

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

20 April 2022

**Council Meeting No. 469**  
**Council Chambers, Leongatha**  
**Commencing at 2:00 PM**



# agenda



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## OUR PURPOSE

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

### Privacy

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

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).

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 469 of the  
South Gippsland Shire Council will be held on 20 April 2022  
in the Council Chambers, Leongatha commencing at 2:00 PM

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*Kerry Ellis*

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

## **1. PRELIMINARY MATTERS**

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

Today's Meeting is being streamed live as well as recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*. Access to the live stream is available on Council's website.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming.

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***COVID Safe Plan***

Council Meetings are conducted in line with Council's *COVID Safe Plan*.

#### ***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**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Meeting No. 468, held on 16 March 2022 in the Council Chambers, Leongatha be confirmed.

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

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

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

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

**Ms Kerryn Ellis, Chief Executive Officer has declared a material interest in Agenda Item 13.1. PERSONAL INFORMATION - Chief Executive Officer Interim Review 1 July – 30 December 2021, as the matter relates directly to her role.**



## **2. INTEGRATED STRATEGIC PLANS FOR COMMUNITY CONSULTATION**

### **2.1. DRAFT COMMUNITY VISION 2040**

Performance and Innovation

#### **Council Plan**

*Objective 1 – United Shire - Strategy 1.1 Develop a shared vision for the future direction of the Shire in partnership with the community.*

*Through engagement with the people of South Gippsland, the Draft Community Vision captures the community's aspirations to guide future decision making up to the year 2040.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Draft South Gippsland Community Vision 2040 (Draft Community Vision)* (**Attachment [2.1.1]**) for consideration and endorsement for community consultation from 21 April to 15 May 2022.

It was developed based on extensive community feedback and in partnership with a Community Panel with the assistance of consultant, Conversation Caravan, who coordinated deliberative engagement activities to ascertain community priorities and values.

The *Draft Community Vision* has been developed with deliberative engagement activities as part of a suite of strategic plans that form Council's Integrated Strategic Plans (Integrated Plans).

Council will provide opportunities for community consultation using a number of engagement methods, from 21 April to 15 May 2022. Details are available online at <https://yoursay.southgippsland.vic.gov.au/influence-strategy> or by contacting Council on (03) 5662 9200 during business hours.

#### **RECOMMENDATION**

**That Council:**

- 1. Endorses the Draft South Gippsland Community Vision 2040 (Attachment [2.1.1]), for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from 21 April to 15 May 2022 for the Draft South Gippsland Community Vision 2040, and the suite of Integrated Strategic Plans endorsed at the 20 April 2022 Council Meeting, in accordance with the Community Engagement Strategy 2020-2024.**

## REPORT

A *Draft Community Vision* is an important document that describes the community's aspirations for the future of the municipality, and helps to guide decision making. Development of a Vision asks the community to imagine an inclusive, prosperous and vibrant future, as well as mapping out the aspirations and priorities that will help to get there.

The *Draft Community Vision* was developed by asking the South Gippsland community six questions:

- Thinking about the year 2040, what would you like South Gippsland to look, feel and be like?
- What do you want to stay the same in South Gippsland?
- What are the biggest opportunities for South Gippsland in 20 years?
- What are the biggest concerns for South Gippsland's future?
- How can our community be happy and healthy in 2040?
- How can we better prepare our community to face future economic, environmental and social challenges?

Many community consultation activities were held across the Shire during December 2021 and February 2022 from which feedback was gathered. Councillors, Officers and the Consultants visited many locations and met with many community members to hear their responses to the six questions. This feedback has informed all of the draft Integrated Plans.

The findings from this engagement were also categorised and provided to the Community Panel for interpretation and consideration.

The Community Panel included 29 members of the community who represent the Shire's overall demographics. Members were recruited and randomly selected by the consultant, independent of Council, following a mailout to 16,000 homes and promoted online. There were 162 people that applied to be involved in the Panel process.

Community Panel deliberations over three meetings established a Vision Statement, Priorities, and their descriptions. A number of Community Outcomes were established based on all community feedback and was provided to the Panel for their consideration.

The Community Panel agreed to five overarching Priorities which include:

- Sustainability and Climate Change
- Enhanced Natural Environment and Cultural Heritage
- Shaping our Future
- A Destination to Live, Visit and Enjoy
- Healthy, Connected and Engaged Community

The Community Outcomes included for each Priority provide an aim for Council and community plans to link to, and the advocacy or actions associated to each Outcome will help achieve these aspirations.

The *Draft Community Vision* is an integral plan within the suite of draft Integrated Plans that are being presented for endorsement in this Council Meeting. The suite of Integrated Plans include:

1. Community Vision 2040;
2. Council Plan 2022-2026;
3. Long-Term Financial Plan 2022-2032;
4. Rating and Revenue Plan 2022-2026;
5. Budget 2022/23 – 2025/26; and
6. Asset Plan 2022-2032.

In the future, further plans will be presented to Council to form part of this suite of Integrated Plans.

The *Draft Community Vision* and the suite of Integrated Plans have been prepared and are presented to Council for endorsement to commence the final community feedback to inform these strategic plans, before they are presented for adoption in June 2022.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The Act requires councils to take an integrated approach to strategic planning and reporting, including deliberative community engagement practices. Council's phased approach from December 2021 through to May 2022 will be the largest community engagement campaign undertaken.

Council firstly engaged with the community from December 2021 to February 2022, through a series of events and diverse methods. This included an online survey, nine place-based community pop-ups, and two school visits.

There were 928 people from diverse backgrounds participating in these activities, contributing to a total of 2,939 comments. These comments were collated into common themes and interest areas and informed the development of Council's Integrated Plans, including Community Vision, Council Plan, Long-Term Financial Plan, Rating and Revenue Strategy, Annual Budget, Asset Plan, and much more.

The *Regional Profile Project* has also engaged with over 2,000 households from February to April 2022, and provides Council with a snapshot of the South Gippsland community. This data complements and has been considered in-line with the community feedback to inform and develop the suite of Integrated Plans.

This feedback has also informed Integrated Planning workshops conducted with Councillors on 23 February, 6 March, 9 March, 16 March and 30 March 2022. The Councillors have actively participated in many of the community engagement activities held to date. They have considered the community feedback and brought their own community knowledge into the Councillor workshops to develop each of the Integrated Plans.

The Councillors have worked together to articulate the directions proposed, while being mindful to responsibly manage resources. They will be engaging with the community through various activities through the final stages of the community consultation.

Council's suite of Integrated Plans will be available and promoted for community feedback from 21 April to 15 May 2022. This will include an online survey, sessions with Councillors, a town hall forum, community pop ups, a stakeholder workshop, and by written submission.

Further details available on Council's website:

<https://yoursay.southgippsland.vic.gov.au/influence-strategy>.

The community feedback will be analysed and incorporated into the final Integrated Plans and will be considered for adoption at the 29 June 2022 Council Meeting.

## **RESOURCES / FINANCIAL VIABILITY**

The *Community Vision* is an overarching strategic document which will help inform a number of plans over the next 20 years. Achievement of the

*Community Vision* will be a long-term objective and will align to the capacity of future budgets.

## **RISKS**

Council is required to develop the *Community Vision* in accordance with s.88 of the Act, including development using deliberative engagement practices. Careful planning has ensured the development of the *Community Vision* has met the requirements of the Act and reflects the South Gippsland Community.

## **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. Community Vision 2040 - Draft - April 2022 [2.1.1 - 22 pages]

## **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)

Annual Budget

### **Legislative Provisions**

Local Government Act 2020

## 2.2. DRAFT COUNCIL PLAN 2022 - 2026

### 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*

*The development of the Draft Council Plan 2022/23-2025/26 sets the strategic direction of the Council over the next four-year term and aligns with the Community Vision 2040.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Draft Council Plan 2022-2026 (Draft Council Plan)* (**Attachment [2.2.1]**) for consideration and endorsement for community consultation from 21 April to 15 May 2022. The *Draft Council Plan* is a key strategic document that aligns with the *South Gippsland Community Vision 2040* (Community Vision) and has been prepared in accordance with s.90 of the *Local Government Act 2020* (the Act).

The *Draft Council Plan* sets out the strategic objectives, strategies and indicators Council will strive towards during their term in office. It aims to show where Council will focus the allocation of resources and direction of Council for the next four years.

The *Draft Council Plan* has been developed in conjunction with the *Community Vision* deliberative engagement activities as part of a suite of strategic plans that form Council's Integrated Plans (Integrated Plans).

Council will provide opportunities for community consultation using a number of engagement methods, from 21 April to 15 May 2022. Details are available online at <https://yoursay.southgippsland.vic.gov.au/influence-strategy> or by contacting Council on (03) 5662 9200 during business hours.

#### **RECOMMENDATION**

##### **That Council:**

- 1. Endorses the Draft Council Plan 2022-2026 (Attachment [2.2.1]) for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from 21 April to 15 May 2022 for the Draft Council Plan 2022-2026, and the suite of Integrated Strategic Plans endorsed at the 20 April 2022 Council Meeting, in accordance with the Community Engagement Strategy 2020 - 2024.**

## REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions articulated in a four-year Council Plan. The Council Plan is a key strategic document that aligns with the *Community Vision*.

The *Draft Council Plan* (**Attachment [2.2.1]**) sets out the strategic objectives, priorities (strategies) and indicators Council will strive towards during their term. These requirements are legislated under s.90 of the Act.

Council has worked together to develop the Strategic Objectives, Priorities (strategies) and Strategic Indicators contained in the *Draft Council Plan* (**Attachment [2.2.1]**) for the years 2022 to 2026.

The drafts of the Integrated Plans that are being presented for endorsement in this Council Meeting include:

1. Community Vision 2040;
2. Council Plan 2022-2026;
3. Long-Term Financial Plan 2022-2032;
4. Rating and Revenue Plan 2022-2026;
5. Budget 2022/23 – 2025/26; and
6. Asset Plan 2022-2032.

In the future, further plans will be presented to Council to form part of this suite of Integrated Plans.

The *Draft Council Plan* has been developed utilising the extensive consultation feedback gathered from the community for the *Draft Community Vision 2040* and the *Regional Profile*. This feedback has informed Integrated Planning workshops conducted with Councillors on 23 February, 6 March, 9 March, 16 March and 30 March 2022.

This feedback has been utilised to shape the six proposed Strategic Objectives of the *Draft Council Plan* which include:

1. Leading with Integrity
2. Connecting our People and Places
3. Economy and Industry

4. Healthy and Engaged Communities
5. Protecting and Enhancing our Environment
6. Sustainable Growth

These six Strategic Objectives aim to align with the overarching themes of the *Draft Community Vision*. The *Draft Council Plan* also highlights the priorities (strategies) to achieve these objectives and the indicators of how Council will measure success. It also indicates where Council's services and adopted plans and strategies align with each Strategic Objective.

The *2022/23 Annual Major Initiatives* are funded through and captured within the *Draft Budget 2022/23 – 2025/26*. These initiatives have been developed in consultation with Councillors at Integrated Planning Workshops held in February and March 2022.

The *Draft Council Plan* and the suite of Integrated Plans have been prepared and are presented to Council for endorsement to commence the final community feedback to inform these Plans, before they are presented for adoption in June 2022.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Act requires councils to take an integrated approach to strategic planning and reporting, including deliberative community engagement practices. Council's phased approach from December 2021 through to May 2022 will be the largest community engagement campaign undertaken.

Council firstly engaged with the community from December 2021 to February 2022, through a series of events and diverse methods. This included an online survey, nine place-based community pop-ups, and two school visits.

There were 928 people from diverse backgrounds participating in these activities, contributing to a total of 2,939 comments. These comments were collated into common themes and interest areas and informed the development of Council's Integrated Plans, including Community Vision, Council Plan, Long-Term Financial Plan, Rating and Revenue Strategy, Annual Budget, Asset Plan, and much more.

The *Regional Profile Project* has also engaged with over 2,000 households from February to April 2022, and provides Council with a snapshot of the South Gippsland community. This data complements and has been considered in-line with the community feedback to inform and develop the suite of Integrated Plans.



This feedback has also informed Integrated Planning workshops conducted with Councillors on 23 February, 6 March, 9 March, 16 March and 30 March 2022. The Councillors have actively participated in many of the community engagement activities held to date. They have considered the community feedback and brought their own community knowledge into the Councillor workshops to develop each of the Integrated Plans.

The Councillors have worked together to articulate the directions proposed, while being mindful to responsibly manage resources. They will be engaging with the community through various activities through the final stages of the community consultation.

Council's suite of Integrated Plans will be available and promoted for community feedback from 21 April to 15 May 2022. This will include an online survey, sessions with Councillors, a town hall forum, community pop ups, a stakeholder workshop, and by written submission.

Further details available on Council's website:

<https://yoursay.southgippsland.vic.gov.au/influence-strategy>.

The community feedback will be analysed and incorporated into the final Integrated Plans and will be considered for adoption at the 29 June 2022 Council Meeting.

## **RESOURCES / FINANCIAL VIABILITY**

The Council Plan is a key strategic document that describes the Council's direction and planning of resources for the next four years. Seeking community feedback on the *Draft Council Plan*, including the Major Initiatives, informs the sustainable allocation of resources and alignment to community needs through the Long-Term Financial Plan and Annual Budget.

## **RISKS**

Council is required to adopt a Council Plan for its four-year term in accordance with s.90 of the Act. The Council Plan must contain Strategic Objectives, Strategies to achieve these Objectives and Strategic Indicators to monitor the achievement of these Objectives over a four-year period. Without these sections, Council risks breaching the legislative requirements outlined in the Act.

## **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 at the following [LINK](#).*

1. Council Plan - 2024 - 2026 - Draft - April 2022 [2.2.1 - 30 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

*Documents are available on Council's website at the following [LINK](#).*

Annual Budget

### **Legislative Provisions**

Local Government Act 2020

## **2.3. PROPOSED DRAFTS LONG TERM FINANCIAL PLAN (10 YEAR PLAN), REVENUE AND RATING PLAN 2022 - 2026 AND 2022/23 - 2025/26 BUDGET**

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*

*The Draft Financial Plan and Draft Budget provide the resources to progress the achievement of the Strategic Objectives and Strategies outlined in the Draft 2022 - 2026 Council Plan. The Revenue and Rating Plan determines the most appropriate and affordable revenue and rating approach for Council.*

### **EXECUTIVE SUMMARY**

The purpose of this report is to present the drafts of the *Financial Plan Attachment [2.3.1]*, *Revenue and Rating Plan 2022-2026 Attachment [2.3.2]* and the *Budget 2022/23 – 2025/26 Attachment [2.3.3]* (*Draft Plans*) for consideration and endorsement for community consultation from 21 April to 15 May 2022.

The *Draft Financial Plan* and *Budget 2022/23* are fundamental documents for Council as they outline Council's future financial and other resource planning to support the delivery of the Council Plan. The *Draft Budget 2022/23 – 2025/26* notes Council's aspirations for the year ahead (and the following three years), and outlines how we intend to serve the community with the services and facilities that Council provides. The scope of the *Draft Financial Plan* is a period of at least the next ten financial years.

The purpose of the *Draft Revenue and Rating Plan* is to establish a revenue-raising framework over a four-year period within which Council proposes to work. It determines the most appropriate and affordable revenue and rating approach for Council, which in conjunction with other income sources will adequately finance the objectives in the Council Plan and Council's operations.

These Draft Plans have been prepared in accordance with the *Local Government Act 2020* (the Act) and reference:

- Financial Plan (s.91).
- Revenue and Rating Plan (s.93);
- Adoption of the Annual Budget (s.94 of the Act); and

- Preparation (s.94 and 96 of the Act);

This report recommends that Council formally prepare the Draft Plans in accordance with s.91, s.93, s.94 and 96 of the Act and advertise these documents for community consultation.

These Draft Plans has been developed in conjunction with the *Community Vision* deliberative engagement activities as part of the suite of Council's Integrated Strategic Plans (Integrated Plans).

Council will provide opportunities for community consultation using a number of engagement methods, from 21 April to 15 May 2022. Details are available online at <https://yoursay.southgippsland.vic.gov.au/influence-strategy>, or by contacting Council on (03) 5662 9200 during business hours.

## RECOMMENDATION

**That Council:**

1. **Endorses the Draft Financial Plan (Attachment [2.3.1]), Draft Revenue and Rating Plan 2022 - 2026 (Attachment [2.3.2]) and Draft Budget 2022/23 – 2025/26 (Attachment [2.3.3]) (Draft Plans) for community consultation; and**
2. **Approves commencement of the final stage of community engagement from 21 April to 15 May 2022 for these Draft Plans, and the suite of Integrated Strategic Plans endorsed at the 20 April 2022 Council Meeting, in accordance with the Community Engagement Strategy 2020 - 2024.**

## REPORT

### ***Draft Financial Plan and Budget***

The *Draft Financial Plan* document in **Attachment [2.3.1]** is the Financial Plan for the next ten years and has been prepared in accordance with s.91 of the Act.

The *Draft Budget 2022/23 – 2025/26* document in **Attachment [2.3.3]** is the Budget for the next year and proceeding three years and has been prepared in accordance with s.96 of the Act. The *2022/23 Annual Major Initiatives*, to progress the Council Plan, have also been incorporated in this document.

Both of these documents follow the Better Practice Guidelines and Model Budget issued by Local Government Victoria (LGV) in accordance with the *Local Government (Planning and Reporting) Regulations 2020*.

### ***Revenue and Rating Plan***

As set out in s.93 of the *Local Government Act 2020* (the Act) Council is required to prepare and adopt the *Draft Revenue and Rating Plan 2022-2026* by 30 June following a general election. The *Revenue and Rating Plan* establishes the revenue raising framework within which the Council proposes to operate. Annual reviews will be completed to ensure that Council's approach to revenue raising remains appropriate and affordable.

The purpose of this Plan is, therefore, to consider what rating options are available to Council under the Act and how Council's choices in applying these options contribute towards meeting the requirement for an equitable rating strategy.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The FGRS continues to restrict Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in community assets remain key priorities for Council.

This Plan explains how Council calculates the revenue needed to fund its activities, and how the funding burden will be apportioned between ratepayers and other users of Council facilities and services.

It is important to note that this Plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue.

The drafts of the Integrated Plans that are being presented for endorsement in this Council Meeting include:

1. Community Vision 2040;
2. Council Plan 2022-2026;
3. Long-Term Financial Plan 2022-2032;
4. Rating and Revenue Plan 2022-2026;
5. Budget 2022/23 – 2025/26; and
6. Asset Plan 2022-2032.

In the future, further plans will be presented to Council to form part of this suite of Integrated Plans.

These Draft Plans and the suite of Integrated Plans have been prepared and are presented to Council for endorsement to commence the final community feedback to inform these Plans, before they are presented for adoption in June 2022.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Act requires councils to take an integrated approach to strategic planning and reporting, including deliberative community engagement practices. Council's phased approach from December 2021 through to May 2022 will be the largest community engagement campaign undertaken.

Council firstly engaged with the community from December 2021 to February 2022, through a series of events and diverse methods. This included an online survey, nine place-based community pop-ups, and two school visits.

There were 928 people from diverse backgrounds participating in these activities, contributing to a total of 2,939 comments. These comments were collated into common themes and interest areas and informed the development of Council's Integrated Plans, including Community Vision, Council Plan, Long-Term Financial Plan, Rating and Revenue Strategy, Annual Budget, Asset Plan, and much more.

The *Regional Profile Project* has also engaged with over 2,000 households from February to April 2022, and provides Council with a snapshot of the South Gippsland community. This data complements and has been considered in-line with the community feedback to inform and develop the suite of Integrated Plans.

This feedback has also informed Integrated Planning workshops conducted with Councillors on 23 February, 6 March, 9 March, 16 March and 30 March 2022. The Councillors have actively participated in many of the community engagement activities held to date. They have considered the community feedback and brought their own community knowledge into the Councillor workshops to develop each of the Integrated Plans.

The Councillors have worked together to articulate the directions proposed, while being mindful to responsibly manage resources. They will be engaging with the community through various activities through the final stages of the community consultation.

Council's suite of Integrated Plans will be available and promoted for community feedback from 21 April to 15 May 2022. This will include an online survey, sessions with Councillors, a town hall forum, community pop ups, a stakeholder workshop, and by written submission.

Further details available on Council's website:

<https://yoursay.southgippsland.vic.gov.au/influence-strategy>.

The community feedback will be analysed and incorporated into the final Integrated Plans and will be considered for adoption at the 29 June 2022 Council Meeting.

## **RESOURCES / FINANCIAL VIABILITY**

The Act requires councils to take an integrated approach to strategic planning and reporting, including deliberative community engagement practices. Council's phased approach from December 2021 through to May 2022 will be the largest community engagement campaign undertaken.

Council firstly engaged with the community from December 2021 to February 2022, through a series of events and diverse methods. This included an online survey, nine place-based community pop-ups and two school visits.

There were 928 people from diverse backgrounds participating in these activities, contributing to a total of 2,939 comments. These comments were collated into common themes and interest areas and informed the development of Council's Integrated Plans, including Community Vision, Council Plan, Long Term Financial Plan, Rating and Revenue Strategy, Annual Budget and Asset Plan and much more.

The *Regional Profile Project* has also engaged with over 2,000 households from February to April 2022, and provides Council with a snapshot of the South Gippsland community. This data compliments and has been considered in-line with the community feedback to inform and develop the suite of Integrated Plans.

Council's Integrated Plans, including this Draft Plan, will be available and promoted for community feedback from 21 April to 15 May 2022. This will include an online survey, sessions with Councillors, a town hall forum, community pop ups, a stakeholder workshop and by written submission. Further detail is located at

<https://yoursay.southgippsland.vic.gov.au/influence-strategy>.

The community feedback will be analysed and incorporated into the final Integrated Plans and will be considered for adoption at the 29 June 2022 Council Meeting.

## **RISKS**

The risk of not adopting these Plans by the statutory deadline of 30 June is that Council will suffer reputational damage and be constrained in its ability to raise the necessary funds to carry out its functions and meet its objectives.

## **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 at the following [LINK](#).*

1. Financial Plan (Long Term) 2022/23 - 2031/32 - Draft - April 2022 [**2.3.1** - 39 pages]
2. Revenue and Rating Plan 2022 - 2026 - Draft - April 2022 [**2.3.2** - 37 pages]
3. Annual Budget 2022/23 - 2025/26 - Draft - April 2022 [**2.3.3** - 91 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

*Documents are available on Council's website at the following [LINK](#).*

Long-Term Financial Strategies

Proposed Budget

Proposed Financial Plan

Council Plan

### **Legislative Provisions**

Local Government Act 2020



## 2.4. DRAFT ASSET PLAN

### Sustainable Infrastructure

#### **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 Draft Asset Plan sets the strategic direction of the management of Council's vast asset portfolio, both presently and into the future, and aligns with the Community Vision 2040.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Draft Asset Plan (Draft Asset Plan)* (**Attachment [2.4.1]**) for consideration and endorsement for community consultation from 21 April to 15 May 2022. The *Draft Asset Plan* is a key strategic document that aligns with the requirements of the Integrated Strategic Planning & Reporting Framework (ISPRF), and has been prepared in accordance with s.92 of the *Local Government Act 2020* (the Act).

The *Draft Asset Plan* informs the community, in conjunction with Council's other strategic documents, about how Council manages its vast asset portfolio, both presently and into the future.

The *Draft Asset Plan* has been developed in conjunction with the *Community Vision* deliberative engagement activities as part of a suite of strategic plans that form Council's Integrated Plans.

Council will provide opportunities for community consultation using a number of engagement methods from 21 April to 15 May 2022. Details are available online at <https://yoursay.southgippsland.vic.gov.au/influence-strategy> or by contacting Council on (03) 5662 9200 during business hours.

#### **RECOMMENDATION**

##### **That Council:**

- 1. Endorses the Draft Asset Plan (Attachment [2.4.1]) for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from 21 April to 15 May 2022 for the Draft Asset Plan, and the suite of Integrated Strategic Plans endorsed at the 20 April 2022 Council Meeting, in accordance with the Community Engagement Strategy 2020 - 2024.**

## REPORT

The *Draft Asset Plan* (**Attachment [2.4.1]**) sets out the quantum and state of Council's assets and the key challenges and choices that are associated with effective asset management.

The drafts of the Integrated Plans that are being presented for endorsement in this Council Meeting include:

1. Community Vision 2040;
2. Council Plan 2022-2026;
3. Long-Term Financial Plan 2022-2032;
4. Rating and Revenue Plan 2022-2026;
5. Budget 2022/23 – 2025/26; and
6. Asset Plan 2022-2032.

In the future, further plans will be presented to Council to form part of this suite of Integrated Plans.

The *Draft Asset Plan* and the suite of Integrated Plans have been prepared and are presented to Council for endorsement to commence the final community engagement stage (community feedback) to inform these Plans, before they are presented for adoption in June 2022.

## CONSULTATION / COMMUNITY ENGAGEMENT

The Act requires councils to take an integrated approach to strategic planning and reporting, including deliberative community engagement practices. Council's phased approach from December 2021 through to May 2022 will be the largest community engagement campaign undertaken.

Council firstly engaged with the community from December 2021 to February 2022, through a series of events and diverse methods. This included an online survey, nine place-based community pop-ups, and two school visits.

There were 928 people from diverse backgrounds participating in these activities, contributing to a total of 2,939 comments. These comments were collated into common themes and interest areas and informed the development of Council's Integrated Plans, including Community Vision, Council Plan, Long-Term Financial Plan, Rating and Revenue Strategy, Annual Budget, Asset Plan, and much more.

The *Regional Profile Project* has also engaged with over 2,000 households from February to April 2022, and provides Council with a snapshot of the South Gippsland community. This data complements and has been considered in-line with the community feedback to inform and develop the suite of Integrated Plans.

This feedback has also informed Integrated Planning workshops conducted with Councillors on 23 February, 6 March, 9 March, 16 March and 30 March 2022. The Councillors have actively participated in many of the community engagement activities held to date. They have considered the community feedback and brought their own community knowledge into the Councillor workshops to develop each of the Integrated Plans.

The Councillors have worked together to articulate the directions proposed, while being mindful to responsibly manage resources. They will be engaging with the community through various activities through the final stages of the community consultation.

Council's suite of Integrated Plans will be available and promoted for community feedback from 21 April to 15 May 2022. This will include an online survey, sessions with Councillors, a town hall forum, community pop ups, a stakeholder workshop, and by written submission.

Further details available on Council's website:

<https://yoursay.southgippsland.vic.gov.au/influence-strategy>.

The community feedback will be analysed and incorporated into the final Integrated Plans and will be considered for adoption at the 29 June 2022 Council Meeting.

## **RESOURCES / FINANCIAL VIABILITY**

The Asset Plan is a key strategic document that describes the Council's direction and planning of current and future assets for the next ten years. Seeking community feedback on the *Draft Asset Plan* informs the sustainable allocation of resources and alignment to community needs through the Long-Term Financial Plan and Annual Budget.

## **RISKS**

Council is required to adopt an Asset Plan for ten-years in accordance with s.92 of the Act. The Asset Plan must align with the Council Plan, Council Budget, Annual Report, Community Vision, and Financial Plan to be compliant with the Act.

## **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 at the following [LINK](#).*

1. Asset Plan 2022/23 - 2031/32 - Draft - April 2022 [2.4.1 - 15 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

*Documents are available on Council's website at the following [LINK](#).*

Annual Budget

Asset Management Policy (C04)

Council Plan

Long Term Financial Plan

### **Legislative Provisions**

Local Government Act 2020

### 3. OBJECTIVE 1 - UNITED SHIRE

#### 3.1. DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN 2022 - 2026 - COMMUNITY ENGAGEMENT

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*

*The Domestic Wastewater Management Plan will ensure wastewater is managed effectively protecting the environment and the health and safety of the community.*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to present the *Domestic Wastewater Management Plan 2022-2026* (Draft DWMP) (**Attachment [3.1.1]**) for consideration and endorsement for community consultation from 21 April to 15 May 2022. The Draft DWMP outlines the strategies that Council has to manage domestic wastewater within the municipality and is for the period 2022-2026.

The purpose of the Draft DWMP is to:

- Identify current responsibilities, practices, procedures and obligations for domestic and commercial wastewater management within South Gippsland Shire;
- Identify and prioritise the main environmental protection measures to be undertaken by Council to address identified wastewater threats within the Shire;
- With the assistance of the community, township leaders and others, improve and enhance the public health and environmental protection measures undertaken by Council and the community;
- Inform, assist and advocate to responsible agencies on the priority needs for strategic sewer and wastewater treatment infrastructure; and
- Support the economic viability of our townships.

## RECOMMENDATION

### That Council:

1. **Endorses the Proposed Draft Domestic Wastewater Management Plan 2022-2026 contained in Attachment [3.1.1] for community consultation;**
2. **Approves commencement of the community engagement from 21 April to 15 May 2022 for the Proposed Draft Domestic Wastewater Plan 2022-2026, in conjunction with the suite of Integrated Strategic Plans endorsed at the 20 April 2022 Council Meeting, in accordance with the Community Engagement Strategy 2020 – 2024.**

## REPORT

The draft *Domestic Wastewater Management Plan 2022-2026* (Draft DWMP) (**Attachment [3.1.1]**) outlines the priorities and strategies that Council commits to implement in order to minimise the impact of wastewater on human health and the environment.

Given the diversity of wastewater management performance in our townships, the draft DWMP 2022-2026 identifies the current challenges being experienced, the wastewater management designs or requirements, and any recommended system improvement options. It identifies eight key strategies for the management of wastewater systems within South Gippsland Shire with an implementation program to deliver the desired outcomes for our community.

There are currently in excess of 10,000 septic tank systems in use across the municipality. Many of which are aged beyond their design life, with limited or inaccessible records as to their location, maintenance or current condition. Whilst newer systems are better designed, many systems require regular maintenance to ensure correct performance.

Poorly treated and incorrectly disposed of wastewater poses a public health, environmental, legal and economic risk. South Gippsland prides itself on its natural assets and living amenity. Poor wastewater management threatens such values and undermines the municipality's ability to attract more residents, businesses and tourists to the area.

## CONSULTATION / COMMUNITY ENGAGEMENT

The Environmental Health team in conjunction with Council's Communications team and using the Community Engagement Strategy proposes to undertake community consultation between 21 April to 15 May 2022 in conjunction with the suite of Integrated Plans being considered for endorsement in this Council

meeting. Feedback received will be considered and used to finalise the strategy.

Council will consult directly with South Gippsland Water (SGW), as they have a significant role in wastewater management within the municipality.

## **RESOURCES / FINANCIAL VIABILITY**

As part of the current DWMP, Council currently operates a wastewater compliance project which oversees the performance of wastewater treatment systems in the catchment area. Council reports monthly to SGW on the activity undertaken. This arrangement ensures continued support from South Gippsland Water for allowing the relaxation of density requirements in the Tarwin Valley catchment area. The compliance program involves the addition of a Wastewater Compliance Administration Officer to the Environmental Health Team and is due to finish at 30 June 2022. There is potential for South Gippsland Water wanting this to continue. There is no ongoing FTE in the budget for a Wastewater Compliance Administration Officer.

## **RISKS**

Wastewater poses a public health, environmental, legal and economic risk. South Gippsland is an area that prides itself on its natural assets as well as living amenity. Poor wastewater management poses a reputational risk to Council by possibly threatening these values and undermining the municipality's ability to attract more residents, businesses and tourists to the area.

Under the current Ministerial Guideline there are requirements with regard to planning permits in open, potable water supply catchment areas. The guidelines, state the density of dwellings in the catchment should be no greater than one dwelling per 40 hectares (1:40 ha) or eight dwellings per one-kilometre radius. Endorsement of Council's Domestic Wastewater Management Plan by South Gippsland Water has allowed for the relaxing of this density requirement. Failure to have South Gippsland Water endorse the DWMP could result in removal of their support for relaxing of this density requirement.

## **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 at the following [LINK](#).*

1. Draft Domestic Wastewater Management Plan 2022-2026 [3.1.1 - 29 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

*Documents are available on Council's website at the following [LINK](#).*

Community Engagement Policy (C06)

Compliance and Enforcement Policy (C64)

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

Council Plan 2020-2024

Domestic Wastewater Management Plan

Municipal Public Health and Wellbeing Plan

### **Legislative Provisions**

Environment Protection Act 1994

Environment Protection Act 2017

Local Government Act 2020

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

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

Water Act 1989

Public Health and Wellbeing Regulations 2019

Regional Development Victoria Regulations 2019



### **3.2. PETITION RESPONSE - EMERGENCY MANAGEMENT - FIRE BREAK - VENUS BAY**

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*

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to receive and note a petition submitted at the Council Meeting on 16 February 2022.

A grassfire in Venus Bay on 31 December 2021 has raised some community concern in relation to the management of private land abutting the south-eastern boundary of the Venus Bay township.

The petition received by Council requests an adequate fire break along the full perimeter of the residential housing blocks and the need for this fire break to be maintained and reviewed annually to provide a level of safety to residential properties adjacent to this land.

This report states the responsibilities of private property owners in relation to fire prevention, and Council's ongoing role in fire prevention on private property.

The report proposes that Council will work with the private land owner to address concerns and continue to complete the annual private property fire hazard inspection process.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the petition (refer Confidential Attachment [14.1.1]);**
- 2. Works with the land owner to address fire safety concerns and continue to complete the annual private property fire hazard inspection process; and**
- 3. Writes to the lead petitioner detailing the outcome of this report.**

#### **REPORT**

At the 16 February 2022 Council Meeting, Councillor Gilligan presented a petition to Council.

The basis of the petition is set out below:

*“Due to the recent farm fire on 31 December 2021, it has highlighted the need for an adequate firebreak along the full perimeter of the residential housing blocks. These firebreaks will need to be maintained and annually reviewed to ensure the safety of the residential properties bordering the farm perimeters”.*

Council resolved to receive and note the petition and receive a report on the matter at the 20 April 2022 Council Meeting.

The land identified in the petition received by Council is privately owned. Private landowners and occupiers are responsible for ensuring the level of vegetation on their land does not present an unacceptable danger to life or property from the threat of fire.

Landowners and occupiers are encouraged to remove fire hazards and manage fuels around their property before the Fire Danger Period. This routinely includes cutting long grass, removing fallen timber and rubbish, and clearing leaves and branches from gutters.

The *Country Fire Authority Act 1958* requires Council to appoint a Municipal Fire Prevention Officer who coordinates Council’s annual private property fire hazard inspection process across the South Gippsland. Private property inspections are completed throughout the municipality prior to and during the Fire Danger Period.

The process determines if any fire prevention works are needed on private land to reduce the threat of fire to life or property. Council will continue to complete the annual private property fire hazard inspection process and if necessary, the Municipal Fire Prevention Officer will issue a Fire Prevention Notice on the owners or occupiers of land requiring them to take specified steps to remove or minimise the threat of fire.

#### **CONSULTATION / COMMUNITY ENGAGEMENT**

Council’s Municipal Fire Prevention Officer has visited the private property subject to the petition to discuss current and ongoing fire prevention activities on the land. The private land manager has agreed to meet annually with the Municipal Fire Prevention Officer to discuss fire prevention activities planned and taking place to manage fuels on the private property.

#### **RESOURCES / FINANCIAL VIABILITY**

Costs associated with Council’s Fire Prevention inspections are covered within current budgets.

## RISKS

Owners and occupiers of land are responsible to manage their properties to reduce the risk of bushfire. Individual community members are responsible for learning the risks of their environment and making decisions about how to respond to these risks appropriately.

Each household is responsible for preparing their property for bushfire, and every household should have a well-practised written bushfire survival plan. Information to assist householders and landowners to prepare their property for bushfire can be found on the CFA (Country Fire Authority) website.

## 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

## CONFIDENTIAL ATTACHMENTS

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

**Confidential Attachment [14.1.1] – Venus Bay Fire Break - Petition Details** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

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

## REFERENCE DOCUMENTS

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

Pillar 4. Structure, Systems & Policies

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

*Documents are available on Council's website at the following [LINK](#).*

Community Engagement Policy (C06)

General Local Law 2014

Rural Land Use Strategy

Council Plan 2020-2024

Municipal Emergency Management Plan

South Gippsland's Good Governance Framework

South Gippsland's Planning Scheme

Town Centre Framework Plans

Tree 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

Heritage Act 1995

Land Act 1958

Local Government Act 1989

Local Government Act 2020

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

Water Act 1989

Public Health and Wellbeing Regulations 2019

## 4. OBJECTIVE 2 - ECONOMIC PROSPERITY

### 4.1. PLANNING SCHEME AMENDMENT - C125 GENERAL AMENDMENT

Economy and Community

#### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.2 Develop plans that balance and utilise the natural values of the environment and improve liveability in the Shire*

*Incorrect zones and overlays can trigger unnecessary planning permits, resulting in over-burdening of landowners and Council and reducing liveability within the community.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider and determine the South Gippsland Planning Scheme Amendment C125 (Amendment C125) as exhibited with modifications (refer to **Attachment [4.1.1]**) and submit Amendment C125 to the Minister for Planning for approval.

Amendment C125 proposes to correct mapping anomalies, delete redundant controls, correct grammatical errors, and make minor corrections to text. The amendment consists of 31 items, including one landowner request to rezone land from Farming Zone to General Residential Zone 1. A full description of the suite of changes proposed are included within **Attachment [4.1.2]**.

Councils typically undertake a general amendment every few years to ensure their planning schemes are up to date and free of errors. Incorrect zones and overlays can trigger unnecessary planning permits which are a burden to landowners and councils. Council's last general amendment was conducted in 2017.

#### **RECOMMENDATION**

**That Council:**

- 1. Adopts South Gippsland Planning Scheme C125 (Attachment [4.1.1]) as exhibited with the following modifications:**
  - a. Remove the rezoning of land at Hall Road Foster (CA 1E SB Parish of Wonga Wonga South) and not apply the Significant Landscape Overlay to the land;**
  - b. Remove the rezoning of land at 4 Farmers Road, Dumbalk (1\TP377728, 2\LP142495) and retain Environmental Significance Overlay Schedule 5;**

- c. **Amend the boundary of rezoned land at the intersection of South Gippsland Highway and the Loch-Poowong Road as outlined in Attachment [3.1.3 pg. 2 of 6];**
2. **Authorises the Chief Executive Officer to execute the section 173 agreement in relation to 293 Whitelaw Road Korumburra on Council's behalf (Confidential Attachment [4.3.1]); and**
3. **Submits South Gippsland Planning Scheme Amendment C125 to the Minister for Planning for approval.**

## **REPORT**

### ***Background***

Council has a statutory obligation under the *Planning and Environment Act 1987* to efficiently administer and enforce its planning scheme. This includes ensuring the planning scheme is kept up to date and free of basic errors and anomalies.

Amendment C125 seeks to fulfil this requirement by correcting errors and anomalies identified since the previous general amendment was completed in 2017.

Following Council's normal practice, items are only included in a general amendment if they are considered straight forward and unlikely to receive objections. If an objection is received that cannot be resolved, it is normal practice to remove the item from the amendment, and separately consider its merits. This avoids the need to appoint an Independent Planning Panel to consider submissions, reducing processing costs and saving time.

### ***Impacts of Inappropriate Controls***

The zoning applied to land affects how it can be developed, and when a planning permit is required. The following are brief examples from Amendment C125 of current issues resulting from inappropriate planning controls.

Item FOS-6-3-006 (refer to **Attachment [4.1.2]** pg. 12 of 40), is proposed to correctly identify the Foster Golf Club land (upon which the club rooms are located) as privately-owned land (General Residential Zone 1 – GRZ1) instead of public land (Public Park and Recreation Zone - PPRZ). The zoning error places greater restrictions on the land regarding advertising signage, which has created concerns for the golf club, who would like to improve their business identification signage but presently cannot under the current (incorrect) zoning.

Item KOR-31-10-034\_033 (refer to **Attachment [4.1.2]** pg 16 of 40), proposes to remove the unnecessary Public Acquisition Overlay (PAO) at 2 Victoria Street Korumburra, making it clear that Council does not require the land. Removing the PAO makes it easier for the landowner to sell their land.

Item MIR-2-18-006 (refer to **Attachment [4.1.2]** pg. 26 of 40) proposes to rezone the Boolarra- Mirboo North Road reserve from Road Zone 1 (RDZ1) to Farming Zone (FZ) and GRZ1. The correction will reduce unnecessary planning permit triggers, for example, to construct a driveway crossover, or to build within 100m of a road. The correction also clarifies that Department of Transport approval is not required on Council roads.

### ***239 Whitelaw Road Korumburra Residential Rezoning***

Item KOR-12-7-017\_026 (refer to **Attachment [4.1.2]** pg. 20 of 40) proposes to rezone 4.45 hectares of farming land at 293 Whitelaw Road, Korumburra to General Residential 1 Zone at the request of the landowner. The subject land is inside the Korumburra township boundary and included in the Development Plan Overlay that guides the residential subdivision and development of the south western growth sector of Korumburra. Rezoning the land will make it consistent with the adjoining land.

This item is not typical of a general amendment in that it increases the development potential of the land and has a financial benefit to the landowner. The Planning Department has included the item in the general amendment to avoid the need to process the rezoning as a separate planning scheme amendment. DELWP have been consulted on this approach and noted its inclusion as an appropriate efficiency saving for both organisations.

The landowner has formally applied to rezone the land and paid the statutory fees. With Council agreement and at their expense, a legal firm has prepared a Section 173 agreement to identify responsibilities relating to development contributions for a future subdivision of the land (refer to **Confidential Attachment [14.3.1]**).

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation occurred with many of the landowners affected by the amendment prior to exhibition. Council also consulted the Department of Transport and other government agencies whose interests are affected by the Amendment.

Public exhibition of the Amendment occurred between 4 November 2021 and 5 December 2021 in accordance with normal procedures including postal notification to the owners and occupiers of affected lands.

A total of six submissions were received (**Attachment [4.1.3]**). These include three submissions of support and three objections. Under the *Planning and Environment Act 1987* ss.22 and 23, planning authorities must consider all submissions, resolve objections where possible and where not possible, refer objections to an independent planning panel before the amendment can be considered for adoption.

### ***Objection resolution***

An objection was received from the Department of Transport in relation to two items. The objection to one item was withdrawn (following the provision of additional information) and the second matter was resolved with a minor zone mapping correction at the intersection of the South Gippsland Highway and Loch Poowong Road.

An objection was received in relation to Item Fos-17-2-003\_030 in which Council proposes to rezone public Crown Land in Foster from Farming Zone (FZ) to Public Conservation and Recreation Zone (PCRZ). The objector holds a licence to use some of the public land for grazing and submitted concerns that the proposed amendment would affect their rights to use the Crown Land in the future.

Subsequent liaison with the Department of Environment, Land, Water and Planning – Crown Land Management, provided formalised advice and assurance that the change would not result in a change of land use rights under the current licence conditions. The property owner was informed of this advice; however, no objection withdrawal has been received to date. As a result, the subject property was removed from this amendment process, and can be further reviewed later.

After exhibition closed, an objection was received in relation to Item Dum-18-1-010\_025 in which Council proposes to rezone privately owned land from Farming Zone (FZ) to Township Zone (TZ) and remove the ESO5. The objector owns and uses this land for grazing and submitted concerns that the proposed amendment would affect their rights to use the land for agriculture in the future.

As a result, the subject property was removed from this amendment process, and can be further reviewed later.



## RESOURCES / FINANCIAL VIABILITY

Amendment C125 is being processed as part of normal Planning Department operations. No additional funding is required.

## RISKS

General planning scheme amendments are comprised of mostly technical updates and corrections which in most cases will be welcomed by landowners and the relevant agencies / authorities.

A risk is presented if Council's planning scheme is not correct. Incorrect planning scheme provisions can create landowner frustration, and unnecessarily burden the administrative duties and processes of Council.

## STAFF DISCLOSURE

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

## ATTACHMENTS

*Attachments are available on Council's website at the following [LINK](#).*

1. C125 Planning Scheme Amendment Documents - Explanatory Report [4.1.1 - 110 pages]
2. C125 Planning Scheme Amendment Background Report - Approval [4.1.2 - 41 pages]
3. C125 Planning Scheme Amendment Submissions Report - Approval [4.1.3 - 6 pages]

## CONFIDENTIAL ATTACHMENTS

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

**Confidential Attachments [14.3.1] – Section 173 Agreement – 293 Whitelaw Rd Korumburra - Development Contributions** – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This item is deemed confidential to protect the negotiations between Council and the developer.

## REFERENCE DOCUMENTS

**Council's Good Governance Framework**  
Pillar 4. Structure, Systems & Policies

**Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

South Gippsland Housing and Settlement Strategy

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

Council Plan 2020-2024

South Gippsland's Planning Scheme

**Legislative Provisions**

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

#### **4.2. DRAFT ARTS, CULTURE AND CREATIVE INDUSTRIES STRATEGY 2022 - 2026 - COMMUNITY ENGAGEMENT**

Economy and Community

##### **Council Plan**

*Objective 2 - Economic Prosperity - Strategy 2.1 Build a sustainable and growing economy that attracts and supports businesses, strengthen industry sectors, creates employment and establishes the Shire as the 'food hub'*

*Objective 2 - Economic Prosperity - Strategy 2.3 Deliver services that support the growth of the local and regional economy*

##### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with the *Draft Arts, Culture and Creative Industries Strategy 2022 – 2027* (Draft Strategy) for endorsement (refer **Attachment [4.2.1]**).

It has been developed with the assistance of arts sector specialists, the Cultural Development Network (CDN) who have undertaken significant community and stakeholder engagement in its development.

Council will give public notice of the release of the Draft Strategy and publish it on Council's website. A number of community engagement methods will be provided from Thursday 21 April to Sunday 15 May 2022.

##### **RECOMMENDATION**

**That Council:**

- 1. Endorses the Draft South Gippsland Arts, Culture and Creative Industries Strategy 2022–2027 contained in Attachment [4.2.1] for community consultation; and**
- 2. Approves commencement of the final stage of community engagement from 21 April to 15 May 2022 for the Draft South Gippsland Arts, Culture and Creative Industries Strategy 2022–2027 in accordance with the Community Engagement Strategy 2020 - 2024.**

##### **REPORT**

##### **Existing Arts, Culture and Creative Industries Strategy 2017-2021**

Council's existing *Arts, Culture and Creative Industries (ACCI) Strategy 2017-2021* concluded last year, requiring the need for a new Strategy, as outlined in the Council Plan 2020–2024.

The existing ACCI Strategy 2017-2021 has successfully led South Gippsland's arts and culture sector toward new collaborations, opportunities, ideas and

programs, both locally and beyond. The Draft Strategy has supported, developed and promoted a 'point of difference' as a regional council offering small scale, decentralised, unique and often intimate experiences in a thriving arts scene.

It has further influenced an increase of artists and creative industries moving into the area, bringing new projects and initiatives to the area, as well as an increase in local creative businesses, and with this, an array of associated economic and tourism opportunities and benefits.

### **Proposed Arts, Culture and Creative Industries Strategy 2022 – 2027**

The new Draft Strategy is intended to connect to and support Council's recently adopted Economic Development and Visitor Economy Strategies 2021 - 2031, particularly in relation to brand identity, creative economies, cultural assets and events management.

It will adhere to the principles of the Economic and Community Infrastructure Blueprint 2021 and will investigate the needs of performing arts venues within the Shire.

Arts sector specialists, the Cultural Development Network (CDN) were engaged in December 2021 to develop and deliver the new ACCI Strategy, in partnership with Council. CDN have extensive experience working across the cultural domain, particularly with local government, several of which are Gippsland Councils.

The objective is to develop a new *Arts, Culture and Creative Industries Strategy 2022 – 2027* with an associated Action Plan that will guide the development of the sector from 2022–27.

It will respond to the unique social, cultural, economic, and geographic characteristics of South Gippsland and to build on the innovative community-based approaches to Arts development the Shire has established as a result of the previous Strategy.

### **Key Findings**

The findings and learnings from the initial community engagement stages have helped inform the Themes and Actions in the Draft Strategy. The Actions identified in the Draft Strategy will align to the proposed themes of the new Council Plan.

The Draft Strategy is a planning tool providing Council with a clear set of priorities for the enhancement of arts, culture and creative industries facilities and initiatives across the Shire over the next four years.

It presents an opportunity for Council to reconnect with the creative community in the region, understand the depth and breadth of practice and the changes that have occurred because of the pandemic.

A key responsibility of Council is its investment in the development and maintenance of community-owned infrastructure. Council will need to consider the future of some of the cultural heritage facilities and sites within the Shire, including further investigative work for Coal Creek Community Park and Museum and Leongatha Memorial Hall.

This will need to include a clear position on the purpose of each asset for the community and the Shire, incorporating community benefit, cultural activation, tourism attraction and job creation.

The Draft Strategy is structured to reflect the proposed six Council Plan's themes:

1. Leading with Integrity
2. Connecting Our People and Places
3. Economy and Industry
4. Healthy and Engaged Communities
5. Protecting and Enhancing Our Environment
6. Sustainable Growth

The following are the key findings from the engagement process undertaken that will guide the actions in the Draft Strategy:

- There is strong support for a new Arts, Culture and Creative Industries Strategy across all stakeholder groups.
- The current distributed model of creativity across all towns produces a cultural vibrancy not found in other parts of Gippsland. In addition, there is a robust local pride that emanates from each town.
- Celebrating South Gippsland cultural heritage should include indigenous heritage. Stakeholders also wanted more visual recognition for and engagement with local First Nations culture and knowledge. Further investigative work and investment in Coal Creek needs to be considered.

- Stakeholders wanted improved Arts, Culture and Creative Industries (ACCI) integration across the Shire, particularly with support for the natural environment, local food production and disaster recovery.
- The proposed new Draft Strategy is a perfect opportunity for closer collaborations between Council and the ACCI sector.
- The proposed new Draft Strategy needs to focus on young and emerging practitioners, particularly sourcing opportunities for training and mentoring.
- Council is understood as an enabler and amplifier for creativity in the region, not just a grants body.
- There are many possibilities to enliven the region through public art, and the new strategy must embrace this opportunity.
- Small wins with Council are more important to stakeholders than large financial windfalls. South Gippsland's finances are limited, so Council should collaborate with the ACCI on strategic and clever engagements that are cheap yet impactful.
- Cultural tourism has been a missed opportunity for a long time for the region. A new ACCI Strategy needs to address this. Cultural tourism will only strengthen the region as a whole
- Creative economy possibilities will positively impact everyone and make an arts career in the Shire more sustainable.
- Council should conduct a review of the cultural infrastructure and assets to assess availability, community need and equitable distribution. Much creative infrastructure is underused and underperforming
- The appetite for a new performance space is strong, with the Leongatha Memorial Hall cited as the most appropriate location.
- The Small Halls are still viewed as the lifeblood of local towns, and locals are very passionate about their halls.
- The Small Halls network needs rethinking. Council needs to clarify which halls it will support and redevelop, perhaps including a rebrand to attract more performances and the smaller touring networks into the region.

## CONSULTATION / COMMUNITY ENGAGEMENT

### Community Engagement

The first round of community engagement process has been undertaken for the development of the Draft Strategy, which included consultation with arts and culture peak bodies and community stakeholders.

In all, 84 people were engaged across 42 sessions and interviews. There were also eight written submissions leading to a total of 92 engagements for the initial process. (See **Table 1**)

**Table 1:** Engagement breakdown

Engagement group	Number of participants	Number of consultations
Council internal stakeholders	22	13
Arts and culture peak bodies	9	3
ACCI stakeholders and practitioners	53	26
<b>Total</b>	<b>84</b>	<b>42</b>
Written reports received	8	
<b>Engagement total</b>	<b>92</b>	

CDN have noted that community members have been very generous with their knowledge of arts, culture and creative industries in the region and were keen to contribute to the process of a new Strategy.

CDN also noted that this is the largest stakeholder consultation group that they have engaged. Around 20-30 stakeholders are expected, 50 is rare, and 90 is unique for this size local government area.

What was particularly pleasing was the self-selection and willingness to participate. People sought out the opportunity rather than waiting to be asked. This participation rate speaks to the passion for and the value that the community places on culture and creativity.

A period of public exhibition from 21 April to 15 May 2022 will allow further feedback from the broader South Gippsland community prior to Council considering the final *Arts, Culture and Creative Industries Strategy 2022-2027* in June.

Council will consider further community feedback of the Draft Strategy from a number of engagement methods held from 21 April to 15 May 2022, including:

- An online survey,

- Community pop-up sessions during April and May 2022,
- Stakeholder meetings,
- Discussion with a Councillor,
- Writing to Council.

It is preferred that community members complete the online survey or attend one of the advertised pop-up sessions. The final Strategy will be considered for adoption at the Council Meeting on 29 June 2022.

### **Internal**

An internal working group was established with representation from different Council departments to help inform the development of the Draft Strategy. The working group met with CDN on a weekly basis throughout the duration of the development of the draft Strategy.

CDN provided Councillors with a Briefing on the project on 9 March 2022, detailing the project scope and initial findings and the opportunity for Councillors to provide further input into the development of the Draft Strategy.

The Draft Strategy and project updates were presented to Councillors at a Briefing in April 2022.

### **RESOURCES / FINANCIAL VIABILITY**

The development of the *Arts, Culture and Creative Industries Strategy 2022-2027* has been allocated within the 2021/22 Budget. Financial resources will be required to implement actions from the Strategy in future budgets.

### **RISKS**

If the Draft Strategy is not supported by Council for public exhibition, there is a risk that the project may not be completed by the intended June 2022 timeframe.

### **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 at the following [LINK](#).*

1. Draft Arts Culture Creative Industries Strategy - Draft - April 2022 [4.2.1 - 31 pages]



## **REFERENCE DOCUMENTS**

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

Pillar 5. Communications & Community Engagement

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

*Documents are available on Council's website at the following [LINK](#).*

Arts and Culture Policy (C03)

Community Engagement Policy (C06)

General Local Law 2014

Public Transparency Policy (C75)

Social Media Policy (CE75)

Community Engagement Strategy

Community Strengthening Strategy

Annual Budget

Council Plan 2020-2024

Municipal Public Health and Wellbeing Plan

South Gippsland's Good Governance Framework

### **Legislative Provisions**

Local Government Act 1989

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

Public Health and Wellbeing Act 2008

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

### **5.1. PETITION RESPONSE - CANAVANS ROAD, MOUNT ECCLES (REQUEST TO SEAL)**

Sustainable Infrastructure

#### **Council Plan**

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

*Council will continue to maintain Canavans Road in accordance with Council's Road Management Plan.*

#### **EXECUTIVE SUMMARY**

The purpose of this report is to respond to the petition received at the 16 February 2022 Council Meeting requesting Council seal the unsealed sections of Canavans Road in Mt Eccles. At the meeting, Council resolved to receive a report at the 20 April 2022 Ordinary Council Meeting, that considers and responds to the petition.

Council officers have reviewed the request from the petitioner and carried out additional traffic counts on the unsealed sections of Canavans Road, Mt Eccles. The traffic counts have confirmed that the traffic volumes on Canavans Road, Mt Eccles do not meet the requirements to upgrade from unsealed to sealed.

Therefore, it is recommended that the unsealed sections of Canavans Road continue to be maintained as a gravel road in accordance with the Road Management Plan.

#### **RECOMMENDATION**

**That Council:**

- 1. Does not seal Canavans Road, Mt Eccles at this stage as the road does not meet the average traffic volumes required (150 vehicles per day) for the sealing of a road;**
- 2. Programs unsealed road maintenance for Canavans Road, Mt Eccles, including re-sheeting to ensure that the service levels in Council's Road Management Plan 2022 are maintained; and**
- 3. Writes to the lead petitioner detailing the outcome of this report.**

## REPORT

At the 16 February 2022 Ordinary Council Meeting, a petition was tabled with approximately 29 signatures requesting that Council consider upgrading the unsealed sections of Canavans Road in Mt Eccles via the application of a bitumen surface. At the meeting, it was resolved unanimously:

**That Council:**

1. Receive and note the petition; and
2. Receive a report on the matter at its 20 April 2022 Meeting of Council.

**CARRIED UNANIMOUSLY**

The petition was accompanied by a covering letter and photos requesting that Council significantly improve the safety and conditions of the unsealed sections of Canavans Road in Mt Eccles through the application of a bitumen surface – refer to **Attachment [5.1.1]**.

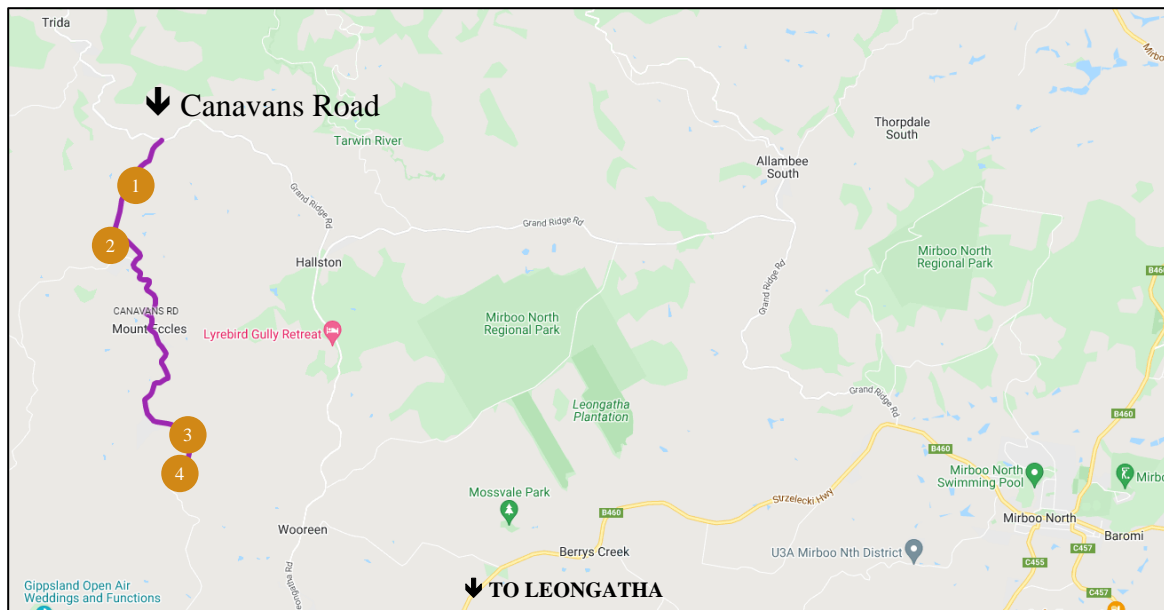
The petition prayer is included in **Figure 1** below and a copy of the petition is available in **Confidential Attachment [14.2.1]**.

**Figure 1 – Petition Prayer**

*To Significantly improve the safety and condition of the unsealed section of Canavans Road in Mt. Eccles, through the application of a bitumen surface.*

## Discussion

In response to the petition, traffic counters were placed at four sites on Canavans Road, Mt Eccles during March 2022 to collect the traffic data for the road and compare to 2017 and 2019 data. The traffic count sites are depicted in **Figure 2** below.

**Figure 2 – Traffic Count Sites (●)**

The data collated from the four traffic count sites is depicted below in Table 1.

**Table 1 – Traffic Counts for Canavans Road**

SITES	AVERAGE VEHICLES PER DAY (AVPD)	85TH PERCENTILE SPEED (KM/HR)
Site 1 (@ chainage 5700)	78	46.26
Site 2 (@ chainage 8200)	45	58.99
Site 3 (@ chainage 11800)	33	77.92
Site 4 (@ chainage 12900)	49	65.29

Upon review of the data, traffic volumes on Canavans Road have not significantly changed from the volumes in 2017 and 2019. Current guidelines to upgrade roads from unsealed to sealed require a minimum volume of 150 vehicles per day (vpd) (on average). When sealed roads have volumes lower than 150 vpd, there is a high risk that oxidisation of the bitumen will occur, causing it to become brittle and crack letting moisture into the pavement.

The most recent traffic volumes fall short of Council's requirements for roads to be considered for upgrade from unsealed to sealed. There are numerous other unsealed roads throughout the Shire with higher traffic volumes which should be prioritised for sealing before Canavans Road, Mt Eccles.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Internal staff have been consulted regarding budget and programming of works within the Capital Works Program.

## RESOURCES

The length of the unsealed section of Canavans Road is approximately 7,410 metres. Current approximate costs to seal an unsealed road is \$400,000 per kilometre. Therefore, the approximate cost of sealing the remainder of Canavans Road is \$2.96M. This amount is not projected in budget allocations for roads in the current Long Term Financial Plan.

Unsealed road maintenance for Canavans Road, Mt Eccles, including re-sheeting will be programmed to ensure that the service levels in Council's Road Management Plan 2022 are maintained.

## RISKS

It is considered that there is minimal risk in not sealing Canavans Road as Council will continue to maintain the road in accordance with the Road Management 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.

## CONFIDENTIAL ATTACHMENTS

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

**Confidential Attachments [14.2.1] – Petition - Canavans Road Mt Eccles (Request to Seal)** – is designated confidential information pursuant to the *Local Government Act 2020, s.3(1)(f) personal information*, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This item is designated confidential to protect the privacy of the petition signatories as the petitions contain their personal details.

## ATTACHMENTS

*Attachments are available on Council's website at the following [LINK](#).*

1. Canavans Road Petition - Cover Letter and Photos (redacted) [5.1.1 - 2 pages]

## REFERENCE DOCUMENTS

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

Pillar 3. Decision Making

**Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Road Management Plan

Long Term Financial Plan

Asset Management Plan - Road Infrastructure (internal)

## 6. OBJECTIVE 4 - CUSTOMER FOCUSED ORGANISATION

### 6.1. SUMMARY OF STRATEGIC BRIEFINGS TO COUNCILLORS - 13 FEBRUARY TO 12 MARCH 2022

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 February and 12 March 2022.

#### RECOMMENDATION

**That Council receives and notes this report.**

#### REPORT

Meeting Title	Details
<b>Wednesday 16 February 2022</b>	
<b>Agenda Topic Discussion – Council Meeting 16 February 2022</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed

Meeting Title	Details
<b>Councillors Support &amp; Expenditure Policy</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 23 February 2022</b>	
<b>Integrated Planning</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Apology <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 2 March 2022</b>	
<b>Council Delegations to Chief Executive Officer</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Sunday 6 March 2022</b>	
<b>Integrated Planning</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Wednesday 9 March 2022</b>	
<b>Integrated Planning</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Agenda Topic Discussion – Council Meeting 16 March 2022</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby



Meeting Title	Details
	<b>Conflict of Interest:</b> Cr Williams left the room with a declared direct material conflict of interest in Confidential Agenda Item 12.2 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Port Welshpool Boat Ramp Parking Facility Enhancement Project (RFT/314) as she is a joint owner of a business that has made a submission to the tender process.
<b>Arts Culture and Creative Industries Strategy 2022 – 2026</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Social and Affordable Housing Strategy</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed
<b>Great Southern Rail Trail Plans</b>	<b>Councillors Attending:</b> Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai <b>Municipal Monitor:</b> Prue Digby <b>Conflict of Interest:</b> Nil disclosed

## REFERENCE DOCUMENTS

### Council's Good Governance Framework

Pillar 3. Decision Making

### Council Policy / Strategy / Plans

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

Public Transparency Policy (C75)

### Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

## **6.2. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 12 FEBRUARY TO 18 MARCH 2022**

Office of the Chief Executive

### **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 12 February to 18 March 2022. 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.**

### **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 12 February to 18 March 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 1775 Walkerville Road Walkerville in relation to a use and development of dwelling. Seal applied 17 February 2022.
2. Amendment to Section 173 Agreement between South Gippsland Shire Council and the owner of 210 & 130 St Ellens Road Mirboo in relation to a 2-lot subdivision. Seal applied 17 February 2022.
3. Amendment to Section 173 Agreement between South Gippsland Shire Council and the owner of 227 Hudsons Road Leongatha in relation to develop land with a dwelling. Seal applied 15 March 2022.

### **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 12 February to 18 March 2022.
  - a. MAV Contract NPN04-13 – Trucks for the purchase of a single axle truck with Flocon patching body was awarded to CVM Truck & Bus Gippsland
2. Contracts awarded after a public tender process within the CEO's delegation between 12 February to 18 March 2022.
  - a. Nil.
3. Contract variations approved by the CEO between 12 February to 18 March 2022.

- a. MAV (Municipal Association Victoria) Vendor Panel's pre-tendered Contract SL3911 –Energy Efficient Street Lighting Hardware & Installation Services was awarded to Schreder Australia. Variations are now recommended to allow for the purchase of an additional 230 mercury vapour lights as part of Council's current Contract CON/312 – Energy Efficient Street Lighting Bulk Replacements Program. A Contract Variation of \$95,034 (excluding GST) was approved by the CEO after consultation with the Mayor on 8 March 2022.
4. Contract extensions approved by the CEO between 12 February to 18 March 2022.
  - a. Panel Contract CON/222 for the Provision of Tree and Vegetation Maintenance Services was awarded on 26 June 2019 to a panel of preferred suppliers to assist Council to carry out tree and vegetation maintenance. The contract was for a three-year term commencing on 1 July 2019 with an option of two 1-year extensions. An extension of 1 year (first year extension option) has been approved, signed by the CEO 18 March 2022.

#### **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 at the following [LINK](#).*

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

### **6.3. AUDIT AND RISK COMMITTEE BI-ANNUAL CHAIR REPORT AND 1 MARCH 2022 MEETING MINUTES**

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 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 draft minutes of the Audit and Risk Committee meeting held on 1 March 2022 (**Attachment [6.3.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Mr Chris Badger (Audit Committee Chair)
- Mr Homi Burjorjee
- Ms Jen Johanson
- Cr Sarah Gilligan (Council member)
- The Mayor Cr Mohya Davies (ex-officio observer)

#### **RECOMMENDATION**

**That Council:**

- 1. Notes the draft Audit and Risk Committee Minutes – 1 March 2022 (Attachment [6.3.1]); and**
- 2. Notes the Audit and Risk Committee Chair report to Council and presentation by Committee Chair, Mr Chris Badger (Attachment [6.3.2]).**

#### **REPORT**

The matters considered by the Audit and Risk Committee at the 1 March 2022 meeting are contained in **Attachment [6.3.1]**.

The Audit and Risk Committee Charter requires the Committee Chair provide a report to Council twice each year summarising the activities undertaken, raising any issues of concern. Presenting the report in person to Council

provides the opportunity for Councillors to make further enquiry on matters of interest. The report from the Committee Chair is provided in **Attachment [6.3.2]**.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft Audit and Risk Committee Minutes for 1 March 2022 (**Attachment [6.3.1]**) have been circulated to the Audit and Risk Committee for feedback which is included in the attached, and will be formally accepted by the Committee at the next meeting.

The bi-annual report from the Committee Chair was also circulated to the Committee as a part of the 1 March 2022 meeting and was discussed and accepted by the Committee as noted in the meeting minutes.

### **RESOURCES / FINANCIAL VIABILITY**

Budget allowances for Council's three Independent Audit and Risk Committee Members' attendance fees are included within Council's current and forward budgets.

### **RISKS**

Council must establish an Audit and Risk Committee under s.53 of the *Local Government Act 2020*. The Committee supports Council in discharging its oversight responsibilities as set out in the Audit and Risk Committee Charter, including risk management.

### **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 at the following [LINK](#).*

1. Audit Committee Chair Annual Report to Council - Sept 2021 to March 2022 [6.3.1 - 5 pages]
2. Audit and Risk Committee Minutes - 7 March 2022 [6.3.2 - 36 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 7. Risk & Compliance

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

*Documents are available on Council's website at the following [LINK](#).*

Audit and Risk Committee Charter Policy (C08)

Audit and Risk Committee Charter and Terms of Reference

#### **Legislative Provisions**

Local Government Act 2020

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

### **7.1. NIL**

## **8. COUNCILLOR REPORTS**

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

### **8.2. COUNCILLOR UPDATES**

### **8.3. COMMITTEE UPDATES**

## 9. 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.



## 10. PUBLIC QUESTIONS

### 10.1. 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.

## 10.2. 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**

### 10.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance 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 2.00pm 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.

## 11. 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 13.1 – Chief Executive Officer Interim Performance Review - 1 July – 30 December 2021, designated as personal information,**
  - a. **being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
  - b. **The grounds for designation have been made to protect the privacy of the Chief Executive Officer's personal information.**

## **12. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 18 May 2022 commencing at 2pm in the Council Chambers, Leongatha.