

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

23 September 2020

Council Meeting No. 449

Virtual Meeting

Commenced at 2.00pm

ADMINISTRATORS

Julie Eisenbise, Chair

Christian Zahra, Deputy Chair

Rick Brown



minutes



*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.

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

A copy of this Policy is located on Council's website www.southgippsland.vic.gov.au.

PRESENT

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

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No. 449 conducted as a virtual Meeting
Wednesday 23 September 2020, commenced at 2.00 pm

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Kerry 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 VIRTUAL COUNCIL MEETING VIA LIVE STREAM

Please ensure mobile phones are set to 'silent' during the Council Meeting.

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.

This Council Meeting will be conducted virtually (an on-line meeting) and does not include an open gallery. The virtual and livestreaming of an Open Council Meeting is made in accordance with the *Local Government Act 2020*, section 394 that prescribes Administrators are able to participate in the Meeting by electronic means of communication and section 395(1)(a) that '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 23 September 2020 Council Meeting in person;
2. Notes that this Council Meeting is being conducted as a virtual meeting, conducted by electronic means of communication pursuant to section 394 of the *Local Government Act 2020*. The 'Minister's Good Practice Guideline MGP-1: Virtual Meetings' have been used to ensure that local government decision making can continue in line with COVID19 requirements;
3. Notes that the 23 September 2020 Council Meeting remains 'open' via the livestream on the Internet, in keeping with section 395 of the *Local Government Act 2020*; and
4. Notes that this decision is made to protect the health and wellbeing of all people required to be in attendance.

MOVED: Administrator Eisenbise

SECONDED: Administrator Brown

THAT COUNCIL:

1. **NOT ALLOW MEMBERS OF THE PUBLIC TO ATTEND THE 23 SEPTEMBER 2020 COUNCIL MEETING IN PERSON;**
2. **NOTES THAT THIS COUNCIL MEETING IS BEING CONDUCTED AS A VIRTUAL MEETING, CONDUCTED BY ELECTRONIC MEANS OF COMMUNICATION PURSUANT TO SECTION 394 OF THE LOCAL GOVERNMENT ACT 2020. THE 'MINISTER'S GOOD PRACTICE GUIDELINE MGP-1: VIRTUAL MEETINGS' HAVE BEEN USED TO ENSURE THAT LOCAL GOVERNMENT DECISION MAKING CAN CONTINUE IN LINE WITH COVID19 REQUIREMENTS;**
3. **NOTES THAT THE 23 SEPTEMBER 2020 COUNCIL MEETING REMAINS 'OPEN' VIA THE LIVESTREAM ON THE INTERNET, IN KEEPING WITH SECTION 395 OF THE LOCAL GOVERNMENT ACT 2020; AND**
4. **NOTES THAT THIS DECISION IS MADE TO PROTECT THE HEALTH AND WELLBEING OF ALL PEOPLE REQUIRED TO BE IN ATTENDANCE.**

CARRIED UNANIMOUSLY

1.3. OPENING PRAYER

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

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

1.5. APOLOGIES

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 448, conducted as a virtual meeting held on 26 August 2020 be confirmed.

MOVED: Administrator Zahra

SECONDED: Administrator Brown

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL MEETING NO. 448, CONDUCTED AS A VIRTUAL MEETING HELD ON 26 AUGUST 2020 BE CONFIRMED.

CARRIED UNANIMOUSLY

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*.

Nil

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*.

Confidential Agenda Item 14.3: A staff member has declared a direct conflict of interest.

2. OBJECTIVE 2 - ECONOMIC PROSPERITY

2.1. PLANNING PERMIT APPLICATIONS - 1996/831417/A - 150 FISH CREEK QUARRY ROAD FISH CREEK VIC 3959 - QUARRY & EXTRACTIVE INDUSTRIES - AMEND WHAT THE PERMIT ALLOWS, CONDITIONS AND ENDORSED PLANS

Development Services Directorate

EXECUTIVE SUMMARY

The applicant is seeking approval for the expansion of the existing use and development of the land for extractive industry at 150 Fish Creek Quarry Road, Fish Creek. The proposed expansion would not increase the current extraction rates (approximately 60,000 tonnes per annum), however it will extend the life of the activity towards 2040.

Planning Permit 1996/8311417 currently regulates the existing extraction area, this amendment is required to facilitate the development of an additional four (4) stages to the activity refer to **Attachment [2.1.1]** – Planning Permit 1996/8311417/A – 150 Fish Creek Quarry Road, Fish Creek – Fish Creek Quarry.

The amendment application has been referred to Council for determination as eleven (11) objections have been received. Key issues raised by objectors include visual impacts of the expansion, effects on tourism developments, noise and heavy vehicle impacts, water quality issues, air quality, risk of landslip and erosion, native vegetation removal and past non-compliances on the site.

The issues raised by the objectors are the key issues for consideration of this application. As the existing permit authorises the use of extractive industry, Council is required to consider whether the physical activity meets the relevant objectives and decision guidelines of the South Gippsland Planning Scheme. While there are other factors in quarrying operations (such as vegetation, groundwater and rehabilitation), these issues are addressed through the existing Work Authority approvals on the land and the current Endorsed Work Authority Variation issued by the Victorian Government under the *Mineral Resources (Sustainable Development) Act (1990)* and as such do not form part of the matrix of matters to consider in this application.

Following an assessment against the relevant provisions of the Planning and Environment Act 1987 and the South Gippsland Planning Scheme the application is recommended for approval.

RECOMMENDATION

That Council issues a Notice of Decision to Amend Permit 1996/8311417/A at 150 Fish Creek Quarry Road, Fish Creek, in accordance with the endorsed plans and take the following actions:

1. Include new conditions required by referral authorities – Country Fire Authority and South Gippsland Water (Attachment [2.1.2] and Confidential Attachment [15.1.1] – Planning Permit Application 1996/8311417/A -150 Fish Creek Quarry Road, Fish Creek - Work Plan Variation 517):
 - a. Country Fire Authority (CFA)
 - i. The development of a (documented) risk management process, prepared to the satisfaction of CFA, that identifies risks and their effective management, including specific consideration of fire risk. Risk mitigation is to include:
 - The provision of fire breaks around the entire site perimeter and procedures for their ongoing maintenance;
 - The provision of at least two emergency vehicle access points into the facility, and emergency vehicle access within the site, including to fire water sources;
 - The provision of an adequate supply of fire water based on credible worst case emergency scenarios;
 - The provision of fit-for-purpose fire protection systems and equipment, and procedures for their maintenance/servicing;
 - Regular vegetation management throughout the site;
 - Vehicle and equipment maintenance procedures that ensure any identified faults or non-compliances are recorded and addressed;
 - Compliant, safe storage and handling of dangerous goods (including diesel fuel, oil and lubricants); and
 - Procedures for limiting activities on Total Fire Ban days (e.g., hot works).
 - ii. The development of an Emergency Management Plan (or updating of existing plan), to the satisfaction of CFA, that identifies and details emergency management structures, responsibilities, procedures and training, informed by the risk management process.

The Emergency Management Plan is to include:

- Procedures for responding to fire emergencies, including bushfire;
- Procedures for the containment/management of spills and leaks of dangerous goods and hazardous chemicals;
- Details of emergency resources on-site (fire water tanks, water carts, hydrants, PPE, emergency warning systems, first aid facilities, etc.);
- Provision for containment/management of fire water runoff; and
- Training requirements for site personnel in emergency procedures, and the use of fire protection systems and equipment.

- iii. The development of a Fire Readiness and Response Plan, prepared to the satisfaction of CFA.

CFA's expectation is that the required documents are prepared and submitted to CFA's State Infrastructure and Dangerous Goods Unit within 60 days of the permit amendment being granted. Page 19 1996/8311417/A - 150 Fish Creek Quarry Road Fish Creek VIC 3959-Quarry & extractive industries - amend what the permit allows, conditions and endorsed plans 4 of 4 of Conditions 6.

- b. South Gippsland Regional Water Authority:

- i. The operation of the quarry shall in no way affect the quality of the water obtained from within the catchment; and
- ii. The proposed development shall be in accordance with the work plan Dated March 2019 Prepared by Beveridge Williams or any Work Authority endorsed under the Extractive Industries Development Act 1995.

- 2. Include updated South Gippsland Shire Engineering conditions;

Unless stated otherwise, the following works must be undertaken by the applicant, for Beards Rd and Quarry Rd, from Foster Rd to the Quarry entrance, to the satisfaction of the Responsible Authority:

- a. Within 12 months of commencing quarry operations as authorized by the Work Plan Variation 517 (WA517) approved under the Mineral Resources (Sustainable Development) Act 1990 dated 12/2/2020 the applicant must undertake a maintenance reseal of the existing

- sealed road. Any identified pavement soft spots shall be rectified prior to the re-seal;
- b. Every 5 years during the operation of the quarry, or as agreed in writing by the Responsible Authority, the applicant shall carry out a maintenance reseal including any repairs deemed necessary;
 - c. The applicant shall undertake regular maintenance and cleaning of the table drain and shoulders;
 - d. Prior to undertaking any of the above works the applicant shall seek the advice and written approval of the appropriate Council Engineer; and
 - e. All work must be carried out to the satisfaction of the South Gippsland Shire Council.
3. Include the following conditions required by Practice Not 89 for Extractive Industry and Resources
- a. The extractive industry hereby approved by this planning permit must not commence until:
 - i. An Approved Work Plan is issued pursuant to Section 77G of the Mineral Resources Sustainable Development Act ('the Act') 1990; and
 - ii. A Work Authority is issued pursuant to 77I of the Act.
 - b. The use and development must at all times be in accordance with any work plan approved under the Mineral Resources (Sustainable Development) Act 1990.
4. Amend land title particulars to reflect new title designation;
5. Amend what the permit allows to include reference to Native Vegetation Removal;
6. Supersede previous plans and endorse new plans;
7. Record items 1-4 on amended Notice of Decision; and
8. Advise each submitter in writing the decision of Council.

MOVED: Administrator Zahra

SECONDED: Administrator Eisenbise

THAT COUNCIL ISSUES A NOTICE OF DECISION TO AMEND PERMIT 1996/8311417/A AT 150 FISH CREEK QUARRY ROAD, FISH CREEK, IN ACCORDANCE WITH THE ENDORSED PLANS AND TAKE THE FOLLOWING ACTIONS:

- 1. INCLUDE NEW CONDITIONS REQUIRED BY REFERRAL AUTHORITIES – COUNTRY FIRE AUTHORITY AND SOUTH GIPPSLAND WATER (ATTACHMENT [2.1.2] AND CONFIDENTIAL ATTACHMENT [15.1.1] – PLANNING PERMIT APPLICATION 1996/8311417/A -150 FISH CREEK QUARRY ROAD, FISH CREEK - WORK PLAN VARIATION 517):**
 - a. COUNTRY FIRE AUTHORITY (CFA)**
 - i. THE DEVELOPMENT OF A (DOCUMENTED) RISK MANAGEMENT PROCESS, PREPARED TO THE SATISFACTION OF CFA, THAT IDENTIFIES RISKS AND THEIR EFFECTIVE MANAGEMENT, INCLUDING SPECIFIC CONSIDERATION OF FIRE RISK. RISK MITIGATION IS TO INCLUDE:**
 - THE PROVISION OF FIRE BREAKS AROUND THE ENTIRE SITE PERIMETER AND PROCEDURES FOR THEIR ONGOING MAINTENANCE;**
 - THE PROVISION OF AT LEAST TWO EMERGENCY VEHICLE ACCESS POINTS INTO THE FACILITY, AND EMERGENCY VEHICLE ACCESS WITHIN THE SITE, INCLUDING TO FIRE WATER SOURCES;**
 - THE PROVISION OF AN ADEQUATE SUPPLY OF FIRE WATER BASED ON CREDIBLE WORST CASE EMERGENCY SCENARIOS;**
 - THE PROVISION OF FIT-FAR-PURPOSE FIRE PROTECTION SYSTEMS AND EQUIPMENT, AND PROCEDURES FOR THEIR MAINTENANCE/SERVICING;**
 - REGULAR VEGETATION MANAGEMENT THROUGHOUT THE SITE;**
 - VEHICLE AND EQUIPMENT MAINTENANCE PROCEDURES THAT ENSURE ANY IDENTIFIED FAULTS OR NON-COMPLIANCES ARE RECORDED AND ADDRESSED;**
 - COMPLIANT, SAFE STORAGE AND HANDLING OF DANGEROUS GOODS (INCLUDING DIESEL FUEL, OIL AND LUBRICANTS); AND**

- **PROCEDURES FOR LIMITING ACTIVITIES ON TOTAL FIRE BAN DAYS (E.G., HOT WORKS).**
- ii. **THE DEVELOPMENT OF AN EMERGENCY MANAGEMENT PLAN (OR UPDATING OF EXISTING PLAN), TO THE SATISFACTION OF CFA, THAT IDENTIFIES AND DETAILS EMERGENCY MANAGEMENT STRUCTURES, RESPONSIBILITIES, PROCEDURES AND TRAINING, INFORMED BY THE RISK MANAGEMENT PROCESS.**

THE EMERGENCY MANAGEMENT PLAN IS TO INCLUDE:

- **PROCEDURES FOR RESPONDING TO FIRE EMERGENCIES, INCLUDING BUSHFIRE;**
 - **PROCEDURES FOR THE CONTAINMENT/MANAGEMENT OF SPILLS AND LEAKS OF DANGEROUS GOODS AND HAZARDOUS CHEMICALS;**
 - **DETAILS OF EMERGENCY RESOURCES ON-SITE (FIRE WATER TANKS, WATER CARTS, HYDRANTS, PPE, EMERGENCY WARNING SYSTEMS, FIRST AID FACILITIES, ETC.);**
 - **PROVISION FOR CONTAINMENT/MANAGEMENT OF FIRE WATER RUNOFF; AND**
 - **TRAINING REQUIREMENTS FOR SITE PERSONNEL IN EMERGENCY PROCEDURES, AND THE USE OF FIRE PROTECTION SYSTEMS AND EQUIPMENT.**
- iii. **THE DEVELOPMENT OF A FIRE READINESS AND RESPONSE PLAN, PREPARED TO THE SATISFACTION OF CFA.**

CFA'S EXPECTATION IS THAT THE REQUIRED DOCUMENTS ARE PREPARED AND SUBMITTED TO CFA'S STATE INFRASTRUCTURE AND DANGEROUS GOODS UNIT WITHIN 60 DAYS OF THE PERMIT AMENDMENT BEING GRANTED. PAGE 19 1996/8311417/A - 150 FISH CREEK QUARRY ROAD FISH CREEK VIC 3959-QUARRY & EXTRACTIVE INDUSTRIES - AMEND WHAT THE PERMIT ALLOWS, CONDITIONS AND ENDORSED PLANS 4 OF 4 OF CONDITIONS 6.

b. SOUTH GIPPSLAND REGIONAL WATER AUTHORITY:

- i. **THE OPERATION OF THE QUARRY SHALL IN NO WAY AFFECT THE QUALITY OF THE WATER OBTAINED FROM WITHIN THE CATCHMENT; AND**

- ii. **THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE WORK PLAN DATED MARCH 2019 PREPARED BY BEVERIDGE WILLIAMS OR ANY WORK AUTHORITY ENDORSED UNDER THE EXTRACTIVE INDUSTRIES DEVELOPMENT ACT 1995.**

2. INCLUDE UPDATED SOUTH GIPPSLAND SHIRE ENGINEERING CONDITIONS;

UNLESS STATED OTHERWISE, THE FOLLOWING WORKS MUST BE UNDERTAKEN BY THE APPLICANT, FOR BEARDS RD AND QUARRY RD, FROM FOSTER RD TO THE QUARRY ENTRANCE, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY:

- a. **WITHIN 12 MONTHS OF COMMENCING QUARRY OPERATIONS AS AUTHORIZED BY THE WORK PLAN VARIATION 517 (WA517) APPROVED UNDER THE MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990 DATED 12/2/2020 THE APPLICANT MUST UNDERTAKE A MAINTENANCE RESEAL OF THE EXISTING SEALED ROAD. ANY IDENTIFIED PAVEMENT SOFT SPOTS SHALL BE RECTIFIED PRIOR TO THE RE-SEAL;**
- b. **EVERY 5 YEARS DURING THE OPERATION OF THE QUARRY, OR AS AGREED IN WRITING BY THE RESPONSIBLE AUTHORITY, THE APPLICANT SHALL CARRY OUT A MAINTENANCE RESEAL INCLUDING ANY REPAIRS DEEMED NECESSARY;**
- c. **THE APPLICANT SHALL UNDERTAKE REGULAR MAINTENANCE AND CLEANING OF THE TABLE DRAIN AND SHOULDERS;**
- d. **PRIOR TO UNDERTAKING ANY OF THE ABOVE WORKS THE APPLICANT SHALL SEEK THE ADVICE AND WRITTEN APPROVAL OF THE APPROPRIATE COUNCIL ENGINEER; AND**
- e. **ALL WORK MUST BE CARRIED OUT TO THE SATISFACTION OF THE SOUTH GIPPSLAND SHIRE COUNCIL.**

3. INCLUDE THE FOLLOWING CONDITIONS REQUIRED BY PRACTICE NOT 89 FOR EXTRACTIVE INDUSTRY AND RESOURCES

- a. **THE EXTRACTIVE INDUSTRY HEREBY APPROVED BY THIS PLANNING PERMIT MUST NOT COMMENCE UNTIL:**
 - i. **AN APPROVED WORK PLAN IS ISSUED PURSUANT TO SECTION 77G OF THE MINERAL RESOURCES SUSTAINABLE DEVELOPMENT ACT ('THE ACT') 1990; AND**
 - ii. **A WORK AUTHORITY IS ISSUED PURSUANT TO 77I OF THE ACT.**

- b. THE USE AND DEVELOPMENT MUST AT ALL TIMES BE IN ACCORDANCE WITH ANY WORK PLAN APPROVED UNDER THE MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990.**
 - 4. AMEND LAND TITLE PARTICULARS TO REFLECT NEW TITLE DESIGNATION;**
 - 5. AMEND WHAT THE PERMIT ALLOWS TO INCLUDE REFERENCE TO NATIVE VEGETATION REMOVAL;**
 - 6. SUPERSEDE PREVIOUS PLANS AND ENDORSE NEW PLANS;**
 - 7. RECORD ITEMS 1-4 ON AMENDED NOTICE OF DECISION; AND**
 - 8. ADVISE EACH SUBMITTER IN WRITING THE DECISION OF COUNCIL.**
- CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

REPORT

Background

The permit describes the subject land as PC165852B and Part Crown Allotments 48 and 50, Parish of Doomburrim, County of Buln Buln, more commonly referred to as 150 Fish Creek Quarry Road, Fish Creek.

Following subdivision of the land, the entire quarry site is now located on Lot 2 PS814439R. The amended title details are required to be reflected on the Amended permit, if approved (herein referred to as the subject land). The subject land is irregular in shape, with a total land area of 24.13ha, which is owned by Council and leased to Goldsmith Quarries, who are seeking this permit amendment.

The subject land is located within the Public Use Zone – Schedule 6 (Local Government) and is covered by the Environmental Significance Overlay – Schedule 2 (Special water supply catchment areas), Environmental Significance Overlay – Schedule 5 (Areas susceptible to erosion) and the Bushfire Management Overlay. A permit is required under the provisions of both the PUZ and ESOs, as well as particular provisions of the South Gippsland Planning Scheme relating to earth and energy resources industry.

The surrounding land is characterised by a mixture of smaller rural-residential properties, interspersed with larger agricultural holdings used primarily for dairying and grazing animal production. The closest dwelling is located approximately 550 metres from the outer extremity of the proposed extraction area.

Refer to **Attachment [2.1.3]** – Location, planning zones, planning overlays and title.

The Proposal

The application seeks approval to expand the existing quarrying operations on the subject land to allow for continued extraction from the site. The existing quarry operates pursuant to Planning Permit 1996/8311417, originally issued under the provisions of the former Shire of South Gippsland Planning Scheme (pre-Council amalgamations).

The proposed expansion has completed its first stage of approval by the Victoria Government under the *Mineral Resources (Sustainable Development) Act (1990)*, which includes the endorsement of a Work Plan Variation to allow the increased extraction area and the removal of Native Vegetation from the land refer to **Confidential Attachment [15.1.1]** – Planning Permit Application 1996/8311417/A -150 Fish Creek Quarry Road, Fish Creek - Work Plan Variation 517.

Prior to achieving final approval under the *Mineral Resources (Sustainable Development) Act (1990)* the applicant must seek permission under the *South*

Gippsland Planning Scheme. Extraction rates are proposed to remain consistent, however the expansion will allow the activity to continue until approximately 2040.

While there are a number of other components that form part of this expansion, many issues have been addressed through endorsement under the *Mineral Resources (Sustainable Development) Act (1990)* (i.e. native vegetation removal and groundwater). These issues are therefore not reassessed as part of this application.

The proposal is shown in detail in **Attachment [2.1.4]** – Proposed Development Plans - 150 Fish Creek Quarry Road, Fish Creek.

Assessment

A detailed assessment of the application against relevant sections of the *Planning and Environment Act (1987)* and the relevant matters of the South Gippsland Planning Scheme are discussed in **Attachment [2.1.5]** – Delegates Report and conditions pages – 150 Fish Creek Quarry Road, Fish Creek.

Key issues for consideration are whether the proposal is supported by the relevant decision guidelines of the Public Use Zone, Schedules 2 and 5 to the Environmental Significance Overlay and relevant Particular Provisions relating to extractive industry.

It is considered that the proposal is consistent with the relevant Planning Policy Framework objectives and strategies, the objectives and decision guidelines of the Public Use Zone and the decision guidelines of Clause 65, with updates to be made to the permit to reflect current requirements.

CONSULTATION

The application was advertised to nearby property owners and occupiers in accordance with Section 52 of the Planning and Environment Act 1987. The application was also made available on Council's website. As a result, eleven (11) objections have been received to the application please refer **Confidential Attachment [15.1.2]** – Submissions – Planning Permit Application 1996/18311417/A - Fish Creek Quarry - 150 Fish Creek Quarry Road, Fisk Creek.

Key matters raised by objectors include:

- Visual impacts/impacts on scenic qualities of the area;
- Reduction in attractiveness of the Mt Hoddle walking track;
- Expansion of the quarry and associated impacts affecting tourism development in the area;
- Continuing noise impacts and heavy vehicle movements on the local road network;

- Native vegetation impacts (both historical and as a result of the proposed expansion;
- Impacts on the Fish Creek water supply;
- Air quality impacts (dust, silica) emanating from the site and associated risks of silicosis;
- Landslide/erosion risks;
- Council contempt for previous court order associated with access track;
- Increased maintenance on Fish Creek Quarry Road and other local roads;
- Risk/liability of rehabilitation falling on Council/ratepayers;
- Council's decision to not close the site in 2018 being misinformed;
- Poor quality material extracted from the site which could be replaced by material extracted elsewhere;
- Poor management by the quarry operators and lack of confidence in future management of the site if the expansion is approved;
- Closure of the Hoddle Mountain Trail for an unknown period;
- Limited notification/publicity of application;
- Decision should not be rushed through due to COVID-19 pandemic;
- Site has passed its limited lifespan and should cease;
- Site/operation should have a definitive time limit placed on it;
- Scepticism of the proposed community engagement plan;
- Weed control; and
- Effects of blasting on cattle;

A number of requests have also been included in the objections, including:

- Increased public notification (up to 5km from the site) so that more people may be informed and comment;
- Full hydrological study of the impacts of current and future works at the site;
- Independent geological survey to assess stability of the land;
- Independent survey of the flora and fauna of the site and adjacent area;

- Independent survey of the old tip sites (including by the EPA), including possible rehabilitation of same;
- Full cultural heritage assessment of the site;
- Council led management plan for the site, including:
 - Rehabilitation of current and future works;
 - Vegetation offsets in relation to existing access track;
 - Weed control; and
 - Rehabilitation bonds reviewed by a mining consultant.

These objections are considered in further detail in the attached Delegate's Report.

Pursuant to Clauses 52.08-3 and 52.09-3 of the Scheme, an application does not need to be referred to any Statutory Authority that received the associated Work Plan Variation application. Nonetheless, Council has elected to seek comment from a number of these authorities to ensure consistency in conditions, as appropriate.

Options

Pursuant to Section 61 of the *Planning and Environment Act 1987*, Council may determine to:

1. Grant a permit; or
2. Grant a permit subject to conditions; or
3. Refuse to grant a permit.

RESOURCES

The application has been assessed within the budgeted resources of the statutory planning department.

RISKS

Council owns the subject land and leases it to the applicant. Council is required to consider the merits of the application in its role as a Responsible Authority under the Planning and Environment Act 1987. The merits of Council's decision may be subject to appeal at VCAT by either the applicant or objector/s.

Should Council not determine the application at this meeting, there is a risk the applicant may appeal to VCAT Council's failure to decide. An appeal of this nature may be subject to costs being awarded against Council.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. 150 Fish Creek Quarry Road Fish Creek - Planning Permit [2.1.1 - 3 pages]
2. 150 Fish Creek Quarry Road Fish Creek - Fish Creek Quarry - Referrals [2.1.2 - 9 pages]
3. 150 Fish Creek Quarry Road Fish Creek - Fish Creek Quarry - Location Map planning zones, overlays and title [2.1.3 - 8 pages]
4. 150 Fish Creek Quarry Road Fish Creek - Fish Creek Quarry - Development Plans [2.1.4 - 14 pages]
5. 150 Fish Creek Quarry Road Fish Creek - Delegates Report and conditions page [2.1.5 - 20 pages]

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [15.1.1] – Planning Permit Application 1996/8311417/A - 150 Fish Creek Quarry Road, Fish Creek - Work Plan Variation 517 and **Confidential Attachment [15.1.2]** – Submissions – Planning Permit Application 1996/18311417/A - Fish Creek Quarry - 150 Fish Creek Quarry Road, Fish Creek 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.

The grounds for designation have been made to protect the privacy of submitters and commercial in confidence.

REFERENCE DOCUMENTS

Council Policy

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

Council Plan 2020-2024
South Gippsland's Good Governance Framework
South Gippsland Planning Scheme

Legislative Provisions

Aboriginal Heritage Act 2006
Country Fire Authority Act 1958
Crown Land (Reserves) Act 1978
Local Government Act 1989

Local Government Act 2020

Mining Resources (Sustainable Development) Act 1990

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Regional Development Victoria Regulations 2019

2.2. PLANNING APPLICATIONS DPO10 - NORTHERN NYORA DEVELOPMENT PLAN

Development Services Directorate

EXECUTIVE SUMMARY

This report considers an application for the approval of a Development Plan for the land known as 379 Lang Lang Poowong Road Nyora (Development Plan). The proponent has submitted two planning applications to Council. The first seeks approval of the Development Plan, the second seeks approval to subdivide the land.

The land is covered by a Development Plan Overlay – Schedule 10 – Nyora Urban Residential Growth Area (South of Glovers Road) (**Attachment [2.2.1]**). Before an application to subdivide the land can be approved, a Development Plan must be first adopted. Approval of the Development Plan will progress the creation of 335 new residential lots.

Planning for population growth in Nyora has been a long-term strategic objective of Council. Key milestones in the planning stages include;

- Adoption of the Nyora Community Plan in 2010;
- Adoption of the Nyora Structure Plan in 2013 (Amendment C72); and
- Rezoning of 50.75 hectares of land (subject land) to General Residential Zone Schedule 1 (GRZ1) in 2016 (Amendment C97).

The Development Plan was placed on public exhibition and twelve (12) submissions were received. Concerns raised in the submissions included loss of vegetation and wildlife, traffic impacts, size of subdivision lots, size of amenity buffer, loss of existing dam and the need for additional services e.g. police and ambulance facilities.

Some of the concerns raised by submitters go beyond the detail required for consideration of the Development Plan. However, these submissions do raise detail which will be included for consideration when determining the subdivision application.

This report recommends Council adopt the Development Plan following consideration of the Development Plan Overlay (DPO) Schedule 10 (DPO10) requirements, delegates assessment and the submissions received.

RECOMMENDATION

That Council:

1. Adopts the Northern Nyora (Nyora Urban Residential Growth Area (South of Glovers Road)) Approved Development Plan for the land at 379 Lang Lang Poowong Road, and as detailed in Attachment [2.2.2]; and
2. Notifies the submitters in writing of Council's decision.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL:

1. **ADOPTS THE NORTHERN NYORA (NYORA URBAN RESIDENTIAL GROWTH AREA (SOUTH OF GLOVERS ROAD)) APPROVED DEVELOPMENT PLAN FOR THE LAND AT 379 LANG LANG POOWONG ROAD, AND AS DETAILED IN ATTACHMENT [2.2.2]; AND**
2. **NOTIFIES THE SUBMITTERS IN WRITING OF COUNCIL'S DECISION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Background

The subject land at 379 Lang Lang Poowong Road, 951 Yarrathan Road and 30 Glovers Road Nyora (Attachment [2.2.3]) is covered by the Development Plan Overlay (DPO) Schedule 10 - Nyora Urban Residential Growth Area (south of Glovers Road) provisions of the South Gippsland Planning Scheme (**Attachment [2.2.1]**). The DPO was applied at the same time that 50.75 hectares of the land was rezoned to General Residential Zone Schedule 1 (GRZ1) by Planning Scheme Amendment C97.

Amendment C97 sought to rezone 103 hectares to GRZ1. This is the total area covered by the DPO. The Minister for Planning did not support the full extent of rezoning application and only approved 50.75 hectares of the land (known as 379 Lang Lang Poowong Road). An application to rezone the balance land contained within the DPO 10 to GRZ1 will occur once Nyora's land supply requirements are evidenced by the development of the subject land.

No public submissions were received during Planning Scheme Amendment C97. This is likely a result of the community consultation that occurred during the development of the Nyora Community Plan (2010) and the Nyora Structure Plan (2013). As there were no submissions made to Amendment C97, the matter was not required to be referred to an independent planning panel.

The applicant submitted a Development Plan for the entire DPO10 area and a planning permit application (2018/318) for the subdivision of land zoned GRZ1.

Version 10 of the Development Plan was advertised in December/January 2018/19 (**Attachment [2.2.3]**) and received twelve submissions (**Confidential Attachment [15.2.1]**). Version 16 (**Attachment [2.2.2]**) is the Development Plan that is recommended to Council for adoption.

Report

A number of changes to the exhibited Development Plan (Version 10) have occurred in response to matters raised by Council, CFA and public submissions.

The material changes between Version 10 and Version 16 are outlined below:

Location of the 4ha of public open space reserve

The following concerns were raised with the exhibited location of the active open space:

- Located over an existing dam;
- Located in an area that is partially vegetated and would not provide 4ha of active open space; and

- Shown as being provided at a later stage of the Development Plan.

In response to the concerns raised, the amended Development Plan proposes to locate the 4ha of active open space closer to Lang Lang Poowong Road in a flatter area on the site, illustrated in **Attachment [2.2.2]**.

These amendments satisfy the public open space requirements detailed in DPO Schedule 10.

Conservation Reserves and Public Land proposed

Council and the CFA raised concerns about the extent of public land that it is required to meet defendable space requirements. The majority of these issues are associated with the land in the Farming Zone (FZ).

The Development Plan before Council now provides greater emphasis on the GRZ1 land. This area is readily available for development, as it is the land which was rezoned by the Minister for Planning in 2016 for residential purposes. The Development Plan provides a further notation that the 'configuration, ownership, management of these areas and adjoining development to be considered in further detail when the land is rezoned for residential development'.

It is also of note that there is currently a Royal Commission into National Natural Disaster Arrangements that may consider further reform to bushfire related planning policy.

Landscaping Master Plan

The Development Plan includes large areas of conservation and drainage reserves to facilitate the orderly development of the land. Council staff are in discussion with the proponent to determine the infrastructure required to support these areas.

The applicant has provided a Landscaping Master Plan that satisfies the requirements of the DPO10 Schedule. Infrastructure requirements are detailed in Council's Infrastructure Design Manual and if the Development Plan is approved, will be applied as conditions of subdivision.

Development Plan Assessment

The Development Plan has been assessed (**Attachment [2.2.4]**) against the requirements of Development Plan Overlay – Schedule 10 – Nyora Urban Residential Growth Area (South of Glovers Road).

The assessment considers that the requirements of DPO10 are generally satisfied and the Development Plan is recommended to Council for adoption.

Please also refer to **Attachment [2.2.5]** – Northern Nyora Development Plan DPO10 – Location map and Planning Property Report.

CONSULTATION

The subject of growth in Nyora has been a conversation with the community that has continued over the past 15 years. It commenced with the development of Urban Design Frameworks in 2005 and continued with the adoption of the Nyora Community Plan in 2010.

Inclusion of the Nyora Structure Plan (Amendment C72) into the South Gippsland Planning Scheme in 2013 defined Nyora's growth opportunity and the subject site was rezoned to General Residential Zone Schedule 1 (GRZ1) in 2016 (Amendment C97).

The Planning Scheme Amendments were supported by public consultation and required Ministerial approval. Amendment C97 to rezone the subject land received no objections.

Whilst Council's consideration of the Development Plan is not subject to third party appeal rights at Victorian Civil and Administrative Tribunal (VCAT), it provides the last opportunity for Council to consider community input into the future development of Nyora, particularly as it relates to the subject land. The DPO provisions state that where a planning permit application accords with the requirements of an approved Development Plan, the permit application is exempt from notice (advertising) and appeal (VCAT). This was noted on public exhibition documents.

A portion of the land covered by the DPO remains in the Farming Zone. This land will be subject to a future planning scheme amendment and will include a number of formal opportunities for public comment.

The Development Plan was placed on public exhibition and received 12 submissions (**Confidential Attachment [15.2.1]**). The concerns raised during the exhibition period are summarised and considered below:

Loss of vegetation, wildlife and fauna ecosystem

Submissions raised concerns about the loss of bushland and natural waterways that have natural habitats and ecosystem.

The revised development plan has been modified to include three additional conservation reserves. These reserves immediately adjoin Glovers Road which provides an unbroken vegetation link along the north and eastern boundary of the site. This vegetation is considered high quality habitat. At a minimum, the conservation reserve is 25 metres in width. The maximum width is in excess of 85 metres. In addition to this reserve there is a substantial tree reserve abutting Yannathan Road. The revised tree reserve is 72 metres in length and 44 metres in width.

The development plan provides for larger lots immediately adjoining Glovers Road where vegetation is not present within the Development Plan boundary. It is noted that the defendable space plan identifies canopy vegetation that overhangs the northern boundary of these lots. Defendable space setbacks will

ensure that the retention of the vegetation within the Glovers Road reserve will remain unaffected by the development.

Vegetation to be removed from the linear drainage reserve to allow for functional stormwater management is approximately 0.70 hectares. Offset requirements will become conditions of any subdivision permit granted.

Infrastructure concerns

The written submissions raised concerns about traffic increasing, the lack of intersections, and the speed limit along Lang Lang Poowong Road.

A traffic report was submitted by the applicant which considers the current and future traffic management requirements associated with the proposed development. Council's Engineering staff have reviewed the documentation and are satisfied with the proposed Development Plan layout.

Any planning permit for subdivision will include traffic infrastructure and management conditions which are consistent with Council's Infrastructure Design Manual. The application for subdivision requires referral, comment and likely mandatory conditions from Vic Roads.

Some submitters requested confirmation that the existing landowners within the vicinity will not be required to contribute to infrastructure upgrades directly required to facilitate the proposed subdivision. No special charge scheme is proposed and any off-site works Council requires directly related to the proposed subdivision will be borne by the developer.

Increased amenity buffer to existing residential lots

Submitters requested the buffer zone be increased to a minimum of 8 metres.

The DPO10 states the following:

'Planning permits for the subdivision of land which create lots directly adjoining the boundary of established residential lots along Hatches Road must include a condition requiring a 4 metre wide amenity buffer. The amenity buffer must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision'.

The applicant has advised that the lots adjoining the existing low-density residential area along Hatches Road will require a minimum 7 metre setback (proposed building envelope) from the rear boundary to reduce overlooking. These lots are also proposed to be a minimum area of 1000 m². DPO 10 requires high solid fencing along the boundary (at developer's expense).

Re-locating the public open space to adjoin the property boundaries of Hatches Road residents will further alleviate some of these concerns.

Drainage Flooding Concerns

A stormwater management strategy (SWMS) has been prepared by the applicant to ensure that stormwater is adequately managed.

The development is designed to ensure that stormwater and drainage for the existing low density residential area and other surrounding areas is accommodated within the proposed development plan area. The strategy concludes that the total flow from the site is expected to be less than the pre-developed flow for design storms up to the 1% Annual Exceedance Probability event.

The sedimentation basins and wetlands are to be located in the base of the detention basins and they will be designed in accordance with Melbourne Water's Wetland Design Guidelines (as per the Wetland Design Manual) and Council's Infrastructure Design Manual where applicable. The design of the stormwater quality assets, including the outlet control structures configuration will be undertaken during the subdivision permit application stage and referred to Melbourne Water for approval.

The submitted Stormwater Management Strategy provides concept and cross-sectional plans detailing the size required and indicative location of sediment basins within each asset.

It is considered that the size and location of all drainage reserves, including the increased creek reserve are required to appropriately satisfy the requirements of the proposed Development Plan.

Accordingly, the submitted SWMS is acceptable and the inclusion of appropriate conditions will be implemented at the subdivision planning permit stage.

Existing dam/waterways on the land to remain

Several submitters raised concerns with the removal of the existing dam on the subject land.

Wetland retarding basins will be provided to facilitate stormwater management on the subject land in place of the dam.

The inclusion of the conservation reserve and positioning of the active open space and drainage reserves provides a significant 'biolink' through what will be an urban residential estate. To limit the impact on existing vegetation within the conservation reserves, the shared path is positioned to immediately adjoin the reserve. The redesign and re-vegetation of the drainage reserve is anticipated to improve the water and habitat quality of area.

The drainage reserve has been widened from 33 metres to 40 metres in width to allow for the retention of existing vegetation. The applicant's engineers have prepared a preliminary flood extent plan that identifies where the existing vegetation can be retained whilst still providing an appropriate and efficient

drainage regime. The plan identifies the retention of approximately 1.99 hectares of vegetation to be retained within the linear of drainage channel.

Increase facilities and Government resources required in Nyora

Some submitters raised concerns that the subdivision will create an increase of dumping of hard rubbish and littering. Submissions also requested increasing government facilities such as police and ambulance stations.

Amendment C72 was gazetted into the planning scheme in 2013 which introduced the Nyora Structure Plan. The purpose of the structure plan is to guide the growth and development of the township over the next 20 years and beyond.

The range and level of servicing that Nyora receives is directly proportionate to its population. The Nyora Community Plan adopted in 2010 identified that supporting population growth would improve the range of public and private services available to the township.

Reaching a critical mass in population makes it economically feasible for Council to provide services such as hard waste collections. Council's forward budget estimates include the provision of future community infrastructure required to service the town once population thresholds are met, for example, kindergarten.

More information for all land within the DPO10

The DPO 10 covers land which is contained within both the Farming Zone (FZ) and the General Residential Zone (GRZ1). The Development Plan before Council provides greater detail on the GRZ1 land. This area is readily available for development, as it is the land which was rezoned by the Minister for Planning in 2016 as part of Planning Scheme Amendment C97.

An application to rezone the balance land contained within the DPO 10 to GRZ1 will occur once Nyora's land supply requirements are evidenced by the development of the subject land. The Development Plan for the FZ land will be required to address any future decisions made by Council or the Minister for Planning with respect to an application to rezone the land.

Existing dwelling on the subject land

The existing dwelling on the land is identified in Council's Heritage Study as being of local significance; being the only building in our Shire reflective of the *interwar – moderne* period.

There are no specific heritage controls that apply to the dwelling or the subject land. The applicant has indicated that they do not intend on retaining the dwelling as part of the development.

Subdivision lots increased to a minimum of 1000 square metres and single storey dwellings only

While this is a matter for consideration when determining an application to subdivide the land. The DPO10 does provide some guidance:

The provision of larger lots (greater than 800 square metres and with frontages of not less than 20 metres) located along the southern boundary (adjoining Lang Lang–Poowong Road) and the western boundary (adjoining Yannathan Road) of the subject land and adjoining internal ‘Connector Street’.

In the area immediately adjoining Hatches Road, the proposed lots are not less than 1000 m² in size and have a 7 metre minimum building setback which is considered consistent with the requirements outlined in DPO10.

Responses from Referral Authorities

The Development Plan was referred to a number of authorities (non-statutory) for comment. Some authorities did not respond and will respond as a determining or recommending referral authority during referral of an application to subdivide the land:

External:

- Country Fire Authority (CFA) – Generally satisfied with the Development Plan, will have further requirements for subdivision;
- Department of Environment, Land, Water and Planning (DELWP) – provided a response regarding bushfire and biodiversity matters with suggested changes, the applicant amended the DP showing these changes and are considered satisfactory;
- South Gippsland Water (SGW) – No Conditions (will provide comment at the subdivision permit stage);
- Melbourne Water- provided a response with suggested changes, the applicant amended the Development Plan showing these changes. Further conditions will be provided at the subdivision permit stage;
- AusNet Services – no response;
- Victorian Planning Authority (VPA) – no response; and
- VicRoads – Generally satisfied (further comments will be provided at the subdivision permit stage).

Internal:

- Property & Open Space – generally satisfied will require further conditions at the subdivision permit stage; and

- Engineering – generally satisfied will require further conditions at the subdivision permit stage.

RESOURCES

Population growth over time will increase the amount of civic and social infrastructure required to support and service Nyora.

These future costs are considered in Council's long-term financial plans and forward budget estimates. These costs are, in part, offset by the collection of developer contributions as Nyora grows. Developer contributions are indexed and payable at the creation of each new lot.

RISKS

Much of the risk associated with determining the Development Plan has been eliminated by the previous strategic planning work completed by Council.

Residential growth is guided by the Nyora Structure Plan (Amendment C72) and development of the subject site is informed by DPO10 (Amendment C97). Both of these planning scheme amendments included community consultation and Ministerial approval. The proposed Development Plan is considered to be consistent with the objectives of the Nyora Structure Plan and requirements of DPO.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. Northern Nyora Development Plan DPO10 - Development Plan Overlay Schedule 10 – Nyora Urban Residential Growth Area (South of Glovers Road) [2.2.1 - 6 pages]
2. Northern Nyora Development Plan DPO10 - Approved Development Plan (Indicative Development Plan) [2.2.2 - 1 page]
3. Northern Nyora Development Plan DPO10 - Previous Northern Nyora Development Plan DPO10 - Version 10 October 2018 [2.2.3 - 1 page]
4. Northern Nyora Development Plan DPO10 - Table of assessment against Northern Nyora Development Plan DPO10 [2.2.4 - 17 pages]
5. Northern Nyora Development Plan DPO10 - Location map and Planning Property Report [2.2.5 - 7 pages]

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with section 66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [15.2.1] – Submissions – Northern Nyora Development Plan DPO10 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.

The grounds for designation have been made to protect the privacy of submitters.

Council Policy

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

Council Plan 2020-2024

Open Space Strategy

Rural Land Use Strategy

South Gippsland Housing and Settlement Strategy

Legislative Provisions

Aboriginal Heritage Act 2006

Country Fire Authority Act 1958

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Water Act 1989

2.3. SOUTH GIPPSLAND BETTER APPROVALS PROGRAM - UPDATE

Development Services Directorate

EXECUTIVE SUMMARY

South Gippsland's economy has an annual economic output of \$3.7 billion and provides jobs for 11,000 people. There are approximately 3,600 small to medium sized businesses contributing to the local economy across a range of sectors, including primary industry, manufacturing, construction, health, tourism and retail.

Council is often the first port of call for new business enquiries and is responsible for administering many permit requirements under Victorian laws. Depending on the nature of the business proposal, there can be a range of approvals required before a new business can start. In the example of a new food business, permits may be required under planning, building, engineering, health and local laws. The time taken to obtain approvals can have a direct impact on the likelihood of a business succeeding.

To better support businesses through the approvals process, Council resolved to participate in the 'Better Approvals' project at its meeting of 24 July 2019. The project aims to make it quicker and easier to open a small business in South Gippsland by improving the customer experience and reducing regulatory burden.

The project was fully funded by the Victorian Government and was led by a design consultant from Small Business Victoria. The project involved a review of Council's permit processes and includes the following improvement recommendations:

- **Dedicated Case Manager and Pre-application Meetings** - establishment of a 'concierge' service. A single Council point of contact through the approval process;
- **Streamline Application Forms** - Design of a single online application form that matches the business requirements;
- **Systems Improvement** – process and reporting upgrades to Council's customer request system (Pathway); and
- **Dedicated business webpage** - a dedicated page on Council's website that includes a Guide for new businesses, FAQ's for start-up businesses and permit self-assessment tools.

The project is consistent with the strategic objectives 'Economic Prosperity' and 'Customer Focused Organisation' detailed in the South Gippsland Council Plan 2020–24. These objectives seek to:

- Build a sustainable and growing economy that attracts and supports businesses to thrive and grow;

- Delivers services that support the growth of the local and regional economy; and
- Providing meaningful and timely communication and quality customer service.

Implementing the project recommendations will make it quicker and easier to open a small business in South Gippsland. Council has secured a grant from the Latrobe Valley Authority for \$116,000 to implement the project recommendations. This includes a fully funded 'concierge' position for 12 months.

RECOMMENDATION

That Council:

1. Notes the work completed during the 'Better Approvals' project;
2. Notes the 'Better Approval' project recommendations to make it quicker and easier to open a business in South Gippsland;
3. Acknowledges the funding contributions of the Victorian Government and the Latrobe Valley Authority to undertake the 'Better Approvals' project and to implement the project recommendations; and
4. Launches the 'Better Approvals' project following recruitment of the 'concierge' position.

MOVED: Administrator Zahra

SECONDED: Administrator Brown

THAT COUNCIL:

1. **NOTES THE WORK COMPLETED DURING THE 'BETTER APPROVALS' PROJECT;**
2. **NOTES THE 'BETTER APPROVAL' PROJECT RECOMMENDATIONS TO MAKE IT QUICKER AND EASIER TO OPEN A BUSINESS IN SOUTH GIPPSLAND;**
3. **ACKNOWLEDGES THE FUNDING CONTRIBUTIONS OF THE VICTORIAN GOVERNMENT AND THE LATROBE VALLEY AUTHORITY TO UNDERTAKE THE 'BETTER APPROVALS' PROJECT AND TO IMPLEMENT THE PROJECT RECOMMENDATIONS; AND**
4. **LAUNCHES THE 'BETTER APPROVALS' PROJECT FOLLOWING RECRUITMENT OF THE 'CONCIERGE' POSITION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

South Gippsland's economy has an annual economic output of \$3.7B and provides jobs for 11,000 people. There are 3,600 small to medium sized businesses operating across a range of sectors, including primary industry, manufacturing, construction, health, tourism and retail.

Council is often the first port of call for new business enquiries and is responsible for administering many permit requirements under Victorian laws. Depending on the nature and complexity of the business proposal, there can be a range of approvals required before a new business can operate. In the example of a new food business, permits may be required under planning, building, engineering, health and local laws.

To better support businesses through the approval process, Council resolved to participate in the 'Better Approvals' project at its meeting of 24 July 2019. The Better Approvals Project (Project) is a major Victorian Government initiative through the Department of Jobs, Precincts and Regions (DJPR) involving Victorian Councils and Small Business Victoria.

The project aims to:

- reduce the time for a small business to obtain regulatory permits;
- reduce administrative burden;
- increase the likelihood of small businesses succeeding; and
- improve the overall customer experience.

The Project brought together Council staff and a design consultant from Small Business Victoria during October 2019. The Project team included staff from Economic Development, Planning, Environmental Health, Local Laws, Business Improvement, Communications, Customer Service, IT and Engineering.

It was broken into three stages: Discover; Define and Design; and Delivery.

1. **Discover** – the collection of data and review of processes. It included interviews with businesses who had recently obtained permits from Council.
2. **Define and Design** – Outcomes of process reviews and customer interviews were consolidated.
3. **Delivery** – This provides the final recommendations for implementation. Recommendations included:
 - a. **Dedicated Case Manager** - establishment of a 'concierge' service. A single Council point of contact through the approval process

- b. **Pre-application meetings** – An initial meeting with the customer and all relevant departments, led by the concierge.
- c. **Streamline Application Forms** - Design of a streamlined online single application form that matches the customer's business requirements.
- d. **Systems Improvement** – process and reporting upgrades to Council's customer request system (Pathway). Consolidated invoicing and single transaction payments.
- e. **Dedicated business webpage** - a dedicated page on Council's website that includes a Guide for new businesses, FAQ's for start-up businesses and permit self-assessment tools.
- f. **Simplified basic permit processes** – focus on footpath trading and events.

The project is consistent with the strategic objectives 'Economic Prosperity' and 'Customer Focused Organisation' detailed in the South Gippsland Council Plan 2020–24. These objectives seek to;

- Build a sustainable and growing economy that attracts and supports businesses to thrive and grow;
- Delivers services that support the growth of the local and regional economy; and
- Providing meaningful and timely communication and quality customer service.

Implementing the project recommendations will make it quicker and easier to open a small business in South Gippsland. Council has secured a grant from the Latrobe Valley Authority for \$116,000 to implement the project recommendations. This includes a fully funded 'concierge' position for 12 months. This position will be the first point of contact for business applicants and will guide them through the approvals process.

CONSULTATION

The 'Better Approvals' project was led by a design consultant from Small Business Victoria. Interviews were conducted with businesses who had recent experience with Council's application processes.

RESOURCES

The Victorian Government fully funded the 'Better Approvals' project review.

Council secured a grant from the Latrobe Valley Authority for \$116,000 to implement the project recommendations. This includes a fully funded 'concierge' position for 12 months.

System enhancements required to support a streamlined approval process will be accommodated within existing IT budget allocations.

RISKS

Implementing the project recommendations will reduce the administrative burden and costs associated with establishing a new business. This will have a positive impact on our customer's experience and increase the likelihood of new businesses succeeding.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

REFERENCE DOCUMENTS

Council Policy

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

Council Plan 2020-2024

Economic Development and Tourism Strategy

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government Act 1989

Local Government Act 2020, s.9(c) - the economic, social and environmental sustainability of the municipal district, is to be promoted

2.4. GIPPSLAND REGIONAL PLAN 2020-2025

Executive Office

EXECUTIVE SUMMARY

The Gippsland Regional Plan 2020-2025 **Attachment [2.4.1]** is the long-term strategic plan for improving the economic, social, cultural, and environmental outcomes for the Gippsland region and our community. Its purpose is to guide federal, state and local government – and a range of private and not-for-profit agencies – as we collectively strive to reach our full potential and ensure that Gippsland is recognised as *the place to live, work, invest and play*.

The development of the Gippsland Regional Plan was commissioned by the Gippsland Regional Plan Leadership Group using a collaborative approach. It brings together all levels of Government, business, and education, as well as a wide range of agencies and community organisations.

South Gippsland has been represented in a number of ways in development of the plan. The Administrator Chair and Chief Executive Officer (CEO) have been involved through the participation of the *One Gippsland* group. The CEO is also involved through membership of the regional partnership and Gippsland Regional Plan Leadership Group. Additionally, broad community and business input was provided through the consultation phase.

RECOMMENDATION

That Council endorses the Gippsland Regional Plan 2020-2025 (Attachment [2.4.1]).

MOVED: Administrator Eisenbise

SECONDED: Administrator Brown

THAT COUNCIL ENDORSES THE GIPPSLAND REGIONAL PLAN 2020-2025 (ATTACHMENT [2.4.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The purpose of regional plans is to provide a shared point of focus for effort, investment and advocacy for each of Australia's regional areas. The Gippsland Regional Plan 2020-2025 **Attachment [2.4.1]** provides this focus for our regional area, and builds on the work delivered as part of previous regional plans. The Plan looks towards 2040 for its vision and goals, and specifically identifies the priority actions and initiatives required in the coming five years to 2025.

It identifies the significant challenges and opportunities that Gippsland faces in the areas of economic prosperity, environment protection, sustainability and care of Country, liveability, reconciliation with Aboriginal people, health, education, infrastructure, and land use planning. The priority actions and initiatives are validated by a data driven approach using local, regional, and state data sets and sources.

The most important projects, initiatives, and next steps for achieving Gippsland's 2040 vision are included in this Plan. These are selected according to their economic, social, environmental, and regional benefits, as well as their readiness for implementation. These plans have been informed by – and in turn will inform and intersect with – Council's own strategic plans and priorities. The Plan also provides context for regional advocacy and support for initiatives that are of importance to both the South Gippsland community and the region.

This Plan builds on the achievements and efforts of previous Gippsland Regional Plans.

Its implementation continues to require significant investment, and the collective energy and creative thinking of the Gippsland Regional Plan Leadership Group and its partners and members.

The Gippsland Regional Plan is a 'living' document that provides a framework through which priority projects and initiatives that will enhance our regional capability are identified, agreed, and advocated for. Each year the Gippsland Regional Plan Leadership Group will review the plan to ensure its currency to achieve regional outcomes.

The strategic framework and objectives of the Gippsland Regional Plan are consistent with Council's objectives as stated in the current South Gippsland Council Plan 2020-2024. The Gippsland Regional Plan will also be an important point of reference for the development of South Gippsland's Economic Development and Visitor Economy Strategies, projects which are currently underway.

CONSULTATION

The Gippsland Regional Plan has been developed on the basis of significant analysis of evidence from a range of sources, including community and

stakeholder engagement. The Gippsland Regional Plan 2020-2025 incorporates:

- Linkages to more than 50 federal, state, regional and local strategies
- Opinions from more than 300 Gippslanders
- Consideration of more than 260 initiatives and projects identified by our community as important to Gippsland's future
- Analysis of economic, social, and environmental trends

In the case of South Gippsland specifically, and in addition to the contribution provided through membership on the leadership group, consultation opportunities in the form of both surveys and focus groups were widely promoted across the municipality and through Council's business, community, education and employment networks.

The Gippsland Regional Plan Leadership Group is responsible for developing the Plan, and leading and overseeing its implementation. Leadership Group membership includes:

- Committee for Gippsland
- Gippsland Regional Partnership (CEO Kerryn Ellis is a member)
- One Gippsland (Administrator Chair Julie Eisenbise and CEO Kerryn Ellis are members)
- Regional Development Australia, Gippsland (CEO Kerryn Ellis is an observer member)
- Regional Development Victoria

RESOURCES

The Gippsland Regional Plan is a 'living' document that provides a framework through which priority projects and initiatives that will enhance our regional capability are identified, agreed, and advocated for. Each year the Gippsland Regional Plan Leadership Group will review the plan to ensure its currency to achieve regional outcomes.

Most actions that require investment on behalf of South Gippsland Shire Council to lead or implement will already form part of Council's forward plans and budgets. In the case that new initiatives are identified, they will be subject to the usual planning and budgeting process.

RISKS

There is a risk that if Council preferred to advocate for or progress the priorities of the South Gippsland community alone, or separately to the development of

the region, South Gippsland would miss out on opportunities to collaborate and build on the strengths of the region as a whole. Active support of and participation in the Gippsland Regional Plan provides the best opportunity to take advantage of a regional voice when advocating on key issues, and to share and build upon the strengths and development of the region.

South Gippsland is a vibrant municipality with many strengths, that can be furthered leveraged when working together with the region.

There is a risk that a failure to take advantage of regional opportunities would weaken Council's opportunity to attract investment to the municipality and be a string and active voice in advocating for the South Gippsland community's interests across the region, and in key state and national forums.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. Gippsland Regional Plan 2020-25 [2.4.1 - 79 pages]

REFERENCE DOCUMENTS

Council Plan 2020-2024

Gippsland Regional Plan 2015-2020

3. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE

3.1. COMMUNITY INFRASTRUCTURE ADVISORY COMMITTEE

Infrastructure Directorate

EXECUTIVE SUMMARY

The formation of a Community Infrastructure Advisory Committee (CIAC) has been precipitated by an internal audit of capital works processes in December 2019, and the current review of the Social Community Infrastructure Blueprint (the Blueprint). The committee's purpose is to guide and assist Council to achieve its strategic objectives in infrastructure and transparency in decision making required by the new *Local Government Act 2020*.

The CIAC would examine Council's annual Capital Works Program budget, examine and validate the principles and assessment matrices contained within the Social Community Infrastructure Blueprint Review 2020, and look at community proposals that emerge from the Blueprint process.

It is proposed that Council endorses the formation of the CIAC, the associated Terms of Reference, and commence an Expression of Interest process calling for the selection of committee members from the community. The Committee will also assist Council to achieve the objectives of its Council Plan 2020-2024, in particular for delivery of integrated services and infrastructure.

RECOMMENDATION

That Council:

1. Endorses the formation of a Community Infrastructure Advisory Committee and adopts the associated Terms of Reference – Attachment [3.1.1];
2. Authorises the Chief Executive Officer to conduct an Expression of Interest process for Community Infrastructure Advisory Committee members refer Attachment [3.1.2]; and
3. At the conclusion of the Expression of Interest processes, considers and determines the members of the Community Infrastructure Advisory Committee at a future Council Meeting.

Administrator Christian Zahra moved a Motion different from the Recommendation.

MOVED: Administrator Zahra

SECONDED: Administrator Brown

THAT COUNCIL:

- 1. ENDORSES THE FORMATION OF A COMMUNITY INFRASTRUCTURE ADVISORY COMMITTEE AND ADOPTS THE ASSOCIATED TERMS OF REFERENCE – ATTACHMENT [3.1.1] WITH AN AMENDMENT UNDER THE HEADING 'THE CIAC' TO REPLACE THE SECOND SENTENCE WITH THE WORDS 'THE ROLE OF THE COMMITTEE MEMBERS IS TO SERVE THE INTERESTS OF THE MUNICIPALITY AS A WHOLE, AND COMMITTEE MEMBERS WILL BE SELECTED ON THE BASIS OF BROADLY REFLECTING THE DEMOGRAPHICS OF THE COMMUNITY';**
- 2. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO CONDUCT AN EXPRESSION OF INTEREST PROCESS FOR COMMUNITY INFRASTRUCTURE ADVISORY COMMITTEE MEMBERS REFER ATTACHMENT [3.1.2] WITH AN AMENDMENT UNDER THE HEADING 'COMMITTEE STRUCTURE' TO INCLUDE THE SENTENCE WITH THE WORDS 'THE ROLE OF THE COMMITTEE MEMBERS IS TO SERVE THE INTERESTS OF THE MUNICIPALITY AS A WHOLE, AND COMMITTEE MEMBERS WILL BE SELECTED ON THE BASIS OF BROADLY REFLECTING THE DEMOGRAPHICS OF THE COMMUNITY'; AND**
- 3. AT THE CONCLUSION OF THE EXPRESSION OF INTEREST PROCESSES, CONSIDERS AND DETERMINES THE MEMBERS OF THE COMMUNITY INFRASTRUCTURE ADVISORY COMMITTEE AT A FUTURE COUNCIL MEETING.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The role of the CIAC is advisory would include the following:

- Examine project proposals, evaluation, and priority list.
- Support Council in responsible decision-making using principles to determine capital works programs.
- Examine large emerging proposals / unplanned initiatives to fit within strategies or request a feasibility study.
- Formulate advice / feedback to Council for consideration.

Terms of Reference have been developed to guide the CIAC – refer to **Attachment [3.1.1]**.

It is hoped that participants will disseminate broad and non-confidential information about Council processes within their communities and act as informal ambassadors of Council.

A summary of the committee details is included in the following table:

Table 1 – Summary of Committee Details

Name	Community Infrastructure Advisory Committee
No. Members	Six
Term	Three years
Frequency	Up to four committee meetings per year in line with budget process.
Start Date	To be confirmed
End Date	Three years after start date

CONSULTATION

Internal Consultation

There has been internal consultation within the Sustainable Infrastructure Directorate.

External Consultation (Expression of Interest Process)

The selection of CIAC members will be determined at the conclusion of an Expression of Interest (EOI) process. Ideally, members of the committee would be drawn from the community in each ward and representative of the municipal demographic.

An Expression of Interest document has been prepared to outline committee information for any prospective members and list the skills and attributes that would be required – refer to **Attachment [3.1.2]**.

The advertising process for interested participants will occur late September 2020 with a view to the committee being appointed at a future Council meeting.

It is proposed to hold up to four meetings a year that are aligned with the budget process and appointments would be for a term of 3 years.

RESOURCES

There are no proposed extra resource allocations as meetings are expected to be conducted during office hours and committee positions would be unpaid.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. Terms of Reference Community Infrastructure Advisory Committee [3.1.1 - 4 pages]
2. Expression of Interest Community Infrastructure Advisory [B0AT] [3.1.2 - 3 pages]

REFERENCE DOCUMENTS

Council Policy

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

Annual Budget

Blueprint for Social and Community Infrastructure

Capital Works Program

Community Engagement Policy (C06)

Community Infrastructure Project Management Policy (C09)

Priority Projects

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

4.1. DRAFT 2019/20 ANNUAL REPORT - REPORT OF OPERATIONS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council's Annual Report is a key mechanism for reporting annually to the South Gippsland community on delivery of Council's projects, services and priorities on the community's behalf. The Annual Report provides a snapshot of Council's operations, publicly reports achievement of the Council Plan, reports on the Local Government Performance Reporting Framework measures, and is a key transparency and community information measure. The Council is pleased and proud to provide this Annual Report to the community of South Gippsland.

Council is required to complete an Annual Report of Operations for the 2019/20 financial year and this is presented to Council for endorsement. The Report of Operations together with the audited Performance Statement and the Financial Statements form the 2019/20 Annual Report (Annual Report) refer to **Attachment [4.1.1]**. The Annual Report is required to be submitted to the Minister for Local Government by 30 September 2020.

The Performance Statement and Financial Statements are subject to audit by the Victorian Auditor General's Office (VAGO) and are submitted to Council in a separate report.

Once all reports are approved in principle, the final Annual Report will be advertised through a public notice and made available for public inspection for a two-week period, prior to being presented at the 28 October 2020 Council Meeting for final adoption.

RECOMMENDATION

That Council:

1. Approves in principle the 2019/20 Annual Report (Report of Operations) (Attachment [4.1.1]);
2. Upon receipt of the certified Performance Statement and Financial Statements, combines these documents with the Report of Operations into the 2019/20 Annual Report;
3. Provides a copy of the 2019/20 Annual Report to the Minister for Local Government by 30 September 2020;
4. Advertises the preparation of the Annual Report through a public notice and makes it available for public inspection at the Council Offices

9 Smith Street, Leongatha and on Council's website, for a two-week period prior to the 28 October 2020 Council Meeting; and

5. Considers the 2019/20 Annual Report at the Council Meeting of 28 October 2020 for final adoption.

MOVED: Administrator Eisenbise

SECONDED: Administrator Brown

THAT COUNCIL:

1. **APPROVES IN PRINCIPLE THE 2019/20 ANNUAL REPORT (REPORT OF OPERATIONS) (ATTACHMENT [4.1.1]);**
2. **UPON RECEIPT OF THE CERTIFIED PERFORMANCE STATEMENT AND FINANCIAL STATEMENTS, COMBINES THESE DOCUMENTS WITH THE REPORT OF OPERATIONS INTO THE 2019/20 ANNUAL REPORT;**
3. **PROVIDES A COPY OF THE 2019/20 ANNUAL REPORT TO THE MINISTER FOR LOCAL GOVERNMENT BY 30 SEPTEMBER 2020;**
4. **ADVERTISES THE PREPARATION OF THE ANNUAL REPORT THROUGH A PUBLIC NOTICE AND MAKES IT AVAILABLE FOR PUBLIC INSPECTION AT THE COUNCIL OFFICES 9 SMITH STREET, LEONGATHA AND ON COUNCIL'S WEBSITE, FOR A TWO-WEEK PERIOD PRIOR TO THE 28 OCTOBER 2020 COUNCIL MEETING; AND**
5. **CONSIDERS THE 2019/20 ANNUAL REPORT AT THE COUNCIL MEETING OF 28 OCTOBER 2020 FOR FINAL ADOPTION.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The *Local Government Act 1989*, s.131(6) requires that Council prepares an Annual Report that provides a succinct end-of-year summary of Council's performance.

The report begins with a snapshot of Council's key achievements against the 2017-2021 Council Plan Strategic Objectives and 2019/20 Annual Initiatives.

This is followed by four main sections:

- Overview
- Reporting (against Council Plan and Strategic Objectives)
- Governance
- Performance (Audited Performance Statement Indicators and Financial Statement)

The Report of Operations section conforms with the *2019/20 Better Practice Guide – Report of Operations* (February 2020) produced by Local Government Victoria. These guidelines set the context of the report and the performance data requirements for all Victorian councils.

Council's *Local Government Performance Reporting Framework (LGPRF)* indicators and results are presented under each Strategic Objective in *Section 2 – Reporting*, under the heading 'Service Performance Indicators' (refer to **Attachment [4.1.1]**). These indicators are compared against the previous three years' results. Some of these indicators are also included in the Performance Statement and audited by VAGO.

Previous amendments have been made by Local Government Victoria to some LGPRF indicators and other reporting requirements per the definitions in the Local Government (Planning and Reporting) Amendment Regulations 2017.

The *Local Government Act 1989* requires Council's Annual Report to be submitted annually by close of business on 30 September to the Minister for Local Government.

An extension has been granted by Local Government Victoria for the submission of the Annual Report, until 1 December 2020. Council has elected to complete the Annual Report within the standard timelines for submission to the Minister for Local Government.

CONSULTATION

Council departments have contributed to the information contained in the Report of Operations and the LGPRF indicators. This information has been validated by Coordinators, Managers and the respective Directors.

The Report of Operations and the Performance Statement were presented to the Audit Committee on 8 September 2020.

Elements of the Annual Report are also independently audited by VAGO.

RESOURCES

The Annual Report is developed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

RISKS

Completion of the Report of Operations and subsequent Annual Report is an annual legislative requirement. To not complete the Annual Report and not submit it to the Minister for Local Government by 30 September 2020 (or by 1 December 2020 as a Ministerial extension this year) would be a breach of s.131 of the *Local Government Act 1989*.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. Draft 2019/20 Annual Report - Report of Operations [4.1.1 - 124 pages]

REFERENCE DOCUMENTS

Council Policy

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

Annual Budget 2018/19

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

Council Plan 2017-2021

Legislative Provisions

Local Government Act 1989, s. 131, 132, 133 and 134 relating to the Annual Report
Local Government Better Practice Guide – Performance Framework Indicator Workbook 2019/20, Strategic Resource Plan 2020, FG5 2020, Planning and Reporting 2019/20, February 2020 and Report of Operations 2019/20, February 2020

4.2. UNAUDITED FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT 2019/20

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Public reporting of Council's annual accounts and financial statements are a key transparency and public assurance measure, providing information and assurance to the community about Council's financial position. The unaudited Financial Statements (**Attachment [4.2.1]**) and Performance Statement (**Attachment [4.2.2]**) for 2019/20 are presented to Council:

- To seek in-principle approval of the Statements; and
- To seek a resolution of Council authorising the Administrator representative on the South Gippsland Shire Council Audit Committee and one other Administrator to certify the Statements following audit completion.

The Financial Statements (**Attachment [4.2.1]**) and Performance Statement (**Attachment [4.2.2]**) for the 2019/20 financial year, present fairly the financial performance and position of the Council for the financial year.

It is recommended that Council approve the Statements in-principle, which will then be submitted to the Victorian Auditor-General's Office (VAGO) for further review.

RECOMMENDATION

That Council:

1. Approves in-principle the draft Annual Financial Statements (Attachment [4.2.1]) and the draft Performance Statement (Attachment [4.2.2]) for the year ended 30 June 2020;
2. Authorises Administrators Rick Brown and Julie Eisenbise to certify the Financial Statements, and Performance Statement on behalf of Council, once the audit has been finalised; and
3. Sends the draft Annual Financial Statements and the draft Performance Statement for the year ended 30 June 2020 to the Victorian Auditor-General's Office (VAGO) for certification.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL:

- 1. APPROVES IN-PRINCIPLE THE DRAFT ANNUAL FINANCIAL STATEMENTS (ATTACHMENT [4.2.1]) AND THE DRAFT PERFORMANCE STATEMENT (ATTACHMENT [4.2.2]) FOR THE YEAR ENDED 30 JUNE 2020;**
- 2. AUTHORISES ADMINISTRATORS RICK BROWN AND JULIE EISENBISE TO CERTIFY THE FINANCIAL STATEMENTS, AND PERFORMANCE STATEMENT ON BEHALF OF COUNCIL, ONCE THE AUDIT HAS BEEN FINALISED; AND**
- 3. SENDS THE DRAFT ANNUAL FINANCIAL STATEMENTS AND THE DRAFT PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2020 TO THE VICTORIAN AUDITOR-GENERAL'S OFFICE (VAGO) FOR CERTIFICATION.**

CARRIED UNANIMOUSLY

[Link to Next Agenda Item.](#)

REPORT

Pursuant to s.133(1) of the *Local Government Act 1989* (the Act), the Annual Report of Council must be submitted to the Minister of Local Government by 30 September 2020. Under s.131(2) of the Act, the audited Financial Statements and Performance Statement, including the Auditor's report on both Statements, are to form part of the Annual Report. This requires the completion and audit of the Statements by early to mid-September to allow sufficient time for their inclusion into the Annual Report.

Under s.132 (2) of the Act, Council must approve "in principle" the draft Financial Statements and Performance Statement prior to formally submitting the accounts for audit. Due to the timing constraints noted above and the requirements of the Auditor General, it is standard practice to complete audits prior to Council approving the draft Statements.

A meeting of the Audit Committee was held on 8 September 2020, which included reviewing the draft Financial and Performance Statements, the Final Management Letter and Closing Report 2019/20 with Council's auditors.

As Council's approval is only in-principle, based on the draft Financial Statements and Performance Statement, opportunities for changes to the Statements may arise, particularly after final review by VAGO. To cover such changes, s.132(5) requires Council to appoint two Councillors / Administrators to certify the Statements following any amendments that may arise after finalisation of the audit.

There is a strong correlation between the Long-Term Financial Plan, the Annual Budget and the actual results in the Financial Statements. Annual budgets are set within a strategic 15 year forward financial planning framework. The actual financial performance achieved is also monitored within the context of the 15-year financial framework.

2019/20 The Highlights

Comprehensive Income Statement (Profit & Loss)	2018/19 \$000s	2019/20 \$000s
Total Revenue	71,771	70,797
Total Expenses	(66,075)	(73,559)
Surplus (Deficit)	5,696	(2,762)
Net asset revaluation increment	33,715	7,355
Comprehensive result	39,411	4,593

Balance Sheet	2018/19 \$000s	2019/20 \$000s
Current Assets	41,089	43,894
Current Liabilities	13,774	12,687
Working Capital Ratio	2.98:1	3.46:1

Non-current Assets	558,782	558,982
Non-current Liabilities	3,667	5,180
Net Assets/Total Equity	582,430	585,009
Statement of Changes in Equity	2018/19 \$000s	2019/20 \$000s
Balance at beginning of financial year	543,019	582,430
Impact of change in accounting policy – AASB 16/AASB 1058	0	(2,014)
Adjusted opening balance	543,019	580,416
Surplus / (deficit) for the year	5,696	(2,762)
Net Asset revaluation increment (decrement)	33,715	7,355
Balance at end of financial year	582,430	585,009

Cash Flow Statement	2018/19 \$000s	2019/20 \$000s
Net cash inflows from operating activities	15,804	21,807
Net cash outflows from investing activities	(14,120)	(18,316)
Net cash outflows from financing activities	(142)	(2,699)
Net increase (decrease) in cash held	1,542	792
Cash at the beginning of the year	5,458	7,000
Cash at the end of the year	7,000	7,792

Comprehensive Income Statement

The Comprehensive Income Statement result is \$4.59M surplus (previous year \$39.41M surplus). The comprehensive result for 2019/20 includes an asset revaluation increment of \$7.35M (2018/19 revaluation increment \$33.71M). All infrastructure asset classes were revalued in 2019/20.

The deficit prior to asset revaluations is \$2.76M in 2019/20 compared to a surplus of \$5.70M in 2018/19. The primary reason for the deficit in 2019/20 and the difference between the two periods is an \$11.42M impairment of Land Under Roads as a result of a change in the valuation methodology. Excluding this one-off adjustment, the operating result would have been a surplus position of \$8.66M.

Balance Sheet

The Balance Sheet shows an overall strengthened position, as a result of the comprehensive surplus result achieved for the financial year.

The working capital ratio of 3.46 to 1 is stronger than the previous year's ratio of 2.98 to 1, as a result of repayment of \$3.35M of outstanding borrowings in November 2019.

Statement of Changes in Equity

The total changes in equity for the 2019/20 year is a \$2.58M increase, reflecting the surplus from the Comprehensive Income Statement for the financial year of \$4.59M offset by a decrease of \$2.01M as a result of adopting the new accounting standards AASB 15 Revenue and AASB 1058 Income of Not-for Profit Entities. The total changes in equity for the previous 2018/19 year was a \$39.41M decrease.

It is important not to take the financial implications of revaluation increments out of context. Revaluations are conducted periodically to ensure that the current replacement cost of assets are reflected in the Balance Sheet. Generally speaking, these costs tend to increase rather than decrease over the years, however, they can be influenced by multiple variables in the valuation calculations such as a change to unit rates and the overall condition of the asset class. These variations typically have a material financial impact on the equity position of Council.

Any effect of the revaluation of non-current assets is ultimately reflected both in the Balance Sheet and Statement of Changes in Equity, with flow on impacts in future years' income statements through altered depreciation expenses.

Cash Flow Statement

The Cash Flow Statement shows the movement of cash from operating activities (recurrent income and expenses), investing activities (payments and proceeds associated with non-current assets and movements between cash and investment balances > 90 days at reporting date) and financing activities (new borrowings and repayments of principal). The cash position (\$7.79M) of the Shire has increased relative to that of the previous year (\$7.00M) by \$0.79M.

Cash Flow from operating activities generated \$21.8M and was utilised in Investing activities \$18.3M (\$16.1M for capital works, \$2.7M purchase of investments less Proceeds from sales \$0.5M) and Financing costs \$2.7M.

Performance Statement

The Performance Statement provided in (**Attachment [4.2.2]**) is in line with the required format and content. The audited Local Government Performance Reporting Framework indicators are incorporated from 2017 to 2020. The indicators provide a comparison against the past financial years' results. These indicators will be up-loaded to the 'Know Your Council' website managed by the State Government for each Council.

The Financial Statements and the Performance Statement will be combined with the Annual Report of Operations, once the two statements have been certified.

The Performance Statement includes material variation comments for a number of financial and non-financial indicators, particularly those that are outside the normal range established by the State Government, or where VAGO has indicated that a comment would be beneficial to assist the reader. Material

variation comments are also included where a variance is + or – 10 per cent compared to 2019/20.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. 2019/20 Annual VAGO Audited - Financial Statements [4.2.1 - 52 pages]
2. 2019/20 Annual VAGO Audited - Performance Statement [4.2.2 - 13 pages]

REFERENCE DOCUMENTS

Council Policy

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

Annual Budget 2019/20

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

Legislative Provisions

Local Government Act 1989

Local Government Better Practice Guide 2016/17 - Performance Reporting Framework Indicator Workbook, Version 1, April 2017

4.3. GOOD GOVERNANCE FRAMEWORK - LOCAL LAW NO.2 2020 REPEAL AND AMENDMENTS

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Following the recent adoption of Council's new Governance Rules, it is now timely to review Local Law No. 2 to remove items that have now been included in the new Governance Rules. This is to avoid duplication and overlap between the two documents, and provide greater clarity for the community, Council and Council staff. This report incorporates references to the *Local Government Act 1989* and the *Local Government Act 2020*, as there is a transition period between the two Acts. At this point in time both Acts contain sections applicable to this report.

The *Governance Rules 2020 (C82)*, including the *Election Period Policy (C30)* (Governance Rules) were adopted by Council at the 26 August 2020 Council meeting. In accordance with s.60 of the *Local Government Act 2020*, (2020 Act) the Governance Rules have been adopted to replace the majority of meeting procedures contained within *Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal* (Local Law 2020).

Redundant clauses in Local Law 2020 are presented for Council to consider for repeal. Several clauses have been retained and/or amended; predominantly to allow for the continuation of penalties and infringements to be applied as required. These penalties could not be captured in the Governance Rules.

Amendments to a local law require a statutory community consultation process to be undertaken following a government gazettal in accordance with s.223 of the *Local Government Act 1989*, (1989 Act).

The proposed *Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal* (Revised Local Law 2020) incorporating the repealed and amended clauses is contained in **Attachment [4.3.1]**. To provide context, a copy of the Local Law 2020 (**Attachment [4.3.2]**) is marked up with yellow highlights indicating clauses to be repealed and blue highlighted clauses indicating proposed amendments.

Attachment [4.3.3] is the *Local Law No.2 2020 - Community Impact Statement – September 2020* (Community Impact Statement) to be released with the Revised Local Law 2020, providing context to the changes proposed.

RECOMMENDATION

That Council:

1. Endorses in principle the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' in Attachment [4.3.1], to repeal a majority of clauses and two penalties, while retaining or amending remaining clauses and including several additional clauses;
2. Approves commencement of the statutory procedures to seek community submissions on the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' [4.1.1], pursuant to s.119 and s.223 of the Local Government Act 1989;
3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the statutory procedures outlined in Item 2 above;
4. Hold an Additional Meeting of Council on Wednesday 18 November 2020 to commence at 11am to hear, consider and decide on all s.223 submissions received;
5. Authorises the Chief Executive Officer to determine the appropriate public and occupational health and safety precautions for this process and the associated meetings required under Council's Business Continuity Plan relating to COVID-19 Pandemic restrictions;
6. Gives public notice in the Government Gazette, on Thursday 1 October 2020 incorporating the following information:
 - a. The purpose and general purport of the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal';
 - b. That a copy of the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' and the 'Local Law No.2.2020 Community Impact Statement' are available for inspection on Council's website www.southgippsland.vic.gov.au and Libraries between Thursday 1 October and 5.00pm Thursday 29 October 2020;
 - c. Due to the closure of the Council Offices, based on COVID-19 Pandemic restrictions, people that do not have internet access may request a hard copy by contacting Council on 5662 9200 by Thursday 22 October 2020;
 - d. That any person affected by the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and

Common Seal' may make a submission under s.223 of the Local Government Act 1989 by 5.00pm on Thursday 29 October 2020.

7. Gives public notice on Council's website and in Noticeboard incorporating the following information:
 - a. A 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' has been prepared;
 - b. That a copy of the 'Revised Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' and the 'Local Law No.2.2020 Community Impact Statement' are available for inspection on Council's website www.southgippsland.vic.gov.au and Libraries between Thursday 1 October and 5.00pm Thursday 29 October 2020;
 - c. Due to the closure of the Council Offices, based on Covid-19 pandemic restrictions, people that do not have internet access may request a hard copy by contacting Council on 5662 9200 by Thursday 22 October 2020;
 - d. A person proposing to make a submission under s.223 of the Local Government Act 1989 must do so by no later than 5.00pm Thursday 29 October 2020. Late submissions will not be considered by Council;
 - e. Submission must be addressed to the Chief Executive officer, South Gippsland Shire Council;
 - f. Submissions are preferred to be sent via email for the Proposed Revised Local Law No.2 2020 to submission@southgippsland.vic.gov.au, however they may be sent to Council at Private Bag 4, Leongatha 3953;
 - g. All formal written submissions will be considered in accordance with s.223 of the Local Government Act 1989;
 - h. Any person(s) making a written submission is required to state in their submission if he or she wishes to speak to their submission, or be represented by a person specified in their submission, at the hearing of submissions in an open meeting of Council, subject to actions required under Council's Business Continuity Plan relating to the Covid-19 pandemic;
 - i. Privacy Collection Statement as: Copies of submissions (only including submitters names), will be made available in open agendas relating to s.223 submissions;

- j. Individuals concerned with the use and public disclosure of their personal details are required to email submission@southgippsland.vic.gov.au and/or contact the Council Business Unit prior to submitting their submission, or by 5.00pm on Thursday 29 October to discuss concerns;
 - k. The time, date and place for the Additional Meeting of Council to hear, consider and decide on submissions will commence at 11.00am on Wednesday 18 November 2020 at the Leongatha Council Chambers, or via livestream through a Virtual Meeting, depending on Covid-19 pandemic restrictions;
 - l. Following the consideration of submissions, Council may or may not decide to amend the 'Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal'.
- 8. Advises those persons who have indicated in their written submission that they wish to be heard in support of their submission, of the date, time and place of the hearing; and
 - 9. Requires the 'Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal' to be presented to Council for adoption at the Council Meeting scheduled for 16 December 2020.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL:

- 1. ENDORSES IN PRINCIPLE THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' IN ATTACHMENT [4.3.1], TO REPEAL A MAJORITY OF CLAUSES AND TWO PENALTIES, WHILE RETAINING OR AMENDING REMAINING CLAUSES AND INCLUDING SEVERAL ADDITIONAL CLAUSES;**
- 2. APPROVES COMMENCEMENT OF THE STATUTORY PROCEDURES TO SEEK COMMUNITY SUBMISSIONS ON THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' [4.1.1], PURSUANT TO S.119 AND S.223 OF THE LOCAL GOVERNMENT ACT 1989;**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE STATUTORY PROCEDURES OUTLINED IN ITEM 2 ABOVE;**
- 4. HOLD AN ADDITIONAL MEETING OF COUNCIL ON WEDNESDAY 18 NOVEMBER 2020 TO COMMENCE AT 11AM TO HEAR, CONSIDER AND DECIDE ON ALL S.223 SUBMISSIONS RECEIVED;**
- 5. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO DETERMINE THE APPROPRIATE PUBLIC AND OCCUPATIONAL HEALTH AND SAFETY PRECAUTIONS FOR THIS PROCESS AND THE ASSOCIATED MEETINGS REQUIRED UNDER COUNCIL'S BUSINESS CONTINUITY PLAN RELATING TO COVID-19 PANDEMIC RESTRICTIONS;**
- 6. GIVES PUBLIC NOTICE IN THE GOVERNMENT GAZETTE, ON THURSDAY 1 OCTOBER 2020 INCORPORATING THE FOLLOWING INFORMATION:**
 - a. THE PURPOSE AND GENERAL PURPORT OF THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL';**
 - b. THAT A COPY OF THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' AND THE 'LOCAL LAW NO.2.2020 COMMUNITY IMPACT STATEMENT' ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE WWW.SOUTHGIPPSLAND.VIC.GOV.AU AND LIBRARIES BETWEEN THURSDAY 1 OCTOBER AND 5.00PM THURSDAY 29 OCTOBER 2020;**

- c. **DUE TO THE CLOSURE OF THE COUNCIL OFFICES, BASED ON COVID-19 PANDEMIC RESTRICTIONS, PEOPLE THAT DO NOT HAVE INTERNET ACCESS MAY REQUEST A HARD COPY BY CONTACTING COUNCIL ON 5662 9200 BY THURSDAY 22 OCTOBER 2020;**
 - d. **THAT ANY PERSON AFFECTED BY THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' MAY MAKE A SUBMISSION UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 BY 5.00PM ON THURSDAY 29 OCTOBER 2020.**
- 7. GIVES PUBLIC NOTICE ON COUNCIL'S WEBSITE AND IN NOTICEBOARD INCORPORATING THE FOLLOWING INFORMATION:**
 - a. **A 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' HAS BEEN PREPARED;**
 - b. **THAT A COPY OF THE 'REVISED LOCAL LAW NO.2 2020 – PROCESSES OF MUNICIPAL GOVERNMENT – MEETING PROCEDURES AND COMMON SEAL' AND THE 'LOCAL LAW NO.2.2020 COMMUNITY IMPACT STATEMENT' ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE WWW.SOUTHGIPPSLAND.VIC.GOV.AU AND LIBRARIES BETWEEN THURSDAY 1 OCTOBER AND 5.00PM THURSDAY 29 OCTOBER 2020;**
 - c. **DUE TO THE CLOSURE OF THE COUNCIL OFFICES, BASED ON COVID-19 PANDEMIC RESTRICTIONS, PEOPLE THAT DO NOT HAVE INTERNET ACCESS MAY REQUEST A HARD COPY BY CONTACTING COUNCIL ON 5662 9200 BY THURSDAY 22 OCTOBER 2020;**
 - d. **A PERSON PROPOSING TO MAKE A SUBMISSION UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 MUST DO SO BY NO LATER THAN 5.00PM THURSDAY 29 OCTOBER 2020. LATE SUBMISSIONS WILL NOT BE CONSIDERED BY COUNCIL;**
 - e. **SUBMISSION MUST BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL;**
 - f. **SUBMISSIONS ARE PREFERRED TO BE SENT VIA EMAIL FOR THE PROPOSED REVISED LOCAL LAW NO.2 2020 TO SUBMISSION@SOUTHGIPPSLAND.VIC.GOV.AU, HOWEVER THEY MAY BE SENT TO COUNCIL AT PRIVATE BAG 4, LEONGATHA 3953;**
 - g. **ALL FORMAL WRITTEN SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989;**

- CARRIED UNANIMOUSLY**

South Gippsland Shire Council
Council Meeting No. 449 - 23 September 2020
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REPORT

Under the *Local Government Act 1989* (and the *Local Government Act 2020* once the local law sections come into effect in October 2020) there are only three avenues to end Local Law 2020:

1. Replace it with a new Local Law;
2. Join the remaining clauses into another local law and revoke the existing Local Law 2020 at that time; or
3. Retain Local Law 2020 until its sunset in 10 years' time.

It is proposed that an initial step toward ending Local Law 2020 includes the repeal of redundant sections to remove any confusion as to the applicability of the 'Governance Rules' versus the 'Local Law 2020'. In undertaking this step, there have been clauses identified that require retention and/or amendment to allow for penalties and infringements issued, when required. These cannot be applied under the Governance Rules.

In the future, the remaining clauses may be reviewed and included in the *General Local Law 2014* when it is reviewed prior to its sunset period, in around five years' time. At that time Local Law 2020 could effectively be revoked in full. If this is not considered necessary or appropriate at that time, the remaining Local Law 2020 will be retained until its sunset in June 2030.

Proposed Revised Local Law No.2 2020

The outcome of proposed changes in the Revised Local Law 2020 are shown in **Attachment [4.3.1]**, with amendments highlighted in blue.

The proposed changes in the Revised Local Law 2020 are shown in **Attachment [4.3.2]** as follows:

1. Sections to be repealed are highlighted in yellow, as these sections are covered in the Governance Rules. A majority of clauses are included for repeal. In addition:
 - a. Schedule 1 Infringement Notice – it is proposed to repeal Schedule I, as it will be captured under the amendment in clause 109 (a) proposed below, where the reference changes to the *Infringements Act 2006*. This will reduce potential inconsistencies in the application of an infringement notice written now, against the version and wording of the *Infringements Act 2006* in the future; and
 - b. The clauses and penalties applicable to the Common Seal have been removed. The main clauses are covered under the Governance Rules, while fraudulent use of the Common Seal may be pursued as a criminal act.
2. Sections to be retained are:

- a. Clause 100 Engagement of Public – retains the clause that Council may adopt policies, guidelines and procedures to support the smooth running and conduct of meetings. There may be circumstances where the Governance Rules do not address specific requirements. The retention of this clause allows for further policies, guidelines or procedures to be developed as required;
 - b. Clause 103 Signing of Petitions - retains the penalty for any person fraudulently signing a petition or joint letter as being guilty of an offence.
 - c. Clause 105 (a) and (b) Chair May remove – retains the penalty for any person not complying with the Chair's direction to be guilty of an offence.
 - d. Clause 108 (b) Infringement Notices – retained as it refers to the applicable schedule the infringement is set out in.
 - e. Clause 109 (a) and (b) Payment of Penalties – retained as they provide information on requirements for the payment of penalties.
3. Sections to consider required amendments, are highlighted in blue:
- a. Clause 108 (a) and (b) – Infringement Notices – the amendments here remove the reference to the Schedule 1 notice/form, but aligns the notice to be in accordance with most current requirements of the *Infringements Act 2006*, thereby reducing potential inconsistencies.
 - b. Clause 109 (c) to (e) – Payment of Penalty - the additional amendments provide the wider coverage of options open to people issued with an infringement notice. The additional clauses have been added to provide more awareness that these options exist.
 - c. Schedule 3 (103) – the order of the penalties has been amended to place infringement 103 before 105(a) and align the wording with the clause it relates to.

CONSULTATION

The Community Impact Statement, included in **Attachment [4.3.3]**, contains content that informs the public consultation phase. A notice to be placed in the Government Gazettal on 1 October 2020, will be utilised to commence the public consultation period that will be managed in accordance with s.223 of the 1989 Act. The submission closing date and time is 5pm on Thursday 29 October 2020.

A public notice will also be included in Council's Noticeboard and on the website outlining the process for written public submissions. In summary submissions are to be addressed to the Chief Executive Officer. It is preferred that they be sent electronically, however a postal option is also available.

Submitters are required to indicate in their submission if they wish to speak to their submission at a hearing of submitters at an open Additional Meeting of Council. All submissions will be considered and determined at this meeting, following the hearing.

RESOURCES

There are no financial implications with the proposed changes, other than minimal costs for the government gazettal's to undertake the formal consultation process and advertise the final adoption of the Revised Local Law 2020.

RISKS

The repeal of redundant sections of the Revised Local Law 2020 aims to remove the risk of confusion as to the applicability of the 'Governance Rules' versus the 'Local Law 2020'. The Governance Rules are required under the 2020 Act to contain the meeting procedures for Council. There are clauses in the Revised Local Law 2020 that require retention and/or amendment to allow for penalties and infringements to be issued, when required. These cannot be applied under the Governance Rules.

The Revised Local Law 2020 and the Governance Rules, in part, addresses requirements from the *Commission of Inquiry Report into South Gippsland Shire Council 2019* raised by the Minister for Local Government being:

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

The consultation for the Revised Local Law 2020 will be taking a further important step towards completing the review of Council's meeting procedures.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

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

1. Revised Version - Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal [4.3.1 - 8 pages]
2. Amended Version - Local Law No.2 2020 – Processes of Municipal Government – Meeting Procedures and Common Seal [4.3.2 - 43 pages]
3. Local Law No.2 2020 - Community Impact Statement – September 2020 [4.3.3 - 6 pages]

REFERENCE DOCUMENTS

Council Policy

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

Councillor Code of Conduct Policy (C14)

Election Period Policy (C30)

Human Rights Policy (C52)

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

4.4. RATE CAPPING EFFICIENCY

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

An annual initiative of the Council Plan 2017-2021 was to *'identify efficiency measures that Council has achieved since the introduction of the Victorian Rate Capping System and present a report to Council by 30 December 2019.'*

A preliminary report was endorsed at an Ordinary Council Meeting on 18 December 2019, with a final report to complete the Council Plan initiative resolved to be tabled at the 24 June 2020 Council Meeting. This report was deferred at the 24 June 2020 Council Meeting to be received by the 16 December 2020 Council Meeting.

Since rate capping was first introduced in 2016/17, South Gippsland Shire Council has adapted its budget and Long-Term Financial Plan (LTFP) to accommodate efficiencies necessary to meet rate capping requirements whilst maintaining services delivered and ensuring Council's financial sustainability.

Council has achieved these efficiencies by complying with the Best Value Principles in accordance with the *Local Government Act 1989*. This report highlights several of the activities and efficiencies achieved, whilst maintaining service levels, during the rate capping period.

RECOMMENDATION

That Council notes the report on efficiency measures achieved by Council since the introduction of the Victorian Rate Capping System.

MOVED: Administrator Zahra

SECONDED: Administrator Brown

THAT COUNCIL NOTES THE REPORT ON EFFICIENCY MEASURES ACHIEVED BY COUNCIL SINCE THE INTRODUCTION OF THE VICTORIAN RATE CAPPING SYSTEM.

CARRIED UNANIMOUSLY

REPORT

An annual initiative of the Council Plan 2017-2021 was to 'identify efficiency measures that Council has achieved since the introduction of the Victorian Rate Capping System and present a report to Council by 30 December 2019'.

In 2015, a system to cap rates was introduced to limit the amount of revenue increases a council can levy through rates. All of Victoria's 79 councils have been operating under rate caps since 1 July 2016. Prior to the introduction of rate capping, councils were unconstrained in the setting of rate increases. In 2015/16, the year before rate capping, Council's rate increase was 4.90%.

When Council adopted its budget in 2015/16, the Long-Term Financial Plan (LTFP) was based on rate rises of 3.00% from 2016/17 to 2022/23 and 4.00% for the following years. This equated to a 12% rate increase from 2016/17 to 2019/20. During the same period, the rate cap set was 9.25%, whilst the actual rate increase adopted was 9.00%, a decline of 3% from the original budget. This is set out in the following table:

	16/17	17/18	18/19	19/20	Total
LTFP 15/16	3.00%	3.00%	3.00%	3.00%	12.00%
Rate Cap	2.50%	2.25%	2.00%	2.50%	9.25%
SGSC Rate	2.50%	2.00%	2.00%	2.50%	9.00%

Since rate capping was first introduced in 2016/17, South Gippsland Shire Council has adapted its budget and Long-Term Financial Plan (LTFP) to accommodate efficiencies necessary to meet rate capping requirements whilst maintaining services delivered.

Council has achieved these efficiencies by complying with the Best Value Principles in accordance with the *Local Government Act 1989*. Council incorporates Best Value Principles through regular business planning and performance monitoring processes and through a commitment to continuous improvement and innovation. Process mapping has been undertaken with many departments, looking for ways to streamline the operations, improve customer service and improve efficiencies and/or reduce costs.

Outcomes achieved from these activities include:

- Enabled Maintenance and Operations teams to receive and handle customer requests in the field through an automated integration of systems, streamlined processes and improved collaboration. This:
 - Reduced an average of 300 unactioned requests to 30 within three weeks
 - Reduced paper usage by 80%, or 4,000 pages a month
 - Reduction in customer call backs

- Physical scanning/indexing of 2000 boxes of paper records into Council's documentation management system, enabling the closure of Council's storage facility, reducing costs and improving time to retrieve information when required.
- Implemented fire notice improvements by using the 'geo' location services to enable mobile updates and processing, greatly improving efficiency and inspection times for staff.
- Investigated options for the provision of Home and Community Care Services, with Council identifying a suitable external provider and exiting the service at the end of March 2019
- Captured and mapped over 271 processes within Council, leading to optimisation opportunities and updated service outcomes. For example, driving improvements to rates processes to reduce processing times (circa 2,000 hours) and transaction costs (\$98K per annum), enabling the team to advance projects in relation to provision of eNotices (increased take-up from 3% to 17%) and streamlining of payment options.
- Introduction of a published *Public Facing Map Portal* to assist with the location of services, activities and aid the public consultation process
- Local Laws project to improve community interactions through increased customer service and education, rather than enforcement.

Council continues to adopt Best Value principles beyond 2019/20, with ongoing review of processes and procedures and the development of a Service Level Review Framework currently underway.

Council would also like to highlight similar work performed by the West Gippsland Regional Library Corporation (WGRLC). Predominantly funded through local government contributions, the WGRLC has also needed to respond to funding constraints and have done so through modernisation of service models to better meet the needs of the community, enabling and facilitating community led learning opportunities and moving services online.

CONSULTATION

Various Council Departments were consulted to identify efficiencies.

RESOURCES

No additional resources were required to develop this report.

RISKS

Strategic Risk – *Financial Sustainability* - Risk of inadequate Council financial sustainability resulting in inability to deliver required level of Council Services.

Strategic Risk – *Community Satisfaction* - Risk of community dissatisfaction with Council Services and Strategy

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

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
Council Plan

Legislative Provisions

Local Government Act 1989

4.5. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 JULY - 21 AUGUST 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*, section 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.

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

RECOMMENDATION

That Council receives and notes this report.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL RECEIVES AND NOTES THIS REPORT.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Meeting Title	Details
Wednesday 22 July 2020	
CEO / Administrators Weekly meeting	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • Petition Atherton Drive, Venus Bay
Korumburra Business Precinct	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: The Administrators received an update on future planning for this precinct.
Executive Update	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • Poowong Netball Courts • Waste management recycling • Petition Atherton Drive, Venus Bay • Tourism matters • COVID19 Update • Rates notices • Community Support Package
Council Meeting Agenda Topic Discussion – 22 July 2020	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: The Administrators considered and asked questions relating to Agenda items for the Council Meeting 22 July 2020.

Meeting Title	Details
Tuesday 28 July 2020	
CEO / Administrators Weekly meeting	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • Electoral review • Great Southern Rail Trail • Council Meeting Agenda topics 26 August 2020
Social Housing Presentation	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: The Administrators considered an external presentation from the Salvation Army in respect of housing needs in South Gippsland.
Tuesday 4 August 2020	
CEO / Administrators Weekly meeting	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • Audit and Risk Committee Charter • Department of Health and Human Services COVID19 Pandemic briefing • Working for Victoria Fund • Community Support Package – COVID19 Pandemic
Wednesday 5 August 2020	
Executive Update	Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown Conflict of Interest: Nil disclosed Matters Considered: <ul style="list-style-type: none"> • Community Support Package • Town entry signage • Bair Street, Leongatha development • COVID19 update

Meeting Title	Details
Wednesday 5 August 2020	
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 March 2020 • VCAT Decisions • Applications received March 2020 • Enforcement matter
Planning Applications	<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 ahead of consideration of planning applications proposed for Council Meeting 26 August 2020.</p>
Planning Scheme Amendment - Environmental Audit Overlay	<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 types of former land use sites proposed to be included in the Environmental Audit Overlay.</p>
Waste Services	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered waste services contractual arrangements.</p>

Meeting Title	Details
Tuesday 11 August 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"> • Bair Street Leongatha development project • Local procurement
CEO Performance Review	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered a performance review against agreed action plan.</p>
Wednesday 12 August 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"> • Mirboo North Pool • COVID19 update • Invoice processing policy • Planning application
Council Meeting Agenda Topic Discussion – 26 August 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 26 August 2020.</p>
Local Procurement Action Plan	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered as part of its annual review of the Procurement Policy (C32) the development and emphasis on local procurement.</p>

Meeting Title	Details
Wednesday 12 August 2020	
Economic Development and Visitor Economy Strategies Advisory Groups	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the composition of each of the Economic Development and Visitor Economy Strategy Development Advisory Groups.</p>
Community Engagement Strategy	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the progress of the Community Engagement Strategy.</p>
Thursday 13 August 2020	
Meeting with Minister Shaun Leane MP	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators met with the new Minister for Local Government.</p>
Wednesday 19 August 2020	
Community Support Package – phase 2 initiatives	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the Community Support Package – phase 2 initiatives ahead of consideration at Council Meeting 26 August 2020.</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"> • Bald Hills Wind Farm • Bair Street Leongatha development project • Foster Stadium grant • Nyora Development Plan • Korumburra Precinct

Meeting Title	Details
Wednesday 12 August 2020	
Special Council Meeting Agenda Topic Discussion – 19 August 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 Council Meeting 19 August 2020.</p>
Parks Victoria	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered an external presentation from Parks Victoria.</p>
Economic Development and Visitor Economy Strategies Advisory Groups	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered an update on projects relating to Economic Development and Tourism in the Shire.</p>
Draft Annual Report 2019/20	<p>Administrators Attending: Julie Eisenbise, Christian Zahra, Rick Brown</p> <p>Conflict of Interest: Nil disclosed</p> <p>Matters Considered: The Administrators considered the draft Annual Report 2019/20 ahead of consideration at 23 September 2020 Council Meeting</p>
Tuesday 18 August 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"> • Bair Street Leongatha development project • Gippsland Regional Plan • Mirboo North and District Community Foundation – medical centre project.

REFERENCE DOCUMENTS

Council Policy

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

Public Participation in Meetings with Council Policy (C65)

Public Transparency Policy (C75)

Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 2020

4.6. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 18 JULY TO 16 AUGUST 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 18 July to 16 August 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.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL RECEIVES AND NOTES THIS REPORT.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Documents Sealed

Under the *Local Government Act 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 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 18 July to 16 August 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Waratah Avenue Sandy Point in relation to develop land with a replacement dwelling. Seal applied 7 August 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 18 July to 16 August 2020:
 - a. CON/256-G for the Panel of Civil works, Plant Hire and Cartage Contractors was awarded to BMC Civil Pty Ltd. Signed by the CEO 3 August 2020.
 - b. CON/256-V for the Panel of Civil works, Plant Hire and Cartage Contractors was awarded to JTB Nominees Pty Ltd T/A Ross Chapman Cartage & Earthmoving Contractors. Signed by the CEO 20 July 2020.

- c. CON/258-A for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Conplant Pty Ltd. Signed by the CEO 3 August 2020.
- d. CON/258-C for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to David Harris Earthmoving Pty Ltd. Signed by the CEO 3 August 2020.
- e. CON/258-G for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Porter Excavations Pty Ltd T/A Porter Plant. Signed by the CEO 3 August 2020.
- f. CON/258-J for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Ash (Vic) Pty Ltd T/A Hughes Plant. Signed by the CEO 31 July 2020.
- g. CON/258-K for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Birch Family Trust T/A Australia Wide Earthmovers. Signed by the CEO 3 August 2020.
- h. CON/258-L for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Dakin Earthmoving Pty Ltd T/A Landshape. Signed by the CEO 4 August 2020.
- i. CON/258-M for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to M&A Cashman Pty Ltd T/A Cashman Industries. Signed by the CEO 31 July 2020.
- j. CON/259-A for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. Signed by the CEO 6 August 2020.
- k. CON/259-B for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to David Harris Earthmoving Pty Ltd. Signed by the CEO 6 August 2020.
- l. CON/259-C for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to The Trustee for the Allen Family Trust T/A Allens Contracting. Signed by the CEO 7 August 2020.
- m. CON/259-D for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to Casacir Pty Ltd. Signed by the CEO 9 August 2020.
- n. CON/259-E for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to HOLCIM (AUSTRALIA) PTY LTD. Signed by the CEO 9 August 2020.

- o. CON/259-J for the Panel of Suppliers for Supply & Delivery of Quarry Products and Road Making Materials was awarded to Prosper Valley Enterprises Pty Ltd T/A Prosper Valley Gravel. Signed by the CEO 11 August 2020.
- 2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 18 July to 16 August 2020:

Nil
- 3. Contract variations approved by the CEO between 18 July to 16 August 2020:

Nil
- 4. Contract extensions approved by the 18 July to 16 August 2020:

Nil

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

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

5. NOTICES OF MOTION AND/OR RESCISSION

Nil

6. ADMINISTRATOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

6.2. ADMINISTRATORS UPDATES

Administrator Rick Brown addressed Administrators by reporting on the West Gippsland Library Corporation response to COVID pandemic and the impact across the number of councils the Corporation services. Administrator Brown described how the Libraries have been able to sustain operations, expand services and continue to be a place around which the community can congregate.

Administrator Deputy Chair, Christian Zahra addressed Administrators by reporting on:

- Gippsland Regional Plan that was endorsed in Agenda Item 2.4 and how the Plan has evolved over the last 20 years or so and aims to help the region achieve more together than might be achieved individually.**
- Support from Council to local businesses to meet the challenges of the COVID pandemic, including the \$2M support package that continues to be rolled out - updates and announcements on the initiatives are being regularly made. Council have made contact with local businesses by phoning, circulating a Council e-newsletter, referring them to the Council website for information and handing out support packs. He noted that Council is not providing the only support and have connected local businesses to the support offered by the Victorian and Federal Government.**
- Outdoor Dining Government initiative to create opportunities for hospitality businesses to extend the number of people to cater for. He noted that Council have been working throughout the Shire with all networks to create opportunities for local businesses that have been adversely impacted by the pandemic.**

Administrator Chair, Julie Eisenbise addressed Administrators by reporting on:

- **One Gippsland (formerly Gippsland Local Government Network, GLGN) has had a name change and expanded its membership base to include Federation University and Food and Fibre Gippsland.**
- **Congratulating communities on their conduct during the pandemic as they followed the rules, have done the right thing to ensure that there is a positive recovery. Administrator Eisenbise reported that emergency service agencies have commended this behaviour.**
- **Municipal Association of Victoria and briefing and training provided in respect of the *Local Government Act 2020*.**

6.3. COMMITTEE UPDATES

Nil

7. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, 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 Council's Governance Rules 2020 (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

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

Nil

8. PUBLIC QUESTIONS

8.1. PETITIONS AND JOINT LETTERS

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

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

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

Nil

8.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at 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

8.3. SUBMITTED PUBLIC QUESTIONS

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

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

Public Question Time in Council Meetings 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.

Ms Penny Hamlett submitted written questions and responses are provided in these Minutes.

Question 1

What was the cost of the new waste water system installed at the Reserve [Franklin River Reserve] in 2018? (excluding the cost of the new toilet block)

Response

The installation cost of \$42,754 was for a primary wastewater (septic tank) of 4,500 Litres capacity in line with the standards.

Question 2

In the contract to install the new waste water system [at Franklin River Reserve] was there a clause for penalties or rectification works to be undertaken should the system not function as expected for its design life of 30 years?

Response

The contract contained the standard Defects Liability provisions.

Question 3

Has Council costed the construction of a standalone septic tank designed specifically for dumping of Recreational Vehicle (RV) cassettes waste i.e. a RV dump point at the Reserve [Franklin River Reserve]?

Response

Council has not formally considered a Recreational Vehicle (RV) dump point at Franklin River Reserve.

9. CLOSED SESSION

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

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

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

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

RECOMMENDATION

That Council pursuant to section 66(5)(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)(f) Agenda item 14.3, designated as personal information,
 - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
 - b. The grounds for designation have been made to protect the privacy of the staff member whom this report relates to; and
2. Per s.3(1)(g) Agenda items 14.1 and 14.2, 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 grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

MOVED: Administrator Brown

SECONDED: Administrator Zahra

THAT COUNCIL PURSUANT TO SECTION 66(5)(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)(F) AGENDA ITEM 14.3, DESIGNATED AS PERSONAL INFORMATION,**
 - a. BEING INFORMATION WHICH IF RELEASED WOULD RESULT IN THE UNREASONABLE DISCLOSURE OF INFORMATION ABOUT ANY PERSON OR THEIR PERSONAL AFFAIRS;**
 - b. THE GROUNDS FOR DESIGNATION HAVE BEEN MADE TO PROTECT THE PRIVACY OF THE STAFF MEMBER WHOM THIS REPORT RELATES TO; AND**
- 2. PER S.3(1)(G) AGENDA ITEMS 14.1 AND 14.2, 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 GROUNDS FOR DESIGNATION HAVE BEEN MADE AS THE INFORMATION IS DEEMED COMMERCIAL-IN-CONFIDENCE TO PROTECT THE PRIVACY OF THE CONTRACTORS, TENDER SCORES, AND TENDERED AMOUNTS SUBMITTED FOR CONSIDERATION.**

Note: Administrator Christian Zahra assumed the Chair and continued with the vote as Administrator Chair, Julie Eisenbise' internet connection to the Virtual Meeting disconnected. Administrator Eisenbise was not present for the vote.

CARRIED UNANIMOUSLY

10. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be conducted as a virtual Meeting held on Wednesday 28 October 2020, commencing at 2pm.

The Council Meeting closed at 3.17pm.

Confirmed this

28th day of October 2020.

Administrator Chair, Julie Eisenbise