



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

SPECIAL MEETING OF COUNCIL MINUTE

**SPECIAL MEETING OF COUNCIL
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 9AM**

PRESENT:

Mayor: Cr Robert Newton
Deputy Mayor: Cr Mohya Davies
Councillors: Nigel Hutchinson-Brooks, James Fawcett, Kieran Kennedy, Lorraine Brunt, Andrew McEwen, Don Hill and Jeanette Harding.

APOLOGY: Nil

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Sustainability and Infrastructure Services
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Coordinator Corporate Planning and Council Business
Natasha Berry	Corporate & Council Business Officer
Jodi Cumming	Corporate & Council Business Officer

MISSION

To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.

SOUTH GIPPSLAND SHIRE COUNCIL

SPECIAL MEETING OF COUNCIL WEDNESDAY 13 JANUARY 2016 COUNCIL CHAMBER, LEONGATHA COMMENCED AT 9AM

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Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

Please ensure Mobile phones remain 'off' during the Council Meeting.

A.2 OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

A.4 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.5 APOLOGIES

Nil

A.6 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au. An interest may be by close association, financial, conflicting duties or receipt of gifts.

If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from the Organisational Development Department – Governance).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately.

Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend.

Detailed information is available in Conflict of Interest – A Guide for Councillors June 2011.

Type of Interest		Example of Circumstance
Direct Interest		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered. Reasonably likely to receive a direct benefit or loss measurable in money. Reasonably likely that your residential amenity will be directly affected.
Indirect Interest	Close Association	A member of your family has a direct interest or an indirect interest. A relative has a direct interest. A member of your household has a direct interest.
	Indirect financial Interest	Likely to receive a benefit or loss, measurable in money, resulting from a change to another person's interest. Holding shares in a company or body that has a direct interest (subject to threshold) When a person with a direct interest owes money to you.
	Conflict of Duty	Manager or member of the governing body of an organisation with a direct interest. Trustee for a person with a direct interest. Past dealings in relation to the matter as duty to another person or body.
	Applicable Gift	Gifts valued at \$500 in previous 5 years. Election donations valued at or above \$500 in previous 5 years. Gifts other than election campaign donations that were received more than 12 months before a person became a Councillor are exempt.
	Party to the Matter	Initiated or became party to civil proceedings in relation to the matter.

Privacy

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

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "Sound Recording of Council Meetings". A copy of this policy is located on Council's website www.southgippsland.vic.gov.au. Further information or a copy of the policy or can be obtained by contacting Council's Organisational Development Department (Governance).

A.7 DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and /or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest it is the responsibility of that staff member to disclose the interest. Guidance to identifying and disclosing a conflict of interest is contained in Department of Planning and Community Development in '*Conflict of Interest A Guide for Council staff*', October 2011.

Nil

CLOSED SESSION

Consideration of confidential matters under the Local Government Act 1989, Section 89(2).

According to Section 89 of the Local Government Act 1989 (the Act), Council may consider items in closed session. There must be a resolution to move 'In Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

ITEM 1 MATTER THAT COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS (SECTION 89(2)(h)) – NOTICE OF RESCISSION NUMBER 690 – COUNCIL MEETING 16 DECEMBER 2015 AGENDA ITEM F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS

Recommendation

That Council close the meeting to the public to allow for consideration of **MATTER THAT COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS – NOTICE OF RESCISSION NUMBER 690 – COUNCIL MEETING 16 DECEMBER 2015 AGENDA ITEM F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS** pursuant to section 89 (2)(h) of the Local Government Act 1989.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF MATTER THAT COUNCIL CONSIDERS WOULD PREJUDICE COUNCIL OR ANY PERSONS – NOTICE OF RESCISSION NUMBER 690 – COUNCIL MEETING 16 DECEMBER 2015 AGENDA ITEM F.1 STRATEGIC REVIEW OF LANDHOLDINGS – APPOINTMENT OF COUNCILLORS TO SPECIAL COMMITTEE TO CONSIDER, HEAR AND DETERMINE SUBMISSIONS PURSUANT TO SECTION 89 (2)(H) OF THE LOCAL GOVERNMENT ACT 1989.

CARRIED UNANIMOUSLY

SECTION B - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 24 February 2016 commencing at 2pm in the Council Chamber, Leongatha.

The Meeting closed at 9.04am.

CONFIRMED: *R J Newton*.....

COUNCILLOR ROBERT NEWTON – MAYOR

Date: *24.2.16*.....