

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Agenda

Wednesday 20 August 2025



Council Chambers, Leongatha  
Commencing at 2:00 PM



*South Gippsland  
Shire Council*

# OUR COUNCIL PLAN VISION STATEMENT

*Our South Gippsland community is connected, resilient and empowered. We value our unique townships, our rural and coastal landscapes, while balancing growth.*

*A prosperous region, we draw strength from: visitor experience, emerging and creative industries, our agricultural sector and natural environment. We lead with purpose, are forward thinking, and deliver consolidated and sustainable services for our community.*

The Council Agenda relates to the following Strategic Objectives of the Council Plan 2025-2029.



Leading with Integrity



Developing a Sustainable Future



Empowering Communities

## SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting of the  
South Gippsland Shire Council will be held on Wednesday 20 August 2025  
in the Council Chambers, Leongatha, commencing at 2:00pm

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**Allison Jones**  
**Chief Executive Officer**

#### **Privacy Statement**

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.

## **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**

#### **1.6. CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting held on 16 July 2025 in the Council Chambers, Leongatha be confirmed.**

### **1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS**

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

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

## **1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF**

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

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

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

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

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

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

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

## 2. COUNCIL REPORTS

### 2.1. 2024/25 BUDGET CARRY FORWARDS TO 2025/26

Directorate:	Performance and Innovation
Department:	Financial Strategy

#### Council Plan

*Theme - Leading with Integrity*

*This update regarding 2024/25 Carry Forwards provides communication to the community and Council regarding projects or programs not fully completed at 30 June 2025, and assists to ensure Council's continued commitment to deliver on these initiatives.*

#### EXECUTIVE SUMMARY

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.

The financial year 24/25 was a very successful year with over 30 capital projects completed at year-end representing over \$34.7 million of expenditure.

#### RECOMMENDATION

**That Council:**

- 1. Endorses the carry forward of operating funds of \$2.172 million (net) to 2025/26;**
- 2. Endorses the carry forward of capital items of \$3.405 million (net) to 2025/26 to enable delivery of the committed capital works program; and**
- 3. Endorses the transfer of funds of \$1.185 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.**

#### REPORT

##### Proposed carry forwards from 2024/25 to 2025/26

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 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 2025/26.

The Executive team approved the carry forwards listed in the attached (refer to **Attachment [2.2.1]**) to be recommended to Council for endorsement.

Carry forwards recommended for 2025/26 include:

- Operating carry forwards of \$2.172 million due to grant funding previously received; and
- Capital carry forwards of \$3.405 million.

Transfer of funds to Reserve recommended for 2025/26 include:

- Operating transfer of \$0.105 million; and
- Capital transfer of \$1.081 million.

The total amount proposed to be transferred to Reserve is \$1.185 million and as detailed in the attached report, is for the following projects:

- Building Renewal Program – Early Years – Preschool/Childcare - \$0.19 million
- Building Renewal Program – Community Venue – Hall/Meeting Places - \$0.24 million
- Building Renewal Program – Community Venue – Community Centres - \$0.04 million
- Building Renewal Program – Aquatic/Pools - \$0.08 million
- Building Renewal Program – Heritage/History - \$0.02 million
- Information Technology Infrastructure - \$0.2 million
- Aquatic/Recreational Leisure Renewal Program (Non-Building) - \$0.09 million
- Playgrounds – Replacement Program – Coleman Park, Korumburra & McIndoe Park, Leongatha - \$0.19 million
- Waste – Transfer Station Upgrades – Steel Recycling Reserve - \$0.02 million
- EV chargers – Renewable Energy Reserve - \$0.01 million
- Container Deposit Scheme (CDS) Recycling Reserve - \$0.09 million

Approval of all proposed carry forwards has an impact to the 2025/26 Budget of \$6.8 million:

- increasing the operating surplus by \$0.15 million, from \$11.15 million to \$11.3 million
- increasing capital works expenditure by \$5.7 million, from \$21.7 million to \$27.4 million
- increasing transfer to reserves by \$1.2 million, from \$2 million to \$3.2 million
- as per the management accounting result, increasing the balanced budget to a \$6.8 million deficit
- the carry forward amount is funded from accumulated surplus due to unspent expenditure in the previous year.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

This report provides the impact of carry forwards on Council's 2025/26 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 2025, 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. Carry Forwards 2024-25 to 2025-26 [2.1.1 - 3 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](#).*

Long-Term Financial Strategies

Annual Budget

Council Plan 2025-2029

### **Legislative Provisions**

*Local Government Act 1989*

*Local Government Act 2020*

### **Regional, State and National Plan and Policies**

Nil

## 2.2. PLANNING APPLICATION 2024/82 - 252 SOLDIERS ROAD FISH CREEK

Directorate:	Future Communities
Department:	Planning and Building Services

### Council Plan

*Theme - Developing a Sustainable Future*

*This application meets the objectives of the Council Plan through the provision of additional tourism infrastructure which is accessible to South Gippsland's major tourism asset Willsons Promontory.*

### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider Planning Application 2024/82, which proposes the use and development of land for Group Accommodation at 252 Soldiers Road, Fish Creek. The application is required to be determined by Council as it has received five objections, exceeding the threshold for officer delegation in cases where a Notice of Decision is recommended.

Application Details	
Application No:	2024/82
Proposal:	Use and development of land for group accommodation (staged)
Applicant:	Council Approval Group
Application lodged:	28 April 2024 <b>Application amended 18 February 2025</b>
Plan Details:	The re-advertised documentation following an amendment to the plans are at <b>Attachment [2.4.1]</b>
Property Details	
Property Address:	252 Soldiers Road Fish Creek VIC 3959
Land Description:	Lot 3 PS525687G
Land Area:	3.253 ha
Restrictions on title:	AD277853X
Existing Use:	Dwelling
Planning Provisions – Refer to VicPlan Planning Property Report Attachment [2.4.2]	
Zone:	Clause 35.07 Farming Zone
Overlays:	Clause 42.03 Significant Landscape Overlay - Schedule 3 Clause 44.06 Bushfire Management Overlay Clause 44.01 Erosion Management Overlay – Schedule 1
Particular Provisions:	Clause 53.02 Bushfire Planning
General Provisions:	Clause 65 - Decision Guidelines
CHMP:	Not required
Permit Triggers	

Zone:	Farming Zone Clause 35.07-1 and 35.07-4 <ul style="list-style-type: none"> <li>• A planning permit is required for the Use and Development of the land for Group Accommodation</li> </ul>
Overlay:	Bushfire Management Overlay Clause 44.06-2 <ul style="list-style-type: none"> <li>• A planning permit is required for the development of land associated with accommodation.</li> </ul> Significant Landscape Overlay Clause 42.03-2 <ul style="list-style-type: none"> <li>• A planning permit is required for the development of land.</li> </ul>
Particular Provisions:	Clause 53.02 Bushfire Planning
<b>Notifications</b>	
Advertising:	Notice on site and letters to adjoining landowners and occupiers. Referral responses to CFA and internally to Environmental Health and Engineering, refer to <b>Attachment [2.4.3]</b>
Number Objections:	<ul style="list-style-type: none"> <li>• Five (5) submissions to the amended application.</li> <li>• Three (3) submissions were made to the original application.</li> </ul>

## RECOMMENDATION

### That Council:

- A. Issue a Notice of Decision to Grant Planning Permit 2024/82 for the use and development of land for group accommodation under Clause 35.07-1 and Clause 35.07-4, the development of land under Schedule 3 to Clause 42.01-2 and the development of land associated with accommodation under Clause 44.06-2 of the South Gippsland Planning Scheme, at 252 Soldiers Road, Fish Creek in accordance with the following conditions:**
- 1. Before the use and development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:**
    - a. Operational Management Plan as per condition 2.**
    - b. Bushfire Management Plan as per the Country Fire Authority requirements at Condition 17.**
    - c. Bushfire Emergency Plan as per the Country Fire Authority requirements at Condition 17.**
    - d. Landscaping Plan as per condition 3.**

- 2. Prior to plans being endorsed, an Operational Management Plan (OMP) for the group accommodation must be submitted to and approved by the Responsible Authority. When approved, the OMP will be endorsed as evidence of their approval and will then form part of the endorsed plans of this permit. The OMP must detail:**

  - a. The operational objectives.**
  - b. The means by which patron numbers is managed in accordance with Condition 13.**
  - c. The means by which incidents and complaints will be reported, responded to, and recorded.**
  - d. Emergency management plans covering, but not limited to, bushfire and flood threat.**
  - e. As per the advice from the Country Fire Authority, demonstrate how during a bushfire event access to vehicles are to be made available to evacuate patrons from the site.**
  - f. Management of pets.**
  - g. Refuse management.**
- 3. Prior to plans being endorsed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions, and must show:**

  - a. planting along the eastern, southern boundaries as per Section 173 Agreement AD277853X;**
  - b. planting along the western boundary interface with the development;**
  - c. heights of the vegetation must not contravene the heights stipulated in Agreement AD277853X;**
  - d. a list of all existing vegetation (including botanical names) to be retained and/or removed;**
  - e. a planting schedule of all proposed trees, shrubs and ground covers (including common names and botanical names), pot sizes, sizes at maturity, and quantities of each plant;**
  - f. the incorporation of lower, middle and upper storey species; and**

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associated with the Group Accommodation may be subject to a further planning permit application.

**11. Prior to the commencement of the use for each Group Accommodation building, each building must:**

- a. have access via an all-weather road with dimensions adequate to accommodate emergency vehicles, and be subsequently maintained.
- b. be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- c. be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- d. be connected to a reticulated electricity supply or have an alternative energy source.

All connections are to be to the satisfaction of the Responsible Authority.

**12. The operation of this business cannot cause nuisance to surrounding neighbours, as defined by the *Public Health and Wellbeing Act 2008* as arising from, or constituted by;**

- a. premises; or
- b. water; or
- c. animal, including a bird or insect, capable of carrying a disease transmissible to human beings or;
- d. refuse; or
- e. noise or emission; or
- f. state, condition or activity; or
- g. other matter or thing which is, or is liable to be, dangerous to human health or offensive (noxious or injurious to person comfort).

**13. The Group Accommodation must:**

- a. Have no more than 4 persons residing in the 2-bedroom buildings and no more than 10 in the 5-bedroom building at any

**given time, unless with the prior written consent of the Responsible Authority.**

- b. The property must not be occupied by the same person/s for more than 42 consecutive days/nights and no more than 150 cumulative days/nights per calendar year, and**
- c. No building to be used as a permanent residence (dwelling), and**
- d. The operator/owner is to keep a log of all visitations/patrons and produce it to the Responsible Authority upon request.**

**All to the satisfaction of the Responsible Authority.**

- 14. A sign must be placed within each building with the emergency plan that clearly states the land is located within the Farming Zone and that amenity may be impacted by farming activities in the area. The sign must be maintained to the satisfaction of the Responsible Authority.**
- 15. External amplified public address or speaker systems must not be installed on the premises to the satisfaction of the Responsible Authority.**
- 16. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the Responsible Authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**
- 17. Country Fire Authority**
  - a. Amended Bushfire Management Plan Required**

**Before the development starts, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.**

**The plan must be generally in accordance with the submitted BMP by Euca Planning, Version 2 dated 14/08/2024, but modified to amend the location and access to the water supply as follows:**

    - Provide a minimum 10m separation from any dwelling to the firefighting water supply and to the fire brigade connection on the water supply.**

- The vehicle access should not require a fire truck to be located or pass within 10m of a dwelling to access the firefighting water supply.

**b. Bushfire Emergency Plan required**

Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and impact on patrons, and should address the following matters:

- i. Describe property and business details.
- ii. Identify the purpose of the BEP stating that the plan outlines procedures for:
  1. Closure of premises on any day with a Fire Danger Rating of Catastrophic.
  2. Evacuation (evacuation from the site to a designated safer off-site location).
  3. Shelter-in-place (remaining on-site in a designated building).
- iii. Review of the BEP
  - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
  - Include a Version Control Table.
- iv. Roles & Responsibilities
  - Detail property preparation and management practices for site fire safety before and during the fire danger period.
  - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
- v. Emergency contact details
- vi. Bushfire monitoring procedures

- **Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.**
- **Describe and show (include a map) the area to be monitored for potential bushfire activity.**

**18. This permit will expire if one of the following circumstances applies:**

- a. The development is not started within three (3) years of the date of this permit.**
- b. The development is not completed within five (5) years of the date of this permit.**
- c. The use is not started within five (5) years of the date of this permit.**
- d. The use is discontinued for a period of two (2) years.**

**The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987 (Vic)*.**

**B. Notify the objectors of Council's decision and,**

**C. Notify the Country Fire Authority of Council's decision.**

## **REPORT**

Council officers consider that subject to the provision of suitable conditions being imposed on the Notice of Decision to Grant a Permit, including amendments to the plans required by condition 1, the proposed use and development of the land for group accommodation is considered appropriate, as the proposal:

- Is consistent with the Municipal Planning Strategy and Planning Policy Framework;
- Meets the decision guidelines of the Farming Zone;
- Meets the decision guidelines of the Significant Landscape Overlay;
- Complies with the performance requirements of Clause 53.02 Bushfire Planning;
- Will support Council's strategic vision for Tourism at Clause 17.04-1L; and
- (subject to conditions) will ensure that the amenity of adjoining and surrounding properties will not be detrimentally impacted, having regard to the commercial nature of the site.

Council has considered the matters under Section 60 of the *Planning & Environment Act 1987 (Vic)*. It is assessed that the proposed development is appropriate having regard to the relevant matters and can be managed through appropriate conditions.

A copy of the Council officer's planning assessment of the application is provided at **Attachment [3.3.4]** – 2024/82 – 252 Soldiers Road, Fish Creek - Officer Report.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The application was advertised to adjoining and adjacent property owners and occupiers, and a site notice was displayed on the subject land. As a result, five (5) submissions were received – refer to **Confidential Attachment [10.1.1]**. Submitters were also provided the opportunity to address Council at a Submissions Briefing held on 9 July, with two (2) submitters electing to present. The key concerns raised in the submissions include:

- Inadequate water supply to support the proposed use;
- Unsatisfactory effluent treatment arrangements;
- Traffic management and increased vehicle movements;
- Noise impacts associated with the proposed group accommodation use;
- Inconsistency with the purpose of the Farming Zone, including concerns that the proposal resembles a residential development;
- Lack of controls regarding the length of tenancy and number of occupants, creating uncertainty about the intensity of the use;
- Refuse disposal arrangements and potential environmental impacts;
- Potential breach of the Section 173 Agreement, particularly in relation to development restrictions;
- Concerns regarding unauthorised development already undertaken on the land;
- Use of buses to access the site and associated impacts on local road infrastructure;
- Drainage issues and impacts on surrounding properties; and
- The perceived impact of introducing a commercial use within a rural residential area.

A response to the above concerns has been included in the Council officer's planning assessment, refer to **Attachment [3.3.4]**.

## RESOURCES / FINANCIAL VIABILITY

Should Council resolve to issue a Notice of Decision to Grant a Planning Permit, any objector may lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT). Conversely, if Council determines to refuse the application, the permit applicant may also seek a review of the decision through VCAT. In the event that Council requires external legal or expert representation at a VCAT hearing, this would incur additional costs to Council.

## RISKS

Should Council fail to decide on this application at this meeting, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application within statutory timeframes. Such an appeal affects Council's reputation and opens Council to a potential cost claim for its failure to determine.

## 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. 2024/82 - 252- Soldiers Road Fish Creek - Current Application for Assessment [2.2.1 - 131 pages]
2. 2024/82 - 252- Soldiers Road Fish Creek - Planning Property Report [2.2.2 - 5 pages]
3. 2024/82 - 252 Soldiers Road Fish Creek - Referral Responses [2.2.3 - 9 pages]
4. 2024/82 - 252 Soldiers Road Fish Creek - Officer Report [2.2.4 - 24 pages]

## 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 [10.1.1]** – 2024/82 - 252 Soldiers Road Fish Creek – Submissions– 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 1. Direction & Leadership

Pillar 3. Decision Making

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

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

South Gippsland Planning Scheme

### **Legislative Provisions**

*Planning and Environment (Planning Schemes) Act 1996*

*Planning and Environment Act 1987*

### **Regional, State and National Plan and Policies**

Nil

## 2.3. COMPULSORY ACQUISITION OF DRAINAGE EASEMENT - 2 NORTH RAILWAY CRESCENT KORUMBURRA

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

### Council Plan

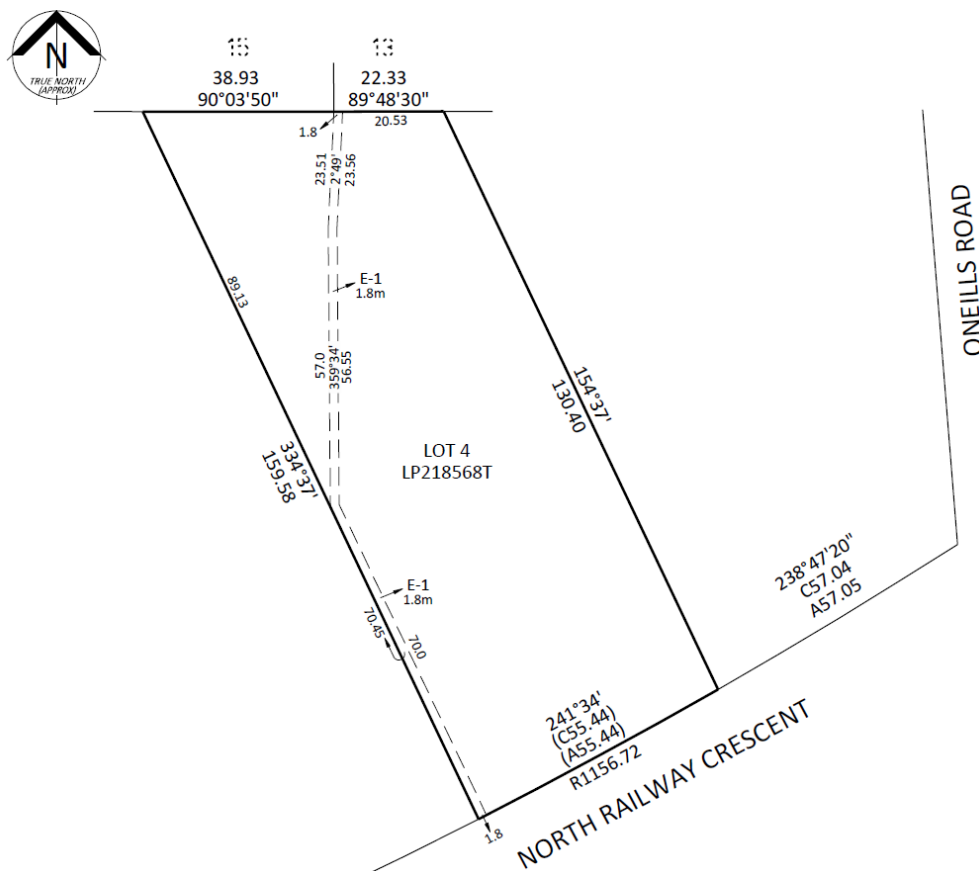
*Theme - Leading with Integrity*

*Ensuring stormwater is conveyed through suitable assets to prevent flooding.*

### EXECUTIVE SUMMARY

The purpose of this report is to outline the requirement to compulsory acquire a drainage easement over part of the property situated at 2 North Railway Crescent Korumburra in accordance with the *Local Government Act 2020*, *Land Acquisition and Compensation Act 1986* and *Land Acquisition and Compensation Regulations 2021 Reg 6 (b)* shown in Figure 1. and **Attachment [2.5.1] – 2 North Railway Crescent Easement Plan**.

**Figure 1: North Railway Crescent, Korumburra**



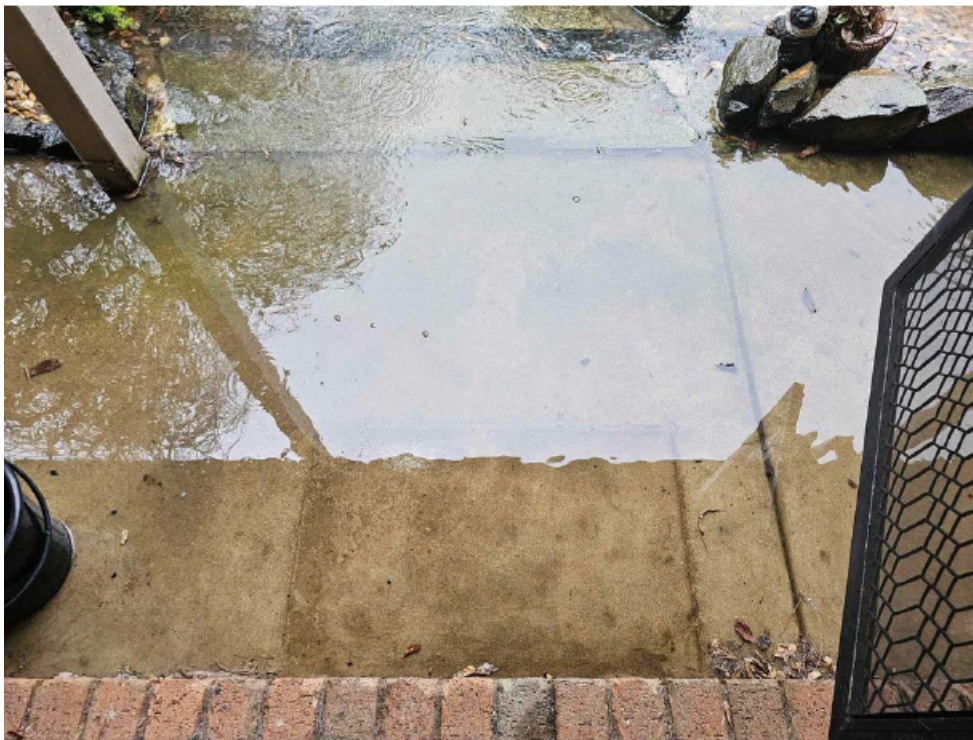
## RECOMMENDATION

**That Council, pursuant to the *Local Government Act 2020*, the *Land Acquisition and Compensation Act 1986* and the *Land Acquisition and Compensation Regulations 2021 Reg 6(b)*, undertakes the process to compulsorily acquire the drainage easement shown in Figure 1 and [Attachment 3.4.1] over part of Lot 4 LP218568T.**

## REPORT

Prior to July 2024 Council been notified of ongoing localised uncontrolled inundation problems at 2 North Railway Crescent, Korumburra. It was reported that water coming from Council drainage may have caused flooding to the property's yard and up to the door. On 15 July 2024, an owner reported that a rain event caused inundation, requiring the assistance of the SES for temporary water diversion using sandbags. See Figure 2. Water at front door of property (15 July 2024)

**Figure 2:**



Council officers investigated the ongoing issues, proposed and subsequently implemented drainage works intended to redirect stormwater away from the house and improve drainage during heavy rain. These works were undertaken by Council's maintenance teams in late November 2024, following consultation with one of the owners.

The completed drainage works necessitate the creation of a formal drainage easement in favour of South Gippsland Shire Council. Typically, Council would have initiated the easement process before commencing such works. However, given the urgency of the ongoing flooding issues the property was experiencing, the works were prioritised to provide a timely solution.

While the works were welcomed by the occupying property owner, the other owners of the property have now advised that they are unwilling to undertake the process to create the easement in favour of Council.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation has occurred with one owner but not all.

The acquisition of the drainage easement is a formal process in accordance with the *Land Acquisition and Compensation Act 1986* and notices and statements of rights will be issued to owners and mortgagees.

### **RESOURCES / FINANCIAL VIABILITY**

Council has paid for the drainage works, surveyed plan of easement and initial desk top valuation. Council is required to pay compensation for the easement plus reinstatement of any improvements, costs borne by the owners as a result of the acquisition and any solatium deemed payable.

Council will also need to pay for its legal fees and valuer's costs. Council is also obligated to pay for the owner's reasonable legal costs and independent valuers costs. These costs are estimated at \$30,000 and will be covered via current allocated operational budgets.

### **RISKS**

The works have been undertaken by Council and the property owners seem to be satisfied with the solution to the localised flooding issues. However, Council do not currently have a clear legal right to maintain or control any of the assets installed (drainage pipes). This could lead to ongoing operational and liability issues. Creating an easement will remove these risks and provide Council the required authority.

### **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. 2 North Railway Crescent Easement Plan [2.3.1 - 1 page]

### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

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

Nil

**Legislative Provisions**

*Land Acquisition and Compensation Act 1986*

*Local Government Act 2020*

**Regional, State and National Plan and Policies**

Nil

## 2.4. RENAMING PROPOSAL - KORUMBURRA RECREATION RESERVE OVAL

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

### Council Plan

*Theme – Leading with Integrity*

*Theme - Empowering Communities*

*Ensuring that Council meets its statutory obligations to consult with the community before making decisions as the naming authority.*

### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider undertaking a period of community consultation on a proposal to name the oval at Korumburra Recreation Reserve to 'Summerfield Oval' in honour of Allen Victor Summerfield.

The proposed name change to 'Summerfield Oval' has been reviewed by the Geographic Names Victoria (GNV) and complies with the *Naming Rules for Places in Victoria 2022 - Statutory requirements for naming roads, features and localities (the Naming Rules)* guidelines.

### RECOMMENDATION

**That Council:**

- 1. Undertake a period of community consultation from 21 August 2025 to 21 September 2025, seeking community input in the suggested renaming of the Korumburra Recreation Reserve oval to be 'Summerfield Oval' in honour of Allen Victor Summerfield to acknowledge his extraordinary community service; and**
- 2. Notes a report will be presented at the 15 October 2025 Council Meeting, outlining the outcome of the community consultation and any relevant next steps in the Place Naming process.**

### REPORT

#### *Background*

The naming of roads, assets or any other geographic feature in Victoria is governed by the *Geographic Place Names Act 1998* (the Act) and associated *Naming Rules* issued by Geographic Names Victoria (GNV). The *Naming Rules* are the statutory guidelines provided under Section 5 of the Act and are mandatory for all naming authorities in Victoria.

The Act also provides for the naming or renaming of geographic places and the registration of place names. Any proposed changes to a geographic place or asset within the South Gippsland municipality must follow statutory processes.

Following the community consultation and if approved, it will ultimately be registered with the VICNAMES register; Victoria's official Register of Geographic Names.

#### *Naming Proposal*

Council received an original proposal from the Korumburra Recreation Reserve Committee to change the name of Korumburra Recreation Reserve to 'Summerfield Recreation Reserve'.

As per the *Naming Rules - Principle I – Using Commemorative Names*, if a place is named after a person;

*"that person should be or have been held in strong regard by the community, with preference given to unofficial names used by the immediate community. When deciding on the assignment of a commemorative name, naming authorities should consider:*

- i. the person's achievements,*
- ii. relevant history and association to the area,*
- iii. the significance of the family/person to the area/land."*

As part of this Principle I, Council is also required to seek an exemption from Geographic Names Victoria to change the place name prior to the two years elapsing following the passing of Mr Summerfield on 5 December 2023.

As per the *Naming Rules*:

*"Commemorative names of a deceased person should be applied no less than two years posthumously. If a naming authority wishes to name within two years, it is required to seek an exemption from Geographic Names Victoria."*

The rationale for this exemption is due to the following reasons:

- A significant contribution by the individual through the positions held to the local clubs based at the Reserve.
- The support of the family.
- The letters of support received by various associated Clubs, including a letter of support from Danny O'Brien MP, Member for Gippsland South (**Attachment [2.6.6]**).
- To enable the requestor to prepare for the timing of installation around the sporting seasons.

#### *Advice received*

Council consulted with the Registrar of Geographic Names and was advised by the Registrar that it could not provide an exemption in this case as the current name of Korumburra Recreation Reserve is longstanding.

The preference of the Registrar would be to officially register the name of the Korumburra Recreation Reserve in the VICNAMES register and that Mr Summerfield be commemorated through another naming such as a building or the oval. Highlighting that the oval is a significant feature in the Reserve and in that way both names would be registered.

GNV also advised that if an unnamed place be chosen to be named, the Registrar will provide an exemption to *Principle 1* (two years wait after death).

#### *Revised Proposal*

Following this advice from GNV, the Korumburra Recreation Reserve Committee further consulted with various community sporting clubs and has proposed the naming of the oval at the Korumburra Recreation Reserve to be 'Allen Summerfield Oval'.

This honour is to recognise the tireless contribution and commitment to the wider community by Allen Victor Summerfield.

In support of this recognition the various community sporting clubs have provided letters of support for this proposed name change:

- The Korumburra Recreation Reserve Committee (**Attachment [2.6.1]**)
- The Korumburra Football and Netball Club (**Attachment [2.6.2]**)
- The Korumburra Cricket Club (**Attachment [2.6.3]**)
- Korumburra City Soccer Club (**Attachment [2.6.4]**)
- South Gippsland Umpires Association (**Attachment [2.6.5]**)

Council has also consulted with the Department of Energy, Environment and Climate Action (DEECA) regarding the request due to the property location at 6 Richard Street, Korumburra and they advised they had no objections.

Following this extensive research and acknowledgement in writing by GNV, it is proposed that a community consultation period occur from 21 August 2025 to 18 September 2025 to provide the opportunity for community feedback on this naming proposal of 'Summerfield Oval'.

Following the community consultation period, it is proposed that a report will be presented to Council at the 15 October 2025 Council Meeting, to outline the outcome of the community consultation and any relevant next steps in the Place Naming process.

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

It is proposed that Council undertake community consultation for a period of four weeks from 21 August 2025 to 18 September 2025.

Council will conduct this community consultation via its Your Say online survey platform via Council's website. Inviting the community to provide feedback on

the proposed renaming of the Korumburra Recreation Reserve oval to 'Summerfield Oval'.

### **RESOURCES / FINANCIAL VIABILITY**

The community consultation and possible renaming of the Korumburra Recreation Reserve oval will be managed within existing operational budgets for the relevant Council department.

### **RISKS**

Council as a Naming Authority must undertake its responsibilities in accordance with the *Naming Rules* to ensure it complies with the guidelines and as the relevant naming authority to change a name of an asset, such as an oval.

### **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. Letter of Support - Korumburra Recreation Reserve Committee [2.4.1 - 1 page]
2. Letter of Support - Korumburra Bena Football and Netball Club Inc. [2.4.2 - 1 page]
3. Letter of Support - Korumburra Cricket Club Inc. [2.4.3 - 1 page]
4. Letter of Support - Korumburra City Soccer Club [2.4.4 - 1 page]
5. Letter of Support - South Gippsland Umpires Association [2.4.5 - 1 page]
6. Letter of Support - Danny Obrien MP - The Nationals [2.4.6 - 1 page]

### **REFERENCE DOCUMENTS**

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

Nil

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

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

Community Engagement Policy

#### **Legislative Provisions**

*Geographic Place Names Act 1998*

*Local Government Act 1989*

#### **Regional, State and National Plan and Policies**

*Naming rules for places in Victoria 2022 - Statutory requirements for naming roads, features and localities*

## 2.5. FUNDING OPPORTUNITY - PORT WELSHPOOL ACCESSIBLE PONTOON

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

### Council Plan

*Theme - Leading with Integrity*

The Port Welshpool Accessible Pontoon Project proposes renewal of the floating pontoon jetty in a cost-effective manner for Council.

The project aims to improve access to boating for people with mobility issues and aligns with the Council Plan objective of supporting a healthy, connected and inclusive community.

### EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement for Council to enter a funding agreement with the Victorian Fisheries Authority (branded as Better Boating Victoria) for funding of \$750,000 excluding GST for the installation of the Port Welshpool Accessible Pontoon. The agreement does not require any financial contribution from Council.

### RECOMMENDATION

**That Council enters into a funding agreement with the Victorian Fisheries Authority to receive an amount of up to \$750,000 excluding GST for the delivery of the Port Welshpool Accessible Pontoon Project.**

### REPORT

As a part of the Victorian Recreational Boating Strategy 2021 to 2030, the Victorian Government has committed to expanding the accessible boating facility network across the state.

The funding of an all-abilities access pontoon at the Port Welshpool boating facility comes from the Better Boating Fund, announced in the 2024-2025 Recreational Boating Action Plan.

Better Boating Victoria have confirmed that funding is available and have requested Council enter a funding agreement for a total of \$750,000 (excluding GST).

The objectives of this project are:

- Replace the current floating pontoon which breaks apart in rough weather.

- To install an all-abilities access pontoon at the Port Welshpool boating facility to improve the functionality, safety and asset life, providing better opportunities for boating, for people of all abilities.

To take advantage of the funding, Council will be required to deliver the project and manage a new access hoist on an ongoing basis.

### **Options**

#### **Option 1 – Enter the Funding Agreement (Recommended)**

The funding will enable Council to replace the existing pontoon with no capital contribution. The existing pontoon is problematic from a maintenance perspective currently, as it breaks apart in rough weather.

It is recommended that the project and funding is ultimately beneficial to Council, despite the small ongoing burden of operating the hoist.

#### **Option 2 – Do not enter the Funding Agreement**

If Council do not enter the funding agreement the project almost certainly would not proceed. We would miss a rare opportunity to replace our infrastructure at no capital cost.

This option would likely result in reputation damage to Council as follows:

- Impact the relationship with Better Boating Victoria and likely affect any future grant or advocacy efforts with them
- Lose an opportunity to improve access to boating for people with accessibility challenges
- Parts of our boating community are expecting this project to be delivered at some point

#### **Option 3 – Request Better Boating Victoria to deliver project**

Better Boating Victoria may not have resources or the ability to deliver the project, so this does not appear to be an option. Better Boating Victoria have developed the project and secured funding on the expectation that Council will deliver.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Better Boating Victoria performed community engagement with Council's support in late 2022. This included liaison with key stakeholders and a community meeting held at the Port Welshpool Old Ferry Terminal on 1 December 2022.

Additional community consultation will be required prior to works to help manage disruption to boat ramp users.

### **RESOURCES / FINANCIAL VIABILITY**

Council has been allocated funding through the Better Boating Fund, announced in the 2024-2025 Recreational Boating Action Plan. This funding is expected to cover the full cost of an all-abilities pontoon including removal of current

pontoon with no capital contribution. This is a rare opportunity to replace Council infrastructure at no capital cost.

Although no financial contribution from Council is required, Council resources will be needed to manage delivery of the project. It is proposed that this can be accommodated within existing resources.

The new hoist will require ongoing maintenance by Council, and this is not included in the funding allocation. Maintenance tasks are expected to be accommodated within existing budgets and may include annual inspections and lubrication of the hoist.

To provide efficient operational access to the hoist, Council will need to implement a system that ensures secure and safe use. This may include utilisation of:

- Use of a key or pin code lock box
- Induction for use, such as a video walk through showing operation or 'how to guide',
- Partner with a third party to manage access and oversight

## **RISKS**

The project is primarily an accessibility improvement project and is unlikely to noticeably change or improve the experience for most current users, which may present a reputational risk to Council.

The project will likely require closure of the boat ramp for several weeks. This will be timed to avoid peak periods and needs to be well communicated to stakeholders to best manage disruption to users.

With the addition of the accessible hoist, this project will be effectively adding a new service to Council which will have ongoing periodic maintenance requirements.

## **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](#).*

Nil

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

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

Asset Plan 2025 to 2035

### **Legislative Provisions**

*Equal Opportunity Act 2020*

*Disability Discrimination Act 1992*

### **Regional, State and National Plan and Policies**

Victorian Recreational Boating Strategy 2021 to 2030

2024-2025 Recreational Boating Action Plan

## 2.6. MOTION FOR THE MUNICIPAL ASSOCIATION OF VICTORIA (MAV) STATE COUNCIL

Directorate:	Strategy & Partnerships
Department:	Communications, Engagement and Advocacy

### Council Plan

*Theme - Leading with Integrity*

*The report aligns with Strategy 1.6 in the 2025 – 2029 Council Plan: To partner with our community to advocate for our shared interests to the Victorian and Australian governments.*

### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to submit a Motion for consideration at the Municipal Association of Victoria (MAV) State Council Meeting on 10 October 2025.

### RECOMMENDATION

**That Council endorses the following Motion to the Municipal Association Victoria (MAV):**

- 1. That the Municipal Association of Victoria (MAV) advocate to the Victorian Government for the establishment of a clear, streamlined process for the voluntary hand-back of Crown land and assets from councils to the State Government. This acknowledges the significant financial pressures currently facing local governments, driven by factors such as rate capping, rising cost-of-living impacts, and escalating construction and maintenance costs; and**
- 2. That the Municipal Association of Victoria (MAV) call on the Victorian Government to urgently coordinate and fully fund a statewide Coastal Hazard Overlay to be implemented into applicable Planning Schemes across Victoria.**

### REPORT

Each year councils have an opportunity to put forward Motions relating to matters of strategic and state-wide significance to the MAV State Council.

Decisions made at these events constitute policy directions and remain active until the issue is resolved.

The MAV Motion, if supported by Council, would address the following MAV Strategic outcomes:

1. Active local democracy
2. Connected places
3. Health & wellbeing
4. Sustainable economy
5. FutureGen
6. First Peoples local government relations
7. Climate & regenerative design
8. Diversity, equity & inclusion
9. Resilience & recovery
10. Intergenerational infrastructure.

If the motion is carried, MAV will advocate for it to the Victorian Government on behalf of local government. The proposed Motion aligns with Council's endorsed Advocacy priorities.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Significant community engagement was undertaken during development of the 2025-2029 *Council Plan* which informed Council's advocacy priorities.

### **RESOURCES / FINANCIAL VIABILITY**

There are no resource implications to Council if this Notice of Motion is endorsed.

### **RISKS**

Not submitting a motion at the MAV State Council Meeting may limit Council's opportunity to partner with the sector and advocate on matters of importance to the South Gippsland community.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

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

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

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

South Gippsland Shire Council Advocacy Priorities 2024

#### **Legislative Provisions**

Nil

**Regional, State and National Plan and Policies**

Nil

## 2.7. PETITION RESPONSE – FISH CREEK STREETScape PARKING AROUND WAR MEMORIAL

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

### Council Plan

*Theme - Leading with Integrity*

This report considers a petition regarding the safe connection of people and places in Fish Creek.

### EXECUTIVE SUMMARY

The purpose of this report is to respond to the petition submitted by Mr Brad Anderson of Fish Creek requesting Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek, to upgrade the existing parking around the Fish Creek War Memorial to meet the relevant Australian Standards.

### RECOMMENDATION

**That Council:**

- 1. Thank the Lead Petitioner for their submitted Petition;**
- 2. Advise the Lead Petitioner that Council considered the upgrade of the parking area around the Fish Creek War Memorial in its design for the Fish Creek Streetscape, but it was found that there was insufficient space to make it compliant and will not be making alterations to the design of the streetscape; and**
- 3. Notifies the Lead Petitioner regarding the outcome of this report.**

### REPORT

At the 21 May 2025 Council meeting, a petition containing 298 signatures was tabled from Mr Brad Anderson of Fish Creek requesting that Council alters the design of the Fish Creek Streetscape project currently under construction in Fish Creek to upgrade the existing parking around the Fish Creek War Memorial to meet the relevant Australian Standards.

At the meeting, Council resolved to 'Receive and note the petition and receive a report on the matter at its 16 July 2025 Meeting of Council'.

The report was received at the 16 July Council Meeting. The motion lapsed and no recommendation was resolved. It is returning to the 20 August 2025 Council meeting to be reconsidered.

The petition prayer is available in the figure below and a full copy of the petition is available in **Confidential Attachment [10.2.1] - Petition Fish Creek Streetscape Parking Around War Memorial**.

## PETITION TO SOUTH GIPPSLAND SHIRE COUNCIL

Stop the removal of the parking around and behind the war memorial and make designated parking bays there resurfaced to relevant Australian standards ie drainage, guttering and linemarking etc.

The Fish Creek Streetscape project has been developed primarily to address community concerns regarding the performance of the Fish Creek town centre particularly during events and peak periods. The town centre has also suffered from unusual and outdated road and parking arrangements which has caused difficulty for visitors as visitation has grown.

Council has responded to community feedback by engaging an expert consultant to provide an assessment of the traffic and parking in Fish Creek, and to provide advice on the most practical solutions to perceived parking issues in town. The key outcome of the report was that pedestrian connectivity around Fish Creek was the cause of perceived parking limitations, as visitors have minimal options to get to shops or activities from the locations where parking is generally available being the rail yard and off Foster Road.

The design of the streetscape seeks to address the connectivity issue and encourage walkability in town by:

- Simplifying the intersections of Falls Road with Keanes Road, Synan Road and Ryan Street;
- Providing new and improved paths including an accessible path of travel between the Falls Road shops and the footpath network on Foster Road; and
- Formalising legacy informal walking and parking arrangements to improve safety and usability of parking locations.

In developing the design, the currently paved area around the memorial was investigated for the potential to reach an appropriate standard for circulating and parking vehicles, but the findings were that sufficient space is simply not available to achieve any reasonable number of spaces in accordance with standards allowing for vehicle manoeuvre space.

Given that this area is in a prime location in the centre of town, and currently subject to significant pedestrian traffic and immediately adjacent to a playground and other recreation facilities, it was deemed inappropriate to retain the parking in this location with a view to improve walking connections to other parking areas that are available throughout Fish Creek being the rail yard circulation road and parking areas on Foster Road instead.

Recognising that parking demand will likely continue to increase in Fish Creek into the future, Council has investigated the redevelopment of the existing tennis courts in the town centre, which could be reconstructed into an appropriate and compliant parking area in a future project should it become warranted by demand. However, this is not part of the current streetscape project.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Council attended a number of private and public meetings with the Fish Creek Community Development Group and other stakeholders through the development of the streetscape design between 2021-2024, who had endeavoured to keep the broader community informed of the state of the project as it developed.

Council will continue to consult with affected businesses and community members during the delivery of the project.

### **RESOURCES / FINANCIAL VIABILITY**

The project is currently contracted and budgeted under Council's Sealed Roads Rehabilitation Program. Changes to the design would require significant officer time, as well as impacting the Program Budget through additional design costs and contract costs.

### **RISKS**

Works on this project are already contracted and have commenced on site. Alterations to the design would likely result in costly project delays and substantial variations to the existing contract.

The existing arrangement of this parking area operates on an uncontrolled basis, with no formalised bays or dedicated circulation lanes. At busy times, more vehicles access this space than can be appropriately accommodated, introducing difficulties in manoeuvring vehicles creating the potential for conflict between vehicles and pedestrians or children.

### **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](#).*

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 [10.2.1] – Petition Fish Creek Streetscape Parking Around War Memorial** 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](#).*

Asset Management Policy (C04)

Community Engagement Policy (C06)

Procurement Policy (C32)

Risk Management Policy (C35)

Asset Management Strategy

Road Safety Strategy

Annual Budget

Asset Management Plan - Road Infrastructure (internal)

Road Management Plan

### **Legislative Provisions**

*Road Management Act 2004*

*Road Safety Act 1986*

### **Regional, State and National Plan and Policies**

Nil

## 2.8. DOMESTIC WASTEWATER MANAGEMENT PLAN (DWMP) - ANNUAL IMPLEMENTATION PROGRESS REPORT

Directorate:	Future Communities
Department:	Community Health and Safety

### Council Plan

*Theme - Developing a Sustainable Future*

*This report relates to the South Gippsland Shire – Council Plan 2022-2026 Strategic Objective Protection and Enhancing our Environment.*

### EXECUTIVE SUMMARY

The purpose of this report is to highlight Council's progress and achievements in relation to the *Domestic Wastewater Management Plan (DWMP) 2022-2026*.

The DWMP includes eight strategies with a suite of 74 actions across those strategies, to be completed during its four-year life cycle.

Of the 74 actions:

- 31% (23 actions) have been completed;
- 47% (35 actions) are on track with high confidence levels for completion by the end of the DWMP life cycle; and,
- 22% (16 actions) are currently being monitored and will continue to be reviewed as part of delivery of the DWMP 2022-2026.

The Annual Implementation Report - Year 3 Reporting **Attachment [2.8.1]** details the current progress of actions in the DWMP Implementation Plan.

### RECOMMENDATION

**That Council:**

1. **Note the Domestic Wastewater Management Plan 2022 – 2026 – Annual Implementation Report June 2025, and**
2. **Note a copy of the Domestic Wastewater Management Plan 2022-2026 – Annual Implementation Report June 2025 will be included on Council's website.**

### REPORT

To ensure the health of our environment and that of our residents, visitors and those working within the municipality, South Gippsland Shire Council has several significant roles and legislative responsibilities that govern the effective management and disposal of wastewater.

In accordance with the *Environment Protection Act 2017 (Vic)* and the *Environment Protection Transitional Regulations 2021 (Vic)*, Council must develop and implement a domestic wastewater management plan (DWMP) that -

- a. *Identifies the public health and environmental risks associated with onsite domestic wastewater management systems; and*
- b. *Sets out strategies to minimise those risks.*

Council's DWMP 2022-2026 was adopted in July 2022 and outlines the strategies and actions that will be taken to manage domestic wastewater across the municipality.

Council has made significant progress on most actions, with key achievements highlighted in the table below:

Key Achievements
<b>Strategy 1: Further Develop Information Management Systems</b> <ul style="list-style-type: none"> <li>Significant progress has been made in the way Council captures Onsite Wastewater Management System (OWMS) data, including increased reporting and mapping capabilities. These improvements have seen a dramatic reduction in the number of days taken to assess and issue OWMS permits. Most permits have been issued within half the designated statutory timeframe (42 days).</li> <li>Approximately 4500 OWMS service reports have been received and processed since the introduction of the DWMP in 2022.</li> <li>Relationship building, and community engagement with key stakeholders has continued and significantly improved since the implementation of the DWMP. A successful business breakfast gathering (Annual Onsite Wastewater Management System Conversation) is held annually with local plumbers, OWMS installers and service agents invited to attend. The last session held in June 2025 saw more than 20 participants from all over Victoria attend.  The session provides a platform for Council to provide an update on new OWMS processes, outline any trends and discuss any wastewater issues and concerns which require further attention.</li> <li>The development of new OWMS educational material has been released to assist new homeowners with identifying the location of their OWMS, understanding OWMS maintenance requirements and standard operational information.</li> </ul>
<b>Strategy 2: Education and Community Consultation</b> <ul style="list-style-type: none"> <li>The Environmental Health team have actively engaged with OWMS plumbers, installers and service agents to promote stronger relationships and to increase understanding of the OWMS permit process.</li> </ul>

- Internal OWMS processes have been reviewed and updated to better align with the requirements of the Environment Protection Act (Vic). This has seen a complete rework of all OWMS forms, fees and publicly available information. Further updates are scheduled in line with the DWMP strategies in future years.
- Council continues to meet with the regional Environment Protection Authority (EPA) and other regulatory authorities on a regular basis to advocate for shared goals and outcomes. This includes advocating for sewer infrastructure in priority townships.

### **Strategy 3: Strategic Planning and Infrastructure Development**

- A review of Council's Wastewater Management Policy (C78) has commenced and is on track for completion in the 2025/26 year. The new policy will focus on Council's information systems, permit processes, improved mapping, system life span and other requirement of the Environment Protection Act (Vic) and the Environment Protection Regulations (Vic).
- Compliance and enforcement processes have been improved to reduce the impact of off-site wastewater discharge on stormwater drains and ground waters. This process improvement has seen an increase in risk identification and property owner/occupier compliance. As a result, overall compliance of OWMS with the Environment Protection Act (Vic) has been experienced.

### **Strategy 4: Environmental Monitoring**

- Improved process continues to identify failing OWMS and implement compliance and enforcement processes to achieve corrective actions as required. As a direct result of process change in this area, an increase in ongoing compliance of OWMS has been experienced.
- Approximately 5000 OWMS have been assessed as compliant through the OWMS Compliance Program since the beginning of the DWMP implementation.

### **Strategy 5: Management of Commercial Properties**

- The Environmental Health team continues to routinely engage with property owners in unsewered commercial areas to achieve best environmental outcomes.
- The development of commercial property OWMS education and information is on track to be delivered in the 2025/26 financial year. This package of information will assist commercial businesses in understanding their OWMS and identify any issues early.

#### **Strategy 6: Continue to Develop and Implement Compliance Management**

- Reviewed and updated the suite of information provided to property owners upon the issue of the Certificate to Use to inform and educate regarding the service, maintenance and upkeep requirements of their OWMS.
- Improved electronic data captured by completing the historic uptake process for OWMS records prior to amalgamation.
- Established audit and enforcement program to ensure property owners, service technicians and agents adequately fulfil their respective responsibilities.
- 100 per cent of notified OWMS failures or outstanding works required followed up and entered the enforcement process.

#### **Strategy 7: Regulatory Management**

- Provided significant input and user context for the review and development of the new EPA OWMS Guidelines – implemented in May 2024.
- Assisted with the identification of errors in the previous EPA OWMS Code of Practice and achieved an improved outcome for OWMS installed in sandy soils.
- Investigated bore impacts on OWMS installed in sandy soils, particularly those in Venus Bay, Sandy Point and Walkerville, and developed a new bore process in line with current legislation resulting in an improved outcome for the environment and property owners.

#### **Strategy 8: Reporting, Audits and Review**

- The requirement to have the DWMP third party audited has been removed from legislation, therefore this cost will no longer be incurred by the DWMP implementation. Internal audits will replace the previously required external audits and be conducted every three years.
- No updates to the DWMP 2022-2026 have been identified.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

There was an extensive consultation period during the development of the Domestic Wastewater Management Plan 2022-2026.

## **RESOURCES / FINANCIAL VIABILITY**

The implementation of strategies and actions included in the DWMP are accommodated from within the Environmental Health team operational budget.

## **RISKS**

Environmental protection legislation requires Council to develop and implement a domestic wastewater management plan to identify public health and environmental risk associated with OWMS, and to specify strategies to manage these risks. Council's DWMP 2022-2026 complies with this requirement, managing Council's risk exposure.

## **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. Domestic Wastewater Management Plan - Year 3 Reporting [2.8.1 - 14 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

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

Domestic Wastewater Management Plan

### **Legislative Provisions**

*Environment Protection Regulations 2021*

*Environment Protection Act 2017*

### **Regional, State and National Plan and Policies**

Nil

## 2.9. SOUTH GIPPSLAND LIVE4LIFE YOUTH PROGRAM - ANNUAL HIGHLIGHTS

Directorate:	Future Communities
Department:	Community, Customer and Visitor

### Council Plan

*Theme - Empowering Communities*

*The Live4Life Program partners with young people and youth focussed organisations to build resilience and facilitate young people's engagement with and connection to community.*

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with highlights from the 2024/25 South Gippsland Live4Life Program.

### RECOMMENDATION

**That Council:**

- 1. Receive and note the Live4Life Program highlights for 2024/2025**
- 2. Thank the Live4Life Youth Crew for their participation in the program and wish them well for the 2025/2026 year.**

### REPORT

Live4Life is a mental health education and youth suicide prevention model designed specifically for rural and regional communities. Live4Life acts to ensure communities are knowledgeable, networked and resilient when it comes to youth mental health.

It achieves this by training community members to become instructors in Youth Mental Health First Aid and Teen Mental Health First Aid, so they are able to deliver this training to their broader community and to young people in Years 8 to 10 within their school environment.

Youth Live4Life also focus on supporting young people to develop the skills and confidence they need to support their own mental health, and that of their peers.

This is achieved through training in Teen Mental Health First Aid (received in Years 8 and 10), and through the development of a Youth Crew. The Live4Life Youth Crew is open to Year 9 and 10 students and provides a framework and support, empowering them to play an active role in promoting positive mental health messaging within their school environment.

## **DISCUSSION**

Council is the lead organisation for the Live4Life program in South Gippsland, responsible for supporting the partnership and ensuring the program acts within the Live4Life model. The program is managed by a partnership of organisations across South Gippsland including each of the participating secondary schools, Department of Education, the Bass Coast South Gippsland Local Learning and Employment Network, Headspace and the Mirboo North and District Community Foundation.

To date for 2025, the South Gippsland Live4Life Program has:

- Trained 483 students in Teen and Youth Mental Health First Aid Training.
- Provided training to fourteen adults in Youth Mental Health First Aid, bringing the community total of adults trained to 137 since the program commenced in 2022.
- Interviewed over fifty Year 9 and 10 students who applied to become a Live4Life crew member, selecting up to eight students per Live4Life school to become mental health ambassadors.
- Held an induction day event for all recruited crew in February, with 30 young people across South Gippsland Live4Life schools gaining deeper insights to the program.
- Live4Life youth crew created their mental health theme for the year: “No matter what you are going through someone is always there for you”.
- Coordinated and delivered five Live4Life launches across Foster Secondary College, Korumburra Secondary College, Leongatha Secondary College, Mary MacKillop Catholic Regional College and Mirboo North Secondary College in South Gippsland. These events introduced the Year 8 students to the Live4Life program and the importance of mental health suicide prevention.
- Added an additional school, Community College Gippsland, to the partnership group, with the plan to deliver Teen Mental Health First Aid Training later this year and crew engagement in 2026.

Live4Life is a positive youth mental health program that supports successful implementation of the South Gippsland Municipal Public Health and Wellbeing Plan and Council Plan.

## **FINANCIAL IMPLICATIONS & RISKS**

The Live4Life program is managed by a partnership of organisations across South Gippsland including each of the participating secondary schools, Department of Education, the Bass Coast South Gippsland Local Learning and Employment Network, Headspace and the Mirboo North and District Community

Foundation. The financial sustainability of this program is recognised as a responsibility of the partnership group.

The Live4Life program began with seed funding that has been carefully managed for the first three years of the program; however, this funding is nearing its end. Recognising a need to address the financial sustainability of the program, a fundraising subcommittee has been formed to apply for grants and source sponsorship. An additional subcommittee has also been formed to develop a communications strategy to promote the Live4Life program across South Gippsland to strengthen its connection within the community.

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

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

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership

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

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

Community Strengthening Strategy

Council Plan 2025-2029

Municipal Public Health and Wellbeing Plan

#### **Legislative Provisions**

Nil

#### **Regional, State and National Plan and Policies**

Nil

## 2.10. AUDIT AND RISK COMMITTEE 11 MARCH 2025 MINUTES AND BIANNUAL CHAIR REPORT

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

*Theme - Leading with Integrity*

*Objective - Leading with Integrity*

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

### EXECUTIVE SUMMARY

The purpose of this report is to present the Audit and Risk Committee minutes from their meeting on 11 March 2025 and to receive the Audit and Risk Committee Biannual Chair report from Committee Chair, Ms Jen Johanson.

### RECOMMENDATION

**That Council:**

- 1. Receives and notes the draft Audit and Risk Committee Minutes – 11 March 2025 (Attachment [2.10.1]); and**
- 2. Receives and notes the Audit and Risk Committee Chair report to Council by Audit and Risk Committee Chair Ms Jen Johanson. (Attachment [2.10.2])**

### REPORT

The Audit and Risk Committee supports Council in meeting its oversight and governance obligations under the Local Government Act 2020. It provides independent advice across financial reporting, risk management, fraud prevention, internal controls, audit assurance, and regulatory compliance—ensuring transparency, accountability, and continuous improvement in Council operations.

*Audit and Risk Committee Minutes - 11 March 2025*

The draft minutes of the Audit and Risk Committee meeting held on 11 March 2025 (refer to **Attachment [2.10.1]**) are provided to Council for noting.

Audit and Risk Committee members at the meeting included:

- Ms Jen Johanson (Audit and Risk Committee Chair)
- Mr Mick Jaensch
- Ms Marilyn Kearney
- Cr Sarah Gilligan (Council member)
- Cr Steve Finlay (Council member)
- Cr John Schelling (Mayor) (Ex-officio Council Member)

#### *Biannual Chair Report - December 2024 to June 2025*

The Audit and Risk Committee Charter requires the Committee Chair to provide a report to Council twice each year summarising the activities undertaken, raising any findings and recommendations. The report from the Audit and Risk Committee Chair is provided (refer to **Attachment [2.10.2]**).

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

The draft Audit and Risk Committee Minutes for 11 March 2025 (refer to **Attachment [2.10.1]**) have been presented to the Audit and Risk Committee for feedback and was formally noted by the Audit and Risk Committee at the 17 June 2025 Meeting.

The biannual report from the Audit and Risk Committee Chair (refer to **Attachment [2.10.2]**) was also circulated to the Committee as a part of the 17 June 2025 meeting and was noted by the Committee.

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

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

#### **RISKS**

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

#### **STAFF DISCLOSURE**

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

#### **ATTACHMENTS**

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

1. Audit Risk Committee Minutes - 11 March 2025 Final [**2.10.1** - 17 pages]
2. Bi Annual Chair Report December 2024 to June 2025 - Final [**2.10.2** - 9 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk & Compliance

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

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

Audit and Risk Committee Charter (C08)

Audit and Risk Committee Charter and Terms of Reference

### **Legislative Provisions**

*Local Government Act 2020*

### **Regional, State and National Plan and Policies**

Nil

## 2.11. AUDIT AND RISK COMMITTEE CHARTER REVIEW (C08)

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

*Theme - Leading with Integrity*

*The Audit and Risk Committee Charter relates to the Council Plan by fostering accountability. Specifically, through supporting oversight of:*

- *financial and performance reporting;*
- *risk management;*
- *fraud prevention systems and controls;*
- *maintenance of sound internal control environment;*
- *assurance activities including external and internal audits; and*
- *Council's performance with regard to compliance with its policies, legislative and regulatory requirements.*

### EXECUTIVE SUMMARY

The purpose of this report is to present the draft revised Audit and Risk Committee Charter (C08) (refer to **Attachment [2.11.1]**) to Council for review and consideration.

The Charter has been reviewed by the Audit and Risk Committee and is now before Council for its scheduled biennial review.

### RECOMMENDATION

**That Council:**

- 1. Adopt the revised Audit and Risk Committee Charter (C08) (Attachment [2.11.1]); and**
- 2. Publishes the revised Audit and Risk Committee Charter (C08) (Attachment [2.11.1]) on Council's website.**

### REPORT

The Charter was last reviewed late 2022 and adopted by Council in February 2023. A Charter review was recently brought to the Audit and Risk Committee (in line with Charter requirement), with some opportunities for improvement noted.

The main improvement being the proposed change in the Council members tenure to better suit the sitting term. The proposed amendments are summarised below:

- Align the tenure of Councillor members to better suit their sitting term. The draft proposes a two (2) year term, instead of the previous three (3) year term.
- Reference to compliance with the Child Safety & Wellbeing Policy (available on request).
- Removed meeting attendance option for teleconference, leaving in person or virtually (Video Conference) only at 3.21 & 3.22.
- Propose alternative process requirements in relation to removal of a committee member around public notice and being heard at a Council meeting at 3.27.
- A new item to allow for an additional one (1) year extension of an independent committee members term if two or more independent committee members resign/retire at the same time at 3.6.5.
- Fix two minor typographical errors.

The current Audit and Risk Committee Charter can be viewed on Council's policy section of Council's website.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

The Audit and Risk Committee was consulted in relation to the Audit and Risk Committee Charter review.

### **RESOURCES / FINANCIAL VIABILITY**

The management of Council's Audit and Risk Committee is included in Council's operating budget.

### **RISKS**

The Charter is required under the Local Government Act and assists Council in discharging its oversight responsibilities. An inadequate charter may result in inadequate oversight.

### **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. C 08 Audit & Risk Committee Charter - Draft Following Review - June 2025  
[2.11.1 - 13 pages]

## **REFERENCE DOCUMENTS**

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

Pillar 7. Risk & Compliance

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

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

Audit and Risk Committee Charter (C08)

### **Legislative Provisions**

*Local Government Act 2020*

### **Regional, State and National Plan and Policies**

Nil

## 2.12. EXTERNAL FUNDING APPLICATION POLICY (C97)

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

### Council Plan

*Theme - Leading with Integrity*

The External Funding Application Policy is intended to establish robust processes that help ensure decisions consider local, community and broader municipal interests and are consistent.

### EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the External Funding Application Policy (C97) for endorsement and the revocation of the Community Infrastructure Project Management Policy.

### RECOMMENDATION

**That Council:**

- 1. Revoke the *Community Infrastructure Project Management Policy* and associated guidelines (Attachment [2.12.1]);**
- 2. Endorse the *External Funding Application Policy* (Attachment [2.12.2]);**

### REPORT

This report presents a new policy to guide Council's program of sourcing external funding and includes a recommendation to revoke the associated policy made redundant through the development of the new policy.

On 19 March 2025 Council deferred the consideration on the Community Infrastructure Project Management Policy and External Funding Application Policy until the August 2025 Council Meeting. This deferral enabled Council to adopt the *Asset Plan 2025 to 2035* prior to considering the new External Funding Application Policy.

### External Funding Application Policy

The purpose of the External Funding Application Policy is to ensure comprehensive and clear direction in the management of new and existing incoming (external) grant programs ensuring that compliance with funding bodies and auditing requirements is achieved. The policy seeks to ensure that all grants Council applies for align with Council's strategic priorities and are accessible, appropriate, fair, and equitable across all groups in the municipality.

The Policy aligns with Council's *Advocacy Strategy* and supports Council's *Asset Plan 2025 to 2035*, which states: "*When considering where to focus efforts in grant opportunities for asset renewal and/or upgrade officers will include criteria*

*that clearly quantifies the need for the service the asset provides, the geographic location and benefit to the whole shire. This will be done by quantifying and considering the number of users, geographic location, historic investment in the area and accessible alternatives.”*

The External Funding Application Policy is proposed to supersede the function of the Community Infrastructure Project Management Policy that was adopted 25 July 2018. The Community Infrastructure Project Management Policy will become redundant through the consolidation of the new External Funding Application Policy.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Internal consultation and benchmarking with other councils has been undertaken in the preparation of the External Funding Application Policy.

### **RESOURCES / FINANCIAL VIABILITY**

Nil.

### **RISKS**

The External Funding Application Policy aim to reduce risk within a granting environment by providing a framework to guide the fair, transparent, consistent and effective administration of external (grant seeking) programs.

### **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. Community Infrastructure Project Management Policy (C09) - July 2018 [2.12.1 - 5 pages]
2. External Funding Application Policy C97 [2.12.2 - 6 pages]
3. External Funding Application Guidelines [2.12.3 - 4 pages]

### **REFERENCE DOCUMENTS**

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

Pillar 1. Direction & Leadership  
Pillar 3. Decision Making  
Pillar 4. Structure, Systems & Policies

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

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

Asset Plan 2025 to 2035

Advocacy Strategy

#### **Legislative Provisions**

Nil

**Regional, State and National Plan and Policies**

Audit Committees - A Guide to Good Practice for Local Government, January 2011

## 2.13. INSTRUMENT OF DELEGATION - COUNCIL TO CHIEF EXECUTIVE OFFICER (CEO) (S5)

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

### Council Plan

*Theme - Leading with Integrity*

*Council's governance is strengthened by maintaining currency in the delegations to the Chief Executive Officer with the functions that is required to perform on behalf of Council.*

### EXECUTIVE SUMMARY

The purpose of this report is to endorse the S5 Instrument of Delegation (Instrument) to the Chief Executive Officer (CEO) (**Attachment [2.14.1]**). Under s.11(7) of the *Local Government Act 2020* (Act), every Council must review, within a period of 12 months after a general election, all delegations which have been made under this section and are still in force.

### RECOMMENDATION

**That Council under the power conferred by s.11(1)(b) of the *Local Government Act 2020*, resolves that:**

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer (Attachment [2.14.1] Instrument of Delegation to the Chief Executive Officer – 20 August 2025), subject to the conditions and limitations specified in that Instrument;**
- 2. The instrument comes into force immediately when signed by the Chief Executive Officer and the Mayor of South Gippsland Shire Council;**
- 3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked; and**
- 4. The duties and functions set out in the Instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

## REPORT

### Background

The effective functioning of local government would not be possible if all decisions were made by Council, hence many decision-making powers are allocated by formal delegations to the CEO.

Under s.11(7) of the *Local Government Act 2020* (Act), every Council must review, within a period of 12 months after a general election, all delegations which have been made under this section and are still in force.

The proposed Instrument (**Attachment [2.14.1]**) remains similar to the current version dated 16 March 2022 (**Attachment [2.14.2]**) to:

1. Maintain the broad delegations, excluding those not allowed by exception under s.11(2) of the Act.
2. Provide a Financial Delegation

The ordinary expenditure amount is proposed to remain at \$750,000. This amount aligns Council with several other similar councils within the region with the aim to:

- a. deliver services and projects more effectively and efficiently with appropriate controls in place;
  - b. Increase the efficiency of Council Meetings;
  - c. Maintain the requirement for the CEO to report expenditure approvals over the \$750,000 limit for emergency events and awarding of contracts, to the next appropriate Council meeting;
  - d. Allow the Council and community to have oversight of tenders approved under delegation by the CEO over the public tender threshold of \$250,000, as these will be captured in the monthly summary report of 'Documents Sealed, Contracts Varied, Awarded or Extended by CEO', at Council meetings.
3. Provide an Emergency Financial Delegation

The State of Emergency and exceptional circumstances expenditure limits are proposed to remain at the amount of up to \$3,000,000 to ensure these two amounts to be the same.

This will allow for the CEO to respond quickly to implement repair and remediation works directly attributed to an emergency, including severe weather conditions, in order to ensure the safety of the community.

4. Provide a Delegation for the Capital Works Program adopted in Annual Budgets

The delegation aims to allow the CEO to approve contracts and expenditure for annual Capital Works Program projects that have been adopted by

Council in the Annual Budget. The awarded contracts will be included in the monthly Council report on 'Documents Sealed, Contracts Varied, Awarded or Extended by CEO' in Council meetings. This will continue to allow adopted capital projects to progress more efficiently, while providing increased transparency to the community through an open report to Council on the outcomes of tenders over the public tender threshold of \$250,000.

This review has also allowed the Instrument to be updated to align with the most current template provided by Council's lawyers which occurred in July 2025.

Council *Procurement Policy* (C32) was adopted at the 16 July 2025 Council Meeting and reflects the financial delegation indicated in (**Attachment [2.14.1]**) related to the role and delegated power of the CEO.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Consultation on the updated Instrument (**Attachment [2.14.1]**) has occurred with Council's Officers, Management and Councillors via appropriate means of communication.

### **RESOURCES / FINANCIAL VIABILITY**

The Instrument provides a financial delegation to the CEO to enable the efficient and flexible functioning of Council, with reporting required to Council to advise of the exercising of this financial delegation in accordance with the requirements of the *Procurement Policy* (C32) and this S5 Instrument of Delegation.

### **RISKS**

The proposed Instrument (**Attachment [2.14.1]**) allows Council to delegate an expenditure to the CEO in ordinary circumstances and in 'exceptional circumstances'.

Council and the Community oversight of tenders approved under delegation by the CEO that are over the public tender threshold will continue to be captured in the monthly summary report of 'Documents Sealed, Contracts Varied, Awarded or Extended by CEO'.

The Instrument assists in mitigating the risk of failing to prepare and plan for emergency and recovery circumstances and ensures more efficient process at operational and Council level. Additionally, the Instrument ensures the correct language is used throughout the instrument in line with Council's templates.

### **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. Instrument of Delegation to the Chief Executive Officer (S5) - 20 August 2025 [2.13.1 - 4 pages]

2. Instrument of Delegation to the Chief Executive Officer (S5) - 16 March 2022  
[2.13.2 - 6 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](#).*

Nil

### **Legislative Provisions**

*Local Government Act 2020*

### **Regional, State and National Plan and Policies**

Nil

## 2.14. INSTRUMENT OF APPOINTMENT - S11A PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

### Council Plan

*Objective - Leading with Integrity*

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

### EXECUTIVE SUMMARY

This report recommends that Council adopts S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for staff members listed in this Council report, under the *Planning and Environment Act 1987*.

### RECOMMENDATION

**That Council resolves, 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 Instrument of Appointment and Authorisations (Attachment 2.15.1) be appointed and authorised as set out in the instrument and detailed in this report; and**
- 2. The Instrument of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer. It will remain in force until such time as Council determines to vary it, or it is revoked by Council's Chief Executive Officer in the event:**
  - a. the officer resigns from Council; or**
  - b. is appointed to a position where this appointment and authorisation is not required or suitable.**

### REPORT

Appointing appropriately qualified officers to make decisions in accordance with enabling legislation contributes to the effective functioning of Council. Authorisations provide powers to officers to administer and enforce any Act, regulations or local laws which relate to the functions and powers of the Council. It is important to ensure that formal Instruments are arranged for new staff, updated to reflect changes in personnel, or amended to reflect changes in the legislation.

A S11A Instrument revision has been prepared for two staff members listed below and is presented for adoption. This authorisation will enable the officer to fulfil the required legislative compliance duties inherent in the role.

- Kenneth Griffiths
- Stepan Hovaniesian

The Instruments are contained in **(Attachment [2.15.1] and [2.15.2])**.

#### **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 an 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 (Planning and Environment Act 1987) - Stepan Hovaniesian [2.14.1 - 1 page]
2. S11A - Instrument of Appointment (Planning and Environment Act 1987) - Kenneth Griffiths [2.14.2 - 1 page]

#### **CONFIDENTIAL 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](#).*

Nil

##### **Legislative Provisions**

*Local Government Act 2020*

*Local Government Act 1989*

*Planning and Environment Act 1987*

**Regional, State and National Plan and Policies**

Nil

## 2.15. SUMMARY OF STRATEGIC BRIEFINGS - 11 JUNE 2025 - 12 JULY 2025

Directorate:	Strategy & Partnerships
Department:	Governance and Integrity

### Council Plan

*Theme - 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 between 11 June 2025 and 12 July 2025.

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, the Summary of Strategic Briefings - 11 June 2025 – 12 July 2025.**

### REPORT

Meeting Title	Details
<b>Wednesday 11 June 2025</b>	
<b>Road Management Plan</b>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Bron Beach, John Kennedy, Nathan Hersey, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Acknowledgement of Country Review</b>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Bron Beach, John Kennedy, Nathan Hersey, Steve Finlay</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Long Term Financial Plan Discussion</b>	<b>Councillor Attending</b>

Meeting Title	Details
	<p>Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Bron Beach, John Kennedy, Nathan Hersey, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Wednesday 18 June 2025</b>	
<b>Councillor Access to Council Information Policy (C66) and Councillor and Officer Interaction Policy (CE87) Overview</b>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Foster Skatepark Design Project</b>	<p><b>Councillor Attending</b> Clare Williams, John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Procurement Policy Review</b>	<p><b>Councillor Attending</b> John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Wednesday 9 July 2025</b>	
<b>Live4Life Youth Program - Annual Highlights</b>	<p><b>Councillor Attending</b> John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<b>Planning - Monthly Briefing Update - July</b>	<b>Councillor Attending</b>

Meeting Title	Details
	<p>John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>
<p><b>Planning Application 2024/82 - 252</b> <b>Soldiers Road Fish Creek - Submissions</b></p>	<p><b>Councillor Attending</b> John Schelling, Sarah Gilligan, Scott Rae, Nathan Hersey, Bron Beach, John Kennedy, Steve Finlay and Brad Snell</p> <p><b>Conflict of Interest:</b> Nil</p>

#### 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](#).*

Public Transparency Policy (C75)

##### **Legislative Provisions**

*Local Government Act 2020*

## 2.16. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 JUNE 2025 - 12 JULY 2025

Directorate:	Performance and Innovation
Department:	Financial Strategy

### Council Plan

*Theme - 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 purpose of this report to Council is to document the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period 13 June 2025 - 12 July 2025. 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 Documents Sealed, Contracts Varied, Awarded or Extended by CEO - 13 June 2025 - 12 July 2025.**

### REPORT

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 June 2025 - 12 July 2025.

1. Deed of Novation – Supply Contract between South Gippsland Shire Council and Tricky Tree Works. Seal applied 3 July 2025.

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.

- a. Section 173 Agreement between South Gippsland Shire Council and the owner of 185 Simons Lane Leongatha South for a 10-lot subdivision. Seal applied 1 July 2025.
- b. Section 173 Agreement between South Gippsland Shire Council and the owner of 35 Warragul Road Korumburra for a 30-lot subdivision. Seal applied 3 July 2025.

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 June 2025 - 12 July 2025.

### **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.

2. Contracts awarded by Council after a public tender process, signed by the CEO between 13 June 2025 - 12 July 2025.
  - a. Nil
3. Contracts awarded after a public tender process within the CEO's delegation between 13 June 2025 - 12 July 2025.
  - a. Nil
4. Contract variations approved by the CEO above contingency between 13 June 2025 - 12 July 2025.
  - a. Nil
5. Contract extensions approved by the CEO 13 June 2025 - 12 July 2025.

- a. Nil

### **Annual WorkCover Premium**

In accordance with *Local Government Act 2020* (the Act), s.5 where insurances are processed for payment under delegation, they are required to be reported to the next practicable Council Meeting.

6. WorkCover Premium for 2025-2026 has been approved for payment for the value of \$570,708.73 (value includes GST and is the Early Full Payment value with 5% discount).

### **Annual Insurance Premiums**

In accordance with *Local Government Act 2020* (the Act), s.5 where insurances are processed for payment under delegation, they are required to be reported to the next practicable Council Meeting.

7. Councils Insurance Premiums for 2025-2026 have been approved for payment for the value \$1,502,253.38 (value excludes GST).

### **STAFF DISCLOSURE**

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

### **ATTACHMENTS**

Nil

### **REFERENCE DOCUMENTS**

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

Pillar 3. Decision Making

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

*Documents are available on Council's website 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*

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

#### **3.1. NIL**

## **4. COUNCILLOR REPORTS**

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

### **4.2. COUNCILLOR UPDATES**

## 5. 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.

## 6. PUBLIC QUESTIONS

### 6.1. 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.

## **6.2. 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**

### 6.3. 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.

## 7. 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**

## **8. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 17 September 2025 commencing at 2:00pm in the Council Chambers, Leongatha.