

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

14 December 2022

**Council Meeting No. 478
Council Chambers, Leongatha
Commencing at 2:00pm**



agenda



*South Gippsland
Shire Council*

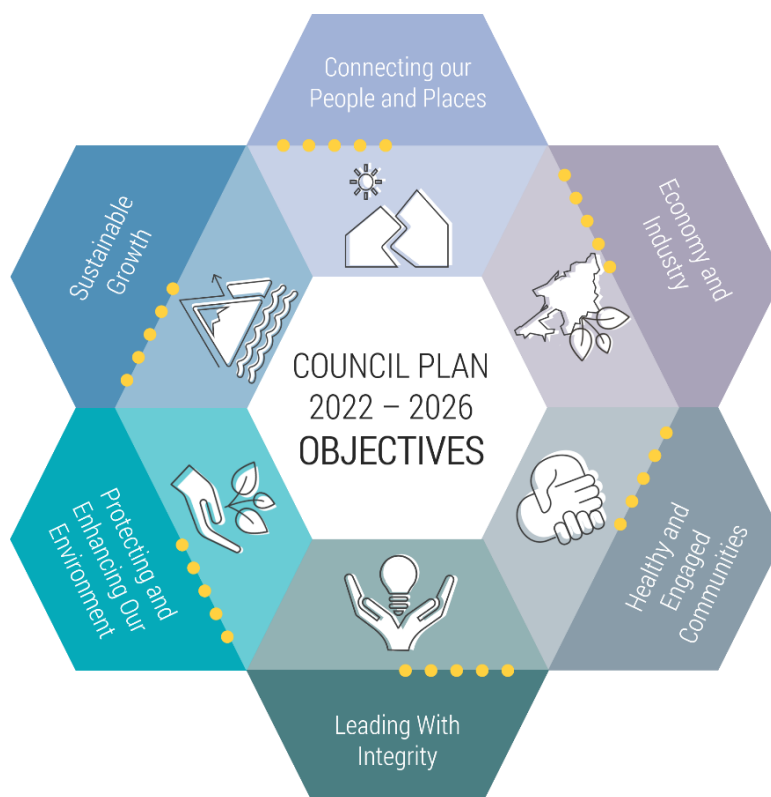
Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

We care deeply about our people, the land and future of South Gippsland.

Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



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.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 478 of the
South Gippsland Shire Council will be held on Wednesday 14 December 2022
in the Council Chambers, Leongatha commencing at 2:00pm.

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

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

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

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

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

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

COVID Safe Plan

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

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

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:

- 1. South Gippsland Shire Council Meeting No. 477, held on 16 November 2022; and**
- 2. South Gippsland Shire Council Meeting for the Mayoral and Deputy Mayor Election, held on 23 November 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.

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

Councillor Nathan Hersey has declared that a private interest by association has given rise to a general conflict of interest in Council Agenda Item 2.1. PROPOSED ROAD DISCONTINUANCE AND SALE - 1 ALBERT ROAD LOCH.

Councillor Nathan Hersey has a declared general conflict of interest in Council Confidential Agenda Item 14.2 Arts Advisory Committee as a family member is an applicant under consideration for membership on the Committee.

Councillor Adrian Darakai has declared that a private interest by close association has given rise to a general conflict of interest in Council Confidential Agenda Item 14.2 Arts Advisory Committee.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

2.1. PROPOSED ROAD DISCONTINUANCE AND SALE - 1 ALBERT ROAD LOCH

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective – Connecting our people and places

The road discontinuance and sale proposes to consolidate unused road reserve into private ownership which will enhance the well-being and liveability of the current/future landowners and improve amenity of the area. Council will also benefit as this will reduce Councils potential liabilities over the road.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration to commence statutory procedures to consider discontinuing part road reserve abutting part of 1 Albert Road, Loch and sell the land to the owner of 1 Albert Road, Loch.

RECOMMENDATION

That Council:

- Commences the statutory procedures to consider the discontinuance of the sale part unused road Crown Allotment 30 (Part) Parish of Jeetho West as shown hatched in the Plan shown in Figure with an area of 64 square metres and consider the sale of land to the abutting owner of 1 Albert Street, Loch sale for not less than a valuation received within six months prior to the sale, pursuant to s206, s207A, s223 and Schedule 10 clause 3 of the Local Government 1989;**
- Gives public notice on Council's website and in local newspapers in the week commencing 19 December 2022 in accordance with s.223 of the Local Government Act 1989 on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 18 January 2023;**
- Authorises the Chief Executive Officer to undertake the administrative procedures to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the proposal (item 1);**
- If submissions are made to the public notice:**

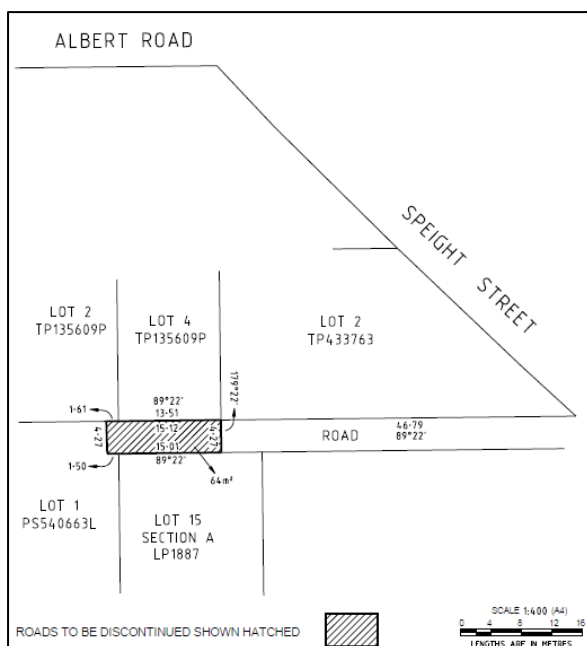
- a. Authorise the Chief Executive Officer to fix the time, date and place of a meeting for the section 223 hearing for persons who wish to be heard in support of their submission; and
 - b. Receives a further report to consider submissions and determine the outcome at the next available Council meeting.
5. If no submissions are received to the public notice:
- a. Implement the proposal in recommendation 1; and
 - b. Publish the road discontinuance notice in the Victorian Government Gazette.

REPORT

Council has been contacted by the owner of 1 Albert Road, Loch requesting that Council discontinue part unused road abutting their property and sell the land to them as the road is unused and not required for the general public traffic. A road closure plan is included in **Figure 1** showing as hatched the section of road to be discontinued and sold. A locality/aerial plan showing 1 Albert Street, Loch is included in **Figure 2**.

Council has been contacted by the owner of 1 Albert Road, Loch requesting that Council discontinue the part of unused road reserve that abuts part of their property (shown hatched in **Figure 1**) and sell the land to the owner as the road is unused and not required for public traffic.

Figure 1 – Road Discontinuance Plan



The road reserve is currently vacant and unused (bordered red in **Figure 2** below) and abuts 1 Albert Road, Loch (shaded red in **Figure 2** below).

Figure 2 – Locality/Aerial Plan – 1 Albert Road, Loch



The section of unused road proposed to be discontinued and sold is not on Council's Public Road Register and not used for public traffic.

If the road discontinuance and sale is successful, the purchaser will be required to consolidate the land from the road reserve with their abutting land.

Council has approved similar proposals to discontinue and sell parts of unused road reserves in Loch.

CONSULTATION/COMMUNITY ENGAGEMENT

Staff have consulted an Independent Certified Practising Valuer to determine the market value of the land. The valuation has been included in **Confidential Attachment [15.1.1]**.

The prospective purchaser has advised in writing their acceptance of sale price.

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

RESOURCES / FINANCIAL VIABILITY

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

Council – Officer’s time and advertising of the public notice and Victorian Government Gazette Notice.

RISKS

The proposed road discontinuance and sale of the part unused road reserve will reduce Council’s liabilities and responsibilities over the road and improve the general amenity of the area.

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 this matter.

ATTACHMENTS

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

1. Road Discontinuance Plan - 1 Albert Road Loch [2.1.1 - 1 page]

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 [15.1.1] – Valuation - 1 Albert Road Loch – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(a) private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The grounds for designation have been made as the valuation contains commercial in confidence information relating to land disposal.

REFERENCE DOCUMENTS

Council’s Good Governance Framework

Pillar 3. Decision Making

Pillar 7. Risk & Compliance

Legislative Provisions

Local Government Act 1989

2.2. PROPOSED ROAD DISCONTINUANCE AND SALE - PART WILLIAMSON STREET FISH CREEK

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Connecting our People and Places

The road discontinuance and sale proposes to consolidate the unused road reserve into private ownership which will enhance the well-being and liveability of the current/future landowners and improve the amenity of the area. Council will also benefit as this will reduce Council's potential liabilities over the road.

EXECUTIVE SUMMARY

The purpose of this report is to commence statutory procedures to consider discontinuing the unused section of part Williamson Street Fish Creek and sell the land to the abutting land owner of 24 Williamson Street Fish Creek.

Council has been contacted by the owner of 24 Williamson Street Fish Creek requesting that Council discontinue that part of Williamson Street that is unused and not on Council's Public Road Register shown in **Figure 1**.

RECOMMENDATION

That Council:

- Commences the statutory procedures to consider the discontinuance of part Williamson Street Fish Creek being part crown allotment 26 Parish of Doomburrim and part road on LP4473 shown in Figure 1 with an area of 4,814m² and consider the sale of the land to the abutting land owner of 24 Williamson Street Fish Creek, for not less than a valuation received within six months prior to the sale, pursuant to s.206, s.207A, s.223 and Schedule 10 clause 3 of the *Local Government Act 1989*.**
- Gives public notice on Council's website and in local newspapers in the edition week commencing 19 December 2022 in accordance with s.223 of the *Local Government Act 1989* on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 18 January 2023;**

3. **Authorises the Chief Executive Officer to undertake the administrative procedures to enable the Council to carry out its functions under s.223 of the *Local Government Act 1989* in respect of the proposal (item 1);**
4. **If submissions are made to the public notice:**
 - a. **Authorise the Chief Executive Officer to fix the time, date and place of a meeting for the s.223 hearing for persons who wish to be heard in support of their submissions;**
 - b. **Receives a further report to consider submissions and determine the outcome at the next available Council meeting.**
5. **If no submissions are received to the public notice:**
 - a. **Implement the proposal in recommendation 1; and**
 - b. **Publish the road discontinuance notice in the Victorian Government Gazette.**

REPORT

Council has been contacted by the owner of 24 Williamson Street Fish Creek requesting that Council discontinue the part unused section of Williamson Street Fish Creek that abuts their property and sell the land for consolidation into their land. The section of Williamson Street is not on Council's Public Road Register.

A road discontinuance plan is included in **Figure 1** showing the section of road to be discontinued and sold, and a locality / aerial plan showing 24 Williamson Street is included in **Figure 2**.

Figure 1 – Plan showing road to be discontinued and sold

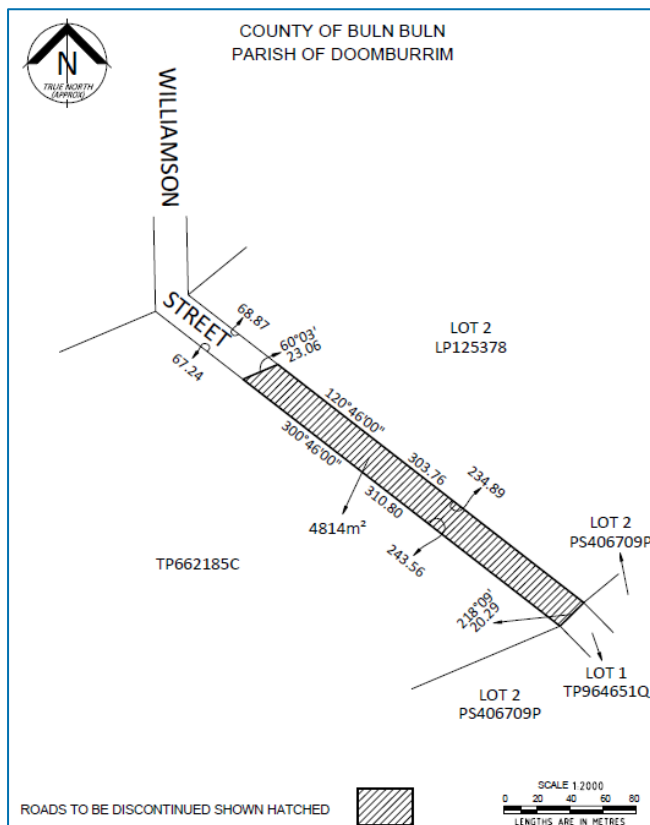
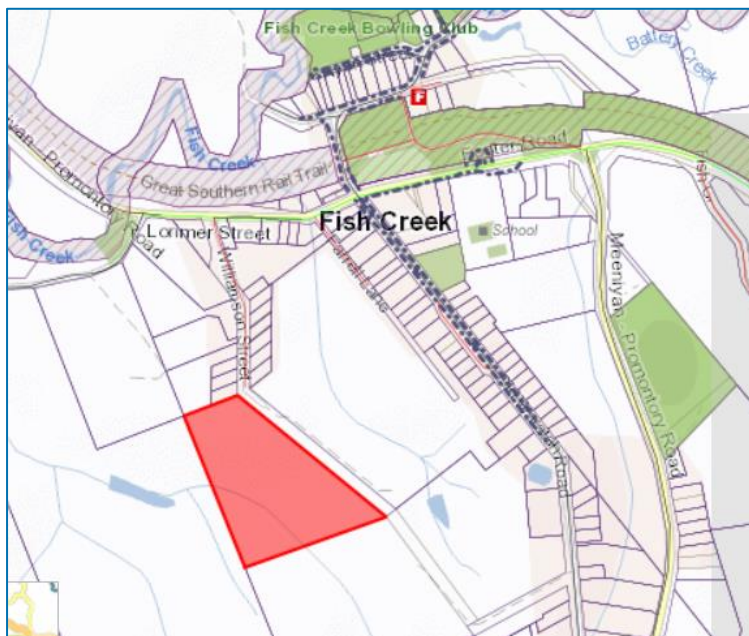


Figure 2 – Locality / Aerial Plan



The subject land, 24 Williamson Street is shaded red in figure above and the unused section of Williamson Street is shown abutting the property. If the road is discontinued and sold, it will be consolidated with 24 Williamson Street land.

The section of Williamson Street further south was discontinued and sold to the abutting land owners in 2017.

CONSULTATION / COMMUNITY ENGAGEMENT

Officers have engaged an Independent Certified Practising Valuer to determine the market value of the land. The valuation has been included in **Confidential Attachment [15.2.1]**.

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

RESOURCES / FINANCIAL VIABILITY

The applicant has paid for the surveying for the road discontinuance plan and title plan and if successful, will pay for their own conveyancing.

Council's costs include Officer's time and advertising of the public notice and Victorian Government Gazette notice together with conveyancing costs if successful. Council will also receive the income from the sale of the land.

RISKS

The proposed road discontinuance and sale of the part unused road will reduce Council's liabilities over the road and improve the general amenity of the area.

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 [15.2.1] – Valuation Report is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1) (b) - security information, being information that if released is likely to endanger the security of Council property or the safety of any person, and (c) - land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

The grounds for designation have been made as the information is commercial in confidence for the security of Council and if prematurely released, may impact Council's financial position.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

3. OBJECTIVE - ECONOMY AND INDUSTRY

3.1. PROPOSED LEASE OF YANAKIE CARAVAN PARK

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Economy and Industry

The proposed lease of the Yanakie Caravan Park to Mexicala Pty Ltd offers a business management strategy that nurtures continuous improvement and maximises asset utilisation and return, whilst the operational management strategy is to enhance guest experience through high quality service and promote return visitation.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council commence the community engagement process to lease the Yanakie Caravan Park to Mexicala Pty Ltd with a sublease to HPM Australia Pty Ltd for 21 years based on the outcome of the recent expression of interest received.

RECOMMENDATION

That Council:

- Commences the community engagement process to lease the Yanakie Caravan Park at 390 Foleys Road Yanakie with an area of 9.480ha in accordance with s.115 of the Local Government Act 2020 and 17D of the Crown Land (Reserves) Act 1978 to Mexicala Pty Ltd with a sublease to HPM Australia Pty Ltd for 21 years for a rental of \$50,000pa with market reviews after each 5 years, purchase price of \$60,000 and capital works over the first 10 years of \$1,201,000. Commencement date to be determined and final lease conditions to be determined at the completion of DELWP's Approval in Principal process.**
- Gives public notice on Council's website and in local newspapers in the edition week commencing 19 December 2022 in accordance with CE84 Community Engagement for Property Proposals Policy (Guidelines) on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 18 January 2023;**

3. If submissions are made to the public notice:
 - a. Authorise the Chief Executive Officer to fix the time, date and place of a meeting for the hearing for persons who wish to be heard in support of their submissions;
 - b. Receives a further report to consider submissions and determine the outcome at the next available Council meeting.
4. If no submissions are received to the public notice:
 - a. Implement the proposal in recommendation 1.

REPORT

To progress the lease, Council is required to undertake a community engagement process in accordance with s115 of the *Local Government Act 2020* and the *Community Engagement for Property Proposals Policy (Guidelines) (CE84)* before an Approval in Principle process can commence by the Department of Environment Land Water and Planning (DELWP).

Subject to the outcome of the community engagement process a commencement date for the lease and final lease conditions can be determined once the Approval in Principle process is successful completed.

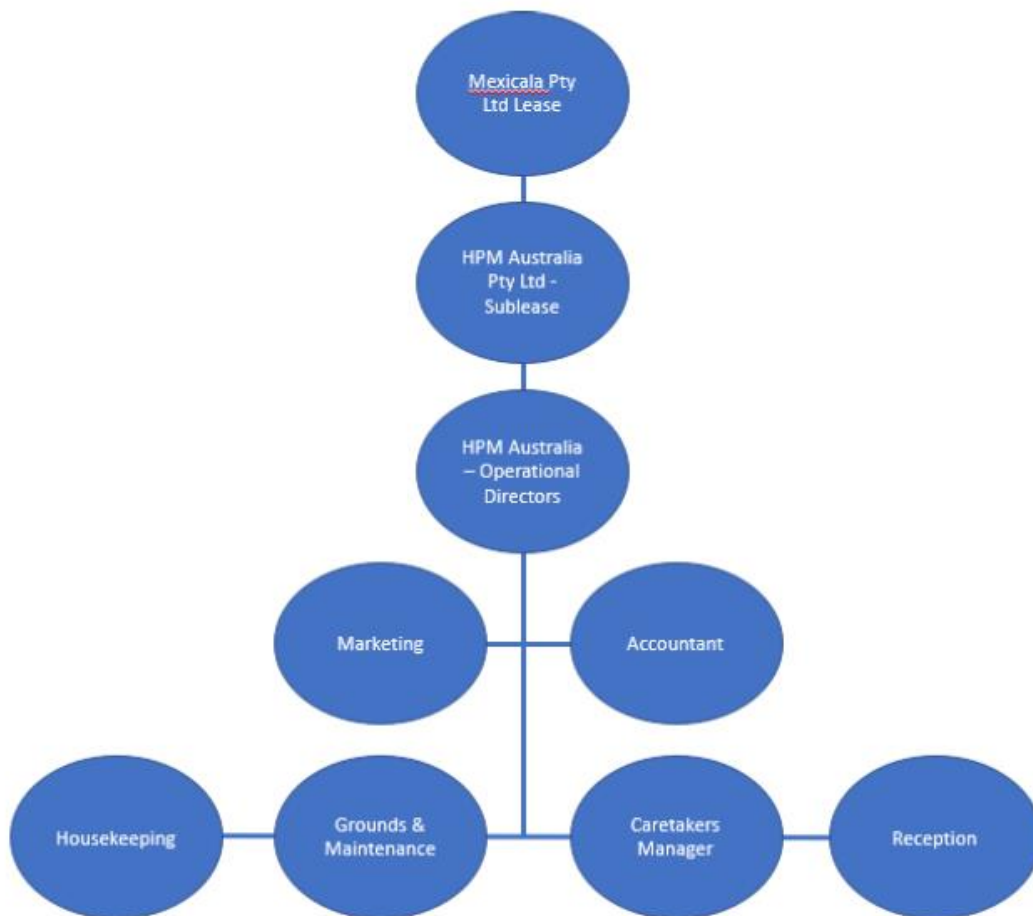
Council resolved at its confidential meeting on 24 February 2021, to make available to the public their decision to lease the Yanakie and Long Jetty Port Welshpool Caravan Parks by an expression of interest process.

Lease documentation including environmental and cultural heritage reports, asset assessments and surveys of the parks were undertaken before the valuations of the parks took place before Council could advertise for a proposed tenant.

Council undertook an expression of interest to lease the Yanakie Caravan Park for 21 years in accordance with a s.17D Crown Land (Reserves) Act 1978 non retail lease through CRE Brookers.

Council received two expressions of interest with the preferred expression of interest being from Mexicala Pty Ltd and HPM Australia Pty Ltd. The expression of interest and evaluation is available in **Confidential Attachments [15.3.1] and [15.3.2]**.

Proposed Structure



Mexicala Pty Ltd is an established company that has extensive management and consultancy experience within the caravan park industry for over 20 years. In this time the company has directly owned, operated, consulted, and managed 12 parks across Victoria, New South Wales, and Queensland.

Mexicala currently owns:

- Bright Riverside Holiday Park;
- Discovery Parks – Bright;
- Corowa Bindaree Holiday Park; and
- Porepunkah Riverview Caravan Park.

And until July 2021 it also operated:

- Phillip Island Caravan Park (Newhaven – Crown land lease);
- Cape Paterson Holiday Park (Crown land lease);

- Torquay Holiday Park;
- Noosa Caravan Park; and
- Eden Beachfront Holiday Park.

The success of Mexicala within the caravan park industry can be attributed to experienced professional management, key understanding and knowledge of the industry and the ability to plan, develop and implement key strategies including:

- Consumer based Marketing
- Extensive Customer Service
- Property and Brand Development
- Regulatory Compliance (WH&S, Environmental, Statutory)
- Human Resources Management
- Sound Financial Management

Holiday Park Management Australia (HPM Australia) was formed in 2019 by Peter Woolman and Paul Stuart-Higgs. The company assists Holiday Parks across all facets of the sector with specialist services. A large client base covers operators across the public, private and corporate sector.

Key Services:

- Ongoing Management Contracts
- Presentation and Compliance Audits
- Work Health & Safety advice and audits
- Revenue Management
- Strategy design and implementation
- Operational planning and implementation
- HR recruitment, training, and culture
- Master planning
- Capex development and management
- Marketing

Key Clients:

- Parks Victoria
- Goulburn Murray Water (GMW)
- Eurobodalla Shire Council
- Buloke Shire Council
- 4 x BIG4 Holiday Parks – Management Contracts
- Indigo Shire Council
- Great Ocean Road Caravan Park Authority (GORCAPA)

To progress the lease, Council is required to undertake a community engagement process in accordance with s115 of the Local Government Act 2020 and the CE84 Community Engagement for Property Proposals Policy (Guidelines) before an Approval in Principle process can commence by the Department of Environment Land Water and Planning (DELWP).

CONSULTATION / COMMUNITY ENGAGEMENT

It is proposed to call for public submissions to the proposal giving public notice in the local papers and on Council's website week commencing 19 December 2022 and closing 5pm Wednesday 18 January 2023.

RESOURCES / FINANCIAL VIABILITY

Financials and capital works proposed are included in Mexicala Pty Ltd and HPM Australia Pty Ltd expression of interest – **Confidential Attachment [15.3.1]**

RISKS

If Council doesn't proceed to lease the Yanakie Caravan Park, budgets would be required to engage staff and maintain the park.

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 [15.3.1] – Expression of Interest - Mexicala Pty Ltd - Yanakie Caravan Park - Proposed Lease and [15.2.2] Evaluation - Yanakie Caravan Park - Proposed Lease – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(g) - private commercial information, being information provided by a business, commercial or financial undertaking that: (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage .

The grounds for designation have been made as the information is deemed commercial-in-confidence as it relates to contractual matters.

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](#).

Leasing Policy (C62)

Legislative Provisions

Crown Land (Reserves) Act 1978

3.2. PROPOSED LEASE OF LONG JETTY CARAVAN PARK PORT WELSHPOOL

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Economy and Industry

The proposed lease of the Long Jetty Caravan Park Port Welshpool to Mexicala Pty Ltd offers a business management strategy that nurtures continuous improvement and maximises asset utilisation and return, whilst the operational management strategy is to enhance guest experience through high quality service and promote return visitation.

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council commence the community engagement process to lease the Long Jetty Caravan Park, in Port Welshpool to Mexicala Pty Ltd with a sublease to HPM Australia Pty Ltd for 21 years based on the outcome of the recent expression of interest received.

RECOMMENDATION

That Council:

- Commences the community engagement process to lease the Long Jetty Caravan Park at 6 Port Welshpool Road, Port Welshpool with an area of 4.912Ha in accordance with s.115 of the Local Government Act 2020 and 17D of the Crown Land (Reserves) Act 1978 to Mexicala Pty Ltd with a sublease to HPM Australia Pty Ltd for 21 years for a rental of \$0 pa for the first 5 years, then market rental reviews after each 5 years, and capital works over the first 5 years of \$670,000. Commencement date to be determined and final lease conditions to be determined at the completion of DELWP's Approval in Principal process.**
- Gives public notice on Council's website and in local newspapers in the edition week commencing 19 December 2022 in accordance with CE84 Community Engagement for Property Proposals Policy (Guidelines) on the proposal (item 1) inviting written submissions to be received by 5pm Wednesday 18 January 2023;**
- If submissions are made to the public notice:**

- a. **Authorise the Chief Executive Officer to fix the time, date, and place of a meeting for the hearing for persons who wish to be heard in support of their submissions;**
 - b. **Receives a further report to consider submissions and determine the outcome at the next available Council meeting.**
- 4. **If no submissions are received to the public notice:**
 - a. **Implement the proposal in recommendation 1.**

REPORT

To progress the lease, Council is required to undertake a community engagement process in accordance with s115 of the Local Government Act 2020 and the CE84 Community Engagement for Property Proposals Policy (Guidelines) before an Approval in Principle process can commence by the Department of Environment Land Water and Planning (DELWP).

Subject to the outcome of the community engagement process, a commencement date for the lease and final lease conditions can be determined once the Approval in Principle process is successfully completed.

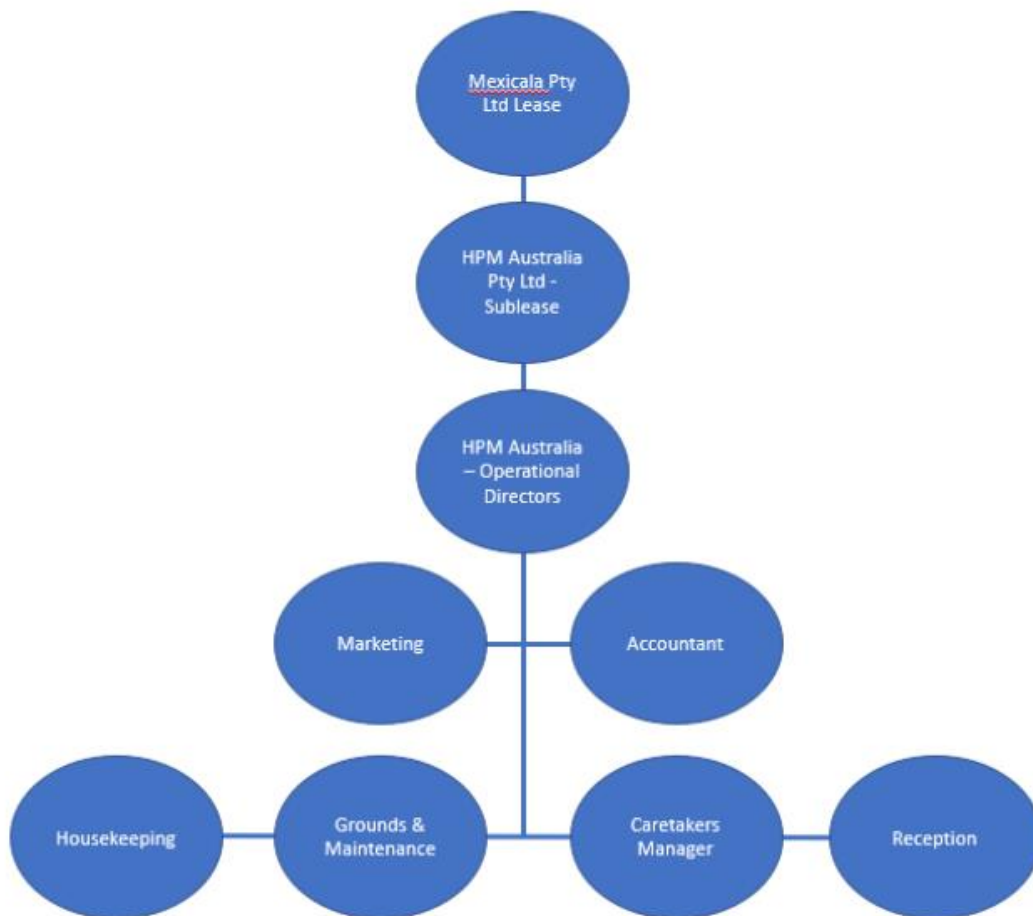
Council resolved at its confidential meeting on 24 February 2021, to make available to the public their decision to lease the Yanakie and Long Jetty Port Welshpool Caravan Parks by an expression of interest process.

Lease documentation including environmental and cultural heritage reports, asset assessments, and surveys of the parks were undertaken before the valuations of the parks took place. Once completed, Council could advertise for a proposed tenant.

Council undertook an expression of interest to lease the Long Jetty Caravan Park in Port Welshpool for 21 years in accordance with a s.17D Crown Land (Reserves) Act 1978 non-retail lease through CRE Brookers.

Council received two expressions of interest with the preferred expression of interest being from Mexicala Pty Ltd and HPM Australia Pty Ltd. The expression of interest and evaluation is available in **Confidential Attachments [15.4.1] and [15.4.2]**.

Proposed Structure



Mexicala Pty Ltd is an established company that has extensive management and consultancy experience within the caravan park industry for over 20 years. In this time, the company has directly owned, operated, consulted, and managed 12 parks across Victoria, New South Wales, and Queensland.

Mexicala currently owns:

- Bright Riverside Holiday Park;
- Discovery Parks – Bright;
- Corowa Bindaree Holiday Park; and
- Porepunkah Riverview Caravan Park.

And until July 2021, it also operated:

- Phillip Island Caravan Park (Newhaven – Crown land lease);
- Cape Paterson Holiday Park (Crown land lease);

- Torquay Holiday Park;
- Noosa Caravan Park; and
- Eden Beachfront Holiday Park.

The success of Mexicala within the caravan park industry can be attributed to experienced professional management, key understanding and knowledge of the industry, and the ability to plan, develop, and implement key strategies including:

- Consumer based Marketing
- Extensive Customer Service
- Property and Brand Development
- Regulatory Compliance (WH&S, Environmental, Statutory)
- Human Resources Management
- Sound Financial Management

Holiday Park Management Australia (HPM Australia) was formed in 2019 by Peter Woolman and Paul Stuart-Higgs. The company assists Holiday Parks across all facets of the sector with specialist services. A large client base covers operators across the public, private, and corporate sector.

Key Services:

- Ongoing Management Contracts
- Presentation and Compliance Audits
- Work Health & Safety advice and audits
- Revenue Management
- Strategy design and implementation
- Operational planning and implementation
- HR recruitment, training, and culture
- Master planning
- Capex development and management
- Marketing

Key Clients:

- Parks Victoria
- Goulburn Murray Water (GMW)
- Eurobodalla Shire Council
- Buloke Shire Council
- 4 x BIG4 Holiday Parks – Management Contracts
- Indigo Shire Council
- Great Ocean Road Caravan Park Authority (GORCAPA)

To progress the lease, Council is required to undertake a community engagement process in accordance with s115 of the Local Government Act 2020 and the CE84 Community Engagement for Property Proposals Policy (Guidelines) before an Approval in Principle process can commence by DELWP.

CONSULTATION / COMMUNITY ENGAGEMENT

It is proposed to give public notice in the local papers and on Council's website week commencing 19 December 2022 calling for public submissions to the proposal up until the closing date of 5pm Wednesday 18 January 2023.

RESOURCES / FINANCIAL VIABILITY

Financials and capital works proposed are included in the expression of interest from Mexicala Pty Ltd and HPM Australia Pty Ltd – **Confidential Attachment [15.4.1]**.

RISKS

If Council doesn't proceed to lease the Long Jetty Caravan Park Port Welshpool, budgets would be required to engage staff and maintain the park.

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 [15.4.1] – Expression of Interest - [15.4.2] – Evaluation – 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, (g) - private commercial information, being information provided by a business, commercial or financial undertaking that: (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The grounds for designation have been made as the information is deemed commercial-in-confidence, being information relating to contractual matters.

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](#).

Leasing Policy (C62)

Legislative Provisions

Local Government Act 2020

4. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

4.1. EARLY YEARS FUTURE DIRECTIONS

Directorate:	Economy and Community
Department:	Community Health and Safety

Council Plan

Objective - Healthy and Engaged Communities

Provision of early years infrastructure for kindergarten, childcare and maternal and child health supports child development and learning and is a core ingredient in developing attractive and sustainable communities for families.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the guiding principles and position paper with regard to the provision of early years infrastructure and service both now and into the future for Council's determination and consideration.

RECOMMENDATION

That Council endorses the Early Years guiding principles and position paper (Attachment [4.1.1]).

REPORT

Planning for early years services and infrastructure is a key role for Council, a significant factor in planning for liveable communities and sustainable economic and population growth. Provision of quality early childhood education, care and support underpins future social and economic wellbeing and is a major determinant of children's health, wellbeing and future life chances.

The Victorian Government has committed significant infrastructure funding to increase kindergarten infrastructure capacity but it comes with an expectation that Council will hold the lease and the responsibility of ongoing maintenance of these buildings. There is also limited funding for capital improvements and at this stage, no Government funding for the replacement of ageing infrastructure (unless it includes an increase in capacity).

Workshops with Councillors were held to develop an understanding and a position with regard to Council's role in early years.

Following is a summary of the feedback that was received during the workshops and was used to develop a set of guiding principles and a position paper on Council's role in the early years (refer [**Attachment 4.1.1**]).

Summary of Councillor feedback:

- Councillors have a clear preference for Council to continue having a similar role in the early years space in response to changing community needs. Meaning there is no interest in Council becoming involved in direct service delivery of kindergarten and childcare services.
- Councillors would like to see an approach that values quality over quantity. A best practice approach which values small room sizes and group sizes, and quality indoor and outdoor spaces.
- Councillors have a clear understanding of the importance and value of early years services, particularly childcare and kindergarten, in supporting the local economy and making our communities an attractive place for families and children. Having access to these services is critical for our communities.
- Council should continue long term investment in infrastructure to support kindergarten and childcare.
- Council should be a strong advocate for change in the early years space and in securing investment from the State Government for early years services and infrastructure in South Gippsland.
- Councillors understand and value the importance of partnering with our early years services and supporting them to be responsive to community needs. As part of this, there was interest in Council facilitating the establishment of localised early years managers e.g. central, west, and east.

CONSULTATION / COMMUNITY ENGAGEMENT

The guiding principles and position paper was developed after extensive consultation with Councillors through a number of strategic workshops. The development of the principles and position paper has been supported internally by a collaborative approach between the Infrastructure Planning and Community Services departments and through the undertaking of an early years needs assessment (**Attachment 4.1.2**).

RESOURCES / FINANCIAL VIABILITY

Council allocated funds to undertake this project which have been included in the budget for the Community Services department.

RISKS

Council will face potentially significant financial costs in the future to address early years infrastructure needs, including the impact of government policy changes, ageing infrastructure and increased demand. An understanding of Council's guiding principles and position in regard to Council's role in early years will enable a rational and sustainable approach to meeting community need, maximise economic and community benefit and help manage cost implications for 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. Position Paper - Council's role in the Early Years FINAL Nov 2022 [4.1.1 - 13 pages]
2. Early Years Services Needs Assessment - Executive Summary - October 2022 - FINAL [4.1.2 - 17 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 2. Culture & Behaviour

Pillar 3. Decision Making

Pillar 4. Structure, Systems & Policies

Pillar 6. Capability

Council Policy / Strategy / Plans

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

Children and Families - A Plan for the Future in South Gippsland

Social Community Infrastructure Blueprint

Annual Budget

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

Children and Families Plan 2016-2021

Council Plan 2020-2024

Municipal Public Health and Wellbeing Plan

Legislative Provisions

Child Safe Standards 2022

Child Wellbeing & Safety Act 2005

Children's Services Act 1996

Children, Youth and Families Act 2009

Disability Act 2006

Disability Discrimination Act 1992

Family Violence Protection Act 2008

Local Government Act 1989

Local Government Act 2020

Children's Services Regulations 2020

Children, Youth and Families Regulations 2017

Public Health and Wellbeing Regulations 2019

Supporting Children and Families in the Early Years: A Compact between DET, DHHS and Local Government (represented by MAV) 2017-2027

Regional, State and National Plan and Policies

Connecting Regional Victoria 2016

Gippsland Regional Growth Plan, State Government Victoria

Gippsland Regional Plan 2020-2025

5. OBJECTIVE - LEADING WITH INTEGRITY

5.1. COUNCIL MEETING TIMETABLE 2023

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's transparency and governance is demonstrated at its Council Meetings where decisions are made on behalf of the community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the 2023 Council meeting schedule.

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

Council adopted *Governance Rules (C82)(the Rules)* at Council Meeting 19 October 2022. Clause 11 of the Rules requires the dates and times of Meetings be fixed by Council, and specifically in clause 11.1 that:

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

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

RECOMMENDATION

That Council sets the Council Meeting Schedule for 2023 to be held in the Council Chambers, Leongatha on the following dates and times:

- 1. Wednesday 15 February 2023, 2.00pm (Meeting No.479)**
- 2. Wednesday 15 March 2023, 2.00pm (Meeting No.480)**

3. **Wednesday 19 April 2023, 2.00pm (Meeting No.481)**
4. **Wednesday 17 May 2023, 2.00pm (Meeting No.482)**
5. **Wednesday 28 June 2023, 2.00pm (Meeting No.483)**
6. **Wednesday 19 July 2023, 2.00pm (Meeting No.484)**
7. **Wednesday 16 August 2023, 2.00pm (Meeting No.485)**
8. **Wednesday 20 September 2023, 2.00pm (Meeting No.486)**
9. **Wednesday 18 October 2023, 2.00pm (Meeting No.487)**
10. **Wednesday 15 November 2023, 2.00pm (Meeting No.488)**
11. **Wednesday 22 November 2023, 2,00pm (Meeting No.489) – Election of Mayor and Deputy Mayor**
12. **Wednesday 13 December 2023, 2.00pm (Meeting No.490)**

REPORT

Council Meeting Dates and Venues

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

It is proposed to hold the first Council Meeting on 15 February 2023 and from then on, generally the third Wednesday of each month for the remainder of the calendar year with two exceptions. There will be one meeting held on the forth Wednesday, 28 June 2023, 2.00pm (Meeting No.483) in order to expedite the business of Council, incorporating the council budget deliberation processes.

A second meeting has been scheduled for November to be used to elect a Mayor and Deputy Mayor on the Wednesday 22 November 2023, 2,00pm (Meeting No.489).

There will be one meeting held on the second Wednesday, 13 December 2023, 2.00pm (Meeting No.490).

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

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

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

CONSULTATION / COMMUNITY ENGAGEMENT

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

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

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

Legislative Provisions

Local Government Act 2020

5.2. INSTRUMENT OF AUTHORISATION AND APPOINTMENT - PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations and authorisations to Officers, so they can undertake the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report is to request Council to approve an Instrument of Appointment and Authorisation for the staff member Leanne Edwards under the *Planning and Environment Act 1987*.

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

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

REPORT

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

One new Instrument is presented for adoption for Leanne Edwards Leanne Edwards, enabling the staff member to fulfil the required duties as Building & Planning Enforcement Officer within the Planning & Building Services department.

The Instruments are contained in **Attachment [5.2.1]**.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

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

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. S11A Instrument of Appointment PE Act Leanne Edwards [5.2.1 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Legislative Provisions

Planning and Environment Act 1987

5.3. POLICY REVIEW: LIVE STREAMING OF COUNCIL MEETINGS POLICY (C67) & SOUND RECORDING OF COUNCIL MEETING POLICY (C48)

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council regularly reviews policies to ensure they are up to date and relevant, and support the objectives of Council's Good Governance Framework.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's consideration on a new *Live Streaming of Council Meetings Policy (C67)* **Attachment [5.3.1]**, and to revoke the *Sound Recording of Council Meeting Policy (C48)* **Attachment [5.3.2]**. Both policies have been reviewed to ensure the valued practice of live streaming Council meetings is maintained, and remains contemporary.

BACKGROUND

South Gippsland Shire Council is committed to transparency in decision making, and connection to the community. In line with this commitment, Council resolved at the 22 February 2017 Council meeting to live stream Council meetings to the internet. Council subsequently adopted the *Live Streaming of Council Meetings Policy (C67)* at the Council meeting of 25 July 2018 to support and manage this practice. This Policy is now due for review, and an updated draft Policy is attached for Council consideration.

The *Sound Recording of Council Meeting Policy (C48)* was adopted on the 25 November 2015 and was last reviewed in November 2019. It is proposed this Policy be revoked as it is no longer necessary to sound record Council meetings, as the live stream captures both sound and images.

RECOMMENDATION

That Council:

- 1. Revokes *Sound Recording of Council Meeting Policy (C48)* Attachment [5.3.2]; and**
- 2. Adopts the *Live Streaming of Council Meetings Policy (C67)* Attachment [5.3.1].**

REPORT

South Gippsland Shire Council implemented a practice of live streaming Council meetings to the internet in early 2017, and has found this to be a useful and valuable means of making Council meetings available to a broader section of the South Gippsland community. Due to the ongoing use and success of live stream recordings of Council Meetings, it is proposed that the *Sound Recording of Council Meeting Policy (C48)* be revoked, and the updated Live Streaming of Council Meetings Policy be adopted to support the continuation of this successful practice, and to support good governance and accuracy of Council Minutes.

As part of the review of the *Live Streaming of Council Meetings Policy (C67)* the changes below are proposed:

- Replacing the requirement for sound recording of Council meetings with the practice of recording and sharing the live stream via the internet.
- Removing prescriptive detail about the publication of public notices in the Policy, so that messaging can remain flexible to meet the needs of Council and the community.
- Removing the limit on accessing live stream recordings.
- Removing references to public question time, public hearings and public participation in Council Meetings as this is not in line with Council's *Governance Rules (C82)*.

CONSULTATION / COMMUNITY ENGAGEMENT

Feedback from the community about the practice of live streaming Council meetings has been very positive, with viewer numbers remaining high over time.

RESOURCES / FINANCIAL VIABILITY

The implementation of this Policy will be managed through existing budgets.

RISKS

This Policy further imbeds the practice of live streaming Council meetings, making meetings more open, transparent and accessible to the community.

The live streaming of Council meetings also supports Council's Business continuity practices, so that Council meetings can be held virtually in accordance with Council's Governance Rules in the event a physically location is unavailable.

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. C67 Live Streaming of Council Meetings Policy - Draft [5.3.1 - 5 pages]
2. C48 Sound Recording Council Meetings 2015 [5.3.2 - 4 pages]

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](#).

Governance Rules (C82)

Live Streaming on Council Meetings Policy (C67)

5.4. SUMMARY OF STRATEGIC BRIEFINGS - 13 OCTOBER 2022 - 12 NOVEMBER 2022

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

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

EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020*, section 9(2)(i), s.9(3)(b) and s.58, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 October and 12 November 2022.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 19 October 2022	
Council Meeting Agenda Topic Discussion 19 October 2022	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Adrian Darakai. Municipal Monitor: Prue Digby Conflict of Interest: Nil disclosed.
Coal Creek Community Park and Museum	Councillors Attending:

Meeting Title	Details
	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Adrian Darakai.</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Community Grants Program	<p>Councillors Attending:</p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Adrian Darakai.</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 26 October 2022	
Planning Scheme Review	<p>Councillors Attending:</p> <p>Mohya Davies, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest: Nil disclosed.</p>
Wednesday 2 November 2022	
Coastal Strategy Discussion	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling and Adrian Darakai.</p> <p>Municipal Monitor: Apology</p> <p>Conflict of Interest:</p> <p>Cr Adrian Darakai left the Council Chambers with a material conflict of interest in the Coastal Strategy Discussion briefing, as he owns land that may be subject to rezoning in the subject site of Venus Bay.</p>
Wednesday 9 November 2022	
Agenda Topic Discussion – 16 November 2022	<p>Mohya Davies, Scott Rae, Nathan Hersey, Jenni Keerie, John Schelling and Clare Williams.</p> <p>Conflict of Interest: Nil disclosed.</p>
Audit & Risk Committee Chair Report	<p>Mohya Davies, Scott Rae, Nathan Hersey, Jenni Keerie, John Schelling and Clare Williams.</p> <p>Conflict of Interest: Nil disclosed.</p>
Financial Performance Report	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai.</p> <p>Conflict of Interest: Nil disclosed.</p>

Meeting Title	Details
Integrated Planning Workshop	Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai. Conflict of Interest: Nil disclosed.
Leongatha Memorial Hall	Mohya Davies, Scott Rae, Sarah Gilligan, Jenni Keerie, John Schelling, Clare Williams and Adrian Darakai. Conflict of Interest: Nil disclosed.

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)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

5.5. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 OCTOBER 2022 TO 12 NOVEMBER 2022

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

Council Plan

Objective - Leading with Integrity

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 13 October 2022 to 12 November 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(h)(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.

In accordance with the Local Law No. 2 2020, Part 9, clause 107(h)(iv), the following are presented to Council as documents sealed during the period from 13 October 2022 to 12 November 2022.

1. Deed of Novation between South Gippsland Shire Council (continuing party) and the State of Victoria as represented by its Department of Transport (outgoing party) and Victorian Fisheries Authority (incoming party) for Boat Launching and Parking Fees Abolition Agreement. Seal applied 19 October 2022.
2. Deed Poll – Release of Indemnity Guarantee between South Gippsland Shire Council and the ANZ Banking Group for CON/321. Seal applied 20 October 2022.

‘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 13 July 2022 to 12 August 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 55A Baromi Road, Baromi for a 2 lot subdivision. Seal applied 26 October 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 13 October 2022 to 12 November 2022.
 - a. Nil.

2. Contracts awarded after a public tender process within the CEO's delegation between 13 October 2022 to 12 November 2022.
 - a. CON/333 for the Construction of Footpath Extensions was awarded to M Mileto & B A Whale trading as M & M Paving signed by CEO 19 October 2022.
 - b. CON/313 for the Jones Street Foster Street Reconstructions was awarded to Hugh Patrick Pty Ltd trading as BJs Earthmoving signed by the CEO 5 November 2022.
3. Contract variations approved by the CEO between 13 October 2022 to 12 November 2022.
 - a. Nil
4. Contract extensions approved by the CEO between 13 October 2022 to 12 November 2022.
 - a. CON/238 for the Provision of Catering Services for Council Meetings, Briefing and Major Civic Functions was awarded to Brent Sinclair Catering 20 November 2019. The contract was for a three-year term commencing on 20 November 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 22 October.

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. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT

6.1. PETITION RESPONSE: PROPOSED CLIMATE EMERGENCY DECLARATION

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Healthy and Engaged Communities

Objective - Leading with Integrity

Objective - Protecting and Enhancing our Environment

Objective - Sustainable Growth

This report highlights the objectives of ensuring communities remain healthy, that the environment is protected and sustainability considerations are taken into account when making decisions.

EXECUTIVE SUMMARY

At the 16 November 2022 Council Meeting, a petition was received from Prom Area Climate Action requesting that Council:

- Take a leadership role within the South Gippsland community for urgent action on climate change;
- Require all reports to Council to include a section on climate implications, both for Council's own operations and for the broader South Gippsland community; and
- Declare a climate emergency along with more than 990 governments which have already done so around the world (www.cedamia.org/global).

The same petition was previously submitted to Council at the 28 October 2020 Council meeting, with a subsequent report considered by Administrators at the 25 November 2020 Council meeting, where it was resolved that Council would continue to implement the actions within its Sustainability Strategy.

At the Council meeting on 16 November 2022, Council resolved to receive a report at the 14 December 2022 Council Meeting, in response to the submission.

The pending development of a Climate Action Plan and adoption of new emissions reduction targets, provides the ideal opportunity to obtain a wide

view of community opinions in relation to climate change and Council's perceived role with regard to planning for and mitigating associated current and future risks.

A decision on Council's direction with regards to addressing climate change more broadly, and whether to declare a climate emergency more specifically, would best be made following the conclusion of a community consultation process to be undertaken during the development of the Climate Action Plan.

It is therefore recommended that Council continue the process of developing a new Climate Action Plan, with a decision on specific actions to be undertaken, including whether or not to formally support the declaration of a climate emergency to be made following broad community consultation undertaken during the development of the Plan.

RECOMMENDATION

That Council:

- 1. Continues to implement the actions within Council's Sustainability Strategy Framework to address the impacts of climate change; and**
- 2. Develops a Climate Action Plan to guide Council's response to climate change.**

REPORT

At the 16 November 2022 Council Meeting, a petition was received from Prom Area Climate Action (PACA) requesting that Council:

- Take a leadership role within the South Gippsland community for urgent action on climate change;
- Require all reports to Council to include a section on climate implications, both for Council's own operations and for the broader South Gippsland community; and
- Declare a climate emergency along with more than 990 governments which have already done so around the world (www.cedamia.org/global).

Council resolved to receive a report at the 14 December 2022 Council Meeting, in response to the submission.

A summary of the signatures to the petition/s are as follows:

- The total number of petition signatures considered at Council Meeting 25 November 2020 was approximately 2,004 signatures broken down as follows:
 - Total valid signatures within Shire: 737 (37 per cent).
 - Total valid signatures outside Shire: 871 (43 per cent).
Note: signatures from Victoria, other Australian States, and International.
 - Invalid Signatures: 396 (20 per cent). Note: invalid signatures are those without a full or identifiable residential address, no signature etc)
- The total number of petition signatures considered in the petition tabled on 16 November 2022 was approximately 45 signatures.

The petition prayer tabled at Council Meeting 16 November 2022 is included in **Figure 1**.

The petition and cover letter that was considered at Council Meeting 16 November 2022 is available in **Confidential Attachment [15.5.1]**.

The petition and cover letter that was considered at Council Meeting 28 October 2020 is available in **Confidential Attachment [15.5.2]**.

Figure 1 – Petition Prayer

<p><u>Petition: South Gippsland Shire to declare a Climate Emergency</u></p> <p>We the undersigned:</p> <ol style="list-style-type: none"> 1. acknowledge that dangerous climate change is happening now and is accelerating 2. demand action at a pace far beyond business and politics as usual, and 3. hereby petition South Gippsland Shire Council to: <ol style="list-style-type: none"> (a) take a leadership role within the South Gippsland community for urgent action on climate change, (b) require all reports to Council to include a section on climate implications, both for Council's own operations and for the broader South Gippsland community, and (c) declare a climate emergency along with more than 990* governments which have already done so around the world (www.cedamia.org/global) <p style="text-align: center;"><small>* As of September 2022, the number of jurisdictions with Climate Emergency Declarations totals 2287</small></p> <p>Lead Petitioner: Veronique Hamilton</p>

Council has considered the petition. Council is subject to a range of State Government legislation and plans which govern the degree to which Council must consider climate change in strategic decision-making, plan for a sustainable future, and implement measures to both mitigate climate change

via implementing emissions reduction strategies and also help communities adapt to a changing climate.

Section 9 of the *Local Government Act 2020* outlines “Overarching governance principles and supporting principles”, stating that a Council must “in the performance of its role give effect to the overarching governance principles”, specifying the following amongst those principles:

“Section 9:

- a. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- b. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- c. the municipal community is to be engaged in strategic planning and strategic decision making; and
- h. regional, state and national plans and policies are to be taken into account during Council’s strategic planning and decision making.”

In addition:

- the Climate Change Act 2017 (Vic) requires decision makers to regard climate change mitigation and adaptation action when making decisions or implementing actions;
- Victoria’s Climate Change Adaptation Plan 2017 – 2020 includes a commitment to partnering with local government on adaptation to help build local government capacity and collaborative action.
- The Victorian Public Health and Wellbeing Plan 2019–2023 acknowledges that climate change is “a leading threat to health and wellbeing” and “tackling climate change and its impact on health” is one of four key focus areas in the plan.
- Council’s Municipal Public Health and Wellbeing Plan 2022 – 2025 lists “Tackling Climate Change” as one of the five Strategic Priorities 2022 – 2025. The Plan lists joint goals of a protected environment as well as a supported resilient community as aims for this work, with the following strategies recommended in order to achieve these goals:

- Build understanding of the risks of climate change and its impact on health
- Increase community and business resilience to withstand and recover from climate driven natural disasters
- Support community and business capacity to adopt sustainable practices and renewable energy

The development of a new Climate Action Plan and associated emissions reduction targets is scheduled to commence during this financial year. The Plan will incorporate actions and targets previously included in Council's Greenhouse Gas Reduction Plan.

The development of this strategic document presents an opportunity to consult with the community in the development of Council's plans for addressing climate change. A key focus of the consultation process will be to determine the expectations of the community with regard to actions needed to plan for and respond to the current and future risks and impacts of climate change.

CONSULTATION / COMMUNITY ENGAGEMENT

Given the relevance of environmental sustainability to the lives of community members, and the high level of community interest in the issue of climate change, it is important to engage broadly with South Gippsland residents when developing Council's position and response to climate change. Accordingly, appropriate community consultation will be a key focus during the development of the Climate Action Plan.

RESOURCES / FINANCIAL VIABILITY

There are no direct financial or resourcing implications stemming from the presentation of this petition.

RISKS

The subsequent development of Council's Climate Action Plan will provide an opportunity for Council to implement actions, policies and practices in line with Council's legislated responsibilities, as well as with community views and expectations in this space.

Other key outcomes expected of the planned development process are a clear understanding of the risks to Council and implications across Council's activities from climate change and the establishment of new emissions reduction targets to guide Council's abatement activities.

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 [15.5.1] – Petition - Covering letter and Petition received at Council Meeting 16 November 2022 and Confidential Attachment [15.5.2] – Petition - Covering letter and Petition received at Council Meeting 28 October 2020 – 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 an individual's personal information.

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](#).

Sustainability Strategy

Municipal Public Health and Wellbeing Plan

Legislative Provisions

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

7. OBJECTIVE - SUSTAINABLE GROWTH

7.1. SOUTH GIPPSLAND COASTAL STRATEGY - DISCUSSION PAPER

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

The Coastal Strategy will support decision making around sustainable use and development in response to emerging environmental risks.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the release of the Coastal Strategy Discussion Paper for community engagement.

The preparation of the South Gippsland Coastal Strategy (the Coastal Strategy) is a major Initiative in the South Gippsland Shire Council Plan 2022 – 2026 which states:

Prepare a Coastal Strategy to inform any future Planning Scheme provisions that will seek to guide sustainable land use and development in South Gippsland Shire's coastal townships and communities.

The Coastal Strategy aims to provide strategic direction for the planning of South Gippsland's coastal areas. The project outcomes will help inform Council's existing operations, as well as future growth and risk management.

The Coastal Strategy Discussion Paper (Discussion Paper) (**Attachment [7.1.1]**) and the condensed Coastal Strategy- Summary Document (Summary) (**Attachment [7.1.2]**) details 15 'potential actions' for South Gippsland's coastal areas, and invites community submissions on the inclusion of these potential actions in a draft Coastal Strategy, which will be prepared in early 2023 as the next stage in the preparation of the Coastal Strategy.

It is recommended that Council undertake public consultation on the Coastal Strategy Discussion Paper from 16 December 2022 until Tuesday 31 January 2023.

RECOMMENDATION

That Council endorses the South Gippsland Coastal Strategy Discussion Paper (Attachment [7.1.1]) and Summary Paper (Attachment [7.1.2]) for public consultation from 16 December 2022 until Tuesday 31 January 2023.

REPORT

Our coastal region is a beautiful natural asset and is highly valued by our local community and visitors. It comprises significant landscapes and areas of environmental significance including Wilsons Promontory, Corner Inlet, Andersons Inlet and the Shallow Inlet Marine and Coastal Park. The coastal area also underpins many economic activities including tourism, fishing, agriculture, freight / shipping and resource extraction (e.g. oil / gas). The management of coastal areas is complex, involving numerous government agencies and various regulatory frameworks governing land use and development.

Our coastal area is under growing pressure from a range of natural and human related impacts including a changing climate (storm / flood / fire), township development pressures (housing and population growth) and impacts related to social and economic change. Effective long-term planning for the coast is vital given the emerging risk implications for Council, government agencies, private landowners/land managers, businesses and other parties.

Environmental risks are likely to have ongoing impacts on coastal areas. Planning to effectively respond to anticipated risks now can reduce future costs and community disruption / dislocation. The South Gippsland Coastal Strategy aims to provide a proactive step to better prepare South Gippsland's coastal areas for future challenges.

The Discussion Paper identifies the key issues that affect coastal areas and communities, and notes potential actions to respond to these key issues under four themes:

- Environment and Landscape;
- Population Pressure and Development;
- Development Infrastructure and Management; and
- Community and Economy.

The Discussion Paper is structured as a conversation starter and is presented as an opportunity to engage with the community to test and explore whether the key issues have been appropriately captured, and whether there are

additional issues that should be considered for inclusion in the Coastal Strategy. There are 15 potential actions for consideration.

Some of the more impactful potential actions include:

- Removing the greenfield growth areas from the Planning Scheme Framework Plans for Venus Bay, Sandy Point and Waratah Bay. This would ensure the townships do not expand beyond their current boundaries.
- Limiting new residential development in coastal townships to a single dwelling per lot. The right to develop a single dwelling on a single vacant lot would be retained.
- Introducing subdivision controls to prevent the creation of additional residential lots in coastal townships.
- Exploring planning scheme changes that introduce or improve township character provisions, including the application of the Neighbourhood Residential Zone (NRZ).
- Updating planning controls with the most up to date hazard risk mapping, for example, mapping produced by DELWP for the Cape to Cape Regional and Strategic Partnership (RaSP).
- Advocating for new planning scheme controls (zone or overlay) that more directly responds to coastal hazard risks affecting land use and development.
- Continuing to partner with the State and Federal Government to undertake additional coastal hazard assessment investigations to plan for the impacts of climate change.
- Reviewing coastal land management arrangements specifically regarding Council's foreshore management areas.
- Management of ground water bores and their impact on new development.

Whilst these potential actions have been noted for discussion purposes, the Discussion Paper is the community's opportunity to add to, and inform the content of the final Coastal Strategy.

CONSULTATION / COMMUNITY ENGAGEMENT

Preparation of the Draft Coastal Strategy will be informed by the community response to the Discussion Paper. It is proposed that the Discussion Paper will be available for public comment from 16 December 2022 until 31 January 2023. There will be an online platform and a number of community drop in information

sessions in townships along the coast that will support community consultation. Council's webpage will provide comprehensive details of all engagement opportunities.

RESOURCES / FINANCIAL VIABILITY

This project has a budget allocation of \$60,000 to support development of the final Coastal Strategy.

RISKS

A role of Council's strategic planning function is to identify and mitigate against risk. Risks associated with coastal processes is a dynamic space, and coastal councils require a contemporary policy basis upon which to make decisions around coastal management and development.

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. Coastal Strategy - Discussion Paper - December 2022 [7.1.1 - 32 pages]
2. Coastal Strategy - Summary Document - December 2022 [7.1.2 - 2 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Council Plan 2022-2026

Legislative Provisions

Marine and Coastal Act 2018

Planning and Environment Act 1987

7.2. VENUS BAY SEWERAGE FEASIBILITY

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

This project has provided Council with information to support the "... delivery of fit-for-purpose infrastructure in partnership with other agencies that share this responsibility".

EXECUTIVE SUMMARY

This report proposes that Council advocate to the State Government for the options as identified in the Venus Bay Community Services Sewerage Feasibility Report to be funded.

The implementation of such infrastructure would support critical community service delivery and modest commercial growth that can service the growing population of Venus Bay.

Although the scope of the study was essentially limited to servicing existing community and commercial facilities in Venus Bay, options to advocate for the provision of sewer to the whole of Venus Bay should not be discounted. The recommendation includes advocacy to State Government on both options.

RECOMMENDATION

That Council:

- 1. Notes the findings of the Venus Bay Community Services Sewerage Feasibility report**
- 2. Advocates to the State Government for the funding of a suitable sewerage system to be implemented by South Gippsland Water (SGW) to service the commercial and community uses within the Venus Bay Tourism Precinct Plan area; and**
- 3. Where advocacy for the Venus Bay Tourism Precinct Plan area is successful, or where demand requires, consult with the community to advocate for the provision of a sewerage system to be implemented by South Gippsland Water (SGW) for all of Venus Bay township.**

REPORT

Commercial and community services in Venus Bay are currently experiencing septic tank system failures and/or constraint of business due to a lack of suitable land available for disposal of treated wastewater within property boundaries.

The existing commercial services in Venus Bay comprise a general store, real estate agencies, pharmacy, cafes, restaurant, pizza shop, fish and chip shop, and other small retail (including hairdresser). Community services currently consist of Council's public toilets at Jupiter Park, Parks Victoria's public toilets at Beach 1, Council's community centre on Canterbury Road, and the Surf Life Saving Club (SLC) at Beach 1. These services rely on a range of existing wastewater treatment system types of varying ages.

An ongoing increase in population (and therefore demand) on these community and commercial services since installation has resulted in the wastewater treatment and disposal systems of these services being at, or over, their treatment limits. As a consequence, there is no opportunity to expand existing businesses or accommodate new business offers, due to wastewater constraints.

Provision of a consolidated off-site treatment and disposal system to service these users would allow for the expected continued growth in community and tourism activities in Venus Bay.

Sewerage Feasibility in 2006

In 2006, as a response to concerns raised by Council, South Gippsland Water (SGW) commissioned a study to investigate the feasibility of providing reticulated sewer to the whole of Venus Bay. At the time, SGW did not consider the level of support from the community, or the capital cost per lot, to be feasible for implementation.

Sewerage Feasibility in 2022

As part of the Venus Bay Tourism Precinct Plan project in 2019-20, it was identified that to meet current and future service demand, the existing commercial and community services would require significant wastewater treatment improvements. Council resolved at its meeting on 20 June 2020 to prepare a Venus Bay Tourism Precinct Wastewater System Feasibility Report for the central business area.

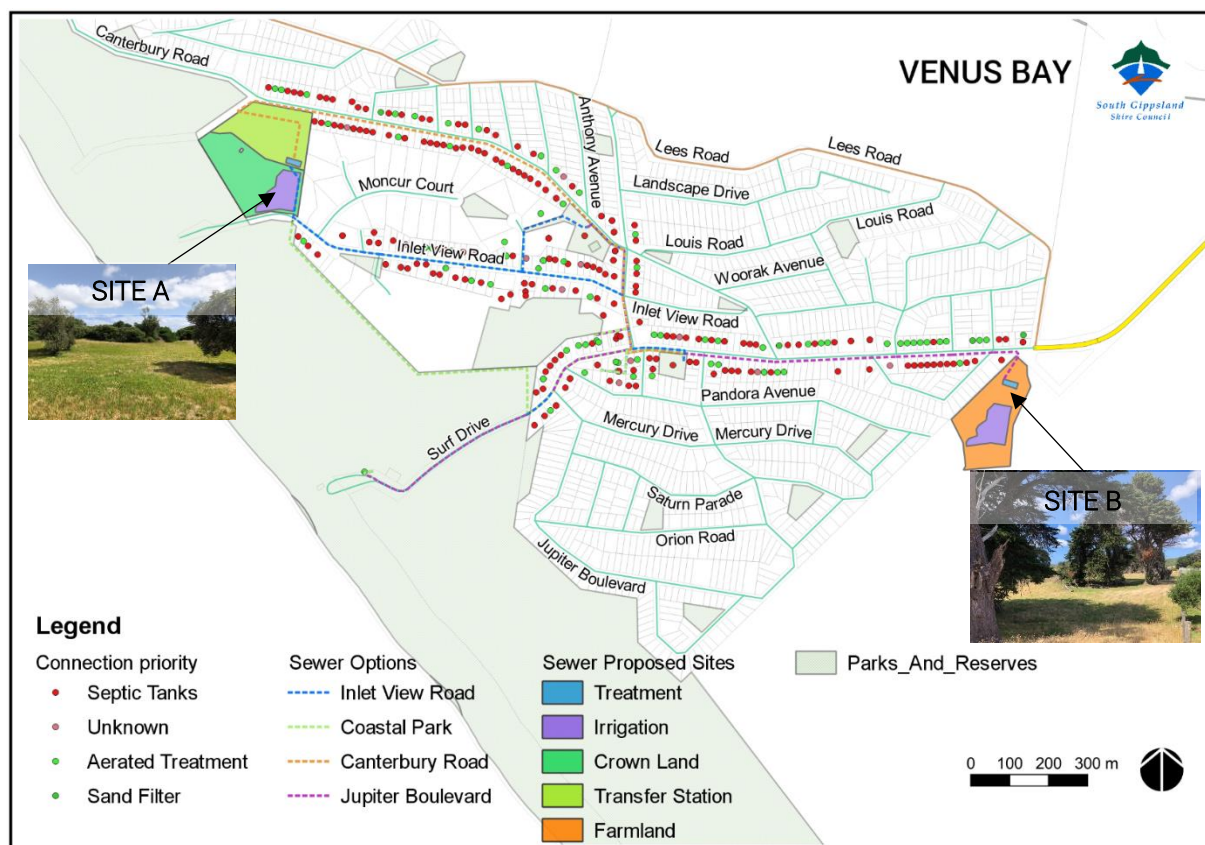
The Venus Bay Sewage Scheme Concept and Options Assessment Report was commissioned in accordance with the Council resolution (prepared by C J Arms P/L in association with IOTA P/L) – see **Attachment [7.2.1]**.

This study sought to assess the requirements for a reticulated (piped) system to collect and transport wastewater to an off-site treatment plant.

Treatment Sites

Two suitable treatment and disposal sites have been identified, as noted in the image below (and on page 11 of **Attachment [7.2.1]**).

These sites have been chosen based on their size, topography, soil type and proximity to the township.



Site A - 130 Inlet View Road

This site is Crown land. During discussions, DEWLP has indicated they would support the lease of the land to an authority (SGW) for this purpose, provided all environmental risks (protection of significant vegetation and ground water quality) are managed. This land is already zoned appropriately to enable its use as a wastewater treatment facility, and will therefore not require a Planning Scheme Amendment for the use to occur on the land.

Site B - 2343 Inverloch-Venus Bay Road

This site is located at the entrance to Venus Bay coming from Tarwin Lower (on the left) on land that is currently leased road reserve and privately-owned

agricultural land. The land would first need to be purchased in order to develop it for a wastewater treatment facility. It is currently in the Farming Zone and would need a Planning Scheme Amendment to rezone the land for use as a wastewater treatment facility.

CONSULTATION / COMMUNITY ENGAGEMENT

Internal consultation with the Environmental Health, Infrastructure Planning and Infrastructure Delivery teams occurred over the course of the previous Venus Bay Tourism Precinct Planning project and throughout this feasibility study.

External consultation with South Gippsland Water, being a key project partner, occurred over the course of the study.

External consultation with DEWLP (Land Management and Vegetation protection), EPA Vic (wastewater treatment and aquifer recharge options), First Peoples State Relations (cultural heritage protection and management), Venus Bay Surf Life Saving Club (service expansion proposal) and Parks Victoria (Beach 1 public toilet concerns) has occurred, to establish key matters for consideration.

External consultation with the community, to a limited extent, formed part of the previous Tourism Precinct Planning project, but has not occurred with any detail for this study. The study is primarily technical in nature, to establish what system should be installed to protect local environmental values, and the cost of such a system.

However, previously expressed community values and aspirations have been considered during the study, to better understand what type and location of treatment technology might be most acceptable to the larger community of Venus Bay. Additional stakeholder consultation is a key step in any future detailed designs of a sewerage scheme by the Water Authority, in whatever form such a system may take.

RESOURCES / FINANCIAL VIABILITY

While Council undertook this study, this report proposes that Council will not be directly involved in the funding, installation and operation of the sewerage system over the operational course of its life. It proposes that it will become a SGW asset, and be operated like other SGW sewer and water services.

Council owns and manages a number of the properties that are considered suitable for service by this proposed sewerage system. If the scheme proceeds, SGW may request Council to pay a proportion of the capital and property connection costs for these sites.

RISKS

Failure to implement improved wastewater management for the community and commercial services will likely result in the continued discharge of poorly treated wastewater to the environment, including the aquifer (ground water), and will constrain expansion of existing services. It will also continue to limit the operations of existing commercial uses, and make expansion of the town centre difficult to achieve.

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. Venus Bay Community Sewage Scheme Concept and Options Assessment Report - June 2022 [7.2.1 - 42 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Waste Management Strategy

Annual Budget

Municipal Public Health and Wellbeing Plan

South Gippsland's Planning Scheme

Town Centre Framework Plans

Legislative Provisions

Environment Protection Act 1994

Environment Protection Act 2017

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987

Water Act 1989

Public Health and Wellbeing Regulations 2019

Regional Development Victoria Regulations 2019

8. NOTICES OF MOTION AND/OR RESCISSION

Nil

9. COUNCILLOR REPORTS

9.1. REQUESTS FOR LEAVE OF ABSENCE

9.2. COUNCILLOR UPDATES

10. 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.

11. PUBLIC QUESTIONS

11.1. 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 19 October 2022.

11.2. 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 19 October 2022.

11.3. 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 19 October 2022.

12. CLOSED SESSION

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

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

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

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

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. Per s.3(1)(f) Agenda item 14.1 – Australia Day Awards Recipients 2023, designated as personal information,
 - a. Being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and
 - b. The grounds for designation have been made to protect the privacy of the applicant's personal information.
2. Per s.3(1)(f) Agenda item 14.2 – Arts Advisory Committee, designated as personal information,
 - a. Being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and

- b. The grounds for designation have been made to protect the privacy of an individual's personal information.**
- 3. Per s.3(1)(c) Agenda item 14.3 designated as land use planning information,**
 - a. Being information that if prematurely released is likely to encourage speculation in land values; and**
 - b. The grounds for designation have been made as the information, if prematurely released, may impact Council's financial position.**

13. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public is proposed to be held on Wednesday, 15 February 2023 commencing at 2pm in the Council Chambers, Leongatha.