within its municipal district.

Council's Food Safety Management Policy (C18) (the Policy) provides a transparent framework as to how Council will administer the requirements of the Act. The policy has been reviewed (**Attachment [3.4.1]**) and is recommended to Council for adoption. The policy revision included changes to the Act, related Victorian Food Safety policy and supports the objectives of Council's Good Governance Framework.

RECOMMENDATION

That Council adopts the *Food Safety Management Policy 2020 (C18)* (Attachment [3.4.1]).

REPORT

Background

The *Local Government Act 2020* states that the role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Included within the Act's overarching governance principles and supporting principles are:

- Council decisions are to be made and actions taken in accordance with relevant law;
- Priority is given to achieving the best outcomes for the municipal community, including future generations; and

- The transparency of Council decisions, actions and information is to be ensured.

The Act regulates the sale of food in Victoria to ensure food for sale is safe and fit for human consumption. Council is responsible for administering food safety management in the municipality and aims to protect the health and wellbeing of the community by minimising health risks associated with food produced and sold within the municipality.

Food regulation in Victoria has been subject to several changes since 2015. This has altered the way in which Victorian councils apply the Food Standards Code to food businesses.

The largest transition for Council was the introduction of a risk management approach to food regulation which has replaced the previous prescriptive based approach. The Victorian Department of Health and Human Services has developed a risk management approach framework which has been used to guide the development of this *Policy*.

CONSULTATION

This *Policy* was written in conjunction with the Victorian Department of Health and Human Services (DHHS) publication - *A guide to food safety assessment*.

RESOURCES

Council's responsibilities under the Act are resourced within current annual budgets.

RISKS

This *Policy* ensures Council has a structured implementation of its statutory responsibilities pursuant to the *Act* in a fair, equitable and transparent manner, to all food businesses who operate within the Shire.

This Policy:

1. Will minimise both reputational and financial risks;
2. Enhance openness and transparency;
3. Assist in avoiding possible breaches of the *Food Act 1984*;
4. Increase compliance with the *Food Standards Code*; and
5. Aims to reduce the risk of transmission of food borne illness within the Community.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Food Safety Management Policy (C18) - Draft July 2020 [**3.4.1** - 6 pages]

REFERENCE DOCUMENTS

Council Policy

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

Food Safety Management Policy (C18)

Legislative Provisions

Charter of Human Rights and Responsibilities Act 2005

Food Act 1984

Food (Forms and Regulation) Regulations 2015

Food Standards Code (FSANZ)

Local Government Act 2020

4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE

4.1. 2020/21 PRIORITY PROJECTS FOR ADVOCACY

Infrastructure Directorate

EXECUTIVE SUMMARY

Council performs an important role in advocating for government funding and/or commitments needed to deliver priority projects of local significance, with the objective of enhancing economic prosperity and liveability of the municipality. Each year Council reviews, updates, and confirms its list of annual priorities for the year ahead.

The focus of the Priority Projects allows Council to deliver a more targeted message and be clear to the community and other levels of government as to its priorities for the year which are considered ready for investment and delivery. Once the 2020/21 Priority Projects are adopted, Council will continue to investigate, develop, and pursue the realisation of each project.

A progress report on the 2019/20 Priority Projects has been provided. The recommended 2020/21 Priority Projects include a new project, the Leongatha Early Years Learning Centre for reasons discussed further in this report.

RECOMMENDATION

That Council adopts the following 2020/21 Priority Projects for advocating to the State and Federal Governments for funding:

- 1. Korumburra Streetscape Project; and**
- 2. Leongatha Early Years Learning Centre Project.**

REPORT

In September 2019, Council endorsed its 2019/20 Priority Projects. Some of these projects are either funded or have significantly progressed and therefore will no longer be considered a Priority Project for advocacy. A detailed status is provided for each of these projects including a recommendation for Council's consideration on the 2020/21 Priority Projects for Advocacy.

2019/20 Priority Projects for Advocacy

- 1. GSRT Extension – Leongatha to Korumburra:** An application of \$500,000 has been approved from Regional Development Victoria (RDV) for this section.

<p><i>Proposal:</i> <i>As a result of the application being successful, this project will no longer be considered a Priority Project for Advocacy with works to commence in 2020/21.</i></p>

2. **GSRT Extension – Korumburra to West of Nyora (Western Boundary):** The project has progressed significantly with planning/design nearing completion and the rail infrastructure currently being removed. An application to Sport and Recreation Victoria (SRV) for \$800,000 is currently pending.

Proposal: *As a result of the application being successful, this project will no longer be considered a Priority Project for Advocacy with works to commence in 2020/21.*

2019/20 Priority Projects for Development

3. **Korumburra Community Hub:** During 2019/20, this project has advanced enough for Council to submit an application to the Living Libraries Infrastructure Fund for \$750,000 which was approved. In addition, Council submitted an application to the Community Infrastructure Loans Scheme for \$5M which was also approved. It is anticipated that tenders will be sought for the construction of this project in July 2020.

Proposal: *This project is no longer considered a Priority Project for Advocacy.*

4. **Korumburra Streetscape:** The scope of this project was amended to include works to the Little Commercial Street Precinct to accommodate the Korumburra Community Hub. The design of the community hub required the development of concept plans for the Little Commercial Street Precinct. The concept plan has now been developed and detailed design to commence soon. It is anticipated that works will commence late in the 2020/21 financial year. During 2019/20, the project had advanced enough that allowed Council to submit an application to the Community Infrastructure Loan Scheme for \$5M which was approved.

Proposal: *Although the loan has been approved, there may still be an opportunity to seek additional funding towards this project in 2020/21. Therefore, it is recommended that this project remain a Priority Project for 2020/21.*

5. **Leongatha Community Hub:** This project is still in the planning stage.

Proposal: *It is recommended this project be removed as a 2020/2021 priority project as it is still in the early development phase.*

Proposed New Project for 2020/21

Leongatha Early Years Learning Centre Project

During 2019/20, funding for 3-year-old kindergartens was a Victorian Government election commitment. South Gippsland Shire was chosen as a pilot for the program which required Council to consider and develop adequate facilities to accommodate the funded program. It was determined that there was a need for development of a new facility in Leongatha based on a needs assessment undertaken across the Shire.

Council has been encouraged to seek funding through the Victorian School Authority's Building Blocks Grants program to assist with the development of a facility to address the increase in demand. Planning has been undertaken over the past six months and progressed enough that the facility can now be recommended as a Priority Project for Advocacy in 2020/21.

2020/21 Priority Projects (Proposed)

In summary, it is proposed that Council adopt the following 2020/21 Priority Projects for Advocacy:

1. **Korumburra Streetscape:** As there may be an opportunity to seek additional funding towards this project in 2020/21, it is recommended that this project move into the Advocacy category and remain a Priority Project for 2020/21.
2. **Leongatha Early Years Learning Centre Project:** The planning for this project has progressed enough that the facility can now be recommended as a Priority Project for Advocacy in 2020/21.

CONSULTATION

Consultation with the relevant key stakeholders for each of the proposed 2020/21 Priority Projects has been or is currently being undertaken.

The proposed 2020/21 Priority Projects were presented to Council at a Strategic Briefing on 20 May 2020.

Progress updates for the Priority Projects are included in the quarterly Organisational Performance Report.

RESOURCES

Council's anticipated financial contributions towards the proposed 2020/21 Priority Projects has been accounted for in the Long Term Financial. Where required, Council will seek grant funding to support the endorsed projects.

Any decision to increase or alter the amounts already committed will need to be accounted for elsewhere in the budget and would have a direct impact on the organisation's ability to deliver its adopted Capital Works Program. Further,

any variation to existing financial commitments would need to be formally accounted for and adopted through Council's statutory annual budget process.

Income and expenditure budgets for the proposed 2020/21 Priority Projects, including the year proposed for delivery, will be included in the report anticipated to be tabled at the 24 June 2020 Ordinary Council Meeting for Council's consideration and adoption. Project budgets are subject to Council approval as part of the Annual Budget process.

RISKS

In determining the highest order Priority Projects for Advocacy during 2020/21, Council should be aware that the chances of success could be considerably reduced by endorsing an excessive number of projects. Council is also encouraged to consider the potential financial risk associated with varying its existing contributions towards each of the recommended 2020/21 Priority Projects or with adding additional projects.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

Annual Budget

Council Plan 2020-2024

Long Term Financial Plan

Priority Projects

Revised Council Plan 2017-2021

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

4.2. 2020/21 STRATEGIC ROAD PROJECTS FOR ADVOCACY

Infrastructure Directorate

EXECUTIVE SUMMARY

The focus of Strategic Road Projects allows Council to advocate to other levels of government for funding for road projects delivered by Regional Roads Victoria (RRV) and Council. The projects are identified because of the economic impacts and/or safety benefits for the South Gippsland community.

A progress report on the 2019/20 Strategic Road Projects has been provided. A recommendation for the 2020/21 Strategic Road Projects is proposed which includes a new project, Korumburra Streetscape - Commercial Street for reasons discussed further in this report.

RECOMMENDATION

That Council adopts the following 2020/21 Strategic Road Projects for advocating to the State and Federal Governments for funding:

- 1. Leongatha Heavy Vehicle Alternative Route – Stage 2 (Hughes Street);**
- 2. South Gippsland Highway, Korumburra – Coal Creek bends;**
- 3. Bass Highway – Leongatha to Anderson;**
- 4. South Gippsland Highway – Grassy Spur realignment;**
- 5. Strzelecki Highway – Crightons Hill realignment; and**
- 6. Korumburra Streetscape – Commercial Street.**

REPORT

In 2019/20, Council adopted five significant road projects for advocating to the State and Federal Governments for funding. The status of these projects including those recommended to remain as a 2020/21 Strategic Road Project are discussed below.

1. Leongatha Heavy Vehicle Alternative Route – Stage 2 (Hughes Street)

The project seeks funding for the Planning Study required for Stage 2 of the Leongatha Heavy Vehicle Alternate Route. The focus of the project is to redirect heavy vehicles away from the Leongatha town centre to improve amenity and safety in the town. This would involve economic, engineering, and environmental studies to determine the preferred options and make a future funding bid for the implementation of the project.

Leongatha is the largest town and the major service, commercial, and industrial centre of the South Gippsland Shire. It has an economic output of over \$1.2 billion. Stage 1 of the Leongatha Heavy Vehicle Alternate Route was completed

in 2016. This diverted heavy vehicles away from the main street of Leongatha to allow for beautification and pedestrian friendly treatments to be undertaken. Stage 2 of the project is required to complete the project to improve freight and visitor movements and resolve some vehicle safety and accessibility issues through the town.

Stage 1 of the Leongatha Heavy Vehicle Alternate Route resolved a number of key traffic and transport issues for the town, but it was always intended that there would be a second stage to complete the project. Some of the intersection treatments employed in Stage 1, combined with increases in traffic volumes, have created traffic congestion and safety issues which will increase over time.

This project is unfunded. This project is effectively Stage 2 of the Leongatha Heavy Vehicle Alternative Route. The project is being advocated with RRV but without success to date.

Proposal: *It is recommended this project remain a Strategic Road Project for 2020/21.*

2. South Gippsland Highway, Korumburra (Coal Creek bends)

The project involves a road realignment to remove a series of bends on the South Gippsland Highway south of Korumburra. Realignment of the highway will include a suite of options including:

- Intersection improvements
- Road widening
- Sections of road realignment
- Signing and delineation improvements
- Construction of a service lane and vehicle rest stop east of Coal Creek

The South Gippsland Highway is the main arterial route through the Shire, connecting it with Melbourne to the west and Sale to the east. It connects most of the larger towns through the Shire and is the key freight, passenger, and public transport route. With improvements to the highway over the last ten years, the section south of Korumburra has become more problematic with a number of serious accidents, including two fatalities.

South Gippsland is a major food production area for the State and an increasing destination for tourists to locations such as Wilsons Promontory National Park. The deterioration of the road condition on this section is increasing freight costs, reducing safety, and impacting on visitation to the area.

RRV has undertaken public consultation regarding the project. The project is planned for a future Victorian budget bid.

Proposal: *It is recommended this project remain a Strategic Road Project for 2020/21.*

3. Bass Highway – Leongatha to Anderson

The Bass Highway Corridor Planning study identifies a series of potential upgrades along on the highway. This is the main southern route through Bass Coast and South Gippsland Shires. It passes through the main towns of Wonthaggi and Inverloch and connects to Leongatha. Major upgrades to the highway have been completed to the section from Melbourne to Anderson (which connects to Phillip Island), but major upgrades will be needed along the route to cope with expected increases in traffic volumes and population.

Bass Coast and South Gippsland Shires have complimentary and strongly connected economies. Bass Coast is one of Victoria's most important tourist destinations and is rapidly increasing in population while South Gippsland Shire is one of the State's key food production centres and includes the iconic Wilsons Promontory National Park.

Bass Coast Shire Council and South Gippsland Shire Council support first stage projects along the corridor including:

- Highway realignment, service road, and parking improvements at Kilcunda.
- Development of overtaking lanes between Kilcunda and Dalyston.
- Intersection safety improvements and redevelopment at Leongatha South-Outtrim Road and Rougheads Road.

Council continues to work with RRV and Bass Coast Shire Council on the Planning Study for upgrades to the Bass Highway from Anderson to Leongatha.

Proposal: *It is recommended this project remain a Strategic Road Project for 2020/21.*

4. South Gippsland Highway – Grassy Spur Alignment

The project seeks the realignment of the South Gippsland Highway between the towns of Stony Creek and Foster at an area known as Grassy Spur.

The South Gippsland Highway is the main arterial route through South Gippsland Shire and part of the Sydney to Melbourne Touring Route.

Works on this section of road about 15 years ago removed some bends but others remain. These are electronically sign posted and speed restricted. With

improvements to the highway at other locations, this area will become the most difficult section of the highway and limit further economic expansion.

The section of road is a key connector to the southern districts of South Gippsland Shire including Wilsons Promontory National Park, Corner Inlet, and towns such as Foster and Toora.

This project is in the preliminary stages with RRV.

Proposal: *It is recommended this project remain a Strategic Road Project for 2020/21.*

5. Strzelecki Highway – Crightons Hill realignment

The project seeks a realignment of the Strzelecki Highway, Leongatha North at a location known as Crightons Hill. The Strzelecki Highway connects South Gippsland Shire with the Latrobe Valley and this section of the highway connects Leongatha, the Shire's largest town with Mirboo North, the third largest town.

The section at Crightons Hill is steep and particularly tight. There have been a number of fatal accidents on this section of road. To reduce accidents, some road widening has been undertaken, wire rope barriers installed, and speed restrictions introduced. These are only temporary treatments and a complete realignment is required to provide a long-term solution to ultimately solve the issue.

The highway carries a large amount of freight and passenger vehicles, including tourists between Bass Coast, South Gippsland, and the Latrobe Valley.

This project is currently in the cost benefit stage at RRV.

Proposal: *It is recommended this project remain a Strategic Road Project for 2020/21.*

Proposed New Project for 2020/21

Korumburra Streetscape – Commercial Street

After consultation with RRV, it is also recommended to include the Korumburra Streetscape (Commercial Street) project onto the proposed list.

The scope of this project broadened to include upgrade works to Little Commercial Street as well as Commercial Street, which is managed by RRV. A concept plan was completed during 2019/20, however it does not include works that are identified to be undertaken by RRV.

An application to the Community Infrastructure Loans Scheme has been approved for \$5M, however, as works are unlikely to commence until late in the

2020/21 financial year, officers believe that there may be another opportunity to seek additional external funding.

Proposal: *It is recommended this project be included as a Strategic Road Project for 2020/21.*

CONSULTATION

The list of Strategic Road Projects has been developed in consultation with RRV, the Gippsland Local Government Network (GLGN), and South East Australian Transport Strategy (SEATS).

RESOURCES

None of the recommended projects, except for the Korumburra Streetscape (Commercial Street) project, require funding from Council as RRV are the responsible road authority. The Korumburra Streetscape (Commercial Street) project is identified in Council's Long Term Financial Plan.

RISKS

In determining the highest order 2020/21 Strategic Road Projects, Council should be aware that the chances of success could be considerably reduced by endorsing an excessive number of projects. Council is also encouraged to consider the potential financial risk associated with varying its existing contributions towards each of the recommended 2020/21 Strategic Road Projects or with adding additional projects.

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Legislative Provisions

Local Government Act 1989

4.3. PETITION RESPONSE: TRAFFIC MANAGEMENT AND SEALING OF ATHERTON DRIVE AND SPRING STREET, VENUS BAY

Infrastructure Directorate

EXECUTIVE SUMMARY

At the 28 August 2019 Ordinary Meeting of Council, two petitions were received from directly affected residents of Lees Road, Atherton Drive, Spring Street, and surrounding properties in Venus Bay requesting Council consider traffic management and sealing of Atherton Drive and Spring Street, Venus Bay (the Proposal). At the meeting, Council resolved to receive a report at the 25 September 2019 Ordinary Meeting of Council, that considers the two petitions.

At the 25 September 2019 Ordinary Meeting of Council, a report was received considering the two petitions and Council resolved to meet with the petitioners to investigate options to address the two petitions and report back to Council those findings at the next appropriate Council meeting.

The two petitions received requested the sealing of Atherton Drive from Nell Street to Spring Street, and the sealing of the full length of Spring Street, as well as installation of traffic calming devices and the lowering of the speed limit on both roads to 40 km/hr.

Council has met with the lead petitioner and carried out traffic management and sealing investigations and have determined that:

- Neither Atherton Drive or Spring Street meet the necessary average traffic volumes to be considered for sealing, and the 85th percentile speeds are not high enough to justify any further traffic calming devices to be installed. There is an option for Atherton Drive and Spring Street to be sealed under Council's Special Charge Scheme Policy (C42). It is proposed that Council discusses this option in further detail with the lead petitioner.
- Any further traffic calming devices would be too invasive for this type of road given the current level of daily traffic volumes and recorded speeds. It is proposed that Council liaises with Regional Roads Victoria for a speed limit reduction to 40 km/hr for all Venus Bay roads.
- Traffic volumes will continue to be monitored and the sealing of Atherton Drive and Spring Street will be considered in the future if the traffic volumes increase to the required level.

To assist in the parking concerns over the peak season, it is proposed to install "No Standing" signs on the south side of Atherton Drive, from Nell Street to Spring Street, for a trial period over the summer months of 2020/21. If successful, consideration will be given to making this section a permanent "No Standing" zone.

RECOMMENDATION

That Council:

1. **Does not seal Atherton Drive or Spring Street, Venus Bay as these roads do not meet the average traffic volumes required for sealing a road;**
2. **Does not provide any traffic calming devices given the current level of daily traffic volumes and recorded speeds;**
3. **Erects “No Standing” signs on the south side of Atherton Drive between Nell Street and Spring Street on a trial basis over the summer period of 2020/21;**
4. **Liaises with Regional Roads Victoria for a speed limit reduction to 40 km/hr for all Venus Bay roads;**
5. **Contacts the lead petitioner to discuss the option of sealing Atherton Drive and Spring Street in accordance with Council’s Special Charge Scheme Policy (C42); and**
6. **Writes to the lead petitioner detailing the outcome of this report.**

REPORT

At the 28 August 2019 Ordinary Meeting of Council, two petitions were received from directly affected residents of Lees Road, Atherton Drive, Spring Street, and surrounding properties in Venus Bay requesting Council consider traffic management and sealing of Atherton Drive and Spring Street, Venus Bay. At the meeting, it was resolved unanimously:

“That Council:

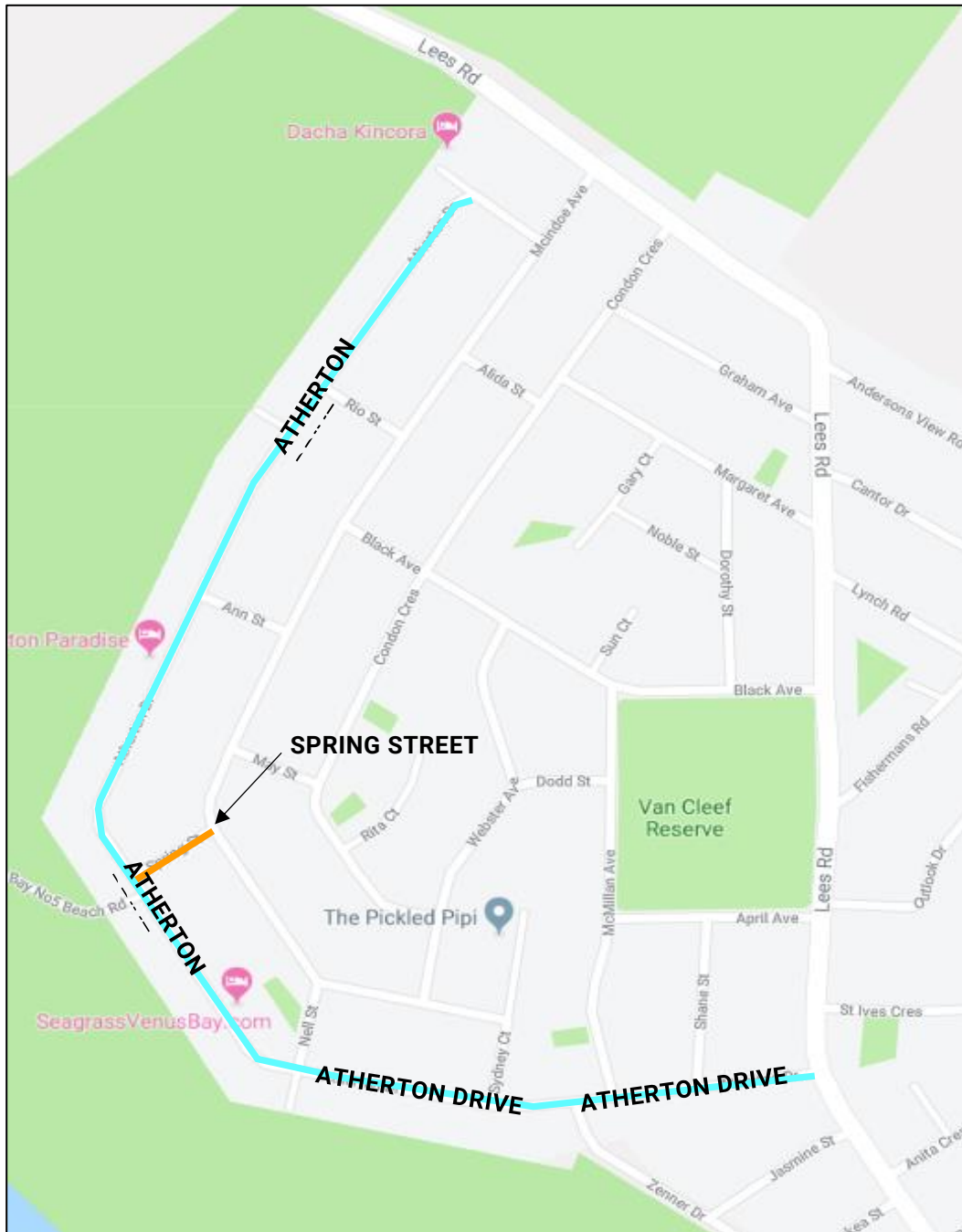
1. *Receives and notes the two petitions; and,*
2. *Receives a report at Ordinary Meeting of Council 25 September 2019 that considers the two petitions.”*

At the 25 September 2019 Ordinary Meeting of Council, a report was received considering the two petitions. At the meeting, it was resolved unanimously:

“That Council meet with the petitioners to investigate options to address the two petitions and report back to Council those findings at the next appropriate Council meeting.”

A locality map is included in **Figure 1**.

Figure 1 – Locality Map – Atherton Drive (—) – Spring Street (—)



Both petitions were accompanied by a covering letter detailing residents' concerns with the dust from these two unsealed roads, the amount of heavy pedestrian and vehicular traffic (bikes, cars, trucks, and buses), and parking constraints for most days of the year, particularly during the peak holiday season. Photos are also included to demonstrate the parking congestion on both roads. The cover letter and photos are included in **Confidential Attachment [15.1.1]**.

Petition No. 1 – Traffic Management

The first petition contains approximately 47 signatures requesting Council improve safety and traffic management of Atherton Drive and Spring Street by lowering the speed limit to 40km/h or less, installing traffic calming infrastructure to assist in reducing the speed of vehicles, and including parking restrictions on one side of both these roads. The petition prayer is included in **Figure 2** and the petition is available in **Confidential Attachment [15.1.1] – page 8**.

Figure 2 – Petition No. 1 Prayer (Traffic Management)

A PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL TO IMPROVE SAFETY AND TRAFFIC MANAGEMENT OF ATHERTON DRIVE AND SPRING STREET, VENUS BAY 3956

AIM: To strengthen the safety and health of pedestrians and home owners alike along the named roads.

SUGGESTIONS:

- **Lowering the speed limit to 40km on both roads (the whole suburb of Sandy Point is 40km permanently).**
 - The roadway is a shared zone, with pedestrians, bike riders and children all using them as an access point to Beach 5.
- **Traffic calming management to aide in lowering speed of vehicles.**
- **Parking restrictions on one side of road with residential parking permits if needed.**

Petition No. 2 – Request to Seal

The second petition contains approximately 18 signatures requesting Council seal Atherton Drive down to No. 5 Beach and Spring Street due to the dust emanated from vehicles travelling on the two unsealed roads. The petition prayer is included in **Figure 3** and the petition is available in **Confidential Attachment [15.1.1] – page 43**.

Figure 3 – Petition No. 2 Prayer (Sealing)

A PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL TO BITUMEN ATHERTON DRIVE AND SPRING STREET, VENUS BAY 3956

AIM: To improve the health and safety for home owners and pedestrians by eliminating the plumes of dust.

SUGGESTION:

- **To continue the bitumen of Atherton Drive down to Beach 5 and Spring Street.**

Atherton Drive provides the only access to No. 5 Beach with the entrance road to the beach accessed from the unsealed section of Atherton Drive. The entrance road to the beach is the responsibility of Parks Victoria, which has limited parking. During the summer and holiday periods, No. 5 Beach is a popular spot for residents of the second and third estates of Venus Bay, and attracts an increase in vehicle traffic during these periods.

Below are the latest traffic counts for both Atherton Drive and Spring Street.

Table 1 - traffic counts for both Atherton Drive and Spring Street

	Dates	Average vehicles per Day (avpd)	85th percentile speed (km/hr)
Atherton Drive	28 Jan – 11 Feb 2020	105	43
	6 – 19 Nov 2019	81	43
	12 – 27 Sep 2012	61	42
Spring Street	25 Feb – 10 Mar 2020	45	33
	28 Jan – 11 Feb 2020	45	32
	11 – 31 Jan 2013	128	32

The minimum vehicles per day for an unsealed road to be considered for sealing is 150. It can be seen from the tabled traffic data that neither Atherton Drive or Spring Street meet this criteria. While the volumes may be higher during holiday periods, it is not considered justified to seal these roads when arguably there are roads throughout the Shire with higher traffic volumes which should be considered above these roads. Traffic volumes will continue to be monitored and the sealing of Atherton Drive and Spring Street will be considered in the future if the traffic volumes increase to the required level.

The petitioners have the option of entering into a special charge scheme, which would require at a minimum, agreement by 70 percent of the adjacent landowners and a minimum apportionment of 30 percent of the cost to Council.

Traffic calming devices such as speed humps and chicanes would be too invasive and not required at present considering the average level of traffic volumes throughout the year, and the 85th percentile speeds being relatively low. Council will liaise with Regional Roads Victoria for a reduction in speed limit to 40 km/hr for all Venus Bay roads.

A survey was undertaken of surrounding property owners and residents to either agree or disagree to the proposal of placing “No Standing” signs along Atherton Drive on the south side between Nell Street and Spring Street. The response was overwhelmingly in favour of installing “No Standing” signs in this section. Prior to permanently installing “No Standing” signs, it is proposed to undertake a trial period of “No Standing” in this section over the summer months of 2020/21 to ensure that the parking issues are not relocated to other

nearby streets. If at the end of this summer period the results are positive, then Council will consider making this section a permanent “No Standing” zone.

CONSULTATION

A site meeting was held with the lead petitioner to listen to their concerns and to discuss and consider the possible solutions to the issues raised in the two petitions.

Internal staff have been consulted regarding budget and programming of works within the capital works program.

There is an option for Atherton Drive and Spring Street to be sealed under Council’s Special Charge Scheme Policy (C42). The policy allows for urban street construction (eg. sealing) if a minimum of 70 per cent of the property owners provide support in writing to contribute financially to the works scheme. Council will consult with the lead petitioner to discuss this option further.

RESOURCES

The installation of “No Standing” signs in Atherton Drive between Nell Street and Spring Street will be a relatively small cost that can be accommodated in Council’s operating budget.

RISKS

It is considered that there is minimal risk in not sealing Atherton Drive and Spring Street other than disappointment from the petitioners, however Council’s gravel to seal guidelines are quite clear on the requirements.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachments [15.1.1] – Petition (Traffic Management and Sealing of Atherton Drive and Spring Street, Venus Bay) – is designated confidential information pursuant to the *Local Government Act 2020, s.3(1)(f) personal information*, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This item is deemed confidential to protect the privacy of the petition signatories as the petitions contain their personal details.

REFERENCE DOCUMENTS

Council Policy

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

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Road Management Plan

Special Charge Scheme Policy (C42)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Road Management Act 2004

4.4. PETITION RESPONSE: PUBLIC WIFI IN FISH CREEK

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the Council Meeting held on 24 June 2020, a petition was received from residents in Fish Creek to consider procuring public Wi-Fi access in the Fish Creek Central Business District (CBD). Council resolved to receive a report that considers the petition at the 22 July 2020 Council Meeting.

RECOMMENDATION

That Council:

- 1. Provides advocacy and support to the residents of Fish Creek to help understand how a public Wi-Fi offering can be achieved through private partnership; and**
- 2. Assesses free public Wi-Fi as part of developing the Economic Development and Tourism Strategy to ensure fairness across the Shire.**

REPORT

Free public Wi-Fi has been investigated by council on two occasions in 2014 and 2016. Both instances included investigation of free public Wi-fi for Fish Creek.

Private Partnership Option

Meeniyah has been offering a free-Wi-Fi service since 2014. The service is delivered through a private partnership between a group of local businesses and a specialist telecommunications provider. The model that they are using has been successful with a service that is frequently used across the town by visitors and the local community.

Fish Creek may be able to set up a partnership with a service provider to offer Public Wi-Fi across the town in a similar way. Although Council will not form part of this partnership, advocacy can be provided to help source and determine what options are available from the various service providers and research similar models across the country to understand best practice relating to public Wi-Fi.

Equity across the shire

Fish Creek is one ten key towns across the shire that may benefit free public Wi-Fi. In the interest of fairness and equitability any provision should consider all these towns together.

Council will be reviewing the economic development and tourism strategy over the coming months and as part of this review, free public Wi-Fi can be assessed across the Shire.

CONSULTATION

Internal staff have been consulted.

RESOURCES

Council resource to liaise and provide advocacy to support the residents of Fish Creek in understanding options available to provide a public Wi-Fi service similar to Meeniyah.

RISKS

Offering public Wi-Fi to Fish Creek or other areas in the Shire requires:

- The need to maintain and support telecommunications infrastructure. Council relies on a telecommunications provider to support our Council locations and is not a service that Council can provide directly;
- Providing secure locations, power, and support for any free Public Wi-Fi. Council would be responsible to ensure service levels are met and that internet speed (Bandwidth) was maintained; and
- Becoming responsible for managing and monitoring appropriate internet usage and alignment to respective state or federal legislation and policies. To provide monitoring and management would require additional resources within council and the introduction of additional software and tools.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachments [15.2.1] – Petition (Traffic Management and Sealing of Atherton Drive and Spring Street, Venus Bay) – is designated confidential information pursuant to the *Local Government Act 2020, s.3(1)(f) personal information*, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. This item is deemed confidential to protect the privacy of the petition signatories as the petitions contain their personal details.

REFERENCE DOCUMENTS

Council Policy

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

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

Town Centre Framework Plans

Legislative Provisions

Local Government Act 2020

5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

5.1. GOOD GOVERNANCE FRAMEWORK - ADMINISTRATORS' COMMUNITY UPDATE - JULY 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report forms the second *Good Governance Framework* update and 'Administrators' Community Update' (**Attachment [5.1.1]**) on progress made towards restoring good governance practices and implementing the recommendations of the *Commission of Inquiry into South Gippsland Shire Council Report 2019*. These recommendations are that Council:

- a. *Develop and deliver an extensive community leadership development programme that:*
 - i. *Encourages widespread participation in community and civic life in the municipality;*
 - ii. *Supports the development of community leadership skills; and*
 - iii. *Supports an improvement in the relationship between the Council and its community.*
- b. *Review and implement improved Council policies and processes, with a focus on Councillor Code of Conduct and meeting procedures."*

The Minister for Local Government wrote to the Administrator Chair on 11 September 2019 requiring Council:

"Develop a plan to implement these recommendations and regularly report to your community on these Council programs and that reports be tabled in the Council meeting minutes so that they are publicly available."

The primary tasks Administrators have been appointed to undertake are underway. The Leadership Development Program is commencing with expressions of interest received for people to join the program. The review of the suite of governance policies is also progressing well and these are being aligned to the requirements under the *Local Government Act 2020*. All of these actions are embedding and maturing the governance culture within the organisation.

A copy of the 'Administrators' Community Update – July 2020' is provided in (**Attachment [5.1.1]**). This document incorporates the progress report on the *Good Governance Framework*.

This combined report addresses the 'Administrators Update Report' and the 'Good Governance Framework Update Report' both deferred at the 24 June

2020 Council Meeting, to enable an end of financial year report to be provided to Council and the community.

RECOMMENDATION

That Council:

- 1. Adopts the 'Administrators' Community Update – July 2020', (Attachment [5.1.1]);**
- 2. Publishes a copy of the 'Administrators' Community Update – July 2020' in the 22 July 2020 Council Meeting Minutes and on Council's website;**
- 3. Provides a copy of the 'Administrators' Community Update – July 2020', to the Minister for Local Government, the Hon Shaun Leane MP; and**
- 4. Receives the next 'Administrators' Community Update' at the February 2021 Council Meeting.**

REPORT

Background

In May 2019, a Commission of Inquiry into South Gippsland Shire Council was appointed under section 209 of the *Local Government Act 1989*. The Commission of Inquiry was established to conduct an inquiry into the affairs of the Council including the final report of the Municipal Monitor, the conduct of individual Councillors, processes and decisions in the lead up to the conclusion of the current Chief Executive Officer contract, including the appointment of an Acting Chief Executive Officer and the efficiency and effectiveness of the Council's governance arrangements in delivering services to the community.

On 19 June 2019 the Victorian Government announced the dismissal of the South Gippsland Shire Council. This decision followed the final reports of the Municipal Monitor and the Commission of Inquiry into South Gippsland Shire Council which were tabled in Parliament along with the Bill to dismiss the Council.

Following the appointment of an interim Administrator, the Victorian Government appointed a panel of three Administrators on 24 July 2019 to perform the functions of the South Gippsland Shire Council. The Administrators have been appointed to restore good governance practices and implement the recommendations of the Commission of Inquiry.

Progress

Administrators have met with local businesses and business associations, community groups and one-on-one with community members. Site visits have also been made to the many of the Shire's major employers. They have also met with many stakeholders of regional significance.

Council has established a range of direct community cluster meetings that provide a platform for Administrators and Council staff to engage with community groups and towns on topics related to particular areas within the Shire.

Council received Expressions of Interest from people keen to participate in the Community Leadership Program throughout April and May. The Program aims to equip participants with a set of skills that will enable them to effectively work with other people, strengthen their leadership capability, manage conflict, delegate and meet objectives. It is hoped participants will use the skills they gain through the Program to positively influence and support the development of local communities in South Gippsland. This Program also aims to support the mandatory candidate training for the Council Election in October 2021 as part of the *Local Government Act 2020*.

Council sees that building community leadership is best achieved by supporting communities to support themselves. With that in mind Council funded 68 community groups through its 2019/20 Community Grants Program. The grants support and help fund the development of community assets, build community capacity, strengthen community sport and create community culture. The total grant funding allocated by Council was over \$257,000 for a range of projects within the Shire. This funding will support community projects with a value of over \$774,000.

Council adopted the Local Law No.2 2020 - Processes of Municipal Government - Meeting Procedures and Common Seal at its 27 May 2020 Council Meeting. The Local Law No.2 2020 is an interim measure for governing Council Meetings and was required due to the previous Local Law No. 3 - Meeting Procedures sunset date ending on 4 June 2020. Under Section 60 of the 2020 Act, it is required for all councils to establish a set of Governance Rules which will replace this meeting procedure Local Law. The Governance Rules must be adopted by Council by 1 September 2020.

The *Local Government Act 2020* also outlines the timelines and requirements for the review of the Councillor Code of Conduct and the meeting procedures. The changes to the Act include a State-wide Councillor Code of Conduct.

Council has developed the South Gippsland Good Governance Framework (SGSC Framework), which was adopted in December 2019. It aims to guide good governance practices and prioritises the work to be done over the next two years. A range of projects have already been implemented with updated policies and plans adopted, improvements made to communication avenues with the community and further projects under development.

Four key components of the Good Governance Framework include:

1. Good Governance Outcomes to be achieved;
2. Eight Pillars of Good Governance to achieve the outcomes;

3. Principles and behaviours that demonstrate good governance in practice; and
4. Key Performance Indicators (KPI) that assist in monitoring performance trends.

More detail is provided in the *Administrators' Community Update – July 2020'* (refer **Attachment [5.1.1]**) that captures the progress report of the *Good Governance Framework*.

RESOURCES

This update has been compiled using existing resources.

Implementation of the Commission of Inquiry recommendations will require additional resources, for example, development of a Community Leadership Program. These costs are being included in the 2020/21 Annual Budget.

RISKS

The recommendations and actions taken are aimed at strengthening good governance practices and policies in readiness to prepare the return of an elected Council in October 2021.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. Administrator Community Report - July 2020 V 2 Email [5.1.1 - 21 pages]

REFERENCE DOCUMENTS

Council Policy

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

Audit Committee Charter and Terms of Reference

Community Engagement Policy (C06)

Community Strengthening Strategy

Councillor Code of Conduct Policy (C14)

Councillor Support and Expenditure Policy (C51)

Election Period Policy (C30)

Fraud and Corrupt Conduct Policy (C19)

Good Governance Framework 2019

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

Local Law No.2 2020

Risk Management Framework

Risk Management Policy (C35)

Legislative Provisions and other related documents

Local Government Act 1989

Local Government Act 2020

Local Government Act (South Gippsland Shire Council) Act 2019

Report of the Commission of Inquiry into South Gippsland Shire Council Report
2019

5.2. GOOD GOVERNANCE FRAMEWORK - POLICIES REVIEW - PUBLIC TRANSPARENCY AND COUNCILLOR SUPPORT AND EXPENDITURE

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Various policies forming a suite of improved governance policy directions under Council's Good Governance Framework have been developed, reviewed and updated to align with requirements in the *Local Government Act 2020* (2020 Act). These policies, along with others still being revised, form an integrated suite of governance policies. They are being prepared during the term of Administrators ready for the new Council, in line with requirements contained within the '*Report of the Commission of Inquiry into South Gippsland Shire Council, 2019*' (Inquiry Report).

This suite of revised and new governance policies includes the proposed 'Governance Rules' endorsed by Council for public consultation at the 8 June 2020 Special Meeting of Council. The policies currently being revised and presented to Council for consideration today includes:

1. *Public Transparency Policy (C75)* (Transparency Policy) contained in **Attachment [5.2.1]** - a new policy required under the 2020 Act to be adopted by 1 September 2020; and
2. *Councillor Support and Expenses Policy (C51)* (Expenses Policy) contained in **Attachment [5.2.2]** – revised to align with the 2020 Act to be adopted by 1 September 2020.

RECOMMENDATION

That Council:

1. **Adopts the Public Transparency Policy (C75) contained in Attachment [5.2.1];**
2. **Adopts the Councillor Support and Expenditure Policy (C51) contained in Attachment [5.2.2]; and**
3. **Publishes the two adopted policies on Council's website.**

REPORT

The *Good Governance Framework* (Framework) addresses 8 pillars of good governance:

1. Direction and Leadership;
2. Culture and Behaviour;

3. Decision Making;
4. Structure Systems and Policies;
5. Communications and Community Engagement;
6. Capability;
7. Risk and Compliance; and
8. Monitoring and Performance Review.

Aligning Council's revised and refined suite of governance policies within this Framework will strengthen and build on the various pillars that drive the outcomes of good governance for Council. This strengthened Framework delivers on the Administrators task of improving Council's governance practices in line with requirements contained within the Inquiry Report.

The three governance policies and their context within the Framework are:

1. The *Public Transparency Policy (C75)* is an integral building block of the 'Communications and Community Engagement' pillar.
2. The *Councillor Support and Expenses Policy (C51)* provides structure to the 'Capability' pillar.
3. The *Public Participation in Meetings with Council Policy (C65)* plays an important role in supporting the 'Communications and Community Engagement' pillar.

The three policies are outlined below. These are presented for Council's consideration.

1. *Public Transparency Policy (C75)*

The *Public Transparency Policy (C75)* is required to be adopted under s.57 of the 2020 Act by 1 September 2020.

The Transparency Policy is a new Council policy giving effect to the Public Transparency Principles outlined in s.58 of the 2020 Act. It defines the importance of openness and transparency while providing guidance in the management and release of Council and community information held by Council in accordance with various pieces of legislation. It further protects the rights of individuals and enables the effective working of government.

The legislation addressed though this policy are the 2020 Act, the *Freedom of Information Act 1982 (FOI Act)* and the *Protected Disclosures Act 2012*. Many other Acts are also relevant and applicable.

The Transparency Policy works in tandem with the *Freedom of Information Part II Statement* (Part II Statement) published on Council's website. The components covered in the policy include:

- Formalising Council's support for, and application of, the Public Transparency Principles;
- Council information;
- Publicly available information;
- Access to information;
- Freedom of Information applications;
- Information not publicly available;
- Risk assessment; and
- Roles and responsibilities.

2. Councillor Support and Expenditure Policy (C51)

A Councillor Expenses Policy is required to be adopted under s.41 of the 2020 Act by 1 September 2020. Council's current Expenses Policy was updated in November 2019, however changes brought about by the 2020 Act required some alignments to be made.

Most of the content in the Expenses Policy remains the same in the revised version. The structure of the content has been updated into defined segments with clearer headings.

The areas of difference relate to the:

- Role of Councillors;
- Application to members of Delegated Committees;
- Requirement for mandatory Councillor induction;
- Coverage of reasonable support for Councillors with a disability;
- Coverage of reasonable carer relationship expenses;
- Applicability of additional responsibilities under the 2020 Act and other Acts; and
- Legislative Provisions.

CONSULTATION

Sessions held with Local Government Victoria and Maddock's Lawyers, along with discussions held with Governance Officers in the Gippsland Local Government Network, have informed the development and refinement of these policies.

The Executive Leadership Team and Administrators have been consulted on the policies.

RESOURCES

The development of these policies has been managed within existing resources. The Implementation of the policies has also been mindful of resource implications.

As far as practicable the resources to implement the policies can be managed within existing resources, however the quantum of resources required to manage requests for information held by Council may fluctuate depending on demand.

RISKS

Council is required to adopt a Public Transparency Policy and a Councillor Expenses Policy by 1 September 2020, in accordance with the 2020 Act. The adoption of the Transparency Policy and the Expenses Policy presented for consideration by Council seeks to ensure these legislated requirements are met.

Refining and updating the two policies is aimed at ensuring their respective contents aligns with the transition to the 2020 Act and there is consistency between the suite of policies.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. C75 Public Transparency Policy - July 2020 [5.2.1 - 14 pages]
2. C51 Councillor Support and Expenditure Policy - July 2020 [5.2.2 - 14 pages]

REFERENCE DOCUMENTS

Council Policy

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

Councillor Support and Expenditure Policy (C51)

Election Period Policy (C30)

Good Governance Framework

Proposed Governance Rules

Legislative Provisions

Freedom of Information Act 1982
Local Government Act 2020
Protected Disclosures Act 2012

5.3. COMMUNITY SATISFACTION SURVEY 2 RESULTS - JULY 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report presents the results of the South Gippsland Shire Council Community Satisfaction Survey for 2020 (2020 Survey) **Attachment [5.3.1]** to Council.

Council conducts an Annual Customer Satisfaction Survey (Survey) in accordance with requirements under the *Local Government Act (Planning and Reporting) Regulations 2014* (2014 Regulations) The results for core performance measures drawn from specific questions asked in the Survey are included in the *Victorian Local Government Performance Reporting Framework* (LGPRF) for 2019/20. These Survey results will be included in the 2019/20 Annual Report and placed on the State Government's 'Know Your Council' website, <https://knowyourcouncil.vic.gov.au/>.

RECOMMENDATION

That Council:

- 1. Notes South Gippsland Shire Council's results in the 2020 South Gippsland Shire Council Community Satisfaction Survey (Attachment [5.3.1]);**
- 2. Includes the relevant survey results in the South Gippsland Shire Council 2019/20 Annual Report;**
- 3. Requests the Chief Executive Officer to ensure the data is considered and addressed in planning, delivering and improving services over the next twelve months; and**
- 4. Considers the results further when developing the 2021/22 Annual Initiatives and Long Term Financial Plan.**

REPORT

Council appointed an independent survey company (Key Research - Thinkfield) to conduct the *2020 Customer Satisfaction Survey* (2020 Survey). Key Research was appointed by Council to conduct the survey for three consecutive years starting in 2018. The 2020 Survey was undertaken in May 2020, due to the delays of the COVID-19 Pandemic. The 2020 Survey was sent out to 4,000 ratepayers of South Gippsland Shire on 11 May 2020 with postal survey responses completed either on-line or returned by 19 June 2020.

The 2020 Survey provides an in-depth level of information to assist Council and Officers to understand community sentiments on Council service provision. The results of previous surveys allow Council to benchmark against baseline

data and ensures year-on-year comparison. Comparisons can also be made against all other Victorian Councils for the LGPRF indicators.

The ability to undertake a longer, more detailed survey over the last three years has enabled questions to be asked on a wider range of Council's services.

The survey was distributed to 4,000 ratepayers, in which the sample of ratepayers are randomly selected from Council's ratepayer distribution list. There were 421 responses. These provide a statistically sound result.

The 2020 Survey included the same prescribed questions as required by the State Government survey. These questions cover core competencies required by the 2014 Regulations and the results will be incorporated in the 2019/20 Annual Report. They will also be provided to Council's Audit Committee and Local Government Victoria to meet Council's obligations in regard to the *Local Government Performance Reporting Framework (LGPRF)*.

The core competency results will be made available on the State Government website 'Know Your Council' for comparison against all other Victorian councils.

The 2020 Survey focuses on gathering information in four key areas on Council's Overall Performance, Reputation, Services and Facilities and Value for Money.

- **Reputation** considers how competent the Council is perceived to be and the extent to which residents have developed an affinity with Council. These form the major components of its reputation.
- **Overall Service and Facilities** considers that perceptions are also influenced by how well residents believe Council is delivering core services such as roads, waste services and other infrastructure.
- **Value for Money** considers how residents develop perceptions of value, based on what they receive by way of services and how this compares with what they pay in rates and other user-based fees.
- **Overall Performance** evaluation is most strongly influenced by image and reputation, more so than the various services, infrastructure and facilities, as well as value for money.

Overall Summary of Results

Overall satisfaction with South Gippsland Shire Council's performance has increased from 31% of satisfied residents in 2019 (scoring six to ten out of ten) to 42% satisfied residents in 2020. With the overall performance evaluation being most strongly influenced by image and reputation, the 5% increase from 63% in 2019 to 68% in 2020, is a positive improvement. The delivery of the various services, infrastructure and facilities has a moderate impact on perceptions. It has seen a slight reduction from 26% in 2019 to 24% in 2020.

Value for money, having the least impact on perceptions of three categories, has reduced from 11% in 2019 to 7% in 2020.

A significant improvement has been made in the perception of the overall direction of Council. The index score has increased by 10 points from 30 to 40. In percentage terms 33% now consider the overall direction is Good to Excellent, although 47% still consider it is poor. Further work is required to build on the positive 2020 results.

General feedback from respondents was to encourage a focus on 'Value for money', 'Better collaboration/communication with residents' and 'More transparency and accountability'. The responses this year focused more strongly on service provision and less on the Council.

The top 5 best performing areas scoring a percentage very satisfied of 8 to 10 are 'Weekly rubbish collection' (75%), 'Libraries' (72%), 'Recycling collection' (72%), 'Sports fields' (65%) and 'Green waste collection' (65%).

A new category was included in the 2020 Survey regarding Community Strengthening services that received an index score of 58.

The priorities for improving Council's performance are for regard to be given to 'Leadership', 'Faith and trust in Council', 'Roads, footpaths and trails' 'Financial management' and 'Regulatory services'. Improving performance in these areas will likely increase overall satisfaction.

More than two thirds of residents have contacted South Gippsland Shire Council in the past 12 months with more than half (56%) doing so via Telephone (during office hours). Satisfaction with Council's 'customer service performance' is consistent with the previous year. 'Staff friendliness and professionalism' and the 'Quality of services provided by customer service staff' have been rated highly in 2020 with 81% and 77% satisfied residents, respectively.

The table below is a summary of Council's core competency results for 2020. The table provides trend comparisons of Council's performance against the results received from 2016 to 2020. The 2020 Survey has regained some of the ground lost in 2019, however Council still remains below the averages for both the State and Large Rural Shires, excluding 'Local sealed roads' with a result equal to the 2020 Large Rural Shires.

A comparison to the 2020 State-wide average and Large Rural Shires average results are provided. The 2020 State-wide results received a drop in all the measures by one or two points on each category.

Performance Measures	SGSC 2016	SGSC 2017	SGSC 2018	SGSC 2019	SGSC 2020	2020 Large Rural	2020 State Average
Overall Performance	47	46	46	33	36	55	58
Community Consultation	47	47	48	40	41	54	55
Advocacy	47	46	45	39	41	53	53
Making Community Decisions	47	45	42	35	37	52	53
Sealed Local Roads	30	36	46	48	47	47	54
Customer Service	65	61	70	66	66	68	70
Overall Council Direction	43	51	N/A	30	40	50	51
Overall Image and Reputation	N/A	N/A	42	27	32	N/A	N/A

CONSULTATION

The 2020 Survey was conducted by an independent research company, Key Research on behalf of Council. The 2020 Survey was conducted as a statistically robust postal survey with an on-line option for completion with responses received from 421 residents across the Shire. Post data collection has been weighted so it is aligned with known population distributions as contained in the 2016 census.

The demographic of the respondents is detailed on page 52 of **Attachment [5.3.1]**.

It is worth noting that slight variations when making direct comparisons to the previous survey may be attributable to differences in questionnaire layout and question wording, scale and index score calculations. When undertaking the survey design and reporting of results, efforts have been made to minimise variations.

RESOURCES

The completion of an annual Customer Satisfaction Survey is a legislative requirement of all Victorian councils. Resources are allocated within existing budgets to meet this requirement.

RISKS

The survey results provide one source of feedback for Council to consider as it reviews and monitors its service objectives and risks within the organisation.

Ongoing below average levels of community satisfaction with Council's performance or understanding of Council's improvement initiatives, may hamper Council and community efforts to work effectively together to achieve common objectives. The stability Administrators have brought to Council, has been reflected in the increased levels of satisfaction indicated in the 2020 Survey results. This positive result can now be built upon to further to improve Council's efforts in working with the community.

The 2020 Survey was undertaken to meet legislated reporting requirements and to build a greater understanding of community sentiment in regards to Council services. The survey results have been compared to previous year results. This analysis assists future service planning.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. SGSC Community Satisfaction Survey - July 2020 [5.3.1 - 55 pages]

REFERENCE DOCUMENTS

Council Policy

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

Council Plan 2021-2024

Legislative Provisions and other external documents

Local Government Act (Planning and Reporting) Regulations 2014

Local Government Act 2020

Victorian Local Government Performance Reporting Framework

5.4. AUDIT COMMITTEE MEETING – MINUTES 9 JUNE 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The minutes of the Audit Committee Meeting held on 9 June 2020 (**Attachment [5.4.1]**) are provided to Council for noting.

RECOMMENDATION

That Council notes the Audit Committee Minutes – 9 June 2020 (Attachment [5.4.1]).

REPORT

The matters considered by the Audit Committee at the 9 June 2020 meeting are contained in **Attachment [5.4.1]**.

CONSULTATION

The Audit Committee Report (**Attachment [5.4.1]**– Audit Committee Minutes – 9 June 2020) has been circulated to the Audit Committee for feedback and will be formally accepted by the Committee at the next meeting.

RESOURCES

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including proposed fee increase) and an outsourced internal auditing function are made within Council's current and forward budgets.

RISKS

A failure by Council to effectively monitor the activities and advice provided by the Audit Committee could lead to:

- Not effectively managing risks and compliance obligations under Council's Risk Management Framework;
- Increase the likelihood of adverse impacts to Council's operations; and
- Not achieving some strategic objectives set within the *Council Plan*.

STAFF DISCLOSURE

Nil

ATTACHMENTS

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

1. MINUTES - Audit Committee Meeting - 9 June 2020 [**5.4.1** - 6 pages]

REFERENCE DOCUMENTS

Council Policy

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

Audit Committee Charter

Audit Committee Policy

Revised Council Plan 2017-2021

Council Plan 2020-2024

Legislative Provisions

Local Government Act 2020

5.5. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 MAY - 21 JUNE 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020*, s.9(2)(i), s.9(3)(b) and s.58, aim to assist the transparency of Council decisions, actions and information through the provision of public summaries of information presented and considered at Council Strategic Briefing Sessions, Public Presentation Sessions and Advisory Committees. These summaries provide understandable, relevant, timely and accessible information to members of the public that are captured in the minutes of the next Council meeting.

Under the previous *Local Government Act 1989*, it was a requirement to report on matters considered at an 'assembly of Council'. This requirement has now been repealed. To align with the new *Local Government Act 2020* this report continues in its same form to give effect to principles of public transparency *Local Government Act 2020*, s.9(2)(i), s.9(3)(b) and s.58.

The matters listed in this report demonstrate information presented and considered at Council Strategic Briefing Sessions, Public Presentation Sessions and Advisory Committees between 22 May and 21 June 2020.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 27 May 2020	
CEO / Administrators Weekly meeting	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Community engagement • Local procurement
Municipal Emergency Management Plan (MEMPC) Committee	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the role of the Municipal Emergency Management Plan (MEMPC) Committee in providing relief and recovery when there is an emergency event in the Shire.</p>
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • SPLASH to reopen • COVID19 Update • Coastal Strategy progress • Prom Country Regional Tourism Committee • Advertising
Implementation of the Local Government Act 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered implementation factors of the introduction of the new <i>Local Government Act 2020</i>.</p>
Procurement Policy and Local Procurement	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a review of the Procurement Policy and local procurement.</p>

Meeting Title	Details
Wednesday 27 May 2020	
Council Meeting Agenda Topic Discussion – 27 May 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Council Meeting 27 May 2020.</p>
Tuesday 2 June 2020	
CEO / Administrators Weekly meeting	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Local retail store • The Star newspaper • Meeting arrangements • Budget preparation
Wednesday 3 June 2020	
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Strategic Risk Committee • Budget preparation • Community Sports Infrastructure Stimulus Program
Planning Briefing	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Strategic Planning Project List • Planning Applications of Interest • Decisions from January 2020 • VCAT Decisions • Applications received January 2020

Meeting Title	Details
Wednesday 3 June 2020	
Korumburra Hub	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a Korumburra Community Hub update.</p>
Tuesday 9 June 2020	
CEO / Administrators Weekly meeting	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Community grants • Great Southern Rail Trail • Community Leadership Program • Rural Councils Victoria
Wednesday 10 June 2020	
Strategic Leadership Workshop	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators part took in a Strategic Leadership Workshop with the Executive Management Team.</p>
Executive Update	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Planning Matter
Food Safety Management Policy	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Food Safety Management Policy.</p>

Meeting Title	Details
Wednesday 10 June 2020	
Economic Development and Tourism briefing	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Advisory Committee development
Compliance and Enforcement Policy	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Compliance and Enforcement Policy.</p>
Wednesday 17 June 2020	
CEO / Administrators Weekly meeting	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Community recognition • Budget submissions process
Special Committee Meeting Agenda Topic Discussion – 17 June 2020	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Special Committee Meeting Agenda Topic Discussion 17 June 2020.</p>
Public Presentation Open Session, by conference call into the meeting.	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a community presentation from Mr Garry Knox in relation to a proposal relating to 'COVID19 economic recovery stimulus via the revision of planning policy'.</p>

Meeting Title	Details
Wednesday 17 June 2020	
Councillor Expenses Policy	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the revised Councillor Support and Expenses Policy.</p>

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: 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

Local Government Act 2020

5.6. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 21 MAY TO 19 JUNE 2020

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 21 May to 19 June 2020. Council's *Procurement Policy* 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.

REPORT

Documents Sealed

Under the *Local Government Act 2020* (the Act), section 14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

'Section 173 Agreements' are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 21 May to 19 June 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 9 Harbour View Sandy Point in relation to Develop land with a dwelling. Seal applied 2 June 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 201 Butterworths Road Stony Creek in relation to Subdivision of land into two lots and use and development of a dwelling on lot 1. Seal applied 2 June 2020.
3. Local Law No. 2 2020. Processes of Municipal Government. Meeting Procedures and Common Seal. Seal applied 2 June 2020.
4. CON/254 for Management and Cleaning of the Leongatha Hall Complex. Seal applied 2 June 2020.
5. CON/253 for Supply and Installation of Guardrails Blackspot Program – Various locations. Seal applied 9 June 2020.
6. CON/252 for The Provision of SGSC Swimming Pool Maintenance Services. Seal applied 9 June 2020.

Contracts Awarded, Varied or Extended

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded after a public tender process within the CEO's delegation between 21 May to 19 June 2020:

Nil
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 21 May to 19 June 2020:

Nil
3. Contract variations approved by the CEO between 21 May to 19 June 2020:

CON/186 for Develop a Master Plan for the Korumburra Railway Station Site and the Design of the Community Hub. Council has made changes to the scope of the project to include Customer Service functions, at an increase in cost of \$5,250. Variation approved 12 June 2020.
4. Contract extensions approved by the 21 May to 19 June 2020:

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

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

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

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

6. NOTICES OF MOTION AND/OR RESCISSION

6.1. NIL

7. ADMINISTRATOR REPORTS

7.1. REQUESTS FOR LEAVE OF ABSENCE

7.2. ADMINISTRATORS UPDATES

7.3. COMMITTEE UPDATES

8. 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. 2 2020 (Clause 98) 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 Council Meeting 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. 2 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.

9. PUBLIC QUESTIONS

9.1. PETITIONS AND JOINT LETTERS

Petitions and Joint letters are written requests that have been signed by a number of community members. According to Meeting Procedure Local Law No. 2 2020 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.

9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

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

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

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

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

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

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

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

10. 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(2)(a) and (5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. **Per s.3(1)(a) Agenda item 14.5, designated as:**
 - a. **Council business information;**
 - i. **being information that would prejudice the Council's position in commercial negotiations if prematurely released; and**
 - ii. **release of the information contained in the report would prejudice future commercial negotiations.**
 - b. **Council business information;**
 - i. **being information that would prejudice the Council's position in commercial negotiations if prematurely released; and**
 - ii. **release of the information contained in the report would prejudice future commercial negotiations relating to the matter.**
2. **Per s.3(1)(g) Agenda items 14.1, 14.2, 14.2, 14.3 and 14.4, designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**

- ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
- b. the items are deemed confidential to protect the privacy of the contractors, tender scores and tendered amounts submitted for consideration.**

11. MEETING CLOSED

NEXT MEETING

The next Council Meeting will be held on Wednesday, 26 August 2020 commencing at 2pm in the Council Chambers, Leongatha.