

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

15 December 2021

Council Meeting No.466
Council Chambers, Leongatha
Commenced at 1:00 PM



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*".

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

PRESENT

COUNCILLORS:	Councillor Mohya Davies, Mayor Councillor Nathan Hersey, Deputy Mayor Councillor Sarah Gilligan Councillor Scott Rae Councillor Jenni Keerie Councillor Michael Felton Councillor John Schelling Councillor Adrian Darakai Councillor Clare Williams
MUNICIPAL MONITOR:	Prue Digby
NOT PRESENT:	-
OFFICERS:	Kerryn Ellis, Chief Executive Officer Wendy Ollington, Acting Director Sustainability Infrastructure Allison Jones, Director Performance and Innovation Rena Littlejohn, Director Economy and Community Development June Ernst, Acting Manager Governance Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No. 466
 Wednesday 15 December 2021
 Council Chambers, Leongatha commenced at 1:00PM

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

COVID Safe Plan

Over the past year the Federal and State Governments have had clear directives about social gatherings in respect of the COVID19 Pandemic. While restrictions have now eased across the State, Council is able to open the meetings to include a limited public gallery in accordance with the guidelines of a COVID Safe Plan. The Plan provides measures around physical distance, mask wearing, recording attendance and other Pandemic safe measures whilst attending the Meeting.

Access to the live stream through Council's Internet is another available option to the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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

Section 8 - Public Questions

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

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

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

1.5. APOLOGIES

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 465, held on 24 November 2021 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Cr Keerie

SECONDED: Cr Darakai

That the Minutes of the South Gippsland Shire Council Meeting No. 465, held on 24 November 2021 in the Council Chambers, Leongatha be confirmed.

CARRIED UNANIMOUSLY

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's Governance Rules (C82) (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's Governance Rules (C82) can be accessed from [Council's Policies](#) webpage.

Councillor Sarah Gilligan has declared a direct material conflict of interest in Confidential Agenda Item 12.2 PERSONAL INFORMATION - 2021/22 Community Grants Program - Round 1 Assessment as she was directly involved with the application submission process on behalf of the Tarwin Landcare Group which made a submission to the community grants program.

Councillor Clare Williams has declared a direct material conflict of interest in Confidential Agenda Item 12.4 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Carpark Construction - Leongatha Rail Yards (RFT/308) and 12.5 PRIVATE COMMERCIAL INFORMATION - Request for Tender – Pavement Rehabilitation - Mount Eccles Road, Mount Eccles (RFT/309) as she is a joint owner of a business that has made a submission to each tender process.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- *Preparing Reports for Meetings*
- *Exercise of Delegated Power*
- *Exercise of a Statutory Function*

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

Nil

2. OBJECTIVE 1 - UNITED SHIRE

2.1. FUNDING APPLICATIONS FREEZA & ENGAGE YOUTH

Economy and Community

Council Plan

Objective 1 - United Shire - Strategy 1.3 Deliver efficient and responsive services that enhance the health, safety and well-being of the community

This report responds to delivery of efficient and responsive services that enhance the health, safety and well-being of the community through endorsing an application for funding to deliver youth programs for young people within South Gippsland.

EXECUTIVE SUMMARY

The purpose of this report is to note applications submitted to the Victorian Government's FReeZA Program for the maximum \$106,500 and to the Engage! Program for the maximum \$180,000.

FReeZA and Engage! are funding programs aimed at supporting youth to engage and participate in civic life within their communities. Both grant Programs are provided on a three-year cycle, and are competitive programs.

It is anticipated the outcome of these applications will be advised during December 2021 to commence in January 2022.

Both Program applications closed on the 29 October 2021.

RECOMMENDATION

That Council:

1. Endorses the application submitted for \$106,500 to the Victorian Governments FReeZA program;
2. Endorses the application submitted for \$180,000 to the Victorian Governments Engage! Program; and
3. Notes that both the FReeZA and Engage! grants were submitted prior to the closing date of the 29 October 2021.

RESOLUTION

MOVED: Cr Williams

SECONDED: Cr Rae

That Council:

- 1. Endorses the application submitted for \$106,500 to the Victorian Governments FReeZA program;**
- 2. Endorses the application submitted for \$180,000 to the Victorian Governments Engage! Program; and**
- 3. Notes that both the FReeZA and Engage! grants were submitted prior to the closing date of the 29 October 2021.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

FReeZA

FReeZA 2022 – 2024 offers three-year funding for community organisations and local governments to deliver safe, youth-friendly events for young Victorians aged 12 to 25. This year, grant funding up to \$106,500 is available for regional providers, and this is a significant increase on the \$73,000 that has previously been available. The FReeZA program is based on a youth participation model where young people lead the planning, development and delivery of music, cultural and recreational events in their local community.

The FReeZA program is highly competitive, and prior success in application does not guarantee future funding. South Gippsland Shire Council has held a FReeZA contract since 2016.

Engage!

Engage! offers grants between \$135,000 to \$180,000 over three years for community organisations and local governments to deliver a range of activities and projects that meet the individual goals and aspirations of young Victorians aged 12 to 25.

Council has not made previous applications to Engage! however other service providers within the region have made application and been limited in their success.

CONSULTATION / COMMUNITY ENGAGEMENT

South Gippsland has held the FReeZA contract since 2016 and has a highly engaged committee of young people who determine how the program funding is distributed. Consultation with the 'Made in South Gippsland' crew and their networks of young people has been supportive of future program applications.

RESOURCES / FINANCIAL VIABILITY

Youth programs such as FReeZA and Engage! can be successfully managed within current resources of the Community Strengthening team. Council is contributing to the program through allocation of staff time and a \$5,000 contribution from the Youth Leadership annual budget. If we are unsuccessful in our applications we are not obligated to provide any of the program, therefore there are no financial risks associated with an unsuccessful application.

RISKS

It is likely that if Council did not apply for funding, the FReeZA program would end in South Gippsland. Currently, there have been no other applicants for the funding within South Gippsland.

Engage! funding has not been held by Council at any stage, and no other provider has been successful in application. There are no risks to application.

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

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 5. Communications & Community Engagement

Pillar 6. Capability

Council Policy / Strategy / Plans

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

Annual Budget

Council Plan 2020-2024

Community Strengthening Strategy
Municipal Public Health and Wellbeing Plan
Public Interest Disclosure Guidelines Policy (CE21)
Public Transparency Policy (C75)
Youth Policy (C46)
Youth Strategy

Legislative Provisions

Children, Youth and Families Act 2009
Children, Youth and Families Regulations 2017
Local Government Act 2020
Public Health and Wellbeing Act 2008
Public Health and Wellbeing Regulations 2019
Working with Children Act 2005

3. OBJECTIVE 2 - ECONOMIC PROSPERITY

3.1. MUNICIPAL EMERGENCY MANAGEMENT PLAN - 2021 - 2025

Economy and Community

Council Plan

Objective 1 - United Shire - Strategy 1.3 Deliver efficient and responsive services that enhance the health, safety and well-being of the community

Changes to Emergency Management legislation in 2020 changed Council's role in municipal emergency management planning and the ownership of the South Gippsland Municipal Emergency Management Plan. As a result a new South Gippsland Municipal Emergency Management Plan has been developed by the South Gippsland Municipal Emergency Management Planning Committee.

EXECUTIVE SUMMARY

The purpose of this report is to present the *South Gippsland Municipal Emergency Management Plan (MEMP) 2021-2024 (Attachment [3.1.1])* that has been developed by the *South Gippsland Municipal Emergency Management Planning Committee (MEMPC)*.

From 1 December 2020, the *Emergency Management Act 2013 (EM Act 2013)* changed Council's role in municipal emergency management planning, therefore, Council is no longer responsible for the development and maintenance of a Municipal Emergency Management Plan (MEMP) for South Gippsland.

Council's role is to participate in the preparation and maintenance of a MEMP through legislated membership of the Municipal Emergency Management Planning Committee (MEMPC) who have taken ownership of it.

RECOMMENDATION

That Council notes the *South Gippsland Municipal Emergency Management Plan 2021-2024 (MEMP) (Attachment [3.1.1])* developed and endorsed by the *South Gippsland Municipal Emergency Management Planning Committee (MEMPC)*.

RESOLUTION

MOVED: Cr Darakai

SECONDED: Cr Gilligan

That Council notes the South Gippsland Municipal Emergency Management Plan 2021-2024 (MEMP) (Attachment [3.1.1]) developed and endorsed by the South Gippsland Municipal Emergency Management Planning Committee (MEMPC).

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

South Gippsland Shire Council plays a vital role in emergency management, both in partnership with other agencies, and through its own legislated emergency management obligations. Councils are not emergency response agencies however, they do have a long-established role in providing support to response agencies, as well as coordinating relief and recovery support for the community.

South Gippsland Shire Council fulfils its emergency management responsibilities by having plans and processes in place to effectively perform its role in response to significant emergency incidents that might impact on the community and visitors.

Prior to 2020, Council's key emergency management planning responsibilities came from Part 4 of the Emergency Management Act 1986, which required Council to establish a Municipal Emergency Management Planning Committee (MEMPC) and facilitate the development and maintenance of a Municipal Emergency Management Plan (MEMP) which was adopted by Council. Council was also responsible for presenting the MEMP for audit by the Victoria State Emergency Services.

On 1 December 2020, the previous provisions relating to Council's emergency management planning responsibilities were repealed by S82(2) of the Emergency Management Legislation Amendment Act 2018 (EMLA Act 2018), with emergency management planning responsibilities of Council now mainly from S59 of the Act, which requires:

- Establishment of the MEMPC through a resolution of Council;
- The CEO or a senior officer of Council to chair the MEMPC; and

- Council to participate in the preparation and maintenance of a Municipal Emergency Management Plan (MEMP) through the MEMPC.

In April 2021 under S59F of the EM Act 2013, South Gippsland Shire Council established a new MEMPC, and in doing so, transferred responsibility for municipal emergency management planning and ownership of the MEMP from Council to the MEMPC. The MEMPC now exists separately to Council and is not a Committee of Council.

The MEMPC report to, and are accountable to the Gippsland Regional Emergency Management Planning Committee (REMPC). This shift of responsibility highlights the intent of recent emergency management planning reform which supports emergency management planning as an integrated, multi-agency and collaborative effort. All participating MEMPC agencies are required to contribute their expertise and resources to municipal emergency management planning.

The South Gippsland MEMPC was formed in April 2021 and consists of representatives from Council, State Emergency Service (SES), Country Fire Authority (CFA), Victoria Police, Red Cross, Department of Families, Fairness and Housing, Regional Roads Victoria (VicRoads), Parks Victoria (PV), Gippsland Ports, Salvation Army and Victorian Council of Churches, as well as a Councillor and other organisations and agencies involved in response, relief and recovery activities in the community.

The newly formed MEMPC has developed the new MEMP, as the previous MEMP was due for its 3-yearly review during 2021. The MEMP was prepared to align with the Guidelines for Preparing State, Regional and Municipal Emergency Management Plans, the State Emergency Management Plan, the Gippsland Regional Emergency Management Plan, and the MEMP assurance process. Between April and August, the MEMPC developed the new MEMP and the South Gippsland MEMP 2021-2024 was adopted by the MEMPC at its meeting in August 2021.

The aim of the South Gippsland MEMP is to:

- Reduce the likelihood of emergencies, their effect on and consequences for communities;
- Ensure a comprehensive, integrated approach to Emergency Management in South Gippsland;
- Promote community resilience in relation to emergencies; and
- Promote interoperability and integration of EM systems.

The MEMP underwent a self-assurance process by the MEMPC and it was then presented to the Gippsland REMPC for approval. The self-assurance process has replaced the legislative audit role of Victoria State Emergency Services. The South Gippsland MEMP was endorsed by the Gippsland REMPC on the 2 September 2021. MEMP's are required to be assured on at least a three-year basis, therefore it is due for review again by August 2024. Councils are required to make the MEMP available and accessible on Council's website.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation was completed by the MEMPC and with its member agencies throughout the development of the MEMP. The future development of a communications and engagement plan by the MEMPC will support community engagement opportunities and that will also inform future updates to the MEMP.

RESOURCES / FINANCIAL VIABILITY

There are no financial implications identified, all costs associated with implementing the proposed recommendations are included in current budgets.

RISKS

The changes to the emergency management legislation require the MEMPC to develop a MEMP for South Gippsland. Council is required to chair the MEMPC, and also to participate in the preparation and maintenance of the MEMP through the MEMPC. Council has committed to providing secretariat support to the MEMPC. Continued support from Council is critical to ensure the success of the MEMP and the MEMPC. Without this support the risk is that the MEMPC and MEMP would not be maintained.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. South Gippsland Municipal Emergency Management Plan 2021 [3.1.1 - 82 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

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

Municipal Emergency Management Plan

Legislative Provisions

Catchment and Land Protection Act 1994

Country Fire Authority Act 1958

Crown Land (Reserves) Act 1978

Emergency Management Act 1986

Environment Protection Act 1994

Environment Protection Act 2017

Land Act 1958

Local Government Act 2020

Marine and Coastal Act 2018

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

Water Act 1989

4. OBJECTIVE 3 - INTEGRATED SERVICES AND INFRASTRUCTURE

4.1. PROPOSED ROAD DISCONTINUANCE AND SALE IN POOWONG - PART GARDNERS LANE

Sustainable Infrastructure

Council Plan

Objective 3 – Integrated Services and Infrastructure

Objective 3 – Integrated Services and Infrastructure – Strategy 3.3

The successful delivery of these works will provide the community with services and infrastructure that enhance the liveability and environmental sustainability for current and future generations.

EXECUTIVE SUMMARY

The purpose of this report is to commence the statutory process to discontinue part of Gardners Lane Poowong (**Figure 1**) and sell the land to the adjoining landowner in accordance with Sections 206, 207A, 223 and Schedule 10, Clause 3 of the *Local Government Act 1989* which provides Council with the power to discontinue a road and sell the land.

There has been a longstanding issue with the location for loading and unloading of cattle to the abattoir's kill room located in Gardner Lane, Poowong. The loading and unloading of cattle occurs partially on public road reserve. This is due to the positioning of the abattoir buildings at 60 Gardner Lane, which has limited any opportunity to construct this loading / unloading space within its boundary.

The only opportunity to rectify the issue is to discontinue a strip of unused road shown hatched in **Attachment [4.1.1]** and to sell the land from the discontinued road to the adjoining land owner. Once discontinued, the land from the unused road will be consolidated into the title for 60 Gardner Lane, Poowong.

RECOMMENDATION

That Council:

1. Commences the statutory procedures pursuant to Sections 206, 207A, 223 and Schedule 10, Clause 3 of the *Local Government Act 1989* to discontinue an area of 3430m² of Gardner Lane, Poowong being part crown allotment 8 Parish of Poowong, shown hatched in Figure 1 and sell the land from the discontinued road to the adjoining landowner (the Proposal).

2. Give public notice in the local newspapers in the week commencing 20 December 2021 of the Proposal in accordance with Section 223 of the *Local Government Act 1989* to commence a public consultation process inviting written submissions from the community by 5.00pm Wednesday 19 January 2022.
3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the *Local Government Act 1989* in respect of the Proposal.
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; and
 - b. Requires the Chief Executive Officer to bring a report to the next appropriate Council meeting after the outcome of the hearing to determine the outcome of the proposal.
5. If no submissions are received to the public notice:
 - a. Publish a road discontinuance notice in the Victoria Government Gazette;
 - b. Sell the land from the discontinued road to the adjoining land owner on the conditions that:
 - i. The purchase price of the land is no less than a valuation determined by Council's Valuer not more than six months prior to the sale.
 - ii. The land is consolidated into the titles of adjoining land owned by the purchaser.

RESOLUTION

MOVED: Cr Schelling

SECONDED: Cr Keerie

That Council:

- 1. Commences the statutory procedures pursuant to Sections 206, 207A, 223 and Schedule 10, Clause 3 of the *Local Government Act 1989* to discontinue an area of 3430m² of Gardner Lane, Poowong being part crown allotment 8 Parish of Poowong, shown hatched in Figure 1 and sell the land from the discontinued road to the adjoining landowner (the Proposal).**
- 2. Give public notice in the local newspapers in the week commencing 20 December 2021 of the Proposal in accordance with Section 223 of the *Local Government Act 1989* to commence a public consultation process inviting written submissions from the community by 5.00pm Wednesday 19 January 2022.**
- 3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the *Local Government Act 1989* in respect of the Proposal.**
- 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; and**
 - b. Requires the Chief Executive Officer to bring a report to the next appropriate Council meeting after the outcome of the hearing to determine the outcome of the proposal.**
- 5. If no submissions are received to the public notice:**
 - a. Publish a road discontinuance notice in the Victoria Government Gazette;**
 - b. Sell the land from the discontinued road to the adjoining land owner on the conditions that:**
 - i. The purchase price of the land is no less than a valuation determined by Council's Valuer not more than six months prior to the sale.**

- ii. The land is consolidated into the titles of adjoining land owned by the purchaser.

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

GBP Australia Pty Ltd operates the Poowong Abattoir at 60 Gardner Lane, Poowong.

There has been a longstanding issue with the location for loading and unloading of cattle to the abattoir’s kill room located in Gardner Lane, Poowong. The loading and unloading of cattle occurs partially on public road reserve. This is due to the positioning of the abattoir buildings at 60 Gardner Lane, which has limited any opportunity to construct this loading / unloading space within its boundary. Refer to the Road Discontinuance Plan in **Figure 1** and a Locality Map in **Figure 2**.

Figure 1 – Gardners Lane Poowong – Road to be Discontinued

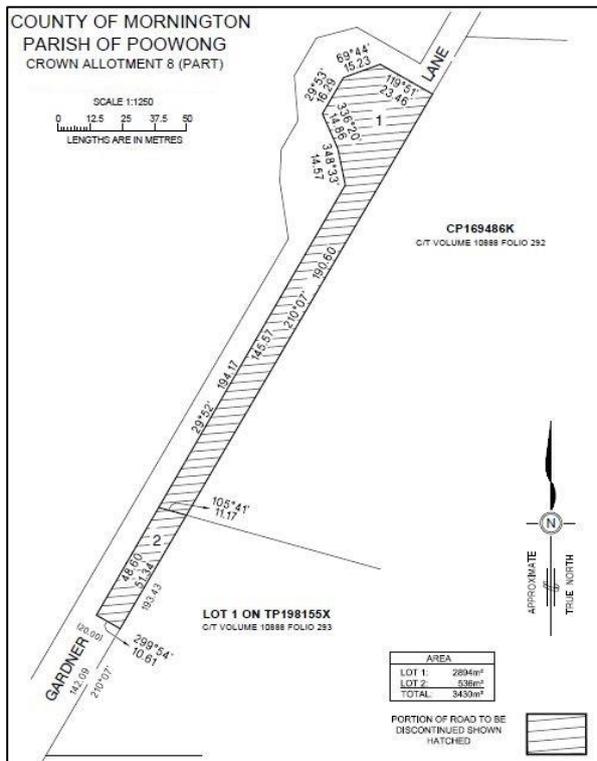
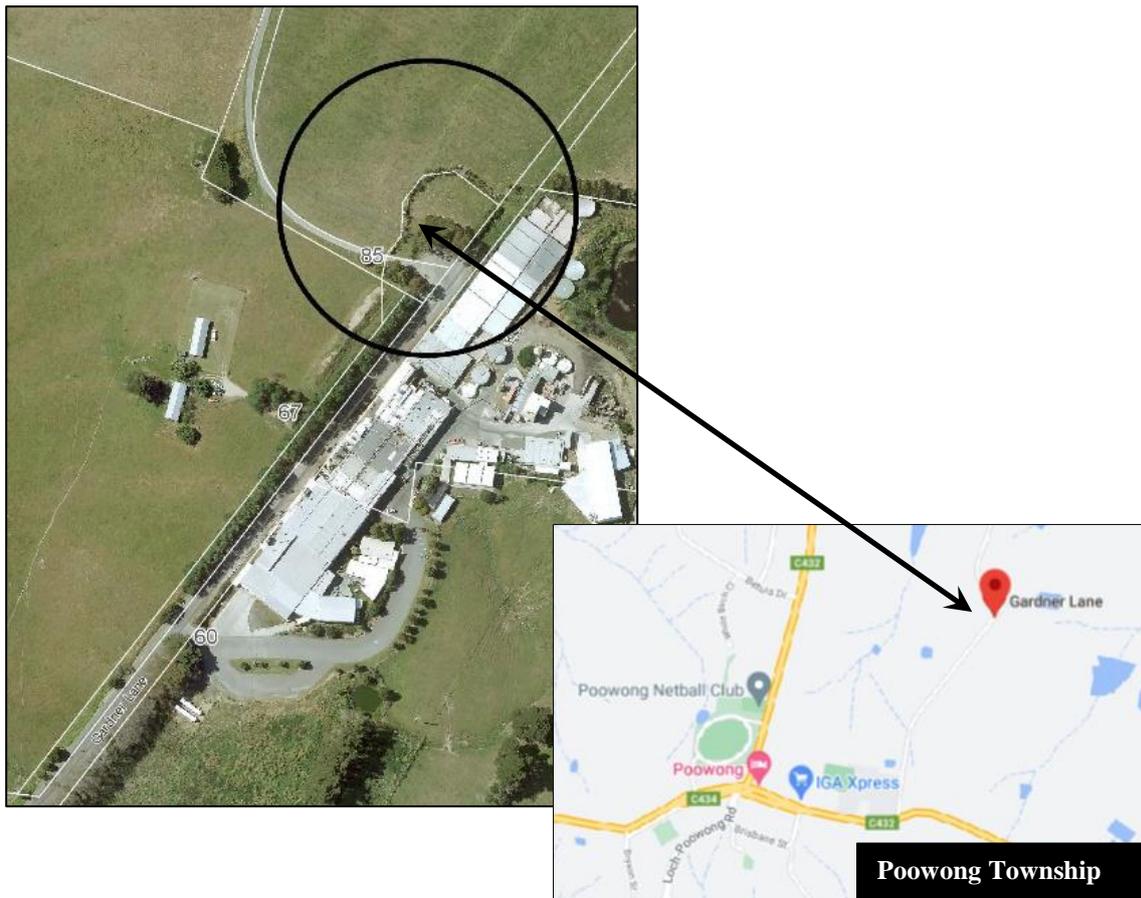


Figure 2 - Locality Map



The only opportunity to rectify the issue is to discontinue a strip of unused road (shown hatched in **Figure 1**) and to sell the land from the discontinued road to the adjoining land owner. Once discontinued, the land will be consolidated into the title for 60 Gardner Lane, Poowong.

The land proposed to be discontinued comprises the majority of the existing road. Therefore, a new road needs to be constructed to reinstate access to adjacent properties. The proposed new gravel road is detailed on the Gardner Lane Poowong - Roadworks Concept Plan included in **Attachment [4.1.1]**.

There is sufficient space for this new road as a consequence of a compulsory acquisition process with the relevant adjacent landowners which occurred around 2012. That acquisition process was to facilitate a treatment that separated road traffic from the operations of the abattoir similar to what is currently being proposed.

CONSULTATION / COMMUNITY ENGAGEMENT

The road discontinuance proposal has been discussed with and agreed to by the proprietor of the adjoining land - GBP Australia Pty Ltd. Consultation has

also occurred with adjacent land owners the owners of 30 Drouin Road Poowong and 85 Gardner Lane Poowong.

If Council supports the recommendations in this report, further public consultation will occur during the public notification period in accordance with Section 223 of the *Local Government Act 1989* and a letter will be sent to the adjoining land owners to notify them of the decision to call for submissions.

RESOURCES / FINANCIAL VIABILITY

A valuation of the section of road to be discontinued has been completed. GBP Australia Pty Ltd has indicated it would purchase the land in the event that it is discontinued. GBP Australia has also indicated it would contribute to the cost of drainage works on the road to be discontinued to the value of \$35,000, erect chain mesh bio-security fencing along the full length of the boundary between the road reserve and the land subject to the discontinuance process. That fence would incorporate a durable material that would shield views from the newly constructed gravel road into the abattoir property. GBP Australia will also install speed humps or similar treatments at all entrances onto Gardner Lane to ensure that these "Give Way" movements onto Gardner Lane are conducted safely.

There is budget for the construction of the new gravel road, which would be managed by Council, at the conclusion of the road discontinuance process. Included in these works is the relocation of the gate at the entrance to 85 Gardner Lane to accommodate larger vehicles.

RISKS

If the road discontinuance process is not completed, and the new gravel road to provide separate access to adjacent properties is not constructed, the longstanding issue with the location for loading and unloading of cattle to the abattoir's kill room located in Gardner Lane Poowong will not be resolved.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Gardner Lane Poowong - Roadworks Concept Plan [4.1.1 - 1 page]

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

Road Management Plan

Legislative Provisions

Local Government Act 1989

4.2. PROPOSED ROAD DISCONTINUANCE AND SALE IN JUMBUNNA - PARTS MYRTLE, MINE AND WATTLE

Sustainable Infrastructure

Council Plan

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

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 purpose of this report is to commence the statutory procedures to discontinue parts of unused roads within the restructure overlay in Jumbunna and sell the land to the abutting land owners of 41 Rees Road, Jumbunna.

The C90 Planning Scheme Amendment created restructure overlays over smaller allotments including roads to facilitate a lot size that could be developed. The road discontinuances are key to realising the benefits of the C90 Planning Scheme Amendment.

RECOMMENDATION

That Council:

1. Commences the statutory procedures to discontinue parts of the following roads and sell to the abutting land owner of 41 Rees Road Jumbunna, for not less than a valuation received within six months prior to the sale:
 - a. Part Myrtle Street and part Mine Road Jumbunna, Parish of Jumbunna East, with an area of 2041m² as shown hatched in the Road Discontinuance Plan in Figure 1 / Attachment [4.3.1].
 - b. Part Wattle Street Jumbunna, Parish of Jumbunna East, with an area of 67.7m² as shown hatched in the Road Discontinuance Plan in Figure 2 of, as shown in Figure 2,
2. Gives public notice in the local newspapers in the week commencing 20 December 2021 in accordance with section 223 of the Local Government Act 1989 on the Proposal (item 1 above) inviting written submissions to be received by 5.00pm Wednesday 19 January 2022;

3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Local Government Act 1989 in respect of the Proposal in item 1 above;
4. If submissions are received to the public notices:
 - 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; and
 - b. Requires the Chief Executive Officer to prepare a report on the outcome of the section 223 hearing so that Council can consider and determine the outcome of the proposal at the next appropriate Council meeting.
5. If no submissions are received to the public notice:
 - a. Implements the proposal in Recommendation 1 above; and
 - b. Publishes the road discontinuance notice in the Victorian Government Gazette.

RESOLUTION

MOVED: Cr Keerie

SECONDED: Cr Hersey

That Council:

1. **Commences the statutory procedures to discontinue parts of the following roads and sell to the abutting land owner of 41 Rees Road Jumbunna, for not less than a valuation received within six months prior to the sale:**
 - a. **Part Myrtle Street and part Mine Road Jumbunna, Parish of Jumbunna East, with an area of 2041m² as shown hatched in the Road Discontinuance Plan in Figure 1 / Attachment [4.3.1].**
 - b. **Part Wattle Street Jumbunna, Parish of Jumbunna East, with an area of 67.7m² as shown hatched in the Road Discontinuance Plan in Figure 2 of, as shown in Figure 2,**
2. **Gives public notice in the local newspapers in the week commencing 20 December 2021 in accordance with section 223 of the Local Government**

Act 1989 on the Proposal (item 1 above) inviting written submissions to be received by 5.00pm Wednesday 19 January 2022;

- 3. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Local Government Act 1989 in respect of the Proposal in item 1 above;**
- 4. If submissions are received to the public notices:**
 - 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; and**
 - b. Requires the Chief Executive Officer to prepare a report on the outcome of the section 223 hearing so that Council can consider and determine the outcome of the proposal at the next appropriate Council meeting.**
- 5. If no submissions are received to the public notice:**
 - a. Implements the proposal in Recommendation 1 above; 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 41 Rees Road, Jumbunna (Lot 13 TP209040 and Lots 66, 67, and 68 Parish of Jumbunna East requesting to acquire parts of Myrtle Street and Mine Road (2041m²), and Wattle Road (67.7m²) within their restructure overlay as shown hatched in **Figure 1** and

Figure 2.

Figure 1

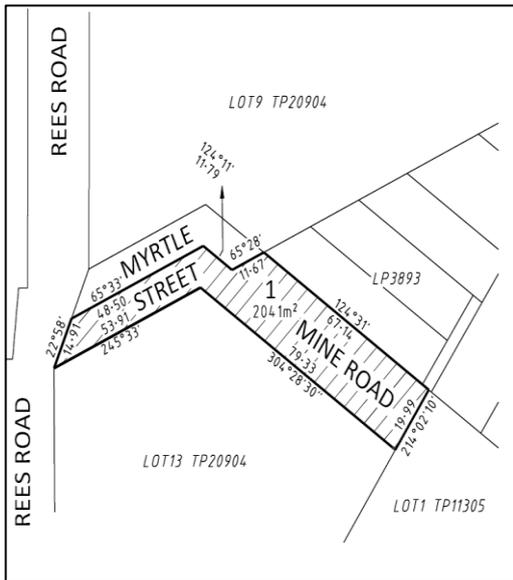
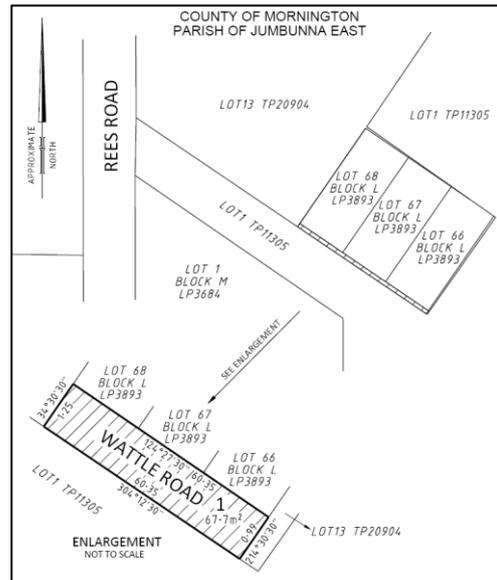


Figure 2



ROADS TO BE DISCONTINUED SHOWN HATCHED



A full copy of the Road Discontinuance Plans are included in **Attachments [4.2.1] and [4.2.2]**.

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

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.

An adjoining landowner who may have had an interest in the land has provided a statutory declaration attesting that they do not have any interest in acquiring the land.

For Council to discontinue a road and sell the land to the adjoining landowner, Council must advertise the proposal and call for public submissions and consider any submissions received 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 Plans 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 41 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

1. Road Discontinuance Plan - Myrtle Street and Mine Road, Jumbunna [4.2.1 - 1 page]
2. Road Discontinuance Plan - Wattle Road, Jumbunna [4.2.2 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership Pillar 3. Decision Making

Legislative Provisions

Local Government Act 1989

4.3. TOORA AND WALTER J TUCK RECREATION RESERVES OVAL LIGHTING UPGRADE PROJECT - GRANT APPLICATION

Sustainable Infrastructure

Council Plan

Objective 3 - Integrated Services and Infrastructure

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

This report responds to building a sustainable and growing economy and to delivering services that enhance liveability for current and future generations.

EXECUTIVE SUMMARY

The purpose of this report is to seek external funding of \$200,000 through Round Two of the Sport and Recreation Victoria's (SRV) *Country Football Netball Program* (CFNP) for the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Projects (the Project).

The anticipated total project cost is \$600,000 which has been based on estimates from specialised external contractors and suppliers for the design. The Toora and Mirboo North community have committed \$50,000 each towards the Project. In addition, an application to the Australian Government's *Building Better Regions Fund (BBRF)* by the Toora Football Netball Club for the lighting upgrade at the Toora Recreation Reserve has been approved for \$116,000.

Therefore, if an application is successful to the CFNP Round Two, Council will be required to contribute \$184,000.

RECOMMENDATION

That Council:

1. Endorses the application for \$200,000 under the Victorian Government's *2021/22 Country Football Netball Program Round Two* for the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project;
2. Notes the application for the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project was submitted to the Victorian Government's *2021/22 Country Football Netball Program Round Two* prior to the closing date of 1 December 2021;

3. Allocates \$184,000 as Council's contribution from the Community Infrastructure Projects budget in the proposed 2022/23 Annual Budget towards the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project if the grant is approved;
4. Notes the community contribution of \$50,000 each from the Toora Football Netball Club and Mirboo North Football Netball Club towards the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project; and
5. Notes the grant approved through the Australian Government's *Building Better Region Fund – Round Five* of \$116,000 towards the Toora component of the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project.

RESOLUTION

MOVED: Cr Schelling

SECONDED: Cr Hersey

That Council:

1. **Endorses the application for \$200,000 under the Victorian Government's 2021/22 Country Football Netball Program Round Two for the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project;**
2. **Notes the application for the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project was submitted to the Victorian Government's 2021/22 Country Football Netball Program Round Two prior to the closing date of 1 December 2021;**
3. **Allocates \$184,000 as Council's contribution from the Community Infrastructure Projects budget in the proposed 2022/23 Annual Budget towards the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project if the grant is approved;**
4. **Notes the community contribution of \$50,000 each from the Toora Football Netball Club and Mirboo North Football Netball Club towards the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project; and**
5. **Notes the grant approved through the Australian Government's *Building Better Region Fund – Round Five* of \$116,000 towards the Toora**

component of the Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project.

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

Toora and Walter J Tuck (Mirboo North) Recreation Reserves – Oval Lighting Upgrade Project

The Project scope is upgrading the existing lighting of the main ovals at both Toora Recreation Reserve and Walter J Tuck (Mirboo North) Recreation Reserve to the Australian Standards of 100 Lux to meet training standards for the Australian Rules Football (AFL). The standard is identified in the Community Sporting Facility Lighting Guide for AFL, Soccer and Netball. This Guide assists local sporting clubs, organisations, and councils to develop facilities for communities to enjoy well into the future.

The Project is considered a renewal project and therefore meets the requirements identified in Council's Blueprint for Community and Economic Infrastructure 2021-2036.

The Project is also aligned to the recommendations in Council's Sport and Recreation Infrastructure Strategy 20200-2030 in addressing training standard lighting. Both Projects are also identified as priorities at both reserves.

2021/22 Country Football and Netball Program (CFNP)

In April 2021, the Minister for Community Sport, the Hon. Ros Spence opened applications to the 2021/22 Country Football and Netball Program (CFNP) which provides funding to assist regional football and netball clubs, associations, and umpiring organisations to upgrade and develop facilities in rural, regional, and outer metropolitan locations.

It is underpinned by the Department of Jobs, Precincts and Regions' priorities to ensure the state's economy benefits all Victorians by creating more jobs for more people, building thriving places and regions, and nurturing inclusive communities.

Grants of up to \$200,000 are available with a ratio of SRV \$2: \$1 Local.

Applications to Round Two of the CFNP program closed 1 December 2021.

The objective of the CFNP is to upgrade and develop infrastructure for football and netball clubs across rural and regional Victoria and outer Metropolitan communities so they can meet the growing demand and welcome even more members.

Examples of Projects eligible for funding include the following:

- development of new, or upgrade to existing change rooms and pavilions to increase capacity, inclusion and safety.
- development of new, or upgrade to existing sports ovals and courts to increase capacity and safety.
- sports lighting that improves facility capacity and participant safety.
- projects that result in energy or water efficiency, with a direct impact on participation, such as warm season grass conversions.

Council submitted an application for \$150,000 to Round One of the CFNP for the Foster Showgrounds – Oval Upgrade and Irrigation Project in June 2021. This application has been recently approved with works to commence at the completion of the 2022 Football/ Netball season.

CONSULTATION / COMMUNITY ENGAGEMENT

Council has received formal requests by both the Toora Football Netball Club and Mirboo North Football Club requesting Council to support applications for the oval upgrades at the Toora and Walter J Tuck Recreation Reserves.

Due to caretaker period, there was limited opportunity for Council to be briefed regarding the proposed applications. However, as the Project is strategically aligned to the Council's Blueprint for Community and Economic Infrastructure 2021-2036 and identified in the Council Sport and Recreation Infrastructure Strategy 2020-2030, an application was submitted to Round Two of the CFNP to make most of the opportunity to seek external funding.

SRV has been consulted on this Project.

RESOURCES / FINANCIAL VIABILITY

If Council is successful in securing \$200,000 under the CFNP Round Two, a Council contribution of 184,000 will be required. Funding of \$430,978 is available in the proposed 2022/23 Financial Budget to cover Council's recommended contribution.

A requirement of the grant is that Council is to underwrite the Project and commit to delivering the Project scope within the application.

Below is a breakdown of the funding for the Project based on the concept plans and cost estimate. The cost estimate was developed by seeking external advice from specialised contractors.

Toora Recreation Reserve – Total Project Cost	\$300,000
CFNP Round 2 Grant	\$100,000
BBRF Grant*	\$116,000
Council contribution	\$34,000
Community Contribution	\$50,000

Walter J Tuck Recreation Reserve – Total Project Cost	\$300,000
CFNP Round 2 Grant	\$100,000
Council Contribution	\$150,000
Community Contribution	\$50,000

Overall Total Project Cost	\$600,000
CFNP Round 2 Grant	\$200,000
BBRF Grant*	\$116,000
Council Contribution	\$184,000
Community Contribution	\$100,000

**The Toora Football Netball Club were successful in obtaining a grant through the Australian Government's Building Better Region Fund (BBRF) Round 5 for \$116,000.*

RISKS

External quotes based on a concept lighting designs have been provided for both Projects, with adequate contingency to mitigate any financial risk.

Soil testing and investigation of power supply capacity to the reserves have been completed prior to the application being submitted to ensure adequate conditions for lighting installation.

There is also a risk that if the grant is not submitted, Council will miss an opportunity to secure external funding for the renewal of non-compliant lighting at two well utilised and important community facilities.

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

Nil

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

Community Infrastructure Project Management Policy (C09)

Social Community Infrastructure Blueprint

Sport & Recreation Infrastructure Strategy

5. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

5.1. COUNCIL MEETING TIMETABLE 2022

Performance & Innovation Directorate

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 demonstrated at its Council Meetings where decisions are made on behalf of the community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the 2022 Council meeting schedule.

The *Local Government Act 2020 (the Act)*, Part 3 Division 2 sets out the requirements relating to procedures and proceedings relating to council decision making. One of the ways in which Council decision making is undertaken is by resolution at a Council Meeting, and it is a requirement under *the Act* that the conduct of Council Meetings be set out in its *Governance Rules*.

Council adopted *Governance Rules (C82)(the Rules)* at Council Meeting 26 August 2020. Clause 11 of the Rules requires the dates and times of Meetings be fixed by Council, and specifically in clause 11.1 that:

At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.

Council may by resolution call an Additional Council Meeting per clause 13.1 when meetings are required outside of the annual Meeting schedule.

RECOMMENDATION

That Council sets the Council Meeting Schedule for 2022 to be held in the Council Chambers, Leongatha on the following dates and times:

1. Wednesday 16 February 2022, 2.00pm (Meeting No.467)
2. Wednesday 16 March 2022, 2.00pm (Meeting No.468)
3. Wednesday 20 April 2022, 2.00pm (Meeting No.469)

4. Wednesday 18 May 2022, 2.00pm (Meeting No.470)
5. Wednesday 15 June 2022, 2.00pm (Meeting No.471)
6. Wednesday 29 June 2022, 2.00pm (Meeting No.472)
7. Wednesday 20 July 2022, 2.00pm (Meeting No.473)
8. Wednesday 17 August 2022, 2.00pm (Meeting No.474)
9. Wednesday 21 September 2022, 2.00pm (Meeting No.475)
10. Wednesday 19 October 2022, 2.00pm (Meeting No.476)
11. Wednesday 16 November 2022, 2.00pm (Meeting No.477)
12. Wednesday 14 December 2022, 2.00pm (Meeting No.478)

RESOLUTION

MOVED: Cr Darakai
SECONDED: Cr Williams

That Council sets the Council Meeting Schedule for 2022 to be held in the Council Chambers, Leongatha on the following dates and times:

1. **Wednesday 16 February 2022, 2.00pm (Meeting No.467)**
2. **Wednesday 16 March 2022, 2.00pm (Meeting No.468)**
3. **Wednesday 20 April 2022, 2.00pm (Meeting No.469)**
4. **Wednesday 18 May 2022, 2.00pm (Meeting No.470)**
5. **Wednesday 15 June 2022, 2.00pm (Meeting No.471)**
6. **Wednesday 29 June 2022, 2.00pm (Meeting No.472)**
7. **Wednesday 20 July 2022, 2.00pm (Meeting No.473)**
8. **Wednesday 17 August 2022, 2.00pm (Meeting No.474)**
9. **Wednesday 21 September 2022, 2.00pm (Meeting No.475)**
10. **Wednesday 19 October 2022, 2.00pm (Meeting No.476)**

11. **Wednesday 16 November 2022, 2.00pm (Meeting No.477)**

12. **Wednesday 14 December 2022, 2.00pm (Meeting No.478).**

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

Council Meeting Dates and Venues

The December Meeting of Council is the last meeting of the year and requires Council to fix the date, time and place of all Council meetings and any Delegated Committee Meetings for the following calendar year.

It is proposed to hold the first Council Meeting on 16 February 2022 and from then on, generally the third Wednesday of each month for the remainder of the calendar year with one exception. There will be one additional scheduled meeting held on Wednesday 29 June 2022, 2.00pm (Meeting No.472) in order to expedite the business of Council, incorporating the council budget deliberation processes.

Council Meetings are to commence at 2.00pm and be held in the Council Chambers, Leongatha. The Chief Executive Officer may change a meeting location should that be warranted, due to the nature of business and availability of the Council Chambers, Leongatha. This may include changing the Meeting to a different town if the Agenda warrants it. Any changes arising are guided by the *Governance Rules(C82)*, clause 12.1:

12.1 Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Council Meeting which has been fixed and must provide notice of the change to the public.

Council publishes notice of Council Meetings in Council's Noticeboard section of local newspapers and on its website.

CONSULTATION / COMMUNITY ENGAGEMENT

Consultation with Council's event coordination functions to ensure optimum conduct of Council Business.

RISKS

The timely determination of Council Meeting dates ensures the smooth transaction of Council Business.

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

Nil

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

Governance Rules (C82)

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

Legislative Provisions

Local Government Act 2020

5.2. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 OCTOBER - 12 NOVEMBER 2021

Performance and 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 in Council Meetings 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*, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 October and 12 November 2021.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Schelling

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item](#)

REPORT

Meeting Title	Details
Wednesday 13 October 2021	
Agenda Topic Discussion – Council Meeting 20 October 2021	Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra Conflict of Interest: Nil disclosed
Audit & Risk Committee Chair Report	Administrators Attending: Julie Eisenbise, Christian Zahra Conflict of Interest: Nil disclosed
Wednesday 20 October 2021	
Agenda Topic Discussion – Council Meeting 20 October 2021	Administrators Attending: Julie Eisenbise, Rick Brown, Christian Zahra Conflict of Interest: Nil disclosed
Thursday 11 November 2021	
Councillor Appointments	Councillors Attending: Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Michael Felton, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Prue Digby Conflict of Interest: Nil disclosed
Request for Tender – Streetscape Redevelopment - Little Commercial Street Korumburra	Councillors Attending: Sarah Gilligan, Scott Rae, Mohya Davies, Jenni Keerie, Michael Felton, Nathan Hersey, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Prue Digby Conflict of Interest: Cr Williams left the room with a declared direct material interest in this item as she is a joint owner of a business that has made a submission to this tender process.

REFERENCE DOCUMENTS**Council's Good Governance Framework**

Pillar 3. Decision Making

Council Policy / Strategy / PlansDocuments are available on Council's website: www.southgippsland.vic.gov.au

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

5.3. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 16 OCTOBER TO 12 NOVEMBER 2021

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 16 October to 12 November 2021. Council's *Procurement Policy (C32)* 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.

RESOLUTION

MOVED: Cr Gilligan

SECONDED: Cr Darakai

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), s.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 Officer (CEO) 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 16 October to 12 November 2021.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 42 Ross Street Port Welshpool in relation to a develop land with a dwelling. Seal applied 21 October 2021.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of Tarwin Ridge Boulevard Leongatha in relation to a subdivision amendment to the lot layout, increased number of lots and number of stages. Seal applied 28 October 2021.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 30 Bradley Avenue Venus Bay in relation to development of a dwelling and native vegetation removal. Seal applied 28 October 2021.

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 by Council after a public tender process, signed by the CEO between 16 October to 12 November 2021.
 - a. MAV Contract LP20091 for Light Plant Machinery and Equipment awarded to Chapmans Machinery
2. Contracts awarded after a public tender process within the CEO's delegation between 16 October to 12 November 2021.
 - a. Nil
3. Contract variations approved by the CEO between 16 October to 12 November 2021.
 - a. Nil
4. Contract extensions approved by the CEO between 16 October to 12 November 2021.
 - a. Levy payments exceeding CEO delegation:
 - i. Environmental Protection Authority Waste Levy Payment \$298,247.68 Excluding GST

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

Nil

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

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

6. NOTICES OF MOTION AND/OR RESCISSION

6.1. NIL

7. COUNCILLORS REPORTS

7.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

7.2. COUNCILLOR UPDATES

Councillor Nathan Hersey addressed Council by reporting on attendance at:

- Many different meetings with the community over the last month.
- The Citizenship Ceremony held in the Leongatha Memorial Hall and noted that it was great to see so many people choosing South Gippsland to be their home.
- The Gippsstar Awards held in Morwell and highlighted that one of the winners was from Nyora, Jennifer Miller. Ms Miller who plays bowls at the Leongatha Bowls Club won an award for her outstanding efforts for lawn bowls.
- The Loch Lions Market at which a South Gippsland Community Vision 2040 event was held. Cr Hersey commented that there are a number of these events currently being held around the Shire and encouraged people to get involved. The online platform is located at: [Community Vision | South Gippsland Shire Council](#).

Councillor Scott Rae addressed Council by reporting on attendance at:

- Leongatha Christmas Fair held on Saturday evening.
- Food and Fibre Gippsland Committee meeting.
- Virtual 80th Annual General Meeting (AGM) of the South Gippsland Hospital.
- Toora Community Action Team AGM and Toora Recreation Reserve AGM.
- Opening of the Tarwin Lower Mechanics Institute new floor reveal.
- Waratah Bay Surf Lifesaving Club.
- Bus tour viewing current projects throughout the Shire including: Foster Basketball Stadium, Leongatha Early Learning Centre and Port Welshpool Coast Guard.

Cr Rae noted that he received many comments and questions from the community regarding a variety of topics. He encouraged the community to participate in the current Community Vision 2040 project.

Councillor Jennifer Keerie addressed Council by reporting on a goal of taking regular drives around the Shire. This month Cr Keerie headed south east and visited Buffalo, Walkerville South, Cape Liptrap, Walkerville North, Sandy Point, Waratah Bay, Foster, Toora, Agnes Falls, Mt Best, Port Welshpool and Bena. Cr Keerie noted that she visited community members along the way, following up on issues raised.

Cr Sarah Gilligan addressed Council by reporting on attendance at:

- **South Gippsland Council's Audit & Risk Committee meeting.**
- **Opening of the Tarwin Lower Mechanics Institute new floor reveal.**
- **Media training that has assisted on how Councillors can operate in the community.**
- **Learn How to Fish event for women on behalf of the Venus Bay Community Centre.**
- **Surf Lifesaving Community Engagement Day at the Venus Bay Surf Lifesaving Club. Cr Gilligan noted that there is an audit underway for beaches No.1-5 as the area has been identified as a high-risk black spot.**
- **Community Vision 2040 event held at Venus Bay Community Centre and commented that a great cross section of the community attended.**

Cr Gilligan commented that she is continuing safety preparations with the community for the forthcoming busy summer period.

Cr John Schelling addressed Council by reporting on attendance at:

- **Council's Induction/ Transition Program and congratulated Council for the extensive program that has helped Councillors commence their role.**
- **Community engagement meeting held at Darlimurla regarding proposed Windfarms.**
- **Mardan Tennis courts and listened to concerns raised.**
- **Opening of the Tarwin Lower Mechanics Institute new floor reveal.**
- **Mirboo North Medical Centre opening and congratulated the community on the impressive fundraising achievement for this valuable facility.**
- **Leongatha Christmas Fair featuring the Bair Street opening on Saturday evening and congratulated the Business Association and Council for this fantastic event.**

Cr Schelling noted that of all the comments received from community over the last weeks, a stand out is that the community are happy to have a full functioning Council working together to achieve great things for the community.

Cr Clare Williams addressed Council by reporting on:

- **Mirboo North Medical Centre opening and congratulated the community on this fantastic new facility.**
- **Attendance at Leongatha Christmas Fair featuring the Bair Street opening on Saturday evening and commented that it was great to see so many people out and to have the support from Council to make it a COVID safe event.**
- **Youth Group meeting at Corner Inlet and discussed some of the challenges of coming back together and achievements.**

Cr Mick Felton addressed Council by reporting on attendance at:

- **Loch Bowling Club burger and bowls night.**
- **Land Care Poowong AGM.**
- **Leongatha Christmas Fair featuring the Bair Street opening on Saturday evening and commented on the number of people in attendance and that the street looked great.**
- **Loch Lions Market.**

Cr Felton addressed Council by reporting on:

- **Country Fire Authority (CFA) Nyora concern, requesting fire prevention works at Nyora train station.**
- **Agenda Item raised in today's meeting Item 4.1. PROPOSED ROAD DISCONTINUANCE AND SALE IN POOWONG - PART GARDNERS LANE**
- **Traffic management concern in Poowong.**
- **Footpath extension request in Poowong.**

Cr Adrian Darakai addressed Council by reporting on:

- **Attendance at virtual Food and Fibre Gippsland Committee meeting.**
- **Decorating the streets of Leongatha that were enjoyed by the huge numbers of people in attendance at the Leongatha Christmas Fair on Saturday evening and anyone passing through the town.**
- **Community engagement meeting held at Darlimurla regarding proposed Windfarms.**
- **Meetings with local farmers.**
- **Attendance at local markets.**
- **Attendance at the Citizenship Ceremony held in the Leongatha Memorial Hall.**
- **Attendance at meetings with local sports clubs including the Leongatha Soccer Club.**

- **Snap, Send Solve app, used by Council to report issues, concerns and questions. Cr Darakai encouraged us all to get this on our phone and use.**
- **Encouraged the community to contribute to the participate in the current Community Vision 2040 project.**
- **Acknowledged the service of John Moylan, Manager Infrastructure Delivery as he will be leaving the organisation shortly.**
- **Mirboo North Skate Competition to be held this coming Saturday 18 December 2021.**

Cr Mohya Davies thanked Councillors for working with all the different community groups and making themselves so accessible.

Cr Mohya Davies addressed Council by reporting on attendance at:

- **The Citizenship Ceremony held in the Leongatha Memorial Hall and noted that it was a very special event and lovely to see the community out and welcome new citizens.**
- **Leongatha Christmas Fair featuring the Bair Street opening on Saturday evening and commented that it was great to see the community coming together again and celebrating.**
- **One Gippsland meeting and noted that advocacy with Ministers on Council's behalf continues.**
- **Mirboo North Medical Centre opening was inspiring as the Mirboo North Foundation achieved this wonderful asset without the support of Government funding.**

7.3. COMMITTEE UPDATES

Cr Sarah Gilligan addressed Council regarding her attendance at Council's Audit and Risk Committee and noted that much work has been undertaken on Risk Management Frameworks and that a strong culture of risk assessment and mitigation management is being applied to all processes.

Cr Adrian Darakai addressed Council regarding his attendance at the newly named MyLi Board meeting otherwise known as West Gippsland Regional Libraries Corporation. He commented that the meeting included a tour of Port of Sale Hub that is comprised of a library, Council Chambers, the Archibald Prize exhibition and encouraged visitors to these facilities.

8. URGENT OR OTHER BUSINESS

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

1. Urgent Business

Normally no motion should be debated by Councillors 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 Councillor 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 Councillor....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 Councillors 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

9. PUBLIC QUESTIONS

9.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

Nil

9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

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

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

Nil

9.3. SUBMITTED PUBLIC QUESTIONS

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

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 1.00pm and placed in the receptacle at the Governance Officers table. 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: [Governance Rules \(C82\)](#) – adopted August 2020.

Ms Janine Lowe submitted written questions and a response is provided in these Minutes.

Question 1

Has there ever been any discussions about opening an enclosed Dog Park in the town of Leongatha?

Question 2

Can we please find out how we can go about getting one?

Question 3

What do we need to do to get the ball rolling to get a dog park in Leongatha?

Response

The current Domestic Animal Management Plan (DAMP) action plan is in effect for one year and will be reviewed in 2022. A copy of the current Plan is located on Council's website at the following Link - [DAMP Action Plan 2021/22](#).

The new DAMP will be in place for a period of four years. The new DAMP 2022-2025 will address key strategic initiatives such as the introduction of a 'dog on-leash' order and will be developed after extensive community consultation and engagement. The new DAMP 2022-2025 Plan will be developed along-side the drafting of the new General Local Law Amendments 2023. The community consultation and engagement phase of the DAMP 2022-2025, will be the most appropriate time to raise the issue of 'Dog Parks' and all feedback will be welcome.

The Chief Executive Officer, Kerryn Ellis addressed the Council Meeting by advising that questions were received in respect of Agenda Item 4.1. PROPOSED ROAD DISCONTINUANCE AND SALE IN POOWONG - PART GARDNERS LANE of this Meeting. Now that Council have resolved to commence a community engagement process the questions can now be contributed to this statutory process.

10. CLOSED SESSION

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

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

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

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

RECOMMENDATION

That Council pursuant to section 66(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 12.1 – Australia Day Awards Recipients 2022, 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; and
 - b. The grounds for designation have been made to protect the privacy (personal information) of the applicants to the Australia Day Awards program.

2. Per s.3(1)(f) Agenda item 12.2 – 2021/22 Community Grants Program - Round 1 Assessment, 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; and
 - b. The grounds for designation made on the basis that releasing this information early may prejudice Council and the applicants that have applied for grants, and to protect the privacy of grant applicants and organisations that have applied.

3. Per s.3(1)(g) Agenda items 12.3 – Request for Tender - Energy Efficient Street Lighting Bulk Replacements (RFT/312), designated as private commercial information,
 - a. being information provided by a business, commercial or financial undertaking that –
 - i. Relates to trade secrets; or
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor's tender information submitted for consideration.

4. Per s.3(1)(g) Agenda items 12.4 – Request for Tender - Carpark Construction - Leongatha Rail Yards (RFT/308), designated as private commercial information,
 - a. being information provided by a business, commercial or financial undertaking that –
 - i. Relates to trade secrets; or
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.

5. Per s.3(1)(g) Agenda items 12.5 – Request for Tender – Pavement Rehabilitation - Mount Eccles Road, Mount Eccles (RFT/309), designated as private commercial information,
 - a. being information provided by a business, commercial or financial undertaking that –
 - i. Relates to trade secrets; or
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.

RESOLUTION

MOVED: Cr Rae

SECONDED: Cr Darakai

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 12.1 – Australia Day Awards Recipients 2022, 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; and**
 - b. **The grounds for designation have been made to protect the privacy (personal information) of the applicants to the Australia Day Awards program.**
2. **Per s.3(1)(f) Agenda item 12.2 – 2021/22 Community Grants Program - Round 1 Assessment, 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; and**

- b. The grounds for designation made on the basis that releasing this information early may prejudice Council and the applicants that have applied for grants, and to protect the privacy of grant applicants and organisations that have applied.**
- 3. Per s.3(1)(g) Agenda items 12.3 – Request for Tender - Energy Efficient Street Lighting Bulk Replacements (RFT/312), designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor’s tender information submitted for consideration.**
- 4. Per s.3(1)(g) Agenda items 12.4 – Request for Tender - Carpark Construction - Leongatha Rail Yards (RFT/308), designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**
- 5. Per s.3(1)(g) Agenda items 12.5 – Request for Tender – Pavement Rehabilitation - Mount Eccles Road, Mount Eccles (RFT/309), designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**

- ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors, tender scores, and tendered amounts submitted for consideration.**

CARRIED UNANIMOUSLY

11. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday 16 February 2022, 2pm, in the Council Chambers, Leongatha.

The Council Meeting closed at 2.24pm.

Confirmed this

16th day of February 2022.

Councillor Mohya Davies, Mayor