

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

Wednesday 15 January 2025



Virtual Online Meeting
Commencing at 2:00 PM



*South Gippsland
Shire Council*

PRESENT

<p>COUNCILLORS:</p>	<p><i>Coastal Promontory Ward</i> Councillor Sarah Gilligan, Deputy Mayor Councillor Steve Finlay Councillor Scott Rae</p> <p><i>Strzelecki Ward</i> Councillor Bron Beach Councillor Nathan Hersey</p> <p><i>Tarwin Valley Ward</i> Councillor John Schelling, Mayor Councillor Brad Snell Councillor Clare Williams</p>
<p>NOT PRESENT:</p>	<p>Councillor John Kennedy</p>
<p>OFFICERS:</p>	<p>Kerryn Ellis, Chief Executive Officer Rhys Matulis, Manager Governance & Integrity</p>

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TABLE OF CONTENTS

1. PRELIMINARY MATTERS	4
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER	4
1.2. WELCOME TO THE COUNCIL MEETING	4
1.3. OPENING PRAYER.....	4
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	6
1.5. APOLOGIES	6
1.6. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF.....	8
2. CLOSED SESSION	9
3. MEETING CLOSED.....	11



Kerry Ellis
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

Meeting Held Virtually

Today's additional Council meeting will be held virtually and is being live streamed in compliance with section 66(1) and (6) of the Local Government Act 2020 and in accordance with section 75 of Council's Governance Rules.

Public Questions

As this is an additional Council meeting, Public Question Time has not been included in today's agenda in compliance with Council's Governance Rules. Any public questions submitted will be considered at the next scheduled Council meeting in February.

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.

The Opening Prayer was read by Councillor Beach

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.

The Acknowledgment of Traditional Custodians was read by Councillor Gilligan

1.5. APOLOGIES

Councillor Kennedy

1.6. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

Councillor Clare Williams has declared a material conflict of interest in Confidential Agenda Item 4.1 Award Contract CON/432 - Korumburra Rail Precinct Stage 3.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

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

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

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

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

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

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

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

Allison Jones, Director Performance and Innovation has declared a Material Conflict of Interest in Confidential Agenda Item 4.2. Acting Chief Executive Officer (CEO) Appointment as they were invited to submit an expression on interest.

Tony Peterson, Director Sustainable Infrastructure has declared a Material Conflict of Interest in Confidential Agenda Item 4.2. Acting Chief Executive Officer (CEO) Appointment as they were invited to submit an expression on interest.

Lucas Gardiner, Director Future Communities has declared a Material Conflict of Interest in Confidential Agenda Item 4.2. Acting Chief Executive Officer (CEO) Appointment as they were invited to submit an expression an interest.

2. CLOSED SESSION

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

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

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

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

RECOMMENDATION

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

1. **Per s.3(1)(g) Agenda item 4.1 – Award Contract CON/432 - Korumburra Rail Precinct Stage 3, designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**

- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**
- 2. Per s.3(1)(f) Agenda item 4.2 – Acting Chief Executive Officer (CEO) Appointment, designated as personal information,**
 - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. The grounds for designation have been made to protect the privacy of an individual’s personal information.**

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Finlay

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

- 3. Per s.3(1)(g) Agenda item 4.1 – Award Contract CON/432 - Korumburra Rail Precinct Stage 3, designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.**
- 4. Per s.3(1)(f) Agenda item 4.2 – Acting Chief Executive Officer (CEO) Appointment, designated as personal information,**
 - a. being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;**
 - b. The grounds for designation have been made to protect the privacy of an individual’s personal information.**

CARRIED UNANIMOUSLY

3. MEETING CLOSED

The next Council Meeting open to the public will be held on Wednesday, 19 February 2025 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed for closed session at 2.05pm

The Council Meeting concluded at 2.15pm.

Confirmed this 19th day of February 2025.

.....
Councillor John Schelling, *Mayor*

