

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

28 October 2020

**Council Meeting No. 450**  
**Virtual Meeting**  
**Commenced at 2:31 pm\***

**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](http://www.southgippsland.vic.gov.au).

**PRESENT**

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

- \* **Note:** Owing to live streaming technical difficulties, the open Council Meeting commencement time was delayed until 2.31pm.

# SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No. 450  
Virtual Meeting Wednesday 28 October 2020,  
Commenced at 2:31 pm

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

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

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

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

Thank you

### **1.2. WELCOME AND OPEN 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 28 October 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 COVID-19 Pandemic requirements;
3. Notes that the 28 October 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 28 OCTOBER 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 COVID-19 PANDEMIC REQUIREMENTS;**
3. **NOTES THAT THE 28 OCTOBER 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. 449, conducted as a virtual meeting held on 23 September 2020 be confirmed.

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

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL MEETING NO. 449, CONDUCTED AS A VIRTUAL MEETING HELD ON 23 SEPTEMBER 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](http://www.legislation.vic.gov.au).

An interest may be by close association, financial, conflicting duties or receipt of gifts. If an Administrator or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

Administrators 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*.

**Nil**

## **2. OBJECTIVE 1 - UNITED SHIRE**

### **2.1. COMMUNITY SUPPORT PACKAGE PROJECT STATUS UPDATE REPORT**

Economic & Community Development

#### **Council Plan**

*Objective 1 - United Shire*

*Objective 1 - United Shire - Strategy 1.4 Deliver Council's 'Community Support Package' to support the community in response to the COVID-19 Pandemic*

*This project update responds specifically to Strategy 1.4 in the Council Plan 2020-24 to support the community through COVID-19.*

#### **EXECUTIVE SUMMARY**

At the 22 April 2020 Council Meeting, Council endorsed the COVID-19 Community Support Package (CSP) of up to \$2M to support the South Gippsland community and businesses to remain healthy, connected and innovative.

This Status Report is a Program Status Update from the previous report to Council on 26 August 2020.

This report is also proposing initiatives for approval within the CSP Program and budget of the following:

- \$77,971 to extend two initiatives – Rental Relief and Waiver Annual Caravan Park Permit Fees for up to four months (September to December 2020)
- \$126,000 to extend annual maintenance grants provided to Council recreation reserve committees, and
- \$40,000 for continuing Shop Local advertising to encourage people to shop in their local communities.

#### **RECOMMENDATION**

That Council:

1. Notes the COVID-19 Community Support Package (CSP) October Program Status Update;
2. Approves provision for an additional \$77,971 from the Community Support Package budget, for potential extension of Rental Relief and Fee Waiver - Annual Permit Fees, for Council owned premises for up to four months from September to December 2020;
3. Approves provision for \$126,000 to provide Council recreation reserves a one-off payment equivalent to 50 per cent of their annual maintenance grant;

4. Endorses and approves provision for \$40,000 to extend the Shop Local advertising campaign;
5. Endorses Phase 3 of the COVID-19 Business Grants targeting home-based businesses;
6. Authorises the Chief Executive Officer to execute the Community Support Package extension for Fee Waivers and Rental Relief; Recreation Reserve Maintenance Grants; and extension to the Shop Local advertising campaign; and
7. Notes that \$504,390 remains in the budget for future phases of the Community Support Package and that reports will be provided to Council for endorsement of each phase.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **NOTES THE COVID-19 COMMUNITY SUPPORT PACKAGE (CSP) OCTOBER PROGRAM STATUS UPDATE;**
2. **APPROVES PROVISION FOR AN ADDITIONAL \$77,971 FROM THE COMMUNITY SUPPORT PACKAGE BUDGET, FOR POTENTIAL EXTENSION OF RENTAL RELIEF AND FEE WAIVER - ANNUAL PERMIT FEES, FOR COUNCIL OWNED PREMISES FOR UP TO FOUR MONTHS FROM SEPTEMBER TO DECEMBER 2020;**
3. **APPROVES PROVISION FOR \$126,000 TO PROVIDE COUNCIL RECREATION RESERVES A ONE-OFF PAYMENT EQUIVALENT TO 50 PER CENT OF THEIR ANNUAL MAINTENANCE GRANT;**
4. **ENDORSES AND APPROVES PROVISION FOR \$40,000 TO EXTEND THE SHOP LOCAL ADVERTISING CAMPAIGN;**
5. **ENDORSES PHASE 3 OF THE COVID-19 BUSINESS GRANTS TARGETING HOME-BASED BUSINESSES;**
6. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE COMMUNITY SUPPORT PACKAGE EXTENSION FOR FEE WAIVERS AND RENTAL RELIEF; RECREATION RESERVE MAINTENANCE GRANTS; AND EXTENSION TO THE SHOP LOCAL ADVERTISING CAMPAIGN; AND**
7. **NOTES THAT \$504,390 REMAINS IN THE BUDGET FOR FUTURE PHASES OF THE COMMUNITY SUPPORT PACKAGE AND THAT REPORTS WILL BE PROVIDED TO COUNCIL FOR ENDORSEMENT OF EACH PHASE.**

**CARRIED UNANIMOUSLY**

**[Link to next Agenda Item.](#)**

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## **REPORT**

At the 22 April 2020 Council Meeting, Council endorsed the COVID-19 CSP of up to \$2M to support the South Gippsland community and businesses to remain healthy, connected and innovative.

This Status Report is a further Program Status Update from the last report on 26 August 2020.

In addition, this report is seeking endorsement of:

- \$77,971 to extend two initiatives – Rental Relief and Waiver Annual Caravan Park Permit Fees for up to four months (September to December 2020);
- \$126,000 to extend annual maintenance grants provided to Council recreation reserve committees; and
- \$40,000 to extend the Shop Local advertising campaign.

### **Program Description:**

The CSP is a connected set of initiatives that represent South Gippsland Council's response to the coronavirus pandemic to assist impacted businesses, community groups and residents.

Initiatives under this project are intended to:

- Support implementation of targeted support and stimulus activities specific to the South Gippsland community and economy;
- Provide relief to businesses, community groups, families and individuals suffering financial or social distress; and
- Aid with recovery and work towards restoration of the community and South Gippsland economic life providing vital economic, social, cultural, health and wellbeing outcomes.

The following report is a status update on CSP initiatives, and the outcomes achieved:

- Eight initiatives have been implemented and successfully completed; and
- Nine initiatives are in design or implementation

### **Flu Vaccination Program – complete**

Provided the Commercial/Community Flu Vaccine Program for 2020 free of charge, with 829 vaccinations provided over 17 sessions.

### **COVID-19 Community Grants – *in progress***

First and second round Community Group Grants and Community Support Grants have seen over \$83,000 of grants awarded.

Thirty community groups (Rotary Clubs, Men's Shed, Sporting Clubs, Agricultural Society, Community Centres, Local Hall Committees etc) have been successful in receiving assistance to help offset their operational costs due to COVID-19 restrictions and assist in recovery efforts once restrictions are eased.

Fourteen Service Providers (like Salvation Army, Community Houses, Local Theatres etc) have received funds to help deliver programs and activities that will positively impact South Gippsland residents, and help those who are isolated or vulnerable access family and extended support services.

Both programs opened at the beginning of August and will continue until remaining balance of \$116,617 funding has been exhausted.

### **COVID-19 Business Grants – Phase 1 & 2 *complete***

Quick Response and Visitor Economy Business Grants have awarded \$133,000 of grants to small businesses who have had to close their doors, experienced a downturn in business, or been impacted by the lack of visitors to our region.

A diverse range of small businesses across the entire South Gippsland region have benefited from a \$1,000 grant provided by Council. This includes many shopfronts, cafes, sports & gifts stores, health & beauty stores, accommodation providers, farm gates and tour operators, helping them to pay bills, improve shop amenities, signage and marketing, and provide for COVID-19 safety in their business.

Ninety per cent of recipients advise they will create ongoing benefits to the South Gippsland community and economy by spending the grants locally, with local providers and suppliers providing a much-needed boost to the local economy, whilst supporting retention of local jobs.

Applications for Business and Tourism Grants ran through July and August and are now closed, and grants awarded.

### **COVID-19 Business Grants – Phase 3 – *in progress***

Business Grants - Phase 3 is ready for implementation. This phase plans to offer grants to small home-based businesses such as food businesses, home-based health and beauty services, creative (e.g. music, art lessons) and training businesses (e.g. driving lessons) that have thus far not been met the criteria of the previous two rounds of Business Grants.

This continues to ensure we meet the needs of the business community who have been adversely impacted by continuing COVID-19 restrictions, limiting their ability to operate as normal.

## **Fee Waivers and Rental Relief**

### **1. Victorian Landfill Levy – *Updated***

Council did not pass on the additional Victorian Landfill Levy from the State Government in the 2020/21 rates notices issued in August.

The most recent advice from Local Government Victoria on 13<sup>th</sup> October, is that the Victorian Government will extend the deferral of changes to the landfill levy for a further six months. This decision means Council does not need to support this cost from the CSP Program and this will return \$150,000 to the CSP budget, making it now available for other community initiatives.

### **2. Business Registration Fees – *in progress***

In an effort to ease the economic impact to those businesses have been impacted by mandatory closure of their premises or changes to the operations of their business we have credited or refunded 50 per cent of all Business Registration fees (Health, Accommodation, Food) for 2019/20 already paid, and will apply a 50 per cent rebate on their 2020/21 Business Registration Renewals Notices due to be issued in October.

This initiative will see 366 local businesses benefit from reduced business expenses.

### **3. Street Trading Permits Waiver – *in progress***

Providing a full rebate of 2020/21 Street Trading Permit fees, where outdoor dining was not allowed. Renewal Notices are in process of being produced and will reflect a 100 per cent waiver of 2020/21 fees, with 166 businesses receiving a total of \$13,568 in support. Expect to be completed by November 2020.

### **4. Caravan Park Annual Permit Holders – Council owned parks - *complete***

Given the access restrictions due to COVID-19, all annual permit holders have been proactively contacted and we have waived \$46,043 for four months (from April to August 2020) of their annual fees.

### **5. Rent Relief - Council owned premises- *complete***

Provided \$50,000 in rental relief, waiving six months (from March to September 2020) rental for commercial tenants of council owned properties.

## **6. Council Hardship Policy - *complete***

Council's Hardship Policy continues to offer extra support to ratepayers in financial difficulty. Up till this report, we have been able to assist 44 residents with extended payment terms, free of penalty interest, up to June 2021.

## **7. Local Procurement – Prompt payment of suppliers – *complete / ongoing***

We have seen continued improvement in our efforts to promptly pay our suppliers, with 94 per cent of invoices being paid within 14 days, improving supplier cash flows.

There is continuing focus on strengthening Council's preference to buy local.

## **8. Program of Arts, Culture and Creative Industry – *in design***

This initiative is progressing in detailed design with a view to scaling initiatives appropriately so they can be delivered within the current COVID-19 restrictions.

A communication plan is in development to enable promotion and engagement with the arts sector.

Events currently in plan for October/November 2020:

- **Workshop - Make it COVIDSafe** – to provide tools, information and strategies around adaptation and management of creative local ventures. In conjunction with five other regional councils, we have purchased an off the shelf workshop module. We will align this and leverage the Tourism Ambassador Training program and plan to deliver in November.
- **I Wrote a Postcard** – project is a collaborative, creative activity designed to celebrate and express the COVID-19 experience using Postcards as a medium, for members of the South Gippsland Arts sector and community. It is intended to promote mental health and social cohesion.

Currently in process of establishing the postcard design and branding, in readiness for printing and distribution planned for October 2020.

Artists and community members will be encouraged to decorate the postcard with their own original artwork reflecting on their experience of COVID-19 and return to Council for curation and exhibit.

- **Writers in Libraries** – Currently establishing links with Literary Festival network to engage local writers and establish residencies (option to be home based or in libraries) in November. The writers brief will be to develop one or a series of essays, short stories or poems that reflect on people's experiences during this extraordinary time. Publishing and display of pieces in local businesses and online is planned for December/January.



Other initiatives are in early stages of design and development dependent on COVID-19 restrictions.

### **South Gippsland Tourism Promotion and Marketing – *in design***

A program to activate, promote and enhance our regions visitor economy is currently in development and consultation with Destination Gippsland. Launch will be dependent on the opening up of the wider Melbourne Region and suburbs.

The Tourism Ambassador Training program is in design, ensuring it is relevant and meets the needs of the broader business community. Looking to launch in early December 2020.

### **Capital works and maintenance stimulus – *in progress***

Whilst not directly funded by Community Support Package funding, State and Federal Government funding has seen Sustainable Infrastructure exploring ways to accelerate capital works to further support the local economy.

### **Other Community Service initiatives**

Other initiatives underway include development and distribution of community information brochures, providing community groups with Community Restarter/Sanitiser packages, extending the reach of early years services to engage with isolated or vulnerable families, promoting and facilitating mental health first aid training program.

There has been significant community interest in the Mental Health First Aid training initiative, with over 40 people expressing interest in the program within the first week of it being promoted.

### **Request to make provision to extend the Waiver of Fees/ provide Rental Relief - \$77,971**

A review of Rental Relief for Council premises and Waiver of Council owned caravan parks Annual Permit fees initiatives was undertaken in line with plan and considering the continued COVID-19 restrictions and impacts, and it is recommended that provision be made to offer extended relief for up to four months from September to December 2020. This will be assessed on a month by month basis and relief provided if determined it is appropriate to do so.

The potential cost of extending these initiatives for this period;

- Rental Relief – for two properties is \$31,928.
- Caravan Park Annual Permit Fees – for 34 permit holders is \$46,043.

### **Request to provide one-off extension to Annual Maintenance Grants provided to Council recreation reserve committees - \$126,000**

Under the COVID-19 restrictions, all community sport was cancelled during the winter season. This presents a challenge for committees that manage recreation reserves throughout the municipality. These committees were faced with the need to either still charge clubs for facilities that they were unable to use or face a significant loss of income that would impact on their ability to fund maintenance works at the reserves. According to Sport and Recreation Victoria, 90 per cent of councils within Victoria have provided fee relief to clubs to ensure they are not paying for facilities that they were unable to access.

It is proposed that Council provide a one-off extension to the existing annual maintenance grants provided to Council recreation reserve committees, to extend these grants by an equivalent of 50 per cent. Prior to payment of these grants, each committee must agree that any fees charged to clubs during the winter season (1 April to 30 September) must be cancelled or refunded if already paid.

### **Request to extend planned Shop Local Advertising - \$40,000**

The initiative aims to build on the work completed by the Communications team in this space. A television commercial is currently in production and a short placement has been booked with PRIME TV Gippsland. This proposal seeks to expand the placement of the commercial which will be particularly important in the lead up to Christmas. It is proposed that a follow up commercial be produced early 2021 to continue with the Shop Local messaging but updated to reflect the COVID-19 situation at that point in time.

The television commercial and print promotion is planned to commence end of October and continue until Christmas. The second stage would involve a follow up commercial and placement starting early 2021 and ending 31 March 2021.

It is anticipated that the advertising will increase retail spending in South Gippsland and promote a greater understanding of the importance of shopping local from a financial and social perspective.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

We continue to actively engage with key Stakeholders through formal engagement processes, including key external groups such as the Municipal Emergency Management Planning Committee, the Business Emergency Leadership Group, Regional Development Victoria and the Service Provider Network (SPIN).

The Economy, Arts and Tourism team has actively sought feedback from the business community through engagement and continuing contact to understand where support is needed.

Feedback has been sought via a Community survey launched in July on the Council website, gathering valuable insights into areas where the community believes further support is required and that subsequently informed our initiatives.

## **RESOURCES / FINANCIAL VIABILITY**

A budget amount of up to \$2M, to support the South Gippsland community response to the impact of the COVID-19 pandemic is included in Council's 2020/21 budget.

Resources required for specific projects within the package thus far have been costed at a total of \$1,401,639 and allocated in accordance with approval of detailed Implementation Action Plans. With the Landfill Levy being waived for 2020 to 2021 this returns \$150,000 to the available budget and reduces the allocated funds to \$1,251,639.

<b>Approved Budget</b>	<b>Approved Initiatives funding</b>	<b>Actual spend YTD</b>	<b>Variance explanation</b>
\$2,000,000	\$1,251,639	\$462,283	Initiatives are in progress and expenses are incurred over a period of months accounted for at each End of Month (EOM)

The recommendation to make provision to extend Rental Relief and Fee Waivers total \$77,971; provide for additional Annual Maintenance Grants to Recreation Reserve Committees of \$126,000; and support an extended Shop Local Advertising campaign of \$40,000 increases allocated funds to \$1,495,610 leaving a balance of \$504,390 for additional initiatives and provide ability to respond to emerging community needs.

## **RISKS**

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

Continuing to coordinate with the Municipal Emergency Management Planning Committee, State and Federal Government and other municipalities, ensures an approach which reduces duplication and maximises impact.

The package will be flexible enough to respond to emerging community needs and has been designed to also support a strong recovery for the community and business when COVID-19 restrictions are eased.

#### **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's Good Governance Framework**

Pillar 3. Decision Making

Pillar 8. Monitoring & Performance Review

##### **Council Policy / Strategy / Plans**

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

Council Plan Objective 1 - United Shire - Strategy 1.4 - Deliver Council's 'Community Support Package' to support the community in response to the COVID-19 Pandemic

### **3. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE**

#### **3.1. 2020/21 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM**

Sustainable Infrastructure

##### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure - Strategy 3.3 Deliver services that enhance liveability and environmental sustainability for generations*

*The Local Roads and Community Infrastructure Program enables Council to fast-track essential projects for the community, enhancing the liveability of South Gippsland.*

##### **EXECUTIVE SUMMARY**

On 3 July 2020, Council received a Letter of Offer from the Australian Government's Deputy Prime Minister and the Local Government Minister of \$2,384,531 through the Local Roads and Community Infrastructure Program (LRCI Program).

The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It was expected that councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities.

Council was required to submit a Works Schedule with nominated projects to the funding body for approval. This report is to formally acknowledge this Works Schedule.

This report is also for Council to consider an additional project to the LRCI Program being the Port Welshpool Marine Search and Rescue Hub Redevelopment Project for the remaining unallocated funding of \$134,000. In addition, it is recommended that Council contribute additional funds of \$16,000 and therefore allocating a combined total of \$150,000 towards the project.

##### **RECOMMENDATION**

That Council:

1. Notes that \$2,384,531 has been received from the Australian Government's Local Roads and Community Infrastructure Program;
2. Endorses the Works Schedule that has been submitted and approved under the Australian Government's Local Roads and Community Infrastructure Program;
3. Endorses an additional project to be submitted to the Local Roads and Community Infrastructure Program for the Port Welshpool Marine Search

and Rescue Hub Redevelopment Project for the remaining unallocated funding of \$134,000;

4. Allocates \$16,000 from the 2020/21 Community Infrastructure Projects budget towards Port Welshpool Marine Search and Rescue Hub Redevelopment Project;
5. Notes that there is currently \$179,662 in the 2020/21 Community Infrastructure Projects budget to cover Council's contribution of \$16,000 to the Port Welshpool Marine Search and Rescue Hub Redevelopment; and
6. Notes the funds will only be made available if the Australian Volunteer Coast Guard Association (AVCGA) – Port Welshpool Flotilla is successful in obtaining Emergency Management Victoria funding.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

**THAT COUNCIL:**

1. **NOTES THAT \$2,384,531 HAS BEEN RECEIVED FROM THE AUSTRALIAN GOVERNMENT'S LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM;**
2. **ENDORSES THE WORKS SCHEDULE THAT HAS BEEN SUBMITTED AND APPROVED UNDER THE AUSTRALIAN GOVERNMENT'S LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM;**
3. **ENDORSES AN ADDITIONAL PROJECT TO BE SUBMITTED TO THE LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM FOR THE PORT WELSHPOOL MARINE SEARCH AND RESCUE HUB REDEVELOPMENT PROJECT FOR THE REMAINING UNALLOCATED FUNDING OF \$134,000;**
4. **ALLOCATES \$16,000 FROM THE 2020/21 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS PORT WELSHPOOL MARINE SEARCH AND RESCUE HUB REDEVELOPMENT PROJECT;**
5. **NOTES THAT THERE IS CURRENTLY \$179,662 IN THE 2020/21 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TO COVER COUNCIL'S CONTRIBUTION OF \$16,000 TO THE PORT WELSHPOOL MARINE SEARCH AND RESCUE HUB REDEVELOPMENT; AND**
6. **NOTES THE FUNDS WILL ONLY BE MADE AVAILABLE IF THE AUSTRALIAN VOLUNTEER COAST GUARD ASSOCIATION (AVCGA) – PORT WELSHPOOL FLOTILLA IS SUCCESSFUL IN OBTAINING EMERGENCY MANAGEMENT VICTORIA FUNDING.**

**CARRIED UNANIMOUSLY**

**[Link to next Agenda Item.](#)**

## **REPORT**

On 22 May 2020, the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program).

This program will support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs, and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

The LRCI Program is part of the Australian Government's \$1.8 billion boost for road and community projects through local governments across Australia which will also help communities battling the effects of COVID-19. South Gippsland Shire Council was allocated \$2,384,531 under this program.

Council was required to submit a Works Schedule with nominated projects to the funding body for approval. The projects submitted by Council were approved on 20 August 2020.

### **Clancys Road, Korumburra (Stage 2)**

Stage 2 works include the reconstruction and widening of 600m of sealed road from the intersection of Scott and Faheys Road to the end of the existing seal, and reconstruction and sealing of 2,400m of gravel road from the end of the existing seal.

The total project cost is estimated at \$2,077,112.00, for which funding of \$182,531 has been approved through the LRCI Program. Council has also requested additional funding from the Victorian Government's AgriLinks Upgrade Program towards the project, which is currently pending.

### **Loch-Poowong Road, Loch**

This project is for the rehabilitation of a section of road that will improve safety and restore pavement strength to carry more traffic loads.

The total project cost is estimated at \$1,200,000 which funding of \$700,000 has been approved through the LRCI Program.

### **Atherton Drive, Venus Bay**

This project is for the reconstruction and sealing of a 200m length of road from the end of the existing seal at Nell Street to Spring Street just past the entrance to No 5 Beach.

Total project cost is estimated at \$177,000 which will be fully funded through the LRCI Program.

### **Road Rehabilitation Bundle**

The total cost for the three projects is estimated at \$550,000 which will be fully funded through the LRCI Program.

- Bena Kongwak Road, Bena – proposed works are to reconstruct 300 lineal metres of narrow sealed pavement between Ch 1.95km and 2.25km. The works intend to improve vertical road geometry and provide safer property access. Reconstruction works include installation of SM2 kerb and channel, new underground stormwater pipes and agricultural drains, pavement widening to 6.2m width plus road shoulders, new 300mm depth compacted crushed rock road pavement, spray seal surface, guidepost, signage, and line marking.
- Ferrier Street, Korumburra – proposed works are to reconstruct defined elements of the street. Reconstruction works to incorporate the replacement of B2 kerb and channel with SM2 kerb and channel along both sides of the road. Install underground agricultural drains, replace concrete stormwater pits, replace existing footpath, asphalt overlay, and tree planting on the nature strip.
- Old Waratah Road, Fish Creek – proposed works are to replace 350m of kerb and channel from Meeniyah Promontory Road, the construction of two slow points, and asphaltting the road surface.

### **Upper Commercial Street, Korumburra**

This project is for the construction of a new car park comprising at least 30 new parking spaces with associated access and infrastructure at the Korumburra Railway Station Precinct to service the adjacent commercial area.

The total cost of the project is estimated at \$700,000 which funding of \$450,000 has been approved through the LRCI Program.

### **Poowong Netball / Tennis Courts Redevelopment**

This project is for the redevelopment of two old tennis courts at the Poowong Recreation Reserve to provide a mixed-use facility, comprising two upgraded tennis courts, and one compliant netball court with competition standard lighting.

Council has already received \$100,000 from the Victorian Government's Sport and Recreation Victoria, Country Football and Netball Program with Council and the community each committing \$50,000. Further detailed designs indicated that there was a significant shortfall to the original estimate of \$200,000.

The project cost was revised to an estimated \$550,000. The community increased their contribution to \$75,000 and funding of \$325,000 was approved through the LRCI Program. This allowed for the project to proceed. Fortunately, the tender for the project came in under budget and therefore there is funding of \$134,000 available to nominate an additional project through the LRCI Program.



### **Port Welshpool Marine Search and Rescue Hub Redevelopment Project**

A business case has been prepared for Australian Volunteer Coast Guard Association (AVCGA) – Port Welshpool Flotilla to redevelop the current site of the Port Welshpool Marine Search and Rescue Hub. The project involves the demolition of the existing buildings that are in a state of disrepair, and constructing on the site, modern, purpose-built premises involving a kit-based building and adjacent storage shed that will be the Port Welshpool Marine Search and Rescue Hub for the future.

The estimated cost of the project is \$450,000. The AVCGA – Port Welshpool Flotilla have submitted an application to Emergency Management Victoria (EMV) for \$300,000 and have sought assistance from Council to deliver the project. It is recommended that Council nominate this as an additional project to the Works Schedule through the LRCI Program for the remaining \$134,000 from the Poowong Netball/Tennis Courts Redevelopment project. It is also recommended that Council allocate the remaining \$16,000 from the 2020/21 Community Infrastructure Projects budget.

The project is shovel ready and to meet EMV requirements, the project must commence by December 2020. Council has issued a planning permit for the project in October 2020 and it is anticipated EMV's grant will be announced in October 2020.

The LRCI Program presents an opportunity for Council to support a local volunteer group that provides an essential safety service to both the local and broader boating community.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

All projects, except the Port Welshpool Marine Search and Rescue Hub Redevelopment project, are already funded in Council's Capital Works Program and have been presented to Council at an Executive Update prior to submission.

The Port Welshpool Marine Search and Rescue Hub Redevelopment project business case was received by Council in June 2020. Council has been actively advocating for the project to the State Government.

Consultation with community stakeholders relevant to each project has already occurred during the planning stage, and will continue through project delivery.

**RESOURCES / FINANCIAL VIABILITY**

The funding breakdown for each of the projects is identified in the table below:

<b>Project and Total Cost</b>	<b>LRCI Program</b>	<b>Council Cont.</b>	<b>State Gov</b>	<b>Community</b>
<b>Clancys Road \$2,077,112</b>	\$182,531	\$514,860	\$1,379,721	
<b>Loch-Poowong Road \$1,200,000</b>	\$700,000	\$500,000		
<b>Atherton Road \$177,000</b>	\$177,000			
<b>Road Rehabilitation Bundle \$550,000</b>	\$550,000			
<b>Upper Commercial Street \$700,000</b>	\$450,000	\$250,000		
<b>Poowong Netball/Tennis Courts \$416,000</b>	\$191,000	\$50,000	\$100,000	\$75,000
<b>Port Welshpool Marine Search and Rescue Hub Redevelopment \$450,000</b>	\$134,000	\$16,000	\$300,000 (Pending)	

Council's contribution to all of the projects except the Port Welshpool Marine Search and Rescue Hub Redevelopment, is identified in the Long-Term Financial Plan.

There is currently \$179,662 available in the 2020/21 Community Infrastructure Project budget to cover Council's recommended contribution of \$16,000 for the Port Welshpool Marine Search and Rescue Hub Redevelopment project.

**RISKS**

It should be noted that the Port Welshpool Marine Search and Rescue Hub Redevelopment project may not proceed if Council does not support the project by submitting to the LRCI Program. It should also be noted that the project is reliant on the pending grant application to EMV expected to be announced in October 2020.

**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's Good Governance Framework**

Pillar 1. Direction & Leadership

### **Council Policy / Strategy / Plans**

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

Procurement Policy (C32)

Tennis Facilities Plan

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Occupational Health and Safety (OH&S) Act 2004

Road Management Act 2004

Road Safety Act 1986

### **3.2. 2020/21 AGRILINKS UPGRADE PROGRAM - CLANCYS RD KORUMBURRA - NICHOLLS RD, MARDAN CULVERT - GRAND RIDGE ROAD SLIP SITE 3**

Sustainable Infrastructure

#### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure*

*Strategy 3.1 Establish a sustainable long-term program for capital works*

*The AgriLinks program provides additional funding to Council to help deliver the Capital Works Program.*

#### **EXECUTIVE SUMMARY**

On 11 August 2020, Council was advised of its eligibility to the Victorian Government's AgriLinks Upgrade Program (AUP) which provides rural, regional, and interface councils with funding of up to \$350,000 for eligible road improvement projects, with additional funding available on a co-contribution basis. Projects funded under AUP will strengthen business productivity, support local communities, and assist Victorian farm businesses, agricultural supply-chains, and agri-food producers to grow.

Applications to the program closed on 14 September 2020. Council submitted three projects to the program:

- Clancys Road, Korumburra Rehabilitation (Stage 2);
- Grand Ridge Road, Mount Eccles Landslip; and
- Nicholls Road, Mardan Culvert Replacement.

All these projects are already in Council's Forward Capital Works Program. The combined funding request is \$1,350,960. If all three projects are successful, Council will be required to contribute \$500,500.

This report is to formally acknowledge Council's application to the AUP as there was not an opportunity prior due to the timeframes to identify and prepare eligible projects.

## **RECOMMENDATION**

That Council:

1. Endorses the application for a combined grant of \$1,350,956 that has been submitted under the Victorian Government's AgriLinks Upgrade Program for:
  - a. Clancys Road, Korumburra Rehabilitation;
  - b. Grand Ridge Road, Mount Eccles Landslip; and
  - c. Nicholls Road, Mardan Culvert Replacement.
2. Notes that there is budget allocated in the Council's current budget towards the projects, should the application to the Victorian Governments AgriLinks Upgrade Program be approved.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **ENDORSES THE APPLICATION FOR A COMBINED GRANT OF \$1,350,956 THAT HAS BEEN SUBMITTED UNDER THE VICTORIAN GOVERNMENT'S AGRILINKS UPGRADE PROGRAM FOR:**
  - a. **CLANCYS ROAD, KORUMBURRA REHABILITATION;**
  - b. **GRAND RIDGE ROAD, MOUNT ECCLES LANDSLIP; AND**
  - c. **NICHOLLS ROAD, MARDAN CULVERT REPLACEMENT.**
2. **NOTES THAT THERE IS BUDGET ALLOCATED IN THE COUNCIL'S CURRENT BUDGET TOWARDS THE PROJECTS, SHOULD THE APPLICATION TO THE VICTORIAN GOVERNMENTS AGRILINKS UPGRADE PROGRAM BE APPROVED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

South Gippsland is a centre for food production, particularly in relation to milk production and processing and beef cattle farming. South Gippsland is one of the key dairy farming locations in Australia with approximately 10 per cent of Australia's milk production, and can lay claim to being the dairy capital of Australia. Beef farming has become a major industry worth well over \$100 million.

Due to its significant food production the Shire has an important transport fleet. This is heavily reliant on the effective functioning of Council's road and bridge infrastructure to ensure key local transport connections.

### **AgriLinks Upgrade Program (AUP)**

On 11 August 2020, Minister for Agriculture Jaclyn Symes, announced the \$20 million program for funding shovel-ready local road, intersection and bridge improvement projects to support jobs and bolster the state's agri-food sector.

AUP will provide rural, regional and interface councils with funding of up to \$350,000 for eligible road improvement projects, with additional funding available on a co-contribution basis.

The funding is part of the government's \$2.7 billion Building Works package, announced in response to the coronavirus (COVID-19) pandemic, to get thousands of Victorians back to work on crucial infrastructure projects.

Projects funded under AUP will strengthen business productivity, support local communities and assist Victorian farm businesses, agricultural supply-chains and agri-food producers to grow.

Applications to the AUP had to be submitted by 14 September 2020 with outcomes anticipated in November 2020.

The following projects align to the objective of the AUP.

### **Clancys Road, Korumburra – Rehabilitation**

The project scope is to seal approximately 2km of unsealed road including road widening, new drainage, new pavement, and other road safety improvement works in accordance with Council's sealed road service levels.

The road services 32 properties and the latest traffic count recorded twelve heavy vehicles per day.

Total project cost is \$1,196,000, towards which Council has already received \$182,531 of Federal Funding through the Local Roads and Community Infrastructure Program.

### **Grand Ridge Road, Trida – Landslip**

The project scope is the repair of a minor landslip which has resulted in a depression in part of the road approximately 60m long and consequential lane closure. Includes reinstatement of the section of road to Council's sealed road service level through construction of a retaining structure, renewed drainage, renewed pavement, and embankment stabilisation works.

Grand Ridge Road services approximately 50 properties with an estimated 20 of those being producers. The latest traffic count stated that there were eleven heavy vehicles per day.

Total project cost is \$605,082.

### **Nicholls Road, Mardan – Culvert Replacement**

The project scope includes the replacement of existing damaged pipe culverts with large capacity culverts and headwalls.

Nicholls Road services 27 properties and the latest traffic count recorded eleven heavy vehicles per day.

Total project cost is \$232,905.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

All three projects have been discussed with representatives of Agriculture Victoria to ensure eligibility through the program.

A letter of support has been provided by Food and Fibre Gippsland for the application.

### **RESOURCES / FINANCIAL VIABILITY**

All three projects are identified in Council's Capital Works Program. If approved, the proposed application will mean there is an additional \$1,350,956 for Council to implement other strategic projects. The breakdown of the funding application is in the table below.

<b>Estimated Total Combined Project Cost</b>	<b>\$2,033,987</b>
• Clancys Road Rehabilitation	\$1,196,000
• Grand Ridge Road Landslip	\$605,082
• Nicholls Road Culvert Replacement	\$232,905
AgriLinks Upgrade Program (State)	\$1,350,956
Local Roads and Community Infrastructure Fund (Federal)	\$182,531
	<i>approved</i>
Recommended Council Contribution	\$500,500

## **RISKS**

An outcome of the application is not anticipated until late November 2020. A condition of the program is the grants will not be approved retrospectively which means that works are unable to commence until the outcome is known. Therefore, there is a risk that projects may be delayed.

## **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's Good Governance Framework**

Pillar 3. Decision Making

### **Council Policy / Strategy / Plans**

Procurement Policy (C32)

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Road Management Act 2004

Road Safety Act 1986



### **3.3. PROPOSED ROAD DISCONTINUANCE AND SALE - PART MYRTLE STREET AND PART MINE ROAD JUMBUNNA**

Sustainable Infrastructure

#### **Council Plan**

*Objective 3 - Integrated Services and Infrastructure*

*The land sale proposes to consolidate unused road reserve into private ownership reducing Council's liability for maintenance and public liability events.*

#### **EXECUTIVE SUMMARY**

The C90 Planning Scheme Amendment created restructure overlays on smaller allotments including roads to facilitate a lot size that could be developed.

Officers have been contacted by the owner of 27 Reeves Road, Jumbunna (Lot 17 Jumbunna Restructure Map) requesting to acquire the section of road within their restructure overlay (refer to **Attachment [3.3.1]**).

It is proposed to commence the statutory procedures to discontinue that part of the unused road within the restructure overlay, shown in **Figure 1**, and sell the land to the abutting landowners of 27 Reeves Road, Jumbunna.

#### **RECOMMENDATION**

That Council:

1. Commences the statutory procedures to discontinue part of Myrtle Street and part of Mine Road, Jumbunna being part crown allotment 34 Parish of Jumbunna East, shown in Figure 1, with an area of 638m<sup>2</sup> and sell the land to the abutting land owner of 27 Rees Road Jumbunna, for not less than a valuation received within six months prior to the sale, pursuant to sections 206, 207A, and 223 Schedule 10 clause 3 of the *Local Government Act 1989*. The proposed road is not reasonably required for public traffic.
2. Gives public notice in its Noticeboard section of the local newspapers in the week commencing 1 November 2020 (in accordance with s.223 of the *Local Government Act 1989*) on the Proposal (item 1 above) inviting written submissions to be received by 5.00pm Wednesday 2 December 2020.
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 proposal in item 1 above.
4. If submissions are received to the public notice:

- a. Authorises the Chief Executive Officer to fix the time, date, and place of a meeting for the section 223 hearing for persons who wish to be heard in support of their submission;
  - b. Appoints a special committee of Council comprising of all Administrators to hear and consider all submissions; and
  - c. Receives a further report from the Special Committee at the next appropriate Council Meeting to determine the proposal.
5. If no submissions are received to the public notice:
  - a. Implements the proposal in recommendation 1; and
  - b. Publishes the road discontinuance notice in the Victorian Government Gazette.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **COMMENCES THE STATUTORY PROCEDURES TO DISCONTINUE PART OF MYRTLE STREET AND PART OF MINE ROAD, JUMBUNNA BEING PART CROWN ALLOTMENT 34 PARISH OF JUMBUNNA EAST, SHOWN IN FIGURE 1, WITH AN AREA OF 638M2 AND SELL THE LAND TO THE ABUTTING LAND OWNER OF 27 REES ROAD JUMBUNNA, FOR NOT LESS THAN A VALUATION RECEIVED WITHIN SIX MONTHS PRIOR TO THE SALE, PURSUANT TO SECTIONS 206, 207A, AND 223 SCHEDULE 10 CLAUSE 3 OF THE *LOCAL GOVERNMENT ACT 1989*. THE PROPOSED ROAD IS NOT REASONABLY REQUIRED FOR PUBLIC TRAFFIC.**
2. **GIVES PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 1 NOVEMBER 2020 (IN ACCORDANCE WITH S.223 OF THE *LOCAL GOVERNMENT ACT 1989*) ON THE PROPOSAL (ITEM 1 ABOVE) INVITING WRITTEN SUBMISSIONS TO BE RECEIVED BY 5.00PM WEDNESDAY 2 DECEMBER 2020.**
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 PROPOSAL IN ITEM 1 ABOVE.**
4. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
  - a. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE, AND PLACE OF A MEETING FOR THE SECTION 223 HEARING**

**FOR PERSONS WHO WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION;**

- b. APPOINTS A SPECIAL COMMITTEE OF COUNCIL COMPRISING OF ALL ADMINISTRATORS TO HEAR AND CONSIDER ALL SUBMISSIONS; AND**
  - c. RECEIVES A FURTHER REPORT FROM THE SPECIAL COMMITTEE AT THE NEXT APPROPRIATE COUNCIL MEETING TO DETERMINE THE PROPOSAL.**
- 5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
- a. IMPLEMENTS THE PROPOSAL IN RECOMMENDATION 1; AND**
  - b. PUBLISHES THE ROAD DISCONTINUANCE NOTICE IN THE VICTORIAN GOVERNMENT GAZETTE.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

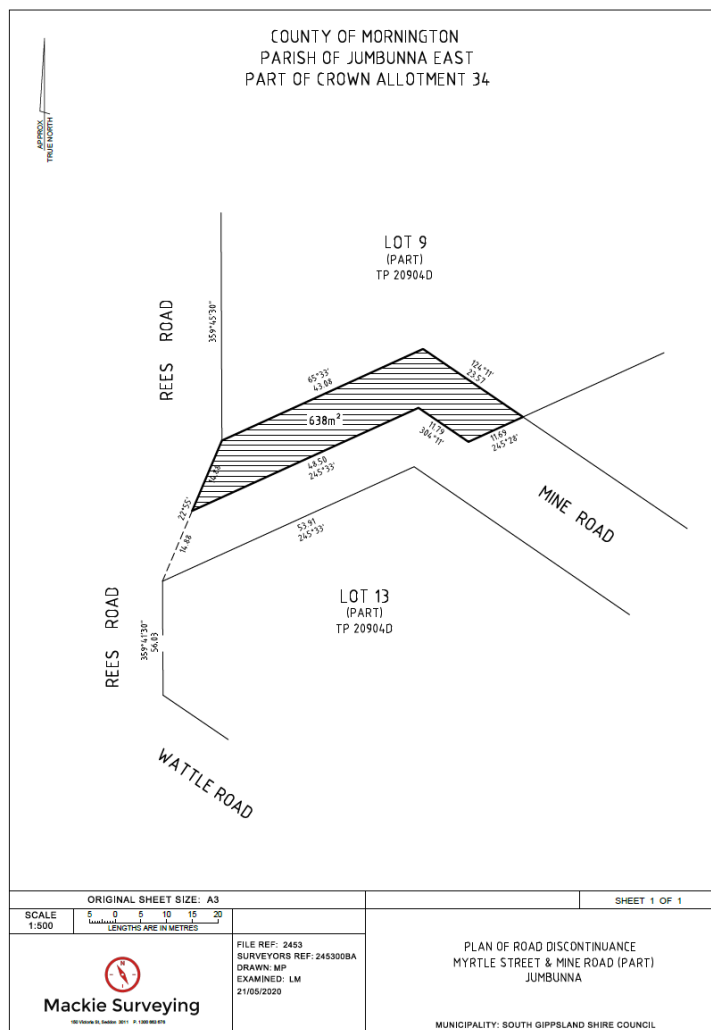
The C90 Planning Scheme Amendment created restructure overlays over smaller allotments including roads to facilitate a lot size that could be developed.

Officers have been contacted by the owner of 27 Reeves Road Jumbunna requesting to acquire the section of road within their restructure overlay, being 638m<sup>2</sup> of part of Myrtle Street and part of Mine Road Jumbunna, shown in **Figure 1**.

Myrtle Street and Mine Road Jumbunna were created as a “paper” road on the original plan of subdivision but have not been constructed or used for public traffic.

Officers have had correspondence from the owner of 41 Rees Road, Jumbunna to notify Council that they are interested in acquiring the adjoining part of Myrtle Street and Mine Road Jumbunna that falls within their restructure overlay.

**Figure 1**



## **CONSULTATION / COMMUNITY ENGAGEMENT**

The C90 Planning Scheme Amendment was advertised widely and all effected parties consulted.

Officers have consulted internal valuers to determine the value of the land.

For Council to discontinue a road and sell it to the adjoining landowner, Council must call for public submissions in accordance with s.207A and s.223 of the *Local Government Act 1989*.

## **RESOURCES / FINANCIAL VIABILITY**

The applicant has paid for the surveying for the road discontinuance plan and title plan.

Officer's time and advertising of the public notice and Victorian Government Gazette Notice.

## **RISKS**

If Council doesn't proceed with the proposed road discontinuance and sale, the owners of 27 Rees Road, Jumbunna could not realise the restructure overlay over their property.

## **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](http://www.southgippsland.vic.gov.au)

1. Jumbunna Restructure Map [3.3.1 - 1 page]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Road Management Act 2004

Road Safety Act 1986

## 4. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 4.1. 2019/20 ANNUAL REPORT

Performance & Innovation

#### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*The 2019/20 Annual Report finalises Council's reporting against the former 2017-2021 Council Plan and the legislative requirements associated with it. The organisation has now commenced implementation of the 2020-2024 Council Plan and further reporting this year will be against this Plan.*

#### **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* (LGPRF) measures, and is a key transparency and community information measure.

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 endorsed Annual Report was provided to the Minister by 30 September 2020.

The 2019/20 Annual Report (**Attachment [4.1.1]**) has been advertised in a Public Notice and was made available for public inspection for a two-week period, from 29 September 2020. It is recommended that Council adopt this 2019/20 Annual Report. Once adopted it will be published on Council's website.

#### **RECOMMENDATION**

That Council:

1. Adopts the 2019/20 Annual Report including the audited Performance and Financial Statements contained in Attachment [4.1.1]; and
2. Publishes the 2019/20 Annual Report (Attachment [4.1.1]) on Council's website, with printed copies made available to those without internet access, upon request, from Council's Customer Service Team.

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

**THAT COUNCIL:**

- 1. ADOPTS THE 2019/20 ANNUAL REPORT INCLUDING THE AUDITED PERFORMANCE AND FINANCIAL STATEMENTS CONTAINED IN ATTACHMENT [4.1.1]; AND**
- 2. PUBLISHES THE 2019/20 ANNUAL REPORT (ATTACHMENT [4.1.1]) ON COUNCIL'S WEBSITE, WITH PRINTED COPIES MADE AVAILABLE TO THOSE WITHOUT INTERNET ACCESS, UPON REQUEST, FROM COUNCIL'S CUSTOMER SERVICE TEAM.**

**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 Annual Report begins with a snapshot of Council's key achievements against the *2017-2021 Council Plan* Strategic Objectives and the 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 abides by the *2019/20 Better Practice Guide – Report of Operations (February 2020)* produced by Local Government Victoria (LGV). These guidelines set the context of the report and the performance data requirements for all Victorian councils.

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

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.

Council will publish the adopted Annual Report on its website. Hard copies will be available at the Council office.

The LGPRF indicators will be published on the 'Know Your Council' website as at 30 November 2020, or a time otherwise determined by Local Government Victoria.



## **CONSULTATION / COMMUNITY ENGAGEMENT**

The Report of Operations, the Performance Statement and Financial Statements were endorsed by the Audit Committee on 8 September 2020.

The draft 2019/20 Annual Report - Report of Operations and unaudited Financial Statements and Performance Statements were presented to Council on 23 September 2020. These were endorsed and signed for approval by Council.

VAGO provided an 'Independent Auditors' Report' for certification and approval of the Performance Statement and Financial Statements, which have been combined into the 2019/20 Annual Report for final certification purposes in accordance with the Act.

The final Annual Report has been advertised on 29 September 2020 for a two-week period prior to its presentation to Council for formal adoption.

## **RESOURCES / FINANCIAL VIABILITY**

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

## **RISKS**

Completion and submission of the Annual Report to the Minister for Local Government are annual legislative requirements. The endorsed Annual Report and certification was provided to the Minister by 30 September 2020.

## **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](http://www.southgippsland.vic.gov.au)*

1. 2019/20 Annual Report [4.1.1 - 192 pages]

## **REFERENCE DOCUMENTS**

**Council's Good Governance Framework**  
Pillar 8. Monitoring & Performance Review

**Council Policy / Strategy / Plans**

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

Annual Budget

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

Initiatives

Council Plan 2017-2020

**Legislative Provisions**

Local Government Act 1989, ss. 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. INSTRUMENT OF DELEGATION – COUNCIL TO STAFF**

Performance & Innovation

### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.*

### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an updated Instrument of Delegation to Council Staff to reflect improvements recommended through legal advice and positional changes to Council's organisation structure.

### **RECOMMENDATION**

That Council resolves that, in the exercise of the powers conferred by s.11(1) of the *Local Government Act 2020* and the other legislation referred to in the attached Instrument of Delegation (Instrument of Delegation) Council to Members of Staff (Attachment [4.2.1]):

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in (Attachment [4.2.1]) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument of Delegation;
2. The Instrument of Delegation (Attachment [4.2.1]) to staff comes into force immediately that the common seal of Council is affixed to the Instrument of Delegation;
3. On the coming into force of the Instrument of Delegation (Attachment [4.2.1]) all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and
4. The duties and functions set out in the Instrument of Delegation (Attachment [4.2.1]) must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.

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

**THAT COUNCIL RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.11(1) OF THE *LOCAL GOVERNMENT ACT 2020* AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION (INSTRUMENT OF DELEGATION) COUNCIL TO MEMBERS OF STAFF (ATTACHMENT [4.2.1]):**

- 1. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICERS OR POSITIONS REFERRED TO IN (ATTACHMENT [4.2.1]) THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT OF DELEGATION;**
- 2. THE INSTRUMENT OF DELEGATION (ATTACHMENT [4.2.1]) TO STAFF COMES INTO FORCE IMMEDIATELY THAT THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT OF DELEGATION;**
- 3. ON THE COMING INTO FORCE OF THE INSTRUMENT OF DELEGATION (ATTACHMENT [4.2.1]) ALL PREVIOUS DELEGATIONS FROM COUNCIL TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER) ARE REVOKED; AND**
- 4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT OF DELEGATION (ATTACHMENT [4.2.1]) MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT OF DELEGATION MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES THAT COUNCIL MAY ADOPT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The allocation of delegations to the Chief Executive Officer or other employees contributes to the effective functioning of Council. It is important to update delegations to reflect changes in personnel / legislation and improvements recommended by legal advisors to ensure decisions made are valid.

The updated Instrument of Delegation (**Attachment [4.2.1]**) consists of the following edits recommended by Maddocks Lawyers as well as positional changes to Council's organisational structure and delegations:

- Three new provisions: Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020: r 11, r 12(2) and r 12(3).
- Thirty-two changed provisions: *Residential Tenancies Act 1997* and Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020, where Conditions and Limitations were changed, and minor edits were made to better express existing delegations.
- Three deleted provisions: from the *Residential Tenancies Act 1997*.

## CONSULTATION / COMMUNITY ENGAGEMENT

Nil

## RESOURCES / FINANCIAL VIABILITY

Nil

## RISKS

Failure to update an Instrument of Delegation (**Attachment [4.2.1]**) could result in the decisions of delegated Officers being declared invalid or unenforceable.

## 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](http://www.southgippsland.vic.gov.au)

1. S6 Instrument of Delegation - Members of Staff - 28 October 2020 [**4.2.1** - 93 pages]

## REFERENCE DOCUMENTS

**Council's Good Governance Framework**  
Pillar 3. Decision Making

**Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Residential Tenancies Act 1997

#### **4.3. INSTRUMENT OF APPOINTMENT AND AUTHORISATION – PLANNING AND ENVIRONMENT ACT 1987**

Performance & Innovation

##### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's governance is strengthened by the allocation of authorisations and appointments to Council employees which contributes to the effective functioning of Council.*

##### **EXECUTIVE SUMMARY**

This report recommends that Council adopts an appointment for new staff members (Sasha Savanovic and Nicholas Haselroither) under the *Planning and Environment Act 1987*.

##### **RECOMMENDATION**

That Council resolves that, in the exercise of the powers conferred by s.224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation (Attachments [4.3.1] [4.3.2.] Instruments of Appointment and Authorisation) Council to Staff under the *Planning and Environment Act 1987*:

1. The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments;
2. The Instruments of Appointment and Authorisation come into force immediately when the common seal of Council is affixed to the instruments and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable; and
3. The Instruments of Appointment and Authorisation be sealed.

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

**THAT COUNCIL RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.224 OF THE *LOCAL GOVERNMENT ACT 1989* AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENTS OF APPOINTMENT AND AUTHORISATION (ATTACHMENTS [4.3.1] [4.3.2.] INSTRUMENTS OF APPOINTMENT AND AUTHORISATION) COUNCIL TO STAFF UNDER THE *PLANNING AND ENVIRONMENT ACT 1987*:**

- 1. THE MEMBERS OF COUNCIL STAFF REFERRED TO IN THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE APPOINTED AND AUTHORISED AS SET OUT IN THE INSTRUMENTS;**
- 2. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION COME INTO FORCE IMMEDIATELY WHEN THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENTS AND REMAIN IN FORCE UNTIL COUNCIL DETERMINES TO VARY IT OR IT IS REVOKED BY COUNCIL'S CHIEF EXECUTIVE OFFICER IN THE EVENT THE OFFICER RESIGNS FROM COUNCIL OR IS APPOINTED TO A POSITION WHERE THIS APPOINTMENT AND AUTHORISATION IS NOT REQUIRED OR SUITABLE; AND**
- 3. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE SEALED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)



## **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

New Instruments are presented for adoption for new employees (Sasha Savanovic and Nicholas Haselroither) recently recruited to positions within the Planning Services department.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Nil

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

Failure to adopt, update or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

## **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](http://www.southgippsland.vic.gov.au)*

1. S11A Instrument of Appointment and Authorisation - Nicholas Haselroither [4.3.1 - 1 page]
2. S11A Instrument of Appointment and Authorisation - Sasha Savanovic [4.3.2 - 1 page]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 3. Decision Making

### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

#### **4.4. AUDIT COMMITTEE MEETING MINUTES – 8 SEPTEMBER 2020**

Performance & Innovation

##### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's risk management and governance is strengthened by effectively monitoring and reporting on the activities and advice provided by the Audit and Risk Committee.*

##### **EXECUTIVE SUMMARY**

The minutes of the Audit Committee Meeting held on 8 September 2020 (**Attachment [4.4.1]**) are provided to Council for noting.

##### **RECOMMENDATION**

That Council notes the Audit Committee Minutes – 8 September 2020 (Attachment [4.4.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL NOTES THE AUDIT COMMITTEE MINUTES – 8 SEPTEMBER 2020 (ATTACHMENT [4.4.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The matters considered by the Audit Committee at the 8 September 2020 meeting are contained in **Attachment [4.4.1]**.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The Audit Committee Report (**Attachment [4.4.1]** – Audit Committee Minutes – 8 September 2020) has been circulated to the Audit Committee for feedback and will be formally accepted by the Committee at the next meeting.

## **RESOURCES / FINANCIAL VIABILITY**

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

## **RISKS**

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

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

## **STAFF DISCLOSURE**

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](http://www.southgippsland.vic.gov.au)

1. MINUTES Audit and Risk Committee 8 September 2020 C [4.4.1 - 7 pages]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 7. Risk & Compliance

Pillar 8. Monitoring & Performance Review

### **Council Policy / Strategy / Plans**

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

Audit Policy (C55)

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

### **Legislative Provisions**

Local Government Act 2020

#### **4.5. FINANCIAL PERFORMANCE REPORT JULY 2020 TO SEPTEMBER 2020**

Performance & Innovation

##### **Council Plan**

*Objective 4 - Customer Focused Organisation*

*The Financial Performance report provides an overview of Council's financial performance for the period July 2020 to September 2020. The report is provided to provide timely communication to the community and Council regarding Council's financial performance and aligns with the Local Government Act 2020.*

##### **EXECUTIVE SUMMARY**

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

- Operating result: \$1.3m surplus which is \$3.6M favourable when compared with the year-to-date budget projection of a \$2.3M deficit.
- Capital works: \$5.3M expenditure which is \$2.8M behind the year-to-date budget of \$8.1M.
- Projected financial outcome for 2020/21 is a \$11.3M surplus. This is \$4.8M favourable compared to the original budgeted surplus of \$6.5M.

Section 97 of the Local Government Act 2020 (Quarterly budget report) states that:

1. *As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to Council at a Council meeting which is open to the public.*
2. *A quarterly budget report must include-*
  - a. *A comparison of the actual and budget results to date; and*
  - b. *An explanation of any material variations; and*
  - c. *any other matters prescribed by the regulations.*

##### **RECOMMENDATION**

That Council receives and notes the Financial Performance Report July 2020 to September 2020 (Attachment [4.5.1]).

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

**THAT COUNCIL RECEIVES AND NOTES THE FINANCIAL PERFORMANCE REPORT JULY 2020 TO SEPTEMBER 2020 (ATTACHMENT [4.5.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

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

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

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

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

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

Financial Performance Report July to September 2020 contains detailed reporting in (**Attachment [4.5.1]**).

### ***Executive Summary***

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

### ***Financial Statements***

This section lists the three major financial statements as at 30 September 2020:

- Income Statement
- Balance Sheet
- Cash Flow Statement

### ***Capital Works***

This section has the Capital Works Statement as at 30 September 2020.

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

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

### ***Long-Term Financial Plan Analysis***

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

### **RESOURCES / FINANCIAL VIABILITY**

Financial reporting is performed internally within budgeted resources.

### **RISKS**

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

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

### **STAFF DISCLOSURE**

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](http://www.southgippsland.vic.gov.au)*

1. Financial Quarterly Report to Council - September 2020 [4.5.1 - 19 pages]

### **REFERENCE DOCUMENTS**

#### **Council's Good Governance Framework**

Pillar 3. Decision Making

Pillar 8. Monitoring & Performance Review

#### **Council Policy / Strategy / Plans**

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

Annual Budget

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

#### **Legislative Provisions**

Local Government Act 1989

Local Government Act 2020

#### **4.6. SUMMARY OF STRATEGIC BRIEFINGS TO ADMINISTRATORS: 22 AUGUST - 21 SEPTEMBER 2020**

Performance & Innovation

##### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions on behalf of the community.*

##### **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 sessions held between 22 August and 21 September 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**

<b>Meeting Title</b>	<b>Details</b>
<b>Tuesday 25 August 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Korumburra Business Precinct project</li> <li>• Bair Street project</li> <li>• Grant opportunities</li> <li>• Annual accounts</li> <li>• Municipal Emergency Management Planning Committee</li> </ul>
<b>Wednesday 26 August 2020</b>	
<b>Council Meeting Agenda Topic Discussion – 26 August 2020</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Council Meeting 26 August 2020.</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Agriculture grants opportunities</li> <li>• Sandy point community gardens</li> <li>• Gippsland Regional Ports</li> </ul>



Meeting Title	Details
<b>Wednesday 26 August 2020</b>	
<b>Public Presentations</b>  <b>Virtual Meeting Sessions (open)</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> <i>The Administrators considered community presentations from:</i></p> <p>Daniel O'Neil and Greg Harrison (planning consultant) representing the O'Neil Family regarding agenda item 3.2 RESIDENTIAL GROWTH AREA DEVELOPMENT PLAN - 35 KORUMBURRA - WARRAGUL ROAD, KORUMBURRA.</p> <p>Glenn Kell (planning consultant), representing Chris Cleveland regarding agenda item 3.3 PLANNING PERMIT APPLICATION 2020/135 - USE AND DEVELOPMENT OF LAND WITH A PLACE OF ASSEMBLY (KORUMBURRA COMMUNITY HUB INCLUDING LIBRARY AND MEETING ROOM), WAIVER OF CAR PARKING REQUIREMENTS 15 LITTLE COMMERCIAL STREET, KORUMBURRA.</p> <p>Stephen Koci, objector to application regarding agenda item 3.4 PLANNING PERMIT APPLICATION 2019/272 - 2 LOT SUBDIVISION WITH NATIVE VEGETATION REMOVAL - 4 GILFEDDER TCE, MIRBOO NORTH.</p> <p>Susan Koci, objector to application regarding agenda item 3.4 PLANNING PERMIT APPLICATION 2019/272 - 2 LOT SUBDIVISION WITH NATIVE VEGETATION REMOVAL - 4 GILFEDDER TCE, MIRBOO NORTH.</p>
<b>Social Community Infrastructure Blueprint 2020 - 2025</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the development of the Social Community Infrastructure Blueprint.</p>

Meeting Title	Details
<b>Tuesday 1 September 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Suicide prevention and post-vention project</li> <li>• Recruitment of the independent member of the Audit and Risk Management Committee</li> </ul>
<b>Wednesday 2 September 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered:</p> <ul style="list-style-type: none"> <li>• Financial Statements</li> <li>• Storm damage update</li> <li>• Emergency Management Grants</li> <li>• Grant Funding Opportunities</li> <li>• COVID19 Pandemic Update</li> </ul>
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered:</p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for July 2020</li> <li>• VCAT Decisions</li> <li>• Applications received July 2020</li> <li>• Enforcement matter</li> </ul>
<b>Planning Applications</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions ahead of consideration of planning applications proposed for Council Meeting 23 September 2020.</p>

Meeting Title	Details
<b>Wednesday 2 September 2020</b>	
<b>Social Disadvantage</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered initiatives to help address social disadvantage in the municipality.</p>
<b>Leongatha Early Learning Centre</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a progress update on the construction of the Leongatha Early Learning Centre.</p>
<b>Tuesday 8 September 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Fish Creek Quarry planning application</li> <li>• Department of Health and Human Services, Local Government Victoria and Municipal Association of Victoria COVID19 planning committee.</li> </ul>
<b>Wednesday 9 September 2020</b>	
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Storm damage - trees on side of road</li> <li>• COVID19 Pandemic Update</li> </ul>
<b>Information Technology Strategies</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an Innovation and Technology Strategy that aims to achieve Council's goals of supporting the services, projects and priorities of Council as set by Council through the Council Plan.</p>

Meeting Title	Details
<b>Wednesday 9 September 2020</b>	
<b>Planning Scheme Amendment – Heritage Study Review</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the progress of the South Gippsland Heritage Study.</p>
<b>Council Meeting Agenda Topic Discussion – 23 September 2020</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> The CEO has a declared direct Conflict of Interest on a Confidential Agenda item.</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Council Meeting 23 September 2020.</p>
<b>Friday 11 September 2020</b>	
<b>Planning Application - Fish Creek Quarry Planning Application</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions ahead of consideration of planning applications proposed for Council Meeting 23 September 2020.</p>
<b>Tuesday 15 September 2020</b>	
<b>CEO / Administrators Weekly meeting</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered</p> <ul style="list-style-type: none"> <li>• COVID19 Pandemic restrictions and Council support for outdoor dining</li> <li>• Meeting procedure local law</li> <li>• Council Plan</li> </ul>

Meeting Title	Details
<b>Wednesday 16 September 2020</b>	
<b>Planning Application</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions ahead of consideration of planning application proposed for Council Meeting 23 September 2020.</p>
<b>Rate Capping Efficiency</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered a report proposed for Council Meeting 23 September 2020 that identifies efficiency measures that Council has achieved since the introduction of the Victorian Rate Capping System.</p>
<b>Gippsland Regional Plan Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external document the Gippsland Regional Plan 2020-2025 which is the long-term strategic plan for improving the economic, social, cultural, and environmental outcomes for the Gippsland region and our community.</p>
<b>Executive Update</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Finance improvement project</li> <li>• Outdoor Dining Grants - Update on Victorian Government announcements</li> <li>• Nyora Sand Quarry Planning Permit</li> <li>• Planning Permit VCAT decision</li> <li>• Walkerville South Traffic Management</li> <li>• Port Welshpool Coast Guard</li> <li>• Council's Community Support Package</li> </ul>

Meeting Title	Details
<b>Wednesday 16 September 2020</b>	
<b>New Policy: Administrator/ Councillor Self- Assessment Policy</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered a new draft Policy for the purpose of creating a culture of continuous improvement to effectively fulfil their roles under the <i>Local Government Act 2020</i> .
<b>Gippsland Regional Ports Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered background information on ports located in South Gippsland including: Port Franklin, Port Welshpool, Barry Beach Marine Terminal and Port Anthony Marine Terminal.
<b>Public Presentation</b>  <b>Virtual Meeting (open session)</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra, Rick Brown <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <i>The Administrators considered a community presentation from:</i> Ruth Rogan, Executive Officer, representing Mirboo North & District Community Foundation and Joe Piper, Chair of Mirboo North Medical Centre Project Control Group regarding Community Medical Centre for Mirboo North & District.

### Council's Good Governance Framework

Pillar 3. Decision Making

### Council Policy / Strategy / Plans

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

Public Participation in Meetings with Council Policy (C65)

Public Transparency Policy (C75)

### Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

#### **4.7. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 17 AUGUST TO 20 SEPTEMBER 2020**

Performance & Innovation

##### **Council Plan**

*Objective 4 - Customer Focused Organisation - Strategy 4.4 Build on leadership, governance, financial sustainability, shared values and cultural capabilities within the organisation*

*Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.*

##### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 17 August to 20 September 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 17 August to 20 September.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 10 McIndoe Avenue Venus Bay in relation to develop land with a dwelling. Seal applied 31 August 2020.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 8 Milky Way Venus Bay in relation to develop land with a dwelling. Seal applied 31 August 2020.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 7 Pandora Avenue Venus Bay in relation to develop land with a dwelling. Seal applied 31 August 2020.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 23 Powells Road Foster in relation to two lot subdivision with building envelope variation. Seal applied 2 September 2020.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 231 Lees Road Venus Bay in relation to develop land with a dwelling. Seal applied 9 September 2020.
6. Section 173 Agreement between South Gippsland Shire Council and the owner of 163 Atherton Drive Venus Bay in relation to develop land with a dwelling. Seal applied 9 September 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 17 August to 20 September:
  - a. CON/259-G for the Panel of Suppliers for Supply and Delivery of Quarry Products and Road Making Materials was awarded to Kennedy Haulage Pty Ltd. Signed by the CEO 20 August 2020.
  - b. CON/258-E for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Sherrin Rentals. Signed by the CEO 25 August 2020.
  - c. CON/257 for the Streetscape Redevelopment Bair Street Leongatha was awarded to Hugh Patrick Pty Ltd T/A BJ's Earthmoving. Signed by the CEO 28 August 2020.
  - d. CON/261 for the Poowong Tennis and Netball Court Redevelopment was awarded to ACE Earthmoving Pty Ltd. Signed by the CEO 31 August 2020.
  - e. CON/258-D for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Goldsmith Civil and Environmental Pty Ltd. Signed by the CEO 02 September 2020.
  - f. CON/258-E for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to BMC Civil Pty Ltd. Signed by the CEO 02 September 2020.
  - g. CON/256-EE – Panel of Civil Works, Plant Hire and Cartage Contractors was awarded to Sure Constructions. Signed by the CEO 02 September 2020.
  - h. CON/256-GG – Panel of Civil Works, Plant Hire and Cartage Contractors was awarded to VAC Group Operations. Signed by the CEO 02 September 2020.
  - i. CON/259-H for the Panel of Suppliers for Supply and Delivery of Quarry Products and Road Making Materials was awarded to South Gippsland Quarries Pty Ltd. Signed by the CEO 03 September 2020.
  - j. CON/258-F for the Panel of Dry Hire of Plant and Equipment Suppliers was awarded to Solution Plant Hire Pty Ltd. Signed by the CEO 04 September 2020.

- k. CON/255 for the HRIS - Learning and Development Software was awarded to Ascender PeopleStreme Pty Ltd. Signed by the CEO 18 September 2020.
- 7. Contract variations approved by the CEO between 17 August to 20 September:  
  
Nil
- 8. Contract extensions approved by the 17 August to 20 September 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's Good Governance Framework**

Pillar 3. Decision Making

#### **Council Policy / Strategy / Plans**

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

Governance Rules (C82)

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 Chair, Julie Eisenbise addressed Administrators by reporting on:**

- **The disruption from the streetscape works in Bair Street Leongatha, that business owners have been contacted and regular site visits are being undertaken by the project manager.**
- **One Gippsland (formerly Gippsland Local Government Network, GLGN) has has extended its membership to include a number of large organisations including Food and Fibre and educational precincts. The group continues to meet and develop priorities for the region.**
- **Maintenance and restoration works have been undertaken on some of Council's Hubs and offices during the COVID19 pandemic. There has been time savings on some of the projects as the logistics of people in buildings did not have to be considered to the extent they normally would have.**

### **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.

**Administrator Rick Brown acknowledged receipt of a petition lodged to Council by lead petitioner Veronique Hamilton who represents Prom Area Climate Action (PACA) group. The 'prayer' of the petition is set out below.**

#### Petition: South Gippsland Shire to declare a Climate Emergency

We the undersigned:

1. acknowledge that dangerous climate change is happening now and is accelerating,
2. demand action at a pace far beyond business and politics as usual, and
3. hereby petition South Gippsland Shire Council to
  - (a) take a leadership role within the South Gippsland community for urgent action on climate change,
  - (b) require all reports to Council to include a section on climate implications, both for Council's own operations and for the broader South Gippsland community, and
  - (c) declare a climate emergency along with more than 990 governments which have already done so around the world ([www.cedamia.org/global](http://www.cedamia.org/global))

Lead Petitioner Veronique HAMILTON, representing Prom Area Climate Change



**Prom Area Climate Action.**  
Independently organized Community group of  
Australian Conservation Foundation

## RECOMMENDATION

That Council:

1. Receives and notes the petition; and
2. Receives a report at Council Meeting 25 November 2020.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. RECEIVES AND NOTES THE PETITION; AND**
- 2. RECEIVES A REPORT AT COUNCIL MEETING 25 NOVEMBER 2020.**

**CARRIED UNANIMOUSLY**

## **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.*



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

**Question 1**

**Is the CEO now residing in the Shire or is she still in lock down in Melbourne?**

**Response**

The Chief Executive Officer (CEO) is not residing in the Shire, but has regularly been on site to undertake the duties inherent in her role.

**Question 2**

**Has the CEO been able to inspect works in the Shire such as the Timms Rd bridge repairs or the quality of the landslip road repairs?**

**Response**

Yes the CEO is able to attend worksites to inspect works, however this is best done by professionals with relevant expertise in the field. Works are inspected and signed off by the technical officers responsible for overseeing them.

**Question 3**

**Can the CEO please explain why the road closure to allow for Timms Rd bridge repairs has been much longer than advised?**

**Response**

While the Timms Road bridge was originally scheduled to reopen on 31 August, 2020 much to the chagrin of our Infrastructure team the bridge actually opened a day late, on 1 September. It has now been open for close to two months and has been very well received by the local community and transport companies.

## 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 11.1, 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 as the report requires Council to consider personal information pertaining to an individual whom this report relates.

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

**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 11.1, 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 AS THE REPORT REQUIRES COUNCIL TO CONSIDER PERSONAL INFORMATION PERTAINING TO AN INDIVIDUAL WHOM THIS REPORT RELATES.**

**CARRIED UNANIMOUSLY**

## **11. CLOSED SESSION COUNCIL REPORTS**

### **11.1. APPOINTMENT INDEPENDENT MEMBER OF THE AUDIT AND RISK COMMITTEE**

**THAT COUNCIL:**

- 1. APPOINTS MS JENNIFER JOHANSON AS AN INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER FOR AN INITIAL THREE-YEAR TERM, COMMENCING 1 NOVEMBER 2020;**

## **10. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 25 November 2020 commencing at 2pm.

**The Council Meeting closed at 3.20pm.**

**Confirmed this**

**25<sup>th</sup> day of November 2020.**

**Administrator Chair, Julie Eisenbise**