

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

11 September 2024

**Council Meeting No.498
Council Chambers, Leongatha
Commenced at 2.00pm**



minutes



*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.

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

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

PRESENT

COUNCILLORS:	Councillor Clare Williams, Mayor Councillor Nathan Hersey, Deputy Mayor Councillor Mohya Davies Councillor Scott Rae Councillor Michael Felton Councillor Jenni Keerie Councillor John Schelling Councillor Sarah Gilligan Councillor Adrian Darakai
NOT PRESENT:	
OFFICERS:	Kerryn Ellis, Chief Executive Officer Tony Peterson, Director Sustainable Infrastructure Allison Jones, Director Performance and Innovation Rena Littlejohn, Director Future Communities Rhys Matulis, Manager Governance Natasha Berry, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting No.498 Wednesday 11 September 2024
Council Chambers, Leongatha, commenced 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

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

Nil

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No.497, held on Wednesday 21 August 2024 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Councillor Keerie

SECONDED Councillor Davies

That the Minutes of the South Gippsland Shire Council Meeting No.497, held on Wednesday 21 August 2024 in the Council Chambers, Leongatha be confirmed.

CARRIED UNANIMOUSLY

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

Nil

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

Nil

2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

2.1. GRANT OPPORTUNITY: SAFER LOCAL ROADS AND INFRASTRUCTURE PROGRAM

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Objective - Connecting our People and Places

A funding application to the Australian Government's Safer Local Roads and Infrastructure Program would provide opportunity for additional external investment into Council's road network.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement to apply for funding through the Australian Government's Safer Local Roads and Infrastructure Program.

The proposed project for application is Simons Lane Intersection Realignment with Bass Highway, Leongatha South, with an estimated total project cost of \$3.0 million.

RECOMMENDATION

That Council:

- 1. Endorses a funding application for \$2,400,000 excluding GST to the Australian Government's Safer Local Roads and Infrastructure Program for the Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project.**
- 2. Refers Council's contribution of \$600,000 excluding GST to the 2025/26 Annual Budget, if the funding application is successful.**

RESOLUTION

MOVED: Councillor Schelling

SECONDED Councillor Keerie

That Council:

- 1. Endorses a funding application for \$2,400,000 excluding GST to the Australian Government's Safer Local Roads and Infrastructure Program for the Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project.**
- 2. Refers Council's contribution of \$600,000 excluding GST to the 2025/26 Annual Budget, if the funding application is successful.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Australian Government's Safer Local Roads and Infrastructure Program commenced 1 July 2024.

Notable program details include:

- Applications are due by 30 September 2024
- Up to \$5 million is available per project
- Rural councils work to an 80/20 split funding (20% is required to be funded by Council)
- Projects must be based on road infrastructure, including bridges/major culverts, footpaths, road safety treatments, gravel to seal, road rehabilitation including upgrade
- Funding is not provided for maintenance activities
- Design and construct projects have a three-year delivery timeframe.

A funding application for the Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project is recommended the following reasons:

- The Project needs to be completed to reopen the Simons Lane connection with Bass Highway
- The Project is at a good state of readiness to meet grant funding program timeframes
- The required land has already been acquired
- The design is well progressed
- There is strong stakeholder support for the Project
- The Project has strategic justification in traffic studies and its support of future growth
- The Project has many demonstratable benefits including network improvements, freight routes, improved safety etc
- The Project compliments recently completed sealing works along Simons Lane

CONSULTATION / COMMUNITY ENGAGEMENT

The Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project is considered to have strong community support having been sought by the community for many years.

The funding application will be accompanied by letters of support from key community stakeholders.

RESOURCES / FINANCIAL VIABILITY

If an application for the estimated \$3.0 million Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project is successful, Council will need to provide a contribution of \$600,000. It is recommended that this contribution be provided from the relevant capital reserve.

A successful application would distribute the income and expenditure budgets over multiple financial years, in line with forecast delivery timeframes and grant agreement conditions.

RISKS

Any significant delay to the Simons Lane Intersection Realignment with Bass Highway, Leongatha South Project has the potential to cause community criticism. However, an application under the SLRIP aligns with the current project time frames and is not expected to create any significant delay to the project.

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

3. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

3.1. ACCESS & INCLUSION ADVISORY COMMITTEE

Directorate:	Future Communities
Department:	Community, Customer and Visitor

Council Plan

Objective - Healthy and Engaged Communities

Develop and implement the 2022-2026 Municipal Public Health and Wellbeing Plan and include Council's Disability Action Plan.

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of the successful establishment of an Access and Inclusion Advisory Committee.

RECOMMENDATION

That Council notes the establishment of the Access and Inclusion Advisory Committee and congratulates the participants for their commitment to supporting the South Gippsland community.

RESOLUTION

MOVED: Councillor Keerie

SECONDED Councillor Davies

That Council notes the establishment of the Access and Inclusion Advisory Committee and congratulates the participants for their commitment to supporting the South Gippsland community.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The establishment of an Access and Inclusion Advisory Committee (the Committee) is an action within the Municipal Public Health and Wellbeing Plan, aimed at supporting the development of an Access and Inclusion Plan (previously known as a Disability Action Plan). An active Access and Inclusion Advisory Committee also provides an opportunity for Council to receive relevant advice on the needs of people living with access and inclusion barriers when designing plans, strategies, facilities and services.

At its December 2023 meeting Council endorsed Terms of Reference for establishment of the Committee. Following this endorsement a process to support individuals and organisations from South Gippsland to submit Expressions of Interest to participate on the Committee has been delivered.

This process included four information sessions (Foster, Leongatha, Korumburra, online) and a training session which introduced prospective members to the following concepts: team building, consensus building and meeting process. Six members of the South Gippsland community with lived experience of access and inclusion barriers, and five organisations that support people with access and inclusion barriers have submitted Expressions of Interest to participate and have been invited to form the Access and Inclusion Advisory Committee. The group met in August 2024 to develop a code of conduct and agree to the endorsed Terms of Reference.

CONSULTATION / COMMUNITY ENGAGEMENT

Expressions of Interest opened in May 2024, and remain open as the Committee has capacity to extend its individual membership. Interested participants are provided information and training prior to committing to membership.

RESOURCES / FINANCIAL VIABILITY

The Access and Inclusion Advisory Committee is managed within existing resources. The requirement for additional resources will be monitored depending on participants need for additional support.

RISKS

Nil

STAFF DISCLOSURE

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

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Pillar 5. Communications & Community Engagement

Council Policy / Strategy / Plans

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

Municipal Public Health and Wellbeing Plan

Legislative Provisions

Charter of Human Rights and Responsibility Act 2006

Disability Act 2006

Disability Discrimination Act 1992

4. OBJECTIVE - LEADING WITH INTEGRITY

4.1. 2023/24 BUDGET CARRY FORWARDS TO 2024/25

Directorate:	Performance and Innovation
Department:	Financial Strategy

Council Plan

Objective - Leading with Integrity

This update regarding 2023/24 Carry Forwards provides communication to the community and Council regarding projects or programs not fully completed at 30 June 2024, and assists to ensure Council's continued commitment to deliver on these initiatives.

EXECUTIVE SUMMARY

2023/24 has been a successful year with 43 of the 50 capital projects scheduled for delivery on track or completed at year-end. The purpose of this report is to seek Council consideration to carry forward funds to enable the completion of key strategic projects and initiatives that are both capital and operating in nature and span multiple years.

RECOMMENDATION

That Council:

1. **Endorses the carry forward of operating funds of \$2.442 million (net) to 2024/25;**
2. **Endorses the carry forward of capital items of \$6.65 million (net) to 2024/25 to enable delivery of the committed capital works program; and**
3. **Endorses the transfer of funds of \$3.082 million from accumulated surplus to the Carry Forward Projects Reserve as per the Financial Reserves Policy to enable delivery of committed projects in future financial years.**

RESOLUTION

MOVED: Councillor Keerie

SECONDED Councillor Schelling

That Council:

- 1. Endorses the carry forward of operating funds of \$2.442 million (net) to 2024/25;**
- 2. Endorses the carry forward of capital items of \$6.65 million (net) to 2024/25 to enable delivery of the committed capital works program; and**
- 3. Endorses the transfer of funds of \$3.082 million from accumulated surplus to the Carry Forward Projects Reserve as per the Financial Reserves Policy to enable delivery of committed projects in future financial years.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Proposed carry forwards from 2023/24 to 2024/25

Amounts carried forward are restricted to externally funded projects or significant non-recurrent projects that Council is committed to deliver, recurrent operating budgets are not generally carried forward from one year to the next.

Some projects are expected to span multiple years, and it is appropriate to move these funds to the Carry Forward Projects Reserve, as per the Financial Reserves Policy, rather than carry forward the budget to 2024/25.

The Executive team approved the carry forwards listed in attachment 2 to this report to be recommended to Council for endorsement.

Carry forwards recommended for 2024/25 include:

- Operating carry forwards of \$2.442 million primarily due to grant funding previously received; and
- Capital carry forwards of \$6.65 million.

Transfer of funds to Reserve recommended for 2024/25 include:

- Operating transfer of \$0.3 million; and
- Capital transfer of \$2.784 million.

The total amount proposed to be transferred to Reserve is \$3.1 million and as detailed in the attached report, is for the following projects:

- Port Welshpool – Boat Ramps - \$0.30 million
- Information Technology Infrastructure - \$0.67 million
- Power Street, Foster – Property - \$0.23 million
- Roads – Simons Lane, Leongatha - \$1.89 million

Approval of all proposed carry forwards has an impact to the 2024/25 Budget of \$12.2 million:

- reducing the operating surplus by \$1.1 million, from \$21.6 million to \$20.6 million
- increasing capital works expenditure by \$8 million, from \$36.3 million to \$44.3 million
- increasing transfer to reserves by \$3.1 million, from \$0.3 million to \$3.4 million
- as per the management accounting result, increasing the balanced budget to a \$9.1 million deficit
- the carry forward amount is funded by accumulated surplus due to unspent expenditure in previous years

CONSULTATION / COMMUNITY ENGAGEMENT

This report provides the impact of carry forwards on Council's 2024/25 budget. Development of this budget included a community consultation component.

RESOURCES / FINANCIAL VIABILITY

This report provides Council and the community with a summary of projects or programs not fully completed at 30 June 2024, and assists to ensure Council's continued commitment to deliver on these initiatives.

RISKS

Should Council not carry forward the budgets in this report, it risks failing to deliver its capital program and meeting grant funded milestones.

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. 2023/ 24 Carry Forwards to 2024/ 25 [4.1.1 - 2 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Annual Budget

Council Plan 2022-2026

Long Term Financial Plan

Legislative Provisions

Local Government Act 2020

4.2. SUMMARY OF STRATEGIC BRIEFINGS - 13 JULY TO 12 AUGUST 2024

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

The purpose of this report is to provide a summary of the information presented to Councillors during 13 July and 12 August 2024.

This aligns with the principles of the *Local Government Act 2020* and supports transparency around Council decisions and actions.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Rae

SECONDED Councillor Davies

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Meeting Title	Details
Wednesday 17 July 2024	
Council Meeting Agenda Topic Discussion – 26 June 2024	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
Community Satisfaction Survey	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
Community Planning Update	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie, Adrian Darakai and Nathan Hersey. Conflict of Interest: Nil disclosed.
Community, Customer, Visitor & Economic Development	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie, Adrian Darakai and Nathan Hersey. Conflict of Interest: Nil disclosed.
Coastal Strategy	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie, Adrian Darakai and Nathan Hersey. Conflict of Interest: Nil disclosed.
Councillor Policies	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie, Adrian Darakai, Michael Felton and Nathan Hersey. Conflict of Interest: Nil disclosed.
Wednesday 24 July 2024	
Growth & South Gippsland	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Sarah Gilligan, Jenni Keerie and Nathan Hersey.

Meeting Title	Details
	Conflict of Interest: Nil disclosed.
Wednesday 7 August 2024	
Council Policies Update	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
VicGrid Update	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
Waste and Resource Recovery Plan	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
Planning Briefing	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey. Conflict of Interest: Nil disclosed.
Coal Creek Community Park and Museum Strategic Plan	Councillors Attending: Mohya Davies, Scott Rae, Clare Williams, John Schelling, Jenni Keerie and Nathan Hersey. 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 Act 2020

4.3. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JULY 2024 TO 12 AUGUST 2024

Directorate:	Performance and Innovation
Department:	Financial Strategy

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 July 2024 to 12 August 2024. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

RESOLUTION

MOVED: Councillor Schelling

SECONDED Councillor Darakai

That Council receives and notes this report.

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Documents Sealed

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the *General Local Law 2024*, Part 5 - Administration, clause 65 – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner described by sub-clause (5), 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 *General Local Law 2024*, Part 5 - Administration, clause 65 (6), the following are presented to Council as documents sealed during the period from 13 July 2024 to 12 August 2024.

1. Nil

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 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 *General Local Law 2024*, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 July 2024 to 12 August 2024.

1. Nil

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 July 2024 to 12 August 2024.

- a. CON/405 for the Collection, Transport and Disposal of Leachate from Koonwarra Landfill was awarded to CSA Group Pty Ltd, trading as CSA Specialised Services, signed by the CEO 8 August 2024.
2. Contracts awarded after a public tender process within the CEO's delegation between 13 July 2024 to 12 August 2024.
 - a. Nil
3. Contract variations approved by the CEO between 13 July 2024 to 12 August 2024.
 - a. Nil
4. Contract extensions approved by the CEO 13 July 2024 to 12 August 2024.
 - a. Nil

STAFF DISCLOSURE

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

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)

General Local Law 2024

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

5. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT

5.1. WASTE AND RESOURCE RECOVERY PLAN 2024

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Protecting and Enhancing our Environment

The report recommends the adoption of a new Waste and Resource Recovery Plan which will guide activities in this area for 10 years promoting environmental benefits for the South Gippsland area.

EXECUTIVE SUMMARY

A new Waste and Resource Recovery Plan (WRRP) has been prepared to guide Council's waste and resource recovery activities for the next 10 years.

This report recommends that the new WRRP (**Attachment [5.1.1]**) be adopted by Council.

RECOMMENDATION

That Council adopts the Waste and Resource Recovery Plan 2024 (Attachment [5.1.1]).

RESOLUTION

MOVED: Councillor Hersey

SECONDED Councillor Davies

That Council adopts the Waste and Resource Recovery Plan 2024 (Attachment [5.1.1]).

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

Council's former Waste Management Strategy (WMS) was adopted in 2016 with a lifespan of five years. Actions within the strategy were either completed or became obsolete due to changes in the waste management industry.

The achievements and outcomes of the WMS were presented at a Council briefing on 17 April 2024. A summary of current waste management priorities and a range of proposed actions to potentially be included in a new Waste and Resource Recovery Plan were also presented for discussion.

Councillor feedback from this initial briefing was incorporated into a draft Waste and Resource Recovery Plan, which was presented at a subsequent briefing on 12 June 2024. Councillor feedback was then incorporated into a revised draft version of the WRRP, which was subsequently released for community consultation on 14 June 2024.

The draft WRRP, which covers a 10-year period, incorporates:

- Forecasted changes to waste management services in the coming years, including the introduction of FOGO (weekly collection), separated glass recycling and collection frequency changes (garbage fortnightly and recycling fortnightly);
- Transitioning to a standard level of waste and recycling service where residents will receive the same service for the same rate regardless of which town they live in;
- Potential for weekly collections of garbage and/or recycling during the peak summer holiday period;
- Education/behaviour change programs to achieve the best outcomes from upcoming service changes;
- Regular auditing of kerbside bins to guide education/behaviour change programs;
- A review of the current and proposed future position of Council regarding waste disposal concessions for community groups and fundraising organisations and waste disposal vouchers for individuals;
- A plan for the closure of the Koonwarra Landfill when it reaches capacity; and
- Options to fund a replacement asset to receive waste after the landfill closure

CONSULTATION / COMMUNITY ENGAGEMENT

A draft version of the WRRP was released for community consultation on 14 June 2024. The opportunity for the community to provide feedback on the WRRP was promoted through newspaper advertisements, Facebook posts, the Your Say website, the In the Know newsletter and Council's website. The Your Say platform was the main avenue used to collate feedback, with residents also able to make written submissions.

A total of twenty-seven (27) submissions were received. To facilitate consideration of the feedback in comparison to the contents of the WRRP the submissions were grouped into common themes, linked to service areas and presented at a Council briefing on 7 August 2024.

Minor wording changes were made to the WRRP in response to the feedback received, however, many of the comments related to actions within the WRRP and will be considered as those actions are implemented.

Once the WRRP is adopted by Council, a summary of feedback received from the community and responses from Council will be published on the Our Say platform.

RESOURCES / FINANCIAL VIABILITY

The costs associated with implementing the WRRP are either incorporated in existing budgets or will be the focus of future Council reports if additional resources are required.

RISKS

The WRRP will provide a Council adopted path forward for waste management and resource recovery activities for the next 10 years. If the plan is not adopted, the main risk is an ad hoc decision-making process in coming years, brought about by a lack of planning.

This plan allows Council to comply with General Environmental Duty under the *Environment Protection Act 2017* where councils are required to proactively manage risks to human health and the environment.

There are risks associated with some actions contained in the WRRP such as the introduction of an asset replacement levy or similar for the Koonwarra Landfill. Actions that contain significant risks will be the subject of action specific Council reports in the future.

Changes that are out of Council's control can be misunderstood in the community and reflect on Council's reputation. The WRRP explains what upcoming changes are mandated by the State Government and the reasons why. Community Education programs will be vital to allay any community concerns.

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. Waste and Resource Recovery Plan 2024 to 2034 [5.1.1 - 52 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](#).

Waste Management Strategy

Legislative Provisions

Environment Protection Act 2017

5.2. INTEGRATED WATER MANAGEMENT PLAN

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Protecting and Enhancing our Environment

Integrated Water Management is an important environmental area for Council, in collaboration with other parties.

EXECUTIVE SUMMARY

The purpose of this report is to propose the adoption of an Integrated Water Management Plan. Integrated Water Management (IWM) considers all aspects of water resources, from drinking water and sanitation to stormwater and waterways. Council is one of many agencies that have responsibilities across the whole water cycle. The mechanism for documenting Council's approach to integrated water management is via an IWM Plan (the Plan). By developing a plan, Council will be able to better plan, manage and deliver its activities that relate to water in the South Gippsland communities.

RECOMMENDATION

That Council:

- 1. Adopts the Integrated Water Management Plan 2024 (Attachment [5.2.1]); and**
- 2. Acknowledges the contribution of South Gippsland Water, Gippsland Water, West Gippsland Catchment Management Authority and Department of Energy, Environment and Climate Action in the development of the plan.**

RESOLUTION

MOVED: Councillor Felton

SECONDED Councillor Gilligan

That Council:

- 1. Adopts the Integrated Water Management Plan 2024 (Attachment [5.2.1]);
and**
- 2. Acknowledges the contribution of South Gippsland Water, Gippsland Water, West Gippsland Catchment Management Authority and Department of Energy, Environment and Climate Action in the development of the plan.**

CARRIED UNANIMOUSLY

[Link to next Agenda Item.](#)

REPORT

The Plan outlines the challenges and opportunities related to IWM in South Gippsland and this is the first step in this journey.

Council will focus its efforts on identified IWM activities where it can exert a high degree of influence and four strategic directions have been developed for consideration:

1. **Enhancing** Council's IWM capability
2. **Responding** to critical IWM-related challenges
3. **Trialling** place-based IWM solutions
4. **Collaborative** partnerships for IWM outcomes

The priority IWM programs are proposed:

Direction	Program
1. Enhancing Council's IWM capability	
	1.1 Build IWM knowledge, leadership, collaboration & accountability
2. Responding to critical water system-related challenges	
	2.1 Investigating alternative water sources
	2.3 Proactive drainage, stormwater flooding and coastal risks management
	2.4 Improving Urban Waterways
	2.5 Using Green Blue Infrastructure (GBI) to bring water into urban landscapes
3. Trialling place-based IWM solutions	
	3.1 Reducing IWM Risks from future development in Foster
4. Collaborative partnerships for IWM	
	4.1 Supporting the adoption of IWM by urban developers
	4.2 Working with stakeholders to improve flood understanding

Table 1: IWM Programs

These directions and programs have been developed to align with the strategic directions outlined in the South Gippsland Shire Council Plan 2022-2026 and have considered the many opportunities that Council may apply IWM in its current service delivery operations.

CONSULTATION / COMMUNITY ENGAGEMENT

A project team of officers and water experts managed engagement with various internal and external stakeholders. The plan was advertised in draft form and received no written submissions.

RESOURCES / FINANCIAL VIABILITY

Officers have established the costs for some improvements, and these will need to be considered at adoption for referral to the budget process. Most actions can be absorbed in operational work.

RISKS

Environmental

If Council does not have an integrated water management approach, it risks ad-hoc actions that may not consider whole of catchment outcomes.

Financial

Access to funding streams could be determined by Council's commitment to developing an Integrated Water Management Plan.

STAFF DISCLOSURE

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

ATTACHMENTS

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

1. Integrated Water Management Plan [5.2.1 - 53 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Good Governance Framework Not Applicable

Council Policy / Strategy / Plans

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

Council Plan 2022-2026

6. NOTICES OF MOTION AND/OR RESCISSION

NIL

7. COUNCILLOR REPORTS

7.1. REQUESTS FOR LEAVE OF ABSENCE

RECOMMENDATION

That Councillor Michael Felton be granted leave of Council Meeting 16 October 2024.

RESOLUTION

MOVED: Councillor Davies
SECONDED Councillor Schelling

That Council grant leave for the following Council Meetings:

- 1. Councillor Sarah Gilligan for 2 October 2024;**
- 2. Councillor Clare Williams for 2 October 2024; and**
- 3. Councillor Michael Felton for 16 October 2024.**

CARRIED

7.2. COUNCILLOR UPDATES

Councillor Sarah Gilligan, addressed Council by reporting on attendance at or made comments on:

- Recent storms in the Gippsland area and concerns for the impact on the community and their growing anxiety.**
- Council's insurers, JLT Risk Managers and Insurances were hosting a Forum around risk and liability in disaster response particularly in coastal areas. The Forum invited Victorian coastal councils, CEO's, Mayors and Audit and Risk Committees to talk about how to move discussions about mitigation and adaptation planning into all levels of government to work together. Ironically the Forum could not meet as planned at Venus Bay Surf Club as it was too risky as storms were forecast. However, they did manage to meet online with many of the coastal councils and kept the conversation alive.**

- **Annual General Meeting (AGM) Sandy Point Community Centre and commented that there was much positivity shared that when the storm hit the other week about how the Centre and its volunteers supported disaster resilience.**
-

Councillor Jenni Keerie, addressed Council by reporting on attendance at or made comments on:

- **AGM Koonwarra Reserve Committee, discussions on whether they amalgamate with Koonwarra Hall Committee.**
 - **Korumburra Dairy Expo Sponsors breakfast, which was a great success.**
 - **AGM Kongwak Community.**
 - **Planting at Woodford Reserve by Friends of Woodford Reserve, Friends of Korumburra Botanical Park, Land Care and Council's support to replant the side of Foster Creek.**
 - **Concerns in the community around Council's procurement processes and contracting and assured our community that there are very strict procedures for public tender processes. Individual councillors do not have a role to play in this process.**
-

The Deputy Mayor, Councillor Nathan Hersey, addressed Council by reporting on attendance at or made comments on:

- **In addition to Councillor Keerie's previous comments, there is very strict auditing processes around procurement. Between November 2021 and September 2024 there have been 64 major capital works projects, 36 of those awarded to local business which amounts to 56%, which is something to be proud of.**
 - **Catch with a Councillor sessions in Kongwak, Jumbunna, Strzelecki and Nyora, there has been positive outcomes because of those discussions. It is important that community come to their elected representatives with their issues.**
 - **Plans for Nyora and planning for the future.**
 - **Arawata Pedal and Plant Day, congratulations on its success.**
 - **Council's Community Grant program has just closed and mentioned that for his Ward some of the successful applicants from the previous program included: Korumburra Italian Social Club, Bena Public Hall, Korumburra Mens Shed, Arawata Landcare group, Korumburra Staying Strong and Koonwarra/ Leongatha Cricket Club.**
 - **Loch 150th Celebration planning discussions.**
 - **Gippsland Business Awards and congratulated local businesses on their contribution to the community.**
-

- **Korumburra Dairy Expo.**
- **AGM Kongwak Community.**
- **That he is proud and thanked this Councillor group, that as a collective they have worked well together to put community first. Advocacy has been a strong and effective feature of this group, in taking and pushing the needs and desires of the community to a state and federal level. He hopes the group continue to do this into the future. Some of the funding received from external funding for capital works has amounted to \$10.3M in 2021– 22, \$14.8M in 2022-23 and \$11M in 2023-24, which is 40% of Council's capital works expenditure which is a tangible success. Councillor Hersey attributes this type of success to this group's collective advocacy and clear strategic direction for our community.**

Councillor John Schelling, addressed Council by reporting on attendance at or made comments on:

- **AGM Mardan Hall Committee.**
- **Korumburra Dairy Expo Sponsors breakfast was great and well attended.**
- **Leongatha Football/ Netball Club final series has drawn large crowds.**
- **Storm event response from staff has been well received by the community.**
- **Thanked the Councillor group for their achievements over their term and hopes that this is a good foundation for the future Councillor group.**

Councillor Scott Rae, addressed Council by reporting on attendance at or made comments on:

- **Thanked the ratepayers, staff, Councillors and commented that he has learnt much about Local Government and it has been a great experience.**
- **Thanked the Council, SES and the Community for their actions following another storm event.**

Councillor Mohya Davies, addressed Council by reporting on attendance at or made comments on:

- **Thanked Council for the privileged 11 years working in local government and serving her community. She was first elected in 2008, and since this time has included 4 elections, role as Mayor, Deputy Mayor and appointed to many Committees. It takes effort to keep this team together, there have been many highlights, including: Great Southern Rail Trail, works in the Korumburra and Leongatha Rail Precincts, Foster Basketball Stadium, Korumburra Hub, Kindergartens in Korumburra and Leongatha, Foster and Leongatha Main streetscapes.**
- **Council is moving into the Election Caretaker Period, democracy and Council matters, make your vote count. Councillor Davies shared concerns for the**

dysfunction and negativity of the past Councillor group and the impact on the organisation and community.

- Concerns also raised on the accusations in the media around the capital works program. Councillor Davies assures the community that the capital works program enhances the community's wellbeing, meeting their needs and expectations. This Councillor group has raised the bar, engaged with community, shown interest in whole of Shire not just individual Wards and this is a remarkable achievement. There are rigorous and independent processes around the capital works program.
- The South Gippsland Shire Council is in capable hands, it is sector leading, there are strong advocacy relationships built over this term of council with state and federal government, it is in a sound financial position and has strong auditing processes.
- Councillor Davies has worked with many people in her role as Councillor over the years and thanked her fellow Councillors, two CEOs - Tim Tamlin and Kerryn Ellis, who are sector leading CEO's and the many Council officers with which she has always felt supported. Wished the Councillors who are standing again all the best and looks forward to working with them in the future as a community member.

Councillor Adrian Darakai, addressed Council by reporting on attendance at or made comments on:

- Thanked this Councillor group for the privilege of working with this Councillor group for the last 3 years, the community for voting him in and the staff as the work could not have been achieved without them.
- Concerns were raised around comments made in the community around the current term of Councillors. He expressed some hopes for the new term of Council. He shared that he will not be running in the next term of Council.

Councillor Michael Felton, addressed Council by reporting on attendance at or made comments on:

- Councillors showing up for the community and was proud how this group worked together. He shared that he will not be running in the next term of Council. Thanked his community, the CEO and staff.

The Mayor, Councillor Clare Williams, addressed Council by reporting on attendance at or made comments on:

- Leongatha Daffodil Festival and was in admiration of the volunteers support and those who turn up for our community.
- Gippsland Business Awards, and acknowledged and congratulated Jessica Greaves Design, Flemming Berries and Leongatha Kitchens.

- **Continuous storm events in our Shire, and provided statistics and words that demonstrated the immense effort to support community during these times.**
 - **Acknowledged and thanked Councillor Davies 11 years of service to this community and presented some flowers in appreciation.**
-

8. URGENT BUSINESS

This section of the Agenda is for urgent business items:

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 19 October 2022, 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.

Nil

9. PUBLIC QUESTIONS

9.1. PETITIONS AND JOINT LETTERS

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

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

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

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

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

9.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

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

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

9.3. 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.

Nil

10. CLOSED SESSION

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

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

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

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

Nil

11. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 2 October 2024 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 3.21pm.

Confirmed this 16th day of October 2024

Councillor Clare Williams, Mayor