

# **SPECIAL MEETING OF COUNCIL MINUTES**

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**SPECIAL MEETING OF COUNCIL  
WEDNESDAY 19 OCTOBER 2016  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 11AM**

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**ADOPTION OF THE 2015/16 ANNUAL REPORT WHICH WAS  
SUBMITTED TO THE MINISTER OF LOCAL GOVERNMENT  
ON THE 30 SEPTEMBER 2016**

**PRESENT:**

**Mayor:** Cr Robert Newton  
**Deputy Mayor:** Cr Mohya Davies  
**Councillors:** Nigel Hutchinson-Brooks, James Fawcett, Kieran Kennedy and Andrew McEwen.

**APOLOGIES:** Councillors Lorraine Brunt, Don Hill and Jeanette Harding.

**OFFICERS:**

<b>Mr Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Sustainability and Infrastructure Services</b>
<b>Bryan Sword</b>	<b>Director Development Services</b>
<b>Vanessa Adams</b>	<b>Acting Director Community and Corporate Services</b>
<b>June Ernst</b>	<b>Coordinator Corporate Planning and Council Business</b>
<b>Natasha Berry</b>	<b>Corporate and Council Business Officer</b>
<b>Jodi Cumming</b>	<b>Corporate and Council Business Officer</b>
<b>Rick Rutjens</b>	<b>Coordinator Media &amp; Communications</b>

***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 19 OCTOBER 2016 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 11AM**

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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**

**Councillors Don Hill, Lorraine Brunt and Jeannette Harding.**

### **A.6 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 406, held on 28 September 2016 in Council Chambers, Leongatha be confirmed.

**MOVED: Cr Davies**

**Seconded: Cr Hutchinson-Brooks**

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL  
ORDINARY MEETING NO. 406, HELD ON 28 SEPTEMBER 2016 IN  
COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

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## A.7 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](http://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.

**Nil**

Type of Interest		Example of Circumstance
<b>Direct Interest</b>		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.
<b>Indirect Interest</b>	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](http://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.8 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**

## **SECTION B – COUNCIL REPORTS**

### **B.1 2015/16 ANNUAL REPORT**

Corporate and Community Services

#### **STAFF DISCLOSURE OF INTEREST**

Nil

#### **EXECUTIVE SUMMARY**

Section 131(6) of the Local Government Act requires Council to submit an Annual Report to the Minister for Local Government by 30 September each year. It contains a Report of Operations, an audited Performance Statement and the Financial Statements and is based on the 2015/16 financial year.

The Performance Statement and Financial Statements have been audited by the Auditor General and were submitted to Council for endorsement on 28 September 2016.

In the year of a general election, a Council must, after submitting the Annual Report to the Minister under section 133(1) of the Local Government Act, 1989, (Act) and Division 4 Clause 22(2) of the Local Government (Planning and Reporting) Regulations, 2014, (Regulations), hold a meeting to consider the Annual Report no later than the day before the Council Election.

The 2015/16 Annual Report (Annual Report) in **Appendix 1** has been advertised through a public notice and was made available for public inspection for a two week period, from 4 October 2016.

It is recommended that Council adopt the Annual Report. Once adopted it will be published on Council's website.

#### **Document/s pertaining to this Council Report**

- **Appendix 1** – 2015/16 Annual Report

A copy of **Appendix 1** - 2015/16 Annual Report is also available on Council's website as part of the Special Council Meeting Agenda at: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

#### **LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES**

- The Local Government Act 1989, sections 131, 132, 133 and 134 relating to the Annual Report
- Local Government (Planning and Reporting) Regulations 2014
- Local Government Better Practice Guide 2015/16 - Report of Operations Workbook

- Local Government Better Practice Guide 2015/16 - Performance Reporting Framework Indicator Workbook, Version 2
- South Gippsland Shire Council - Annual Budget 2016-2017
- South Gippsland Shire Council - Council Plan 2013-2017

### **COUNCIL PLAN**

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.4	We will create an environment for people to be their best, to optimise the performance of the organisation and to deliver quality outcomes for the community.

### **CONSULTATION**

The Report of Operations, the Performance Statement and Financial Statements were endorsed by the Audit Committee on 12 September 2016.

The draft 2015/16 Annual Report - Report of Operations and unaudited Financial Statements and Performance Statements were presented to Council on 28 September 2016. These were endorsed by Council and two Councillors signed and approved the report.

The Auditor General provided an 'Independent Auditors Report' for certification and approval of the Performance Statement and Financial Statements, which have been combined into the 2015/16 Annual Report for final certification purposes in accordance with the Act.

### **REPORT**

The Local Government Act 1989, section 131 requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The Annual Report opens with a snapshot of Council's highlights and achievements against each Strategic Objective, with the intention of engaging readers. It also captures outcomes delivered in 2015/16 in response to requests derived from community engagement activities over the past few years and includes a timeline to demonstrate Council's achievements over the past four years.

This is followed by four main sections:

- Overview
- Reporting (against Council Plan and Strategic Objectives)

- Governance
- Performance (Audited Performance Statement Indicators and Financial Statement)

The Report of Operations section is structured according to the 2015/16 Better Practice Guide – Report of Operations set by Local Government Victoria (LGV).

Council's Local Government Performance Reporting Framework (LGPRF) indicators and results are presented under each Strategic Objective in Section 2 – Reporting, under the heading 'Service Performance Indicators' (refer to **Appendix 1**). These indicators are compared against the 2014/15 results. Some of these indicators are also included in the Performance Statement and are audited by the Victorian Auditor General's office.

Some indicators for 2014/15 have been changed to reflect new legislative reporting requirements and/or system changes. LGV has allowed Councils to update previous results to reflect these changes so that year-on-year comparisons are accurately presented on the "Know Your Council" website.

## **FINANCIAL CONSIDERATIONS**

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

## **RISKS**

Completion and submission of the Annual Report to the Minister for Local Government are annual legislative requirements.

In the year of a general election, a Council is also obliged by legislation (and after submitting the Annual Report to the Minister) to hold a meeting to consider the Annual Report no later than the day before the Election Day.

Council has mitigated these risks by adhering to the timelines and regulations underpinning the Act.

## **CONCLUSION**

The 2015/16 Annual Report is presented to Council for final adoption.

Council will publish the adopted Annual Report on its website. Hard copies will also be placed in local libraries and at the Council office.

## **RECOMMENDATION**

That Council:

1. Adopt the 2015/16 Annual Report including the audited Performance and Financial Statements contained in Appendix 1; and
2. Publish the 2015/16 Annual Report on Council's website.

**MOVED: Cr Fawcett**

**SECONDED: Cr Kennedy**

**THAT COUNCIL:**

1. **ADOPT THE 2015/16 ANNUAL REPORT INCLUDING THE AUDITED PERFORMANCE AND FINANCIAL STATEMENTS CONTAINED IN APPENDIX 1; AND**
2. **PUBLISH THE 2015/16 ANNUAL REPORT ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## SECTION C – MEETING CLOSED

### NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday 23 November 2016 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 11.15am.**

CONFIRMED:  .....

COUNCILLOR – MAYOR

Date: *12/12/2016* .....