



**South Gippsland**  
*Shire Council*

*Come for the beauty, Stay for the lifestyle*

# COUNCIL MINUTES

---

**ORDINARY MEETING NO. 366  
WEDNESDAY 27 FEBRUARY 2013  
COUNCIL CHAMBERS, LEONGATHA  
COMMENCED AT 2PM**

---

**PRESENT:**

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

**APOLOGY:** Cr Jeanette Harding

**OFFICERS:**

<b>Tim Tamlin</b>	<b>Chief Executive Officer</b>
<b>Anthony Seabrook</b>	<b>Director Engineering Services</b>
<b>Jan Martin</b>	<b>Director Community Services</b>
<b>Phil Stone</b>	<b>Director Development Services</b>
<b>June Ernst</b>	<b>Director Corporate Services</b>
<b>Luke Anthony</b>	<b>Manager Governance Services</b>
<b>David Roche</b>	<b>Governance Coordinator</b>
<b>Natasha Berry</b>	<b>Governance Officer</b>
<b>Ned Dennis</b>	<b>Manager Community Strengthening</b>
<b>Bryan Sword</b>	<b>Manager Planning and Environmental Health</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**

## **ORDINARY MEETING NO. 366 WEDNESDAY 27 FEBRUARY 2013 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM**

### **INDEX**

<b>SECTION A - PRELIMINARY MATTERS .....</b>	<b>1</b>
A.1 WELCOME .....	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS .....	1
A.4 APOLOGIES .....	1
A.5 CONFIRMATION OF MINUTES .....	1
A.6 REQUESTS FOR LEAVE OF ABSENCE .....	1
A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS....	2
A.8 DECLARATION OF CONFLICT OF INTEREST FOR STAFF .....	4
A.9 PETITIONS.....	4
A.10 COUNCILLOR REPORTS.....	5
<b>SECTION B - NOTICES OF MOTION AND/OR RESCISSION .....</b>	<b>14</b>
<b>SECTION C - COMMITTEE REPORTS .....</b>	<b>15</b>
C.1 AUDIT COMMITTEE REPORT NOVEMBER 2012 .....	15

**SECTION D – PROCEDURAL REPORTS .....24**

- D.1 ORGANISATIONAL QUARTERLY PERFORMANCE REPORT -  
OCTOBER - DECEMBER 2012, INCLUDING FINANCIAL  
PERFORMANCE REPORT ..... 24
- D.2 COUNCILLOR DISCRETIONARY ALLOCATION REPORT ..... 30
- D.3 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2012..... 33
- D.4 REPORT ON ASSEMBLY OF COUNCILLORS - DECEMBER 2012 AND  
JANUARY 2013 ..... 36
- D.5 DOCUMENTS SEALED - DECEMBER 2012 & JANUARY 2013 ..... 44

**SECTION E - COUNCIL REPORTS .....48**

- E.1 DEVELOPING A 2050 COMMUNITY VISION ..... 48
- E.2 LAND REALISATION PROJECT ..... 60
- E.3 CAPITAL WORKS PROGRAM 2012/13 AMENDMENTS..... 63
- E.4 SUBMISSIONS TO PROPOSED ROAD DISCONTINUANCE AND SALE  
OF LAND - PART DALE DRIVE, LEONGATHA ..... 67
- E.5 CONTRACT SGC10/01 BUILDING MAINTENANCE SERVICES AND  
ESSENTIAL SAFETY MEASURES ..... 78
- E.6 PROPOSED NEW ROAD NAME FOR UNNAMED ROAD OFF UNION  
STREET, BENA..... 81
- E.7 KORUMBURRA COMMUNITY INFRASTRUCTURE PLAN ..... 88
- E.8 PLANNING SCHEME AMENDMENT C76 - SOUTHERN LEONGATHA  
OUTLINE DEVELOPMENT PLAN - PANEL REPORT AND ADOPTION  
OF AMENDMENT ..... 94
- E.9 MUNICIPAL ASSOCIATION OF VICTORIA PLANNING COMMITTEE 107
- E.10 ANIMAL REGISTRATION FEE AND STRUCTURE REVIEW ..... 110

**SECTION F - URGENT OR OTHER BUSINESS ..... 118**

- F.1 DIFFERENTIAL RATES SUBMISSION TO DEPARTMENT OF PLANNING  
AND COMMUNITY DEVELOPMENT ..... 119

<b>SECTION G – GENERAL QUESTION TIME.....</b>	<b>126</b>
G.1 QUESTION TIME.....	126
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	127
<b>CLOSED SESSION .....</b>	<b>128</b>
ITEM 1 MAV CONTRACT C031-12 SUPPLY TO LOCAL GOVERNMENT AUTHORITIES - THROUGH NATIONAL TENDER RFT-031_12 FOR THE PROVISION OF FUELS AND LUBRICANTS – FUEL CARD SERVICES .....	128
<b>SECTION H - MEETING CLOSED .....</b>	<b>130</b>

**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 – CR BRUNT**

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

Amen

### **A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS – CR BRUNT**

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

### **A.4 APOLOGIES**

**Councillor Jeanette Harding**

### **A.5 CONFIRMATION OF MINUTES**

#### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 365, held on 19 December 2012 in the Council Chambers, Leongatha be confirmed.

**MOVED: Cr Newton**

**SECONDED: Cr Davies**

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL  
ORDINARY MEETING NO. 365, HELD ON 19 DECEMBER 2012 IN THE  
COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

### **A.6 REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

## 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 Organisational Development Department (Governance) 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 in Local Government – A Provisional Guide with amendments to 1 October 2010.

**Councillor Hutchinson-Brooks declared an indirect conflict of interest in Council Reports Item E.8 – PLANNING SCHEME AMENDMENT C76 - SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN - PANEL REPORT AND ADOPTION OF AMENDMENT as he has a conflicting duty in that he has a commercial relationship with a relative of a landowner in the affected area.**

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.

## A.9 PETITIONS

**Petitions** (and Joint letters) are written requests that have been signed by a number of community members. According to the Local Law No.3 2010 petitions may be presented to Council by a Councillor. A petition presented to the Council must lay on the table until the next Ordinary Meeting of the Council and no motion, other than to receive the petition, may be accepted by the Chair unless the Council agrees to deal with it earlier.

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at the Council Meeting speak briefly to its contents. At the same meeting a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

The Councillor presenting the petition is responsible for ensuring that they are familiar with the contents and purpose of the petition and that it is not derogatory or defamatory.

**Nil**



## **A.10 COUNCILLOR REPORTS**

-----  
**Cr Kennedy submitted a report regarding his attendance at Victorian Local Government (VLGA) Essential Mayor's Weekend.**

### **REPORT ON VICTORIAN LOCAL GOVERNMENT 'ESSENTIAL MAYOR'S WEEKEND'**

#### **EXECUTIVE SUMMARY**

Councillors operate in a complex environment and bring unique skills and insights to the role. The ongoing development of Councillors skills and their participation in relevant courses assists them in the performance of their roles. Additional pressures and workloads exist for the Mayor of the day, so attendance at specific events for mayors allows them the opportunities to develop their skills for the mayoralty role, discuss topical issues with other mayors and share their own experiences and concerns with their peers.

The Mayor, Councillor Kieran Kennedy attended the Essential Mayor's Weekend from Thursday 17 January to Saturday 19 January 2013. The course included three Master-classes, evening networking opportunities and reflection sessions for discussion between mayors.

This report is the Mayor's summary account of the Victorian Local Government (VLGA) Essential Mayor's Weekend. It is provided as an open and transparent means of sharing information with the community and Council on the topics covered during the weekend.

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

Local Government Act 1989

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Councillor Code of Conduct 2010

Councillor Support and Expenditure Policy 2010

#### **COUNCIL PLAN**

Strategic Goal:	5.0	Good Governance
Outcome:	5.1	Good Governance
Strategy No:	5.1.2	Leadership

#### **CONSULTATION**

None

## **REPORT**

### **Background**

The Essential Mayor's Weekend was held from Thursday 17 January to Saturday 19 January 2013. The course included three Master-classes, evening networking opportunities and reflection sessions for discussion between mayors. 'Mayoral mentoring' sessions were also provided each afternoon with experienced former mayors from regional/ rural, interface, and inner metropolitan councils.

#### **Master-class 1 – Leading the rates debate**

This session was focused on how the Mayor can lead councillors through the challenges of the budget process, forecasting for four years and longer term objectives. This included key issues faced by local governments and the fiscal challenges that will emerge from Commonwealth and State budget restrictions, the expectations of citizens (ratepayers) and the need to offset cost of services with revenue streams. The key theme was responsible financial decision-making.

#### **Master-class 2 – Governing, leading and surviving – starting the term**

This session included presentations from four experienced Chief Executive Officers from across rural and metropolitan local governments. Each CEO made a brief presentation, which included:

- focusing on a shared vision, managing the dual role of mayor
- the importance of strong Mayor/CEO relationships
- understanding leadership principles, and
- the things that might occur in the year and potential responses.

#### **Master-class 3 – Creating an elite team**

This session focused on high-performance teams, and how to create the dynamics to achieve the desired culture within a team. This included considering the 'trademark' or 'brand' the council team will be known by – how they will be perceived by the local community.

#### **Master-class 4 – The Council-CEO relationship – managing performance**

In this panel session, two experienced former Mayors and a current CEO answered questions in a facilitated 'fireside chat' style and then opened to questions from the floor. Issues discussed included:

- why performance management is important and councillors role in this
- what happens if a CEO isn't delivering to the council's expectations

- how council can be clearer about the expected focus for the CEO and how to negotiate this
- how good quality performance feedback can be provided and how councillors can give useful insights to CEOs on their performance
- how CEOs benefit from the performance review process and what measurable key performance indicators (KPIs) look like.

During dinner with the Minister for Local Government, the Hon Jeanette Powell, Minister Powell covered several topics including:

- the Victorian Coalition Government's plans to improve Councils' transparency and accountability
- responding to community needs while remaining financially sustainable
- the Coalition Government's focus on improving how Councils calculate differential rates and report on their financial performance.

During dinner the following evening with the Shadow Minister for Local Government, The Hon Richard Wynne, Mr Wynne addressed Mayors on the challenges faced by local governments in meeting both Government requirements and community expectations. The Shadow Minister indicated he will remove the provision to 'opt out' of voting at Council Meetings. He will also have a full review of the Local Government Act and review the Conflicts of Interest to bring it back to an easier approach to apply. He also wants in the review of the Act to look at the means by which councils can borrow under Treasury criteria.

### **Discussion**

Presentations by the Minister highlighted the importance of engaging with, and contributing to, the development of Ministerial Guidelines for Differential Rates to ensure they meet Council and community needs. This also highlighted the importance of engaging in the Department of Planning and Community Developments' development of a Local Government Performance Reporting Framework (LGPRF). The draft framework will include specific indicator sets and the intention is for compulsory implementation of the framework and indicators in the 2014-2015 financial year.

### **Proposal**

Through the budget development and Council Planning phases apply the insight and learning from the weekend to assist the Council to develop as a high-performing team that can meet the coming fiscal challenges and develop a shared vision for the four year term of Council.

## **FINANCIAL CONSIDERATIONS**

During the budgeting process Council will continue to demonstrate responsible financial decision-making in the context of the current fiscal challenges of Commonwealth and State budget restrictions and other unavoidable costs imposts.

Council will also continue to advocate for appropriate Differential Rate Guidelines and an appropriate Performance Reporting Framework to ensure development of cost effective tools and systems that support Council operation and provide value to the community.

## **RISK FACTORS**

Councillors operate in a complex environment and bring unique skills and insights to the role. The ongoing development of Councillors skills and their participation in relevant courses assists them in the performance of their roles. Additional pressures and workloads exist for the Mayor of the day, so attendance at specific events for mayors allows them opportunities to better understand changes in legislation, views of other mayors and share their own experiences and concerns with peers on topical issues. Attendance at these events minimises the risks that can be associated with remaining too isolated or out of touch with changing issues within the industry.

## **CONCLUSION**

The VLGA 'Essential Mayor's Weekend' was a valuable course providing insights into key responsibilities as a Mayor and opportunities to shape and support the function of Council during the coming year.

## **RECOMMENDATION**

That Council note the report and key outcomes from the Victorian Local Government 'Essential Mayor's Weekend'.

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL NOTE THE REPORT AND KEY OUTCOMES FROM THE VICTORIAN LOCAL GOVERNMENT 'ESSENTIAL MAYOR'S WEEKEND'.**

**CARRIED UNANIMOUSLY**

-----  
**Cr Hutchinson-Brooks addressed Council regarding attendance at:**

- **Fish Creek Development Group meeting and noted:**
  - a. **Information relating to National Broadband Network (NBN) tower at Fish Creek.**
  - b. **The prompt work of Council in arranging the removal of a house that was left in the centre of Fish Creek.**
  - c. **A request for the provision of public toilets near the shops in Fish Creek.**
- **Gippsland Hills Country Women's Association (CWA) annual meeting on behalf of the Mayor and introduced Mrs Carol Clay, State President of CWA. Cr Hutchinson-Brooks noted how impressed he was by the work of the CWA and the number of young members.**
- **45<sup>th</sup> 'Music for the People' event at Mossvale Park on Sunday 24 February 2013. Cr Hutchinson-Brooks noted the wonderful line up of bands and highlighted how Council staff stepped in and cooked BBQ after the caterers had to cancel at the last minute. Council staff were to be congratulated on the event including the presentation of the Park.**
- **A dinner with the Parliamentary Committee for the Environment and Natural Resources on behalf of Mayor. Cr Hutchinson-Brooks noted that there is a current enquiry on rural drainage and there was a hearing the following day. Cr Hutchinson-Brooks also noted that he spoke with the Mayor of Baw Baw Shire and discussed the similar issues of each Shire. Cr Hutchinson-Brooks further noted that he had obtained the Terms of Reference for a Parliamentary Inquiry into Ecotourism that may assist with issues within our Shire.**

**Cr Hutchinson-Brooks presented to the Mayor a thank you certificate on behalf of the Leongatha Courthouse Centenary celebrations for the recognition of successful Citizenship Ceremony that was undertaken in the Courthouse during the celebration week.**

-----  
**Cr Davies addressed Council regarding:**

- **Welcome to what has been a busy start to the year. Cr Davies noted that many meetings had been conducted throughout January and February 2013, in particular the Australia Day celebrations across the Shire and Community Grants presentation evening.**

- **Acknowledgement of a number of projects undertaken by the South Gippsland Shire Council including the 'Opening of Leongatha Children's Centre', the sod turning of the 'Great Southern Rail Trail' and the 'Yanakie Weather Station'. Cr Davies noted that the success of projects is dependent on considerable coordination of time and pulling together grants.**
- **Opening of the 'Debt of Honour' photographic exhibition at the Foster Stockyard Gallery and encouraged attendance. Cr Davies noted that the exhibition is a photographic journey of the first Australian commando units from their training ground at Wilsons Promontory to the battle grounds of Portuguese East Timor.**
- **Attendance at South East Australian Transport Strategy (SEATS) Inc. meeting at San Remo, Victoria. Cr Davies noted:**
  - a. **That SEATS are making election preparations, to lobby for transport, rail and road infrastructure.**
  - b. **That the SEATS attendees undertook a tour of the Wonthaggi Desalination (Desal) Plant.**
  - c. **Bass Coast Shire officers made presentations regarding the cost and impact of the Desal Plant on local infrastructure, in particular the roads.**
  - d. **The attendance of a guest speaker, Mr Fergus Cameron from the Philip Island Race track, noting the issue of getting bike riders on and off the island and renovation of the track has meant that it is one of the fastest tracks in the world.**
- **Attendance at the Parliamentary Committee for the Environment and Natural Resources inquiry into Rural Drainage, held in Warragul. Cr Davies noted that the Director of Corporate Services and Manager of Governance Services and a representative of Council's Special Committee – Corner Inlet Seawalls made a presentation to the enquiry.**

-----  
**Cr Hill addressed Council regarding attendance at:**

- **Weeds committee, and noted that the committee is working on a plan to combat weeds in the Shire and anticipates a report to Council.**
  - **Mirboo North Kindergarten picnic.**
-

-----  
**Cr Newton addressed Council regarding attendance at:**

- **South Gippsland Golf Classic, and hoped that Council could support this event by way of a grant in the future due to the economic flow on effect contributed by this event.**
- **'30<sup>th</sup> Korumburra Swap Meet' run by the Historical Automobile Club of South Gippsland in January 2013 and hoped that Council could support this group in some way in the future.**

**Cr Newton also reported on a forthcoming petition regarding increased traffic on Anderson Inlet Road. Cr Newton highlighted that GPS mapping systems direct motorists down a dangerous back road and hoped that relevant authorities could be contacted to change this.**

-----  
**Cr McEwen addressed Council regarding attendance at:**

- **Australia Day ceremonies in Korumburra and Meeniyan. Cr McEwen noted how impressed he was with the Youth Awards and the involvement of young people in their communities.**
- **South West Gippsland Transport Group meeting and noted that the Group wished to attend Council regarding combined transport strategies.**
- **Celebrations of the Poowong community of becoming a coal seam gas free town.**

-----  
**Cr Brunt addressed Council regarding attendance at:**

- **Poowong Swimming Pool and noted that she has information to contribute with respect to the Pool's operations.**
  - **Meeting in Nyora regarding the sewage delay.**
-

-----  
**Cr Kennedy addressed Council by noting the swell in tourism in the Gippsland Shire over summer. Cr Kennedy read out his reflection of the first 100 days in Council.**



The October elected Council has been busy! We have been developing a set of principles around how we will operate over the next four years to achieve a shared community vision, underpinned by financial stability, and collaborative processes that empower our community. These include:

**Direction Setting with the Community:**

Firstly we will develop a Citizen Engagement Charter that recognises people's right to be engaged in key policy and planning decisions. Each person has a right to an opinion and it is our main role to listen.

We will then work with the community to develop a Community Engagement Strategy that will be used to develop a shared Community Vision for the Shire – to jointly showcase South Gippsland, attract and retain tourism and business and focus on a sustainable future.

In essence Council is moving from a 'representative' to a more 'participatory' model of operation, with a goal to break down any isolation of Council from the community.

Council has made attempts in the past to be 'consultative', and despite the best intentions it has often been considered by the community as tokenistic. What we want is to evolve the good intentions of community participation and partnership into tangible outcomes, by using highly effective strategies and actual experience.

This commitment to a participatory model has engaged us over the past 100 days. We want to give people a positive experience of working with Council with directions and outcomes resulting from aligned intent. We will continue to look for ways to better work together with the community and strive to implement the necessary changes.

South Gippsland is rich with an abundance of coastal, farming and natural resources. However, we see our greatest strength is our communities and their commitment to volunteering, good will, self-help and all round hard work.

Why are we implementing this model of operation? Because we are making plans for the places where people live, and every resident deserves a say in how they live and how we can make a positive impact on their community and their future. Council already recognises the extraordinary skills and abilities that can be found within our communities that have yet to be utilised.

**Building the team:**

Councillors locked themselves away for four days of planning recently- working hard to knit this new team together.

Each candidate stood on an individual platform and once the election was over, it was time to come together to identify each other's abilities and strength and seek agreement on mutual goals.

We have made a commitment to uphold the key value of mutual respect and to work together as a team with, and for, the community.



We welcome vigorous and healthy debate, to hold each other to account and to ensure we stand for the best outcomes for our community. We have committed to a process of recognising differing views, engaging in vigorous yet respectful dialogue and ultimately making agreements and decisions on positive ways forward.

Our meetings together to date have created a lot of energy, enthusiasm and optimism about the future, and we remain excited to represent the people of the Shire for the coming four years.

**Leadership:**

We have also been laying the ground work for the four years ahead; adopting a collaborative leadership style with community partnership at the forefront of every step in our journey. We also welcome vigorous debate in the community as a healthy airing of views and developing creative ways of doing things.

**Our role is to provide the leadership you deserve, to achieve the outcomes you desire.**

We intend to provide strong leadership to develop a more sustainable financial position for the next fifteen years. We will explore other sources of revenue to reduce pressure on rates. These may include corporate sponsorships, future funds or the establishment of a community trust.

**The Next Steps:**

We have laid the foundations of the four year Council Plan. While still in the early stages, it will focus on the key strategic goals of:

- Building a prosperous shire
- Working with farmers and businesses - exploring opportunities to attract investors and new residents
- Exploring new and alternate sources of income
- Exploring the operation of a differential rates system

The next step is to form a working group to create the Community Engagement Charter. I mentioned, and then develop a shared Vision for the Shire, in consultation with the community. . This is the subject of a Report in today's Agenda.

Once these foundations are in place we will commence an integrated approach to budgeting and planning with our communities to establish their priorities and implement plans. It is hoped that this will occur at a Shire-wide level and in natural clusters of communities.

While we may be pressed to conduct them this year in a new format, we want to host Open Budget Forums promoting financial responsibility and develop more effective ways of encouraging residents to inform the budget, rather than just merely consulting those most affected at the end of the budget process.

We also want to focus on renewable resources for families, communities and businesses to address escalating energy costs.

The last 100 days have been exciting, involved and often challenging. I am confident that Council is ready to do its very best for the residents of South Gippsland and I am looking forward to the four years we have to make positive and long lasting changes for our future.



Cr. Kieran Kennedy  
Mayor

## **SECTION B - NOTICES OF MOTION AND/OR RESCISSION**

**Nil**

## **SECTION C - COMMITTEE REPORTS**

### **C.1 AUDIT COMMITTEE REPORT NOVEMBER 2012**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The Audit Committee met on 19 November 2012 and a copy of their report is attached (**Attachment 1**).

Document pertaining to this Council Report

- **Attachment 1** - Report of Audit Committee Meeting 19 November 2012

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

Local Government Act 1989, Section 139

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Audit Committee Charter and Terms of Reference adopted by Council  
24 August 2011

'Audit Committees A Guide to Good Practice for Local Government' January  
2011.

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.5	Risk Management

#### **CONSULTATION**

The Audit Committee Report has been circulated to the Chair of the Audit Committee and the Chief Executive Officer for their endorsement.

#### **REPORT**

##### **Background**

The Audit Committee is an advisory committee, whose role is to oversee and monitor Council's audit processes, including internal control activities. The committee comprises of two independent community members and two Councillors (Councillors Kennedy and Fawcett). The Committee is independent from management but does not have any executive powers, management function or delegated financial responsibility. The number of independent community members was increased to three and Dr Irene Irvine was appointed as the third member by Council on 19 December 2012.

Some of the significant matters considered by the Audit Committee included:

- Risk Management;
- Fraud and Fidelity Review
- Compliance

In 2013 the Committee is scheduled to meet on 25 February, 27 May, 26 August and 25 November.

### **FINANCIAL CONSIDERATIONS**

Funds for the internal audit function are allocated in the current and forward budgets.

Independent members are paid a meeting fee and travel expenses are reimbursed, both payable by Council. These are provided for in the Council Budget.

### **RISK FACTORS**

The Audit Committee undertakes an integral and active role in risk mitigation (including financial and environmental) and ensuring organisational compliance with legislation.

### **RECOMMENDATION**

That Council receive and note the report of the Audit Committee held on 19 November 2012.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr McEwen**

**THAT COUNCIL RECEIVE AND NOTE THE REPORT OF THE AUDIT COMMITTEE HELD ON 19 NOVEMBER 2012.**

**CARRIED UNANIMOUSLY**

## Attachment 1

Meeting Objective	Report of Audit Committee Meeting				
Date	Monday 19 November 2012	Time 9.00am start (Committee met in committee at 8.30am) Committee did not need to meet with internal auditor at this time.	Duration: 2 hour meeting concluding 11.00am	Location: Meeting Room 2, Council Chambers, Michael Place, Leongatha	
Attendees	<p>Craig Nisbet (Chair) by telephone Theresa Glab Councillor Kennedy Councillor Fawcett Ms Shami Kamunga HLB Mann Judd</p> <p>Support Staff: Tim Tamlin: CEO; June Ernst: Director Corporate Services, Luke Anthony: Manager Governance Services, David Roche: Governance Coordinator</p> <p>The Chair welcomed Cr Kennedy as a new member to the Committee and Councillor Fawcett as a returning member to the Committee noting the return of Cr Fawcett will provide continuity to the Committee.</p>				
Apologies	Nil				
Distribution List	As per attendees				
Disclosures of Interest	Nil				
Confirmation of report of previous meeting	<p>Report of Meeting held on 10 September 2012.</p> <p>On the motion of Member Glab and Member Fawcett the Report was confirmed.</p>				
Advise of possible breaches of legislation / compliance	<p>An update on the Worksafe Integrated Approach Program and procurement involving in house quotations was provided.</p> <p>Action: to provide further updates to the Audit Committee at the February 2013 meeting on WorkSafe Integrated Approval Program and In-house Quotations.</p>				



### Agenda Items

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
<b>1. Quarterly Performance Report</b> Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget – strategic indicators for monitoring the achievement of the strategic objectives.  Quarterly Performance Report July – September 2012					Director Corporate Services	Nov 2012	Action: The Report was noted and agreement reached that consideration be given to the effect changes to the HACCC contract may have on Council's Budget and compliance, and possible revision of profiling for statutory planning.
<b>2. Internal Control System</b> Consider the effectiveness of Council's internal control system (including financial reporting).  Policy Review Timetable					Director Corporate Services	May 2013	No report due until May 2013.
<b>3. Risk Management</b> Monitor the systems and processes for risk management including status and content of corporate risk register.  Review Council's risk profile, including adequacy of mitigation actions.  Details of Council Insurance Cover required under section 76A Local Government Act 1989					Manager Governance Services  Manager Governance Services  Manager Governance Services	Nov 2012  Aug 2013  Nov 2012	Action: The Risk Register was noted with suggestions that OH&S be added to the Register and a briefing be provided to Council about the Register.   Note: That Council has a combined Public/Products Liability cover of \$400,000,000, Professional Indemnity cover of \$300,000,000 and Workcover Insurance.  Action: That a paper be prepared for the consideration of the Committee relating

## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
Monitor effectiveness of business continuity planning including disaster recovery plan.					Director Corporate Services	Feb 2013	insurance cover to risks and a year by year comparison of premiums to be provided at the May 2013 meeting.  Action: Noted that the Business Continuity Plan is currently under review and will be presented to the Audit Committee in August 2013 following review by Council's Strategic Risk Committee.
Review any reports concerning evidence of material violation or breaches of fiduciary duty.		As required			Director Corporate Services	As required	Action: Officers to report in May 2013 following an internal review of registers, trust accounts, agreements and contracts.
Review any instance of fraud or possible illegal acts.		As required			Directors and Managers	As required	
<b>4. Internal Audit</b>							
Review Internal audits and management action plans for implementation of recommendations.					Manager Governance Services	Nov 2012	Action: Committee reviewed the final report with management comments and made suggestions relating to including fraud in the scope of all internal reviews, development of a plan with action dates and adequate segregation of duties.
<ul style="list-style-type: none"> <li>Fraud &amp; Fidelity Review.</li> <li>Human Resources/Payroll.</li> </ul> <p>Note: next two audits Building and Planning Permit Enforcement and Business Continuity</p>							Action: Committee approved the audit scope with a focus on Payroll with Human Resources to be considered as a separate review in the future.
Consider status of implementation of internal audit recommendations and agreed management action					Manager Governance	Feb 2013	Report not due.



MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
plans.					Services		
Audit Actions Monitoring Plan Review the internal audit function (internal auditor services/performance), monitor satisfaction with internal audit service.					Manager Governance Services	Sept 2013	Report not due.
Internal Auditor Annual Performance Report. Review / recommend the annual audit plan and ensure it is linked to Council's risk profile.					Manager Governance Services	May 2013	Report not due.
Monitor processes and practices to ensure the independence of the internal audit function.					Manager Governance Services	Nov 2012	Action: HLB Mann Judd will provide letter confirming independence.
Provide an opportunity for the audit committee to meet with the internal auditor without management.					Manager Governance Services	As required	Noted: the Internal Auditor is available to meet with Audit Committee during closed session as required
<b>5. External Audit</b>							
Note external auditor's proposed audit scope and approach.					Manager Finance, Director Corporate Services	May 2013	Report not due.
Consider external auditor's view on the control environment and management letters.					Manager Finance Director Corporate Services	Aug 2013	Report not due.
VAGO Financial Management letter for final audit for financial year 2011/12.						Nov 2012	Action: Letter received and noted with agreement that a comment in the overall findings be queried.
Resolve any disagreement between management and the external auditors in financial reporting.					Director Corporate Services	As required	Noted no current disagreements.



## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
<b>6. Compliance</b>							
Obtain regular updates on compliance matters.					Manager Governance Services	Feb 2013	Report not due.
Freedom of Information and Privacy Report.							
Gifts and Donations Register.							
Ordinary Returns, Procurement and Special Committees.							
Review the systems and processes for monitoring compliance with legislation and regulations.					Manager Governance Services	Nov 2012	Action: Noted that this will be rescheduled to February 2013.
Be informed on how management monitors the effectiveness of its compliance and ethics program.					Manager Governance Services	Nov 2012	Action: Noted that this will be rescheduled to May 2013.
Keep informed of the findings of any examinations by regulatory agencies including Ombudsman and Local Government Inspectorate.					Manager Governance Services	Feb 2013	Action: Noted that the Risk Liability MAV Insurance Audit is scheduled for 4 December 2012 and will be reported to the Audit Committee in February 2013.
Review whistleblower arrangements and reports.					CEO	Nov 2012	Nil reports.
<b>7. Reporting responsibilities</b>							
Audit Committee reports regularly to Council.					Manager Governance Services	June 2012	Note: That the September Audit Committee minutes were reported to Council on 24 October 2012.
Monitor that open communication between the internal auditor, the external auditor and Council occurs.					CEO	As required	Nil report.
Report annually to stakeholders via Chair's report to Council.					Chair	Nov 2012	Action: Noted that Chair is scheduled to report to Council on 19 December 2012.
<b>8. Assessment of financial information</b>							
Review significant accounting and reporting issues.					Manager	Nov	Nil report.

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
					Finance, Director Corporate Services	2012	
Review the annual financial report.					Manager Finance, Director Corporate Services	Aug 2013	Review not due until August 2013.
Review results of the annual external audit. Note: see item above.					Manager Finance, Director Corporate Services	Aug 2013	Review not due until August 2013.
Review communication required under Australian Auditing Standards.					Manager Finance, Director Corporate Services	Aug 2013	Review not due until August 2013.
Review attestations required (include Best Value statement). Review compliance with National Competition Policy and Best Value Statement.					Manager Governance Services	Aug 2013	Review not due until August 2013.
<b>9. General</b>							
Establish number of meetings for forthcoming year.					Manager Governance Services	Nov 2012	Note: Agreed that the Audit Committee meet four times in 2013 with meetings scheduled for 25 February 2013, 27 May 2013, 26 August 2013 and 25 November 2013 with some flexibility with the 26 August 2013 meeting so as to accommodate VAGO requirements.
Review effectiveness of Secretariat support					Manager	Nov	Action: Audit Committee members to

## Attachment 1

MEETING ITEM IS SCHEDULED FOR	Qtr 1 Feb 2013	Qtr 2 May 2013	Qtr 3 Aug 2013	Qtr 4 Nov 2012	Who	Report Next Due	Action / Comment / Report
performance.					Governance Services	2012	provide feedback to the CEO on the secretariat support provided.
Perform an assessment of the Committee's performance (and fees for budget consideration)					Manager Governance Services	Nov 2012	Note: That the Council determined to increase Independent Audit Committee member fees at the 27 June 2012 Council Meeting.  Action: That to conduct an assessment of the Audit Committee's performance it is proposed for officers to review sample Audit Committee Self Assessment form contained in Audit Committees: A Guide to Good Practice for Local Government and return a report to the Audit Committee for consideration in May 2013.
Review and assess the adequacy of the Audit Committee Charter annually and confirm all charter responsibilities have been carried out.  Audit Committee Charter					Manager Governance Services	May 2013	Note: That this is not due until May 2013 and then review to ensure that terms for Independent Members are specified. Further noted that Expressions of Interest have been invited for a third independent member of the Audit Committee.
<b>11. General Business</b>							
<b>10. Close / Next meetings for next year (place in calendars)</b>							
Agreed during meeting that Committee meet four times with meetings scheduled for 25 February 2013, 27 May 2013, 26 August 2013 and 25 November 2013.							



## SECTION D – PROCEDURAL REPORTS

### **D.1 ORGANISATIONAL QUARTERLY PERFORMANCE REPORT - OCTOBER - DECEMBER 2012, INCLUDING FINANCIAL PERFORMANCE REPORT**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The organisational Quarterly Performance Report for the period October to December 2012 provides detailed reporting on Council's year to date performance against the 2012/13 Annual Plan and Budget and against Department Budgets.

The report's Executive Overview provides a high level summary across the organisation, while the Directorate Overviews delve deeper into the key highlights, issues, updates and events that have occurred during this reporting period.

This report does not capture every achievement during the quarter, however it focuses on key achievements that contribute to delivery of the corporate priorities. The contents summarise the performance for the quarter and the status of the Annual Plan and Key Strategic Activities as at 31 December 2012.

The Financial Performance Report, incorporated in the organisational Quarterly Performance Report, provides a high level analysis of Council's financial performance for the three month period from 1 October to 31 December 2012.

The organisational Quarterly Performance Report October to December 2012 is provided in **Appendix 1** for your information.

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

- **Appendix 1** - Quarterly Performance Report October to December 2012

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Local Government Act 1989 - Sections 125,127 and 223

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

2012/13 Annual Plan

2012/13 Annual Budget incorporating 15 year Long Term Financial Plan and Key Strategic Activities.

## **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.6	Business Excellence

## **CONSULTATION**

Each Department across the organisation has contributed to the report; providing highlights, outcomes and updates for the reporting period. The community was consulted during the Annual Plan 2012/13 preparation.

## **REPORT**

### **Background**

The 2012/13 Annual Plan, adopted by Council on 27 June 2012 set the indicators and activities, including the Key Strategic Activities, which would be reported within the Quarterly Performance Report to Council (Appendix 1).

In addition, the report contains key financial and Directorate updates during the October to December 2012 quarter.

### **Discussion**

The report provides Directorate overviews which discuss key highlights, issues, updates and events that have occurred during this reporting period. Where possible, comparisons are made and reflected in graphs.

Of the 66 Annual Plan commitments 92% are on-track, 8% have already been completed and none of the commitments have been delayed. Nine of the 11 Key Strategic Activities (KSA) are on track with one activity complete and one activity delayed. The completed KSA supports high quality customer services, underpinned by a Corporate Service Charter and Dispute Resolution Policy, which has been endorsed by the Chief Executive Officer and the Executive Leadership Team. The delayed KSA relates to the current budget challenges with the weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/2013 Budget) being below the target of 98%. This issue will be addressed by Council during the 2013/14 budget setting process.

A number of significant highlights during the October to December 2012 period include:

1. Another busy quarter cleaning up and repairing roads from rain and storm events that have occurred over the past two years. The cost to repair the roads has been estimated in excess of \$10 million.
2. Completed landslip works at:
  - a. Loch Poowong Road, Loch

- b. Wild Dog Valley Road, Wild Dog Valley
  - c. Clarkes Road, Hallston
  - d. Foster Mount Best Road, Mount Best
  - e. Nippards Track, Foster North
  - f. Silcocks Hill Road, Toora
  - g. Dollar Road, Dumbalk
  - h. Fairbank Road, Kardella
- 3. Contracts awarded for the delivery of the Capital Works Program.
  - 4. The Certificate of Occupancy received for the Sandy Point Community Centre.
  - 5. Planning has been undertaken for the Council Plan 2013-2017 including workshops with Councillors and development of new Business Planning documentation. Further work to develop the four year Council Plan and the 2013-2014 Annual Plan will be undertaken in coming months, including opportunities for community contribution as plans are developed.
  - 6. Increased inquiries have seen Council website hits increase by 28% this quarter compared to same time last year and telephone calls increase by 6% this quarter compared to same time last year.
  - 7. Australia Day Awards promotion attracted another large field of nominees with 22 received. Recipient selection completed by December.
  - 8. Council Election has been successfully conducted via across Department project team, with a plan to closely manage all Council project milestones being delivered and working closely with the Victorian Electoral Commission.
  - 9. Community Grants Round 1 were assessed and awarded by Council with 44 submissions received, of which 24 were approved for full or partial funding to a total value of \$133,309.
  - 10. Rates modelling system implemented to allow more effective comparison of rating options.
  - 11. State and National recognition of two Community Services Directorate programs which included:
    - a. LGPro Award for the Aged and Disability team in the Outstanding Team Contribution category for the South Gippsland Coordinated Care Team. This team operates as a partnership between

---

Council, Gippsland Southern Health Service and South Gippsland Hospital, which enhances client service co-ordination.

- b. Department of Education and Early Childhood Development award for the Maternal and Child Health's Supported Playgroup and Parent Initiative (SPPI) program "Cook n Book". The award included \$15,000 to continue the program in 2013. The program is run in partnership with West Gippsland Regional Library, Venus Bay Community Centre and Best Start and has a focus on reading, healthy eating and dental hygiene.
- 12. The Maternal and Child Health team successfully facilitated a new program "Circle of Security". It is an intensive 10 week program for mothers of young children which builds their understanding of early attachment support, child development and parenting skills.
- 13. 500 senior citizens enjoyed the annual Senior Citizens Festival. This festival is about celebrating the contribution our seniors have made and will continue to make in our community. It fits within the context of Council's Active Ageing Strategy and continues to grow in popularity.
- 14. The Strategic Project Manager for the Advancing Country Town's completed his term of appointment with 8 project initiatives financially supported and auspiced for implementation by a range of organisations and groups. An investigation into the use of existing trestle bridges at the Black Spur section of the Great Southern Rail Trail was approved by Council and has the potential to save significant costs should the capital project proceed.
- 15. Community Strengthening assisted over 120 different community organisations by providing direct support with project planning, education and training, loan of equipment, accessing and applying for grants, specific networking and promotion of activities.
- 16. All of the outdoor swimming pools opened on 1 December and are enjoying high participation rates, thanks to the hot weather and the commitment of the volunteers who support the pools.
- 17. In partnership with Bass Coast Shire, the Emergency Management team conducted its annual bushfire information session in Melbourne for absentee landholders. The well attended session provided participants with up to date information about the bushfire season and protecting their properties.
- 18. A public place recycling trial commenced in the Venus Bay and Tarwin Lower area over the summer period and has been strongly embraced by the local businesses. Litter prevention cameras were also installed in several hotspots across the Shire to aid the reduction in illegal dumping.
- 19. Statutory Planning approval statistics are well above the regional average. Approvals included a permit for the Toora Milk Factory and a

successful grant application to upgrade the Stony Creek - Dollar Road to aid the recently approved Stony Creek Broiler Farm. VCAT also affirmed the original planning decisions of Council at three appeal hearings during this quarter.

20. The Leongatha Parking Strategy and Amendment C70 Korumburra Structure Plan were adopted by Council and the draft of the Municipal Domestic Wastewater Management Plan has been developed.
21. Coal Creek visitation was up 19% on the same quarter last year. This was boosted by strong support for the Literary Festival and Halloween events. Consultation for the Coal Creek Feasibility Study and Business Plan has been completed and the draft study has been prepared and released for public exhibition.
22. Building works were up 16% this quarter relative to the same quarter last year. This was boosted by the \$9.1 million Leongatha Secondary School redevelopment.
23. The fire prevention team has been busy with approximately 1,300 fire prevention notices issued this quarter, requiring property owners to cut grass and/or remove combustible material.
24. Economic Development released the 27th 'Business Plus' newsletter, and work has commenced on the Toora and District 'Live, Work, Invest' Prospectus.
25. Another great opportunity to showcase the attractions of the Shire was provided by the Great Victorian Bike Ride stop-over at Mirboo North. Council assisted coordination of the stop-over which welcomed 4,028 participants to the town.

### *The Financial Performance Report*

The Financial Performance Report section of the Quarterly Report contains detailed reporting on:

Section 1 - Year to date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format.

Section 2 – Annual year to date financial analysis.

This section analyses the financial performance for the period ending December 2012.

Section 3 – Long Term Financial Plan analysis.



This section benchmarks and strategically analyses the financial impact of the year's financial results against the adopted Annual Budget, Long Term Financial Plan and Long Term Financial Strategies.

## **FINANCIAL CONSIDERATIONS**

Activities within the Council 2012/13 Annual Plan are funded through the 2012/13 Budget.

The Financial Performance Report, incorporated in the organisational Quarterly Performance Report, provides a high level analysis of Council's financial performance for the three month period from 1 October to 31 December 2012.

The weighted average of 5 key financial ratios (including indebtedness, underlying working capital ratio, self-financing, investment gap and underlying result for the 2012/2013 Budget) is below the target of 98%. This issue will be addressed by Council during the 2013/14 budget setting process.

## **RISK FACTORS**

Council has been encumbered by a significant unfunded superannuation call, received reduced Victorian Grants Commission funding and incurred other unavoidable cost events that require Council to be cautious in its financial management as it considered ways to address these unexpected impacts.

## **CONCLUSION**

It is recommended that Council receive and note the organisational Quarterly Performance Report. The Report provides an overview of Council's performance against both Department Budgets and the Annual Plan and a high level analysis of Council's financial performance for the period October to December 2012.

## **RECOMMENDATION**

**That Council receive and note the organisational Quarterly Performance Report (Appendix 1) for the period October to December 2012.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Newton**

**SECONDED: Cr Davies**

**THAT THE RECOMMENDATIONS IN ITEMS D.1. D.2, D.3, D.4 and D.5 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## **D.2 COUNCILLOR DISCRETIONARY ALLOCATION REPORT**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Each Councillor, subject to an annual budget and in accordance with the Councillor Discretionary Fund Policy, has the discretion to nominate Council funds to community groups and/or individuals in accordance with the guidelines developed for this purpose.

This report details Councillors allocations for the period between 7 November 2012 and 22 January 2013.

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Councillor Discretionary Fund Policy 2009

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Active, Resilient Community
Strategy No:	1.2.1	Community Partnerships

### **REPORT**

#### **Background**

The following applications have been allocated funding from the stated Councillor's 2012/2013 Discretionary Fund:

- Prom Coast Arts Council Inc: to assist with the costs of purchasing new curtains at Mossvale Park Amphitheatre.

Cr Mohya Davies - \$110

Cr Jeanette Harding - \$110

Cr Kieran Kennedy - \$110

Cr Lorraine Brunt - \$110

Cr Robert Newton - \$110

Cr Andrew McEwen - \$110

Cr James Fawcett - \$110

Cr Don Hill - \$110

Mayoral (Cr Kieran Kennedy) - \$120

- Learning Stones Work Team auspice by Nyora Primary School: to assist with costs of running the 'Learning Stones' project.

Cr Kieran Kennedy - \$200

Cr Mohya Davies - \$200

Cr Jeanette Harding - \$200

Cr Robert Newton - \$200

Mayoral (Cr Kieran Kennedy) - \$200

- Foster War Memorial Arts Centre: cover costs of hall hire for community Carols

Cr Kieran Kennedy - \$92

- Meeniyan Progress Association Inc: reimbursement costs for Meeniyan's 40th Art and Craft Exhibition held over the Melbourne Cup Weekend in November.

Cr Robert Newton - \$250

Cr Andrew McEwen - \$250

- Bena Hall Inc: to assist with the installation of three ceiling fans.

Cr Robert Newton - \$500

- South Gippsland Wind Orchestra: reimbursement costs for purchasing of chairs which are used for rehearsals and performances

Cr Robert Newton - \$250

- Mirboo North Christian Centre Inc: provide candles for community carols at Mirboo North

Cr James Fawcett - \$277

- Back to Basics Playgroup: to assist with cost of reconstructing the degraded wooden platform and turn it into a child friendly play pirate ship.

- Cr James Fawcett - \$300

## **FINANCIAL CONSIDERATIONS**

Each Councillor is allocated \$4,000 from the Councillor Discretionary Fund in the 2012/2013 Financial Budget. An additional \$2,000 has been allocated to the Mayor to cover a broader focus across the entire Municipality.

The previous Council had a pro-rata allocation of \$1,300 per Councillor from the 2012/2013 Financial Budget for their remaining term within Council. The Mayor had an additional pro-rata allocation of \$650 for his remaining term from the 2012/2013 Financial Budget. The remaining pro-rata funds have been distributed to the newly appointed Council in accordance with the Guidelines. This has equated to \$2,818 per Councillor and \$1,800 for the Mayor for the remainder of the financial year.

## **CONCLUSION**

The remaining balances of Councillor Discretionary Funds for the 2012/2013 Financial Year as of 22 January 2013 are as follows:

- Cr Mohya Davies - \$2,508
- Cr Jeanette Harding - \$2,508
- Cr Kieran Kennedy - \$2,416
- Cr Lorraine Brunt - \$2,708
- Cr Robert Newton - \$1,508
- Cr Andrew McEwen - \$2,458
- Cr James Fawcett - \$2,131
- Cr Don Hill - \$2,708
- Cr Hutchinson-Brooks - \$2,818
- Mayoral Fund - \$1,480

## **RECOMMENDATION**

**That Council receive and note this report.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 29.**

### **D.3 COUNCILLOR EXPENDITURE REPORT - 31 DECEMBER 2012**

Corporate Services Directorate

#### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report (**Attachment 1**) provides Council with a quarterly update on Councillor Expenditure from 1 July 2012 to 31 December 2012, as resolved in 2003.

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

- **Attachment 1** - Councillor Expenditure

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

Local Government Act - Section 75 Reimbursement of expenses of Councillors

Councillor Support and Expenditure Policy

#### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.2.3	Financial Management

#### **REPORT**

##### **Background**

The Councillor Expenditure Report (Attachment 1) provides Council with an update on Councillor expenditure from 1 July 2012 to 31 December 2012.

Councillor expenditure is reported on a cash basis, and no adjustments are made for 'pre-paid expenditure' except at financial year end.

#### **FINANCIAL CONSIDERATIONS**

Expenditure is in line with budget. However Councillor allowance budgets have not been profiled to take into account pre-payments made in the previous year (2011-12), but will be within budget for the year (2012-13).

#### **RISK FACTORS**

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

## **RECOMMENDATION**

**That Council receive and note the Councillor Expenditure Report for the period 1 July 2012 to 31 December 2012.**

## **STAFF DISCLOSURE OF INTEREST**

Nil

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 29.**

Attachment 1

Councillor Expenditure												
From 1 July 2012 to 31 December 2012												
Councillor	Car	Travel Expenditure					Other Expenditure					
		Reimbursement/Cost *	Cost to Reimburse kms / Fuel Cost **	Mobile Phone	Phone/Fax/ Modem	Accommodation/Parking	Councillor Allowance	Remoteness Allowance	City Link	Internet Account***	Total	
Cr. Robert Newton	Council	\$ 287	\$ -	\$ 44	\$ -	\$ -	\$ 13,658	\$ -	\$ -	\$ 79	\$ 14,068	
Cr. Lorraine Brunt	Personal	\$ 155	\$ -	\$ -	\$ -	\$ 184	\$ 6,105	\$ -	\$ -	\$ -	\$ 6,444	
Ex. Cr. Jennie Deane	Council	\$ 77	\$ 117	\$ 280	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ 53	\$ 8,080	
Cr. Andrew McEwen	Personal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,105	\$ -	\$ -	\$ -	\$ 6,105	
Ex. Cr. Warren Raabe	Council	\$ -	\$ -	\$ 48	\$ -	\$ -	\$ 22,609	\$ -	\$ -	\$ 158	\$ 22,815	
Cr. Kieran Kennedy	Council	\$ 963	\$ -	\$ 335	\$ -	\$ 175	\$ 24,868	\$ -	\$ 23	\$ 53	\$ 26,417	
Cr. Mohya Davies	Council	\$ 523	\$ -	\$ 163	\$ -	\$ 272	\$ 13,658	\$ -	\$ 33	\$ 501	\$ 15,150	
Cr. Jeanette Harding	Council	\$ 67	\$ 600	\$ 142	\$ -	\$ 265	\$ 13,658	\$ 120	\$ -	\$ 79	\$ 14,931	
Cr. Nigel Hutchinson Brooks	Personal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,105	\$ -	\$ -	\$ -	\$ 6,105	
Ex. Cr. David Lewis	Council	\$ 179	\$ 302	\$ 189	\$ -	\$ 159	\$ 7,553	\$ -	\$ 9	\$ 158	\$ 8,549	
Cr. Don Hill	Personal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,105	\$ -	\$ -	\$ -	\$ 6,105	
Ex. Cr. Mimmie Jackson	Personal	\$ -	\$ -	\$ 26	\$ -	\$ -	\$ 7,553	\$ -	\$ -	\$ 79	\$ 7,658	
Cr. James Fawcett	Personal	\$ -	\$ -	\$ 397	\$ -	\$ -	\$ 13,658	\$ -	\$ -	\$ 52	\$ 14,107	
Total Actual		\$ 2,251	\$ 1,019	\$ 1,624	\$ -	\$ 1,055	\$ 149,188	\$ 120	\$ 65	\$ 1,212	\$ 156,534	
Total Budget		\$ 6,300	\$ 1,278	\$ 4,500	\$ 252	\$ 180	\$ 122,555	\$ 240	\$ 150	\$ 4,248	\$ 139,703	
* Travelling expenditure for Councillors with council vehicles represents cost of fuel purchases from 1 July 2012 to 30 December 2012.												
** Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement.												
*** Cr Davies Internet Expenditure includes : standard internet expenditure , trial wireless mobility connect modem and service.												

#### **D.4 REPORT ON ASSEMBLY OF COUNCILLORS - DECEMBER 2012 AND JANUARY 2013**

Corporate Services Directorate

##### **EXECUTIVE SUMMARY**

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported on at Ordinary Council Meetings.

The matters listed in this report were presented or considered at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session in December 2012 and January 2013.

Copies of responses to written questions presented and asked that were not answered at the meetings will be either provided as an attachment to this report or to a subsequent Council Meeting as is practicable to enable the development of a proper and informed response.

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

Nil

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

Local Government Act 1989, Section 3D and Section 80A

##### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.1	Good Governance
Strategy No:	5.1.3	Community Engagement



## REPORT

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Monday 3 December 2012</b>		
<b>Planning Briefings</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Brunt, McEwen and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Establishment of a Sovereign Fund</li> <li>• Safe Healthy Active Communities</li> <li>• Leongatha Land Supply and Development Contributions</li> <li>• Adoption of Planning Scheme Amendments C66, C52, C70 and C71</li> </ul>
<b>Tuesday 4 December 2012</b>		
<b>Councillor Strategic Workshop</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Team dynamics</li> <li>• Future expectations of Council</li> </ul>
<b>Wednesday 5 December 2012</b>		
<b>Councillor Strategic Workshop</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Priority identification</li> <li>• Forward planning</li> </ul>
<b>Tuesday 11 December 2012</b>		
<b>Municipal Public Health and Wellbeing Reference Group</b>	<p><b>Councillors Attending:</b> Cr Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Vision confirmation</li> <li>• Discussion of Draft Municipal Public Health and Wellbeing Plan</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 12 December 2012</b>		
<b>Ordinary Council Agenda Topics – 19 December 2012</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Crs Davies and Hutchinson-Brooks left the room with a declared conflict of interest for particular items on the Council Agenda.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Ordinary Council Agenda – 19 December 2012</li> </ul>
<b>Business Liaison Meeting with Council - ViPlus Dairy</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• ViPlus Business operations and Company plans</li> </ul>
<b>Planning Committee</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Hutchinson-Brooks, Brunt, Harding, Newton, Fawcett and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• VCAT Decisions</li> <li>• Planning Applications of Significance</li> <li>• Verbal Enforcement Update</li> <li>• Building in Water Catchments</li> <li>• General Business</li> </ul>
<b>Land Realisation Project</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided with information regarding the context of the Council Land Realisation Project</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 12 December 2012</b>		
<b>Parks Victoria – Venus Bay Foreshore Infrastructure</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>Councillors were provided with information regarding works undertaken in preparation of the pipi harvest peak season</li> </ul>
<b>Public Presentation Session</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Hutchinson-Brooks left the room with a declared conflict of interest for particular items.</p>	<p>Presentations were made to Council by the following community members.</p>
<p><b>Dr Neil Shaw</b>, regarding a feasibility study for Recreational Facilities for Sandy Point.</p>		
<p><b>Ms Diedre Zuidema and Mr Dean Taylor representing Yanakie Hall Committee</b>, regarding the Yanakie Hall and Recreation Reserve Master Plan.</p>		
<p><b>Mr Geoff Murphy</b>, regarding Council Agenda Item E.8 – Leongatha Land Supply and Development Contribution.</p>		
<p><b>Mr Gary Chisholm representing Beverage Williams</b>, regarding Council Agenda Item E.7 - Planning Panel Report - Planning Scheme Amendments C70, C71, C52 And C66.</p>		
<p><b>Mr John Patterson</b>, regarding Council Agenda Item E.8 – Leongatha Land Supply and Development Contribution.</p>		
<p><b>Mr Joe Rossi</b>, regarding Council Agenda Item E.7 - Planning Panel Report - Planning Scheme Amendments C70, C71, C52 And C66.</p>		
<p><b>Mr Paul Norton</b>, regarding Governance matters and Christmas message.</p>		
<b>Vic Roads Heavy Vehicle Bypass Project Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Newton, Harding, Brunt, Kennedy, Davies and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>Councillors were provided with an update on the South Gippsland Highway Leongatha – Alternative Heavy Vehicle Route Project</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 12 December 2012</b>		
<b>Meals on Wheels</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Harding, Hill, Brunt, Kennedy and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Cr Davies left the room with a declared conflict of interest.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided with an update of the tender process</li> </ul>
<b>Black Spur Project</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Harding, Kennedy, Brunt, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillors were provided information relating to grant funding application for 'Putting Locals First Program'</li> </ul>
<b>SP Ausnet</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Harding, Newton, Kennedy, Brunt, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Cr Newton left the room with a declared conflict of interest.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Horn Street land site</li> </ul>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Fawcett, Hill, Harding, Newton, Kennedy, Brunt, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• VicRoads link on Council website</li> <li>• DPDC Regional Forum</li> <li>• L2P Program</li> <li>• Council Buildings</li> <li>• Community Satisfaction Survey 2013</li> <li>• Council Plan</li> </ul>
<b>Public Presentation</b>	<p><b>Councillors Attending:</b> Crs Hill, Newton, Kennedy, Brunt, Hutchinson-Brooks and Davies.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p>A presentation was made to Council by Mr Noel and Mrs Maryanne Hall and their son regarding Council Agenda item E.7 - Planning Panel Report - Planning Scheme Amendments C70, C71, C52 and C66.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 12 December 2012</b>		
<b>Toora Tennis Reserve Meeting (Section 86 Special Committee of Council)</b>	<b>Councillors Attending:</b> Cr Harding.  <b>Conflict of Interest:</b> Nil disclosed.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>History of Toora Tennis Reserve</li> <li>Role of Section 86 Special Committees of Council</li> <li>Options for future management of Reserve</li> </ul>
<b>Wednesday 19 December 2012</b>		
<b>Ordinary Council Agenda Topics – 19 December 2012</b>	<b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.  <b>Conflict of Interest:</b> Cr Hutchinson-Brooks left the room with a declared conflict of interest for a particular item.	<b>Topics Discussed:</b> <ul style="list-style-type: none"> <li>Ordinary Council Agenda – 19 December 2012</li> </ul>
<b>Public Presentations</b>	<b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.  <b>Conflict of Interest:</b> Cr Hutchinson-Brooks left the room with a declared conflict of interest for particular items.	Presentations were made to Council by the following community members.
<p><b>Mr Jim Vivian and Ms Jo Stringer</b>, representing GippsTAFE regarding the situational overview of the organisation.</p> <p><b>Mr David Amor</b>, regarding Council Agenda Item E.7 – Planning Panel Report – Planning Scheme Amendments C70, C71, C52 and C66.</p> <p><b>Cr Newton read out a letter on behalf of Ms Shirley Cowling</b>, regarding Council Agenda Item E.7 – Planning Panel Report – Planning Scheme Amendments C70, C71, C52 and C66.</p> <p><b>Mr Geoff Murphy</b>, regarding Council Agenda Item E.8 – Leongatha Land Supply and Development Contribution.</p> <p><b>Mr Paul Norton</b>, regarding Council Agenda Item E.5 Planning Scheme Amendment C80 - Safe, Healthy, Active Communities and Item E.6 Adoption of Leongatha CBD Parking Strategy.</p>		

<b>Meeting Title</b>	<b>Councillors Attending and Disclosures of Conflict of Interest</b>	<b>Topics Discussed</b>
<b>Wednesday 19 December 2012</b>		
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Infrastructure Grants</li> <li>• Yanakie and Long Jetty Caravan Parks</li> <li>• Natural Reserves – update Fire Management</li> <li>• MAV Planning Committee</li> <li>• Community Satisfaction Survey 2013</li> <li>• Innovative Income Projects</li> </ul>
<b>Audit Committee Presentation</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p>A presentation was made by the Chair of Council's Audit Committee to Council regarding the role and membership of the committee, report on the Committees Activities for the 2011 – 2012 Financial Year and the Management Action Plan.</p>
<b>Wednesday 19 December 2012</b>		
<b>Poowong Pool Working Group</b>	<p><b>Councillors Attending:</b> Cr Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Marketing initiatives to increase numbers of attendees at the Pool</li> </ul>
<b>Thursday 20 December 2012</b>		
<b>Landowner Meeting</b>	<p><b>Councillors Attending:</b> Cr Kennedy.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Process required for rezoning existing Rural Living Zone in Sandy Point</li> </ul>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
<b>Wednesday 9 January 2013</b>		
<b>Poowong Pool Working Group</b>	<p><b>Councillors Attending:</b> Cr Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Training for volunteers</li> <li>• Swimming pool operations</li> <li>• Marketing initiatives to increase numbers of attendees at the Pool</li> </ul>
<b>Wednesday 23 January 2013</b>		
<b>Councillor Workshop - Day 1</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Hutchinson-Brooks, Harding, Brunt, McEwen, Newton and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Welcome address</li> <li>• Councillor presentations</li> </ul>
<b>Councillor Workshop - Day 2</b>	<p><b>Councillors Attending:</b> Crs Kennedy, Davies, Fawcett, Brunt, McEwen, Newton and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Welcome address</li> <li>• Councillor presentations</li> <li>• Council Briefing Session format for 2013</li> <li>• Councillor portfolio</li> </ul>
<b>Wednesday 30 January 2013</b>		
<b>Councillor Workshop with the Executive Leadership Team</b>	<p><b>Councillors Attending:</b> Crs Davies, Kennedy, Brunt, Newton, McEwen, Fawcett and Hutchinson-Brooks.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>	<p><b>Topics Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillor Workshop</li> <li>• Priority themes, results considered</li> <li>• Key themes and priorities for Council Plan 2013-2017</li> </ul>

## RECOMMENDATION

That Council receive and note this report.

## STAFF DISCLOSURE OF INTEREST

Nil

**NOTE:** The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 29.

## **D.5 DOCUMENTS SEALED - DECEMBER 2012 & JANUARY 2013**

Corporate Services Directorate

### **EXECUTIVE SUMMARY**

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal (like any corporate entity) that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

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

Local Government Act 1989, Section 5

Local Law No. 3 2010

### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Active, Resilient Community
Strategy No:	5.2.5	Risk Management

### **REPORT**

The Local Government Act 1989 requires that every Council must have a common seal and all courts, judges and persons acting judicially must take judicial notice of the imprint of the common seal of a Council on any document.

Local Law No. 3 2010, Part 9, Section 107 (f) (iv) – The Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’

In accordance with the Local Law, the following are presented to Council as documents sealed in the months of December 2012 and January 2013.

1. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 15 Allison Street, Leongatha in relation to a 3 lot subdivision and certification – Seal Applied 11 December 2012.



2. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 16 Graham Avenue, Venus Bay in relation to a single dwelling and vegetation removal – Seal Applied 11 December 2012.
3. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 1224 Leongatha Yarragon Road, Hallston in relation to a 2 lot subdivision – Seal Applied 11 December 2012.
4. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 41 Thorpdale Road, Mirboo North in relation to a 3 lot subdivision and certification – Seal Applied 11 December 2012.
5. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 56 Stewart Street, Port Welshpool in relation to construction of a dwelling – Seal Applied 17 December 2012.
6. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 75 Landing Road, Foster & 77 Landing Road, Foster in relation to construction of a 2 lot subdivision – Seal Applied 17 December 2012.
7. Contract SGC13/14 between South Gippsland Shire Council and Sure Constructions Pty Ltd in relation to reconstruction of Kongwak-Inverloch Road, Kongwak - Seal Applied 18 December 2012.
8. Contract SGC13/13 between South Gippsland Shire Council and Sure Constructions Pty Ltd in relation to rehabilitation of Stony Creek Road, Stony Creek - Seal Applied 18 December 2012.
9. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 37 Lees Road Venus Bay in relation to construction of a single dwelling – Seal Applied 2 January 2013.
10. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 205 Lees Road Venus Bay in relation to a single dwelling – Seal Applied 4 January 2013.
11. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 10 Amanda Crescent, Road Venus Bay in relation to a single dwelling – Seal Applied 4 January 2013.
12. Contract SGC13/17 between South Gippsland Shire Council and Shakanda Australia Pty Ltd in relation to supply and delivery of steel products - Seal Applied 8 January 2013.

13. Contract SGC13/16 between South Gippsland Shire Council and Naddvik Holdings Pty Ltd and Seatone Pty Ltd in relation to design and construction of four bridges - Great Southern Rail Trail - Seal Applied 10 January 2013.
14. Contract SGC13/12 between South Gippsland Shire Council and South Gippsland Hospital in relation to provision of meals for the Meals On Wheels Service - Seal Applied 10 January 2013.
15. Contract SGC13/17 between South Gippsland Shire Council and L J & N B Smith in relation to supply and delivery of steel products - Seal Applied 10 January 2013.
16. Contract SGC13/17 between South Gippsland Shire Council and Surdex Steel Pty Ltd in relation to supply and delivery of steel products - Seal Applied 11 January 2013.
17. Contract SGC13/19 between South Gippsland Shire Council and Southern Geosynthetics Supplies Pty Ltd in relation to supply and delivery of gabion baskets - Seal Applied 14 January 2013.
18. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 13 April Avenue, Venus Bay in relation to constructing a dwelling – Seal Applied 14 January 2013.
19. Contract SGC13/17 between South Gippsland Shire Council and Hulls Engineering Australia Pty Ltd in relation to supply and delivery of steel products - Seal Applied 21 January 2013.
20. Contract SGC13/18 between South Gippsland Shire Council Walker Electrical Contracting in relation to Design, Supply and Construction of Lighting Poles and Lighting Including Commissioning - Korumburra Showgrounds - Seal Applied 21 January 2013.
21. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 108 Inlet View Road, Venus Bay in relation to construction of a single dwelling – Seal Applied 29 January 2013.
22. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 19 Merkani Avenue, Venus Bay in relation to construction of a dwelling and removal of vegetation – Seal Applied 29 January 2013.
23. Section 173 Agreement of the Planning and Environment Act 1987 between South Gippsland Shire Council and the owner of 311 Fish Creek-Foster Road, Foster in relation to amendment C50 to rezone the land from Farming zone to Rural Living zone – Seal Applied 1 February 2013.

## **RECOMMENDATION**

**That Council note that the listed documents have been signed and sealed.**

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 29.**

## SECTION E - COUNCIL REPORTS

### E.1 DEVELOPING A 2050 COMMUNITY VISION

#### EXECUTIVE SUMMARY

The Councillors, elected in November 2012, have been meeting throughout December and January to build a shared understanding of the issues facing Council. They have been drawing together themes that may guide the direction of Council over the next four years and into the future.

Councillors have indicated that engaging with the community on the creation of a shared vision for the future of the Shire and encouraging continued interaction on matters that will guide the development of the Shire, are fundamental elements that will inform their decision making responsibilities.

This report provides a summary of the themes being emerging from the workshops and recommends that a process for community engagement commence towards developing a shared long term 'Community Vision'.

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

- **Attachment 1** - Community Vision 2050 Committee, Proposed Project Timeline.

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

Local Government Act 1989 - Sections 3C, 3D and 125

#### INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Communication and Consultation Policy 2008

#### COUNCIL PLAN

Strategic Goal:	5.0	Good Governance
Outcome:	5.1	Good Governance
Strategy No:	5.1.2	Leadership

#### CONSULTATION

Councillors and the Executive Leadership Team participated in a two day workshop on the 4 and 5 December 2012 to build an understanding of issues and opportunities facing the Shire and commence planning for the future of the Shire and the Council.

Councillors participated in a further two day workshop on 23 and 24 January 2013 to develop future plans and discuss various themes emerging.

A final workshop was held between Councillors and the Executive Leadership Team on 30 January to review the discussions to date, commence articulating

the main themes emerging and to determine a way to involve the community in developing a shared 'Community Vision' for the Shire.

## **REPORT**

### **Background**

As part of the Council 2012-13 Annual Plan, Council committed to adopt a four year Council Plan and commence development of a Community Vision 2050 by 30 June 2013. The current Community Vision 2020 was developed in 2001-2002. The year 2020 is only seven years away and there have been many changes and developments since 2001. Given this, it is timely for the community to come together and develop a new shared vision to shape the focus of both Council and Community endeavours over coming years.

The Councillors indicated through the workshops that community engagement is the core element in determining the future of the Shire. Councillors have identified a number of themes that they consider are important for the future development of the Shire. These are outlined in summary form in the 'Discussion' section to follow.

Councillors have also requested that Council give consideration at the Council Meeting on 27 February to commencing the process to develop the Community Vision 2050 as soon as practicable.

The development of the Council Plan 2013-2017 has legislative constraints that must be met by Council. These include:

1. A four year Council Plan must be adopted by Council and a copy provided to the Minister for Local Government on, or by, 30 June 2013.
2. Prior to this, a formal engagement process under Section 223 of the Local Government Act is required. A draft Council Plan is to be available for public comment for a minimum of 28 days and community members are encouraged to submit formal written submissions during this time.
3. Community members wishing to speak to their submission are to be provided an opportunity to do so at a Public Hearing, prior to the Council Plan being adopted.

There are no legislative requirements in place for the development of a Community Vision, however it has become common practice in many Victorian councils to have a long term Community Vision.

### **Discussion**

On 30 January, ten themes were pulled together from the discussions that have been held by Councillors over the past two months. These themes, while only in a draft form at this stage, begin to articulate the focus of the Council for the coming four years. These themes will begin to influence the development of the Council Plan 2013-2017. They will be provided as a

starting point for discussions with the community on the Council Plan and a new Community Vision 2050:

Overarching theme: An engaged community with a clear vision for the future development of the Shire - seeking to:

1. Diversify revenue streams to reduce pressure on rates. Considerations include:
  - a. undertake feasibility studies for alternative revenue sources;
  - b. to have a population strategy discussion for sustainability of the Shire.
2. Better engage with the community and work collaboratively with them. Considerations include:
  - a. working with a community task force to develop a vision for the future of Korumburra.
3. Upgrade and develop appropriate modern community service and facilities as Council can afford them. Considerations include:
  - a. reviewing the community planning process to ensure priorities are established and integrated into budgeting and relevant Council strategies and plans.
4. Attract new business and upgrading the character and attractiveness of our towns.
5. Work with the business community to diversify business and employment opportunities. Considerations include:
  - a. development of a collaborative economic development committee;
  - b. availability of appropriately located industrial and commercial land across the Shire;
  - c. assisting the appropriate provision of transport and road infrastructure;
  - d. promote the tourist potential of the Shire;
  - e. assisting in the diversification and intensification of farming;
  - f. research the needs for peak tourist facilities in coastal areas and liaise with agencies;
  - g. advance the Corner Inlet tourism development project;
  - h. explore the development of branding of the Shire;

- i. utilising waste for bio-energy facility and bio-composting; and
  - j. working together with farmers to facilitate economic development.
- 6. Implement an integrated approach to development that incorporates community and physical infrastructure and financial modelling.
- 7. Work with stakeholders to raise the political awareness of state and federal decision makers of local and regional issues.
- 8. Improve communication with residents. Considerations include:
  - a. social media strategy;
  - b. marketing;
  - c. community educational about Council services.
- 9. Work towards improving the sustainability of finances for the Shire. Considerations include:
  - a. review rating differentials;
  - b. ensuring that any Council businesses are run on commercial terms as far as practicable;
  - c. set affordable service standards;
  - d. ensuring an integrated approach to planning and infrastructure development.
- 10. Pursue best practice in organisational development and operations of the organisation.

## **Proposal**

The legislative constraints on the development of a Council Plan make it difficult to undertake an extensive community engagement process to gather the views, aspirations and priorities of a diverse community in the narrow window of time available under the Local Government Act 1989.

Far greater flexibility exists in the development of a new Community Vision.

To ensure both important documents can be informed by the community, it is proposed that Council establish a working 'Community Vision 2050 Committee' to develop a long term vision document for the Shire. The committee would be appointed to:

- 1. Develop a methodology to engage the community in the development of a Community Vision 2050;

2. Participate in a skills training workshop for facilitating community engagement into future's thinking and visioning aspirations;
3. Act as a working group that engages the community in surveys, workshops, focus groups and other methodologies determined by the committee, to develop the Community Vision 2050;
4. Present regular information and progress updates to Council through Briefing Sessions and to present draft Community Vision documents to Council at Public Presentation sessions;
5. It is anticipated that the Community Vision 2050 Committee would present a final document to Council for adoption by September 2014;
6. Draft a 'Community Engagement Charter' for the Shire; and
7. Inform the Council Plan 2013-2017 by providing feedback on community information gathered in surveys, forums or workshops and commenting at various stages on the draft Council Plan.

It is proposed that a working committee consist of two Councillors available during normal working hours, a dedicated Project Officer, key staff involved in community engagement and Council Plan planning activities, a consultant appointed for specific activities, and up to 10 members of the community representing various sectors of the community including as far as practicable, but not limited to:

1. Economic development and/or tourism sector;
2. Arts and culture sector;
3. Industry and/or the commercial sector;
4. Farming and/or agriculture sector;
5. Families and/or young people;
6. Older people and/or those with disabilities;
7. Health and well-being sector; and
8. Passive and active recreation.

It is proposed that Council appoint two Councillors, along with one substitute Councillor, to the Community Vision 2050 Committee. It is further proposed that an Expression of Interest process be undertaken seeking community members from the various sectors to be voluntary members of the Committee. Councillors are encouraged to provide names of potential community members to the Director Corporate Services in the coming week that may be interested in being involved in the Committee. A recruitment style process would be used to determine a representative mix of community members and seek their commitment to being involved. Unsuccessful



community members would be invited to participate in the various engagement activities for the project.

It is also proposed that Council engage a consultant to assist the Committee in facilitation skill development and to be an independent facilitator for a major community workshop.

It is further proposed that Council appoint a dedicated Project Officer to coordinate the project, organise and administer Committee meetings, organise and administer community forums and workshops, provide progress briefings and reports to Council and to develop the draft and final Community Vision.

An initial project timetable is provided in Attachment 1 - Community Vision 2050 Committee – Proposed Project Timeline.

While the timeline may seem quite long, it is important to understand that Councillors, community representatives, community groups and staff all have many other commitments that require their attention. This project will be only one task among many that need to be completed within the coming twelve months. Engaging extensively with the community takes a great deal of time. The success of this project will be largely based on the effectiveness of that engagement with many sectors of the community.

## **FINANCIAL CONSIDERATIONS**

Adequately resourcing community engagement activities can be challenging. Many Council Officers are actively involved in a range of community engagement activities and they will be able to use their existing networks to assist in the development of a Community Vision. Given the interest Council has in reaching out to many sectors of the community, it is considered that additional resources will be required to support this initiative over the coming 20 months.

Council will be able to consider the financial implications of resourcing this project properly as part of the budget preparation for the 2013-2014 financial year. These costs would need to cover surveys, catering, advertising, mail outs, venue hire and associated costs.

As an interim, and as a means of commencing this project as soon as practicable, it is recommended that Council allocate \$30,000 to cover the cost of catering, venue hire, printing, advertising and appointing a consultant to commence the program through to the end of June 2013. The \$30,000 for this financial year could be covered within the Corporate Services Directorate budget through the transfer of salary funds from vacancies throughout the year.

It is also recommended that Council approve funding for a Project Officer to manage this project from the outset. This would be a part time position (4 days per week) for a period of 20 months estimated cost is \$150,000. It is anticipated that the first four month's salary of approximately \$30,000 can

also be covered through a transfer of salary funds from vacancies throughout the year. The remaining expenses would require allocation of a 0.8 EFT for a senior position for the remainder of the project.

## **RISK FACTORS**

Ownership and understanding of the complexity of issues Council faces in setting the direction of the Shire are best appreciated by community members who are informed and engaged in the process. If engagement of a broad cross section of the community is not achieved, the vision will not adequately represent the diversity of needs, views and aspirations of communities of interest within the Shire. This can only be achieved with adequate resourcing as outlined in this report.

## **CONCLUSION**

Councillors have indicated that engaging with the community on the creation of a shared vision for the future of the Shire and encouraging continued interaction on matters that will guide the development of the Shire, are fundamental elements that will inform Council decision making responsibilities.

The establishment of a working committee administered by a dedicated Project Officer with representatives from Councillors, Council Officers and representative sector community members to develop an engagement driven Community 2050 Vision with the broader community, is recommended as a first step to meet this objective.

## **RECOMMENDATION**

That Council:

1. Establish a Community Vision 2050 Committee to commence work on a community engagement process for the development of the Community Vision 2050 and a Community Engagement Charter;
2. Appoint Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as the Councillor Representatives for this committee and Councillor \_\_\_\_\_ as a substitute;
3. Authorise for the two appointed Councillors to the Committee, the Director Corporate Services and the Director Community Services to establish the remainder of the committee with relevant key staff and up to 10 community members who are representative of various sectors, Wards and broader community interests;
4. Approve an initial budget of \$60,000 from salary vacancies year to date to commence the project immediately;
5. Approve a Project Officer of 0.8EFT for an initial period of 20 months to manage the delivery of the Community Vision;
6. Consider additional resourcing requirements in the development of the 2013-2014 budget to complete the project; and
7. Utilise the themes outlined in this report as a commencement point to inform the development of the Council Plan 2013-2017 and the Community Vision 2050.

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

**MOVED: Cr McEwen**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. ESTABLISH A COMMUNITY VISION 2050 COMMITTEE TO COMMENCE WORK ON A COMMUNITY ENGAGEMENT PROCESS FOR THE DEVELOPMENT OF A COMMUNITY VISION 2050 AND A COMMUNITY ENGAGEMENT CHARTER.**
- 2. APPOINT THREE COUNCILLORS, ONE COUNCILLOR FROM EACH WARD, TO THE STEERING COMMITTEE TO DEVELOP THE COMMUNITY VISION AND CHARTER AND OTHER COUNCILLORS ARE ABLE TO ATTEND AS DESIRED OR REQUIRED. COUNCILLOR DAVIES, COUNCILLOR McEWEN AND COUNCILLOR HUTCHINSON-BROOKS BE APPOINTED.**
- 3. AUTHORISE FOR THE THREE APPOINTED COUNCILLORS TO THE COMMITTEE, THE DIRECTOR CORPORATE SERVICES AND COMMUNITY SERVICES TO ESTABLISH THE REMAINDER OF THE COMMITTEE WITH RELEVANT KEY STAFF AND UP TO 10 COMMUNITY MEMBERS WHO ARE REPRESENTATIVE OF THE VARIOUS SECTORS, WARDS, AND BROADER COMMUNITY INTERESTS.**
- 4. ALLOCATE A BUDGET OF \$60,000 FROM SALARY VACANCIES YEAR TO DATE TO COMMENCE THE PROJECT IMMEDIATELY AND APPROVE THE APPOINTMENT OF A PROJECT OFFICER OF 1 EFT TO THE COMMITTEE TO AN INITIAL PERIOD OF 10 MONTHS;**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO ESTABLISH AND INCLUDE A BUDGET ALLOCATION IN THE 2013-2014 BUDGET WITH THE AIM TO COMPLETE THE PROJECT BY DECEMBER 2013;**
- 6. UTILISE THE THEMES OUTLINED IN THIS REPORT AS A COMMENCEMENT POINT TO INFORM THE DEVELOPMENT OF THE COUNCIL PLAN 2013-2017 AND THE COMMUNITY VISION 2050. THESE THEMES INCLUDE:**
  - a. WORK TOWARDS IMPROVING THE SUSTAINABILITY OF FINANCES FOR THE SHIRE, INCLUDING THE DIVERSIFICATION OF REVENUE STREAMS;**
  - b. PURSUE BEST PRACTICE IN ORGANISATIONAL DEVELOPMENT AND OPERATIONS OF THE ORGANISATION;**
  - c. BETTER ENGAGE AND COMMUNICATE WITH THE COMMUNITY AND WORK COLLABORATIVELY WITH THEM;**
  - d. UPDATE AND DEVELOP MODERN COMMUNITY FACILITIES AND SERVICES, AS COUNCIL CAN AFFORD THEM,**

**THROUGH AN INTEGRATED APPROACH TO PLANNING AND  
INFRASTRUCTURE DEVELOPMENT.**

- e. WORK WITH THE BUSINESS COMMUNITY TO ATTRACT NEW  
BUSINESSES AND TO DIVERSIFY BUSINESS AND  
EMPLOYMENT OPPORTUNITIES;**
- f. RAISE THE POLITICAL AWARENESS OF STATE AND  
FEDERAL DECISION MAKERS OF LOCAL AND REGIONAL  
ISSUES.**

**Cr Fawcett left and returned to the Meeting.**

**CARRIED UNANIMOUSLY**

## Attachment 1

### Community Vision 2050 Committee - Proposed Timeline 2013-2014

Time Period	Activity
February 2013	<ul style="list-style-type: none"> <li>• Council endorse commencement of project and resources</li> <li>• Councillors submit names of potential committee members</li> </ul>
March 2013	<ul style="list-style-type: none"> <li>• Engage consultant</li> <li>• Recruit and appoint a Project Officer</li> <li>• Invite community members to join committee through an Expression Of Interest and recruitment style process</li> <li>• Appoint staff members to join the committee</li> <li>• Hold initial Committee meetings</li> </ul>
April/May 2013	<ul style="list-style-type: none"> <li>• Determine engagement methodologies</li> <li>• Establish documentation to be used in the consultation process – Councils themes/ draft Council Plan</li> <li>• Undertake Committee training</li> <li>• Communication of the project to the community and community groups</li> </ul>
May 2013	<ul style="list-style-type: none"> <li>• Briefing providing a project update to Council</li> <li>• Commence community engagement program developed by the committee</li> <li>• Communication of the project and invitation for community involvement</li> </ul>
June/July/ Aug/Sept 2013	<ul style="list-style-type: none"> <li>• Continue community engagement program including forums with various sectors</li> <li>• Communication of the project and invitation for community involvement</li> <li>• Commence the development of a Community Engagement Charter</li> </ul>
September 2013	<ul style="list-style-type: none"> <li>• Themes emerging from forums compiled and briefing prepared for Council</li> <li>• Continue development of a Community Engagement Charter</li> </ul>
October 2013	<ul style="list-style-type: none"> <li>• Themes and project update provided at a Briefing Session to Council</li> <li>• Community workshop involving participants from the various forums held – using the themes as the base for the session</li> <li>• Continue development of a Community Engagement Charter</li> </ul>
Nov/Dec 2013	<ul style="list-style-type: none"> <li>• Develop a first draft of a Community Vision</li> <li>• Continue development of a Community Engagement Charter</li> <li>• Briefing and Public Presentation to Council on the first draft Vision</li> </ul>
Feb/April 2014	<ul style="list-style-type: none"> <li>• Draft Community Vision provided to all participants seeking feedback</li> <li>• Invite participants to attend follow up forums to discuss the draft.</li> </ul>
May 2014	<ul style="list-style-type: none"> <li>• Final Community Vision prepared</li> <li>• Briefing and Public Presentation to Council on the final draft Community Vision</li> </ul>
June 2014	<ul style="list-style-type: none"> <li>• Report to Council to endorse the final draft Community Vision</li> <li>• Copies of final draft distributed to all participants</li> </ul>

July 2014	<ul style="list-style-type: none"><li>• Section 223 consultation undertaken</li><li>• Public Hearing of submissions held and heard</li></ul>
August 2014	<ul style="list-style-type: none"><li>• Report to Council to adopt the Community Vision</li><li>• Hold a public event launching the Community Vision, include appreciation of community committee members and participants in the process</li></ul>

## **E.2 LAND REALISATION PROJECT**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

A report to Council on 19 December 2012 discussed the Land Realisation Project and to which the Council resolved to defer any decisions pending further information on resource implications to be presented at its meeting on 27 February 2013. This report is presented to Council to propose a further deferment whilst Council:

1. Discusses the criteria behind the Land Realisation Project; and
2. Considers its community engagement strategy.

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

Nil

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

Sections 189 and 223 of the Local Government Act, 1989

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Council Land Ownership Policy 2011
- Asset Management Policy 2007
- Draft Economic Development and Tourism Strategy
- Individual township plans and strategies

### **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning

### **CONSULTATION**

Consultation has included briefings and reports to Council with the last report to Council on 19 December 2012 at a closed session.

At the meeting on 19 December 2012, Councillors moved to make the report open to the public. Accordingly, the community are aware of this project.

Councillors are currently discussing the criteria of the Land Realisation Project and considering the community engagement strategy for delivery.



## **REPORT**

### **Background**

A review of Council's property holdings has resulted in a list of properties that have potential for project development and/or land sale. It is referred to as the Land Realisation Project (the Project). The last report to Council at its meeting on 19 December 2012 discussed this Project and resulted in a motion to adopt the following resolution:

"That closed item 7 - Land Realisation Project is deferred to ordinary Council Meeting 27 February 2013 in order to compose a new motion that has considered resource implications and that Attachment 1, 2 and 3 remain confidential and that Attachment 4 be made public."

### **Discussion**

As noted in the above resolution, Council has requested consideration of resource implications.

In order to properly consider resource implications, it is necessary to understand the preferred criteria for the Project and the community engagement strategy for delivery.

### **Proposal**

It is proposed to defer addressing the Council resolution of 19 December 2012 until Council has had time to consider its requirements for this Project.

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations for the purpose of this report.

## **RISK FACTORS**

There are no adverse risks to Council in deferring this matter.

## **CONCLUSION**

Any project that includes a potential sale or development of Council land will attract the interest and attention of the community. For this reason, it is recognised that careful consideration to the extent of community engagement is given. On occasion, it is appropriate to go beyond Council's legislative requirements for public notification provided by the Local Government Act, 1989. To successfully deliver the Project, the community engagement strategy should be contained within a dedicated time period. This will provide necessary information to determine resource implications.

**RECOMMENDATION**

That Council defer consideration of resource implications for the Land Realisation Project (Project) until the 24 April 2013 Council Meeting.

**STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Fawcett**

**SECONDED: Cr Davies**

**THAT COUNCIL DEFER CONSIDERATION OF RESOURCE  
IMPLICATIONS FOR THE LAND REALISATION PROJECT (PROJECT)  
UNTIL THE 24 APRIL 2013 COUNCIL MEETING.**

**CARRIED UNANIMOUSLY**

### **E.3 CAPITAL WORKS PROGRAM 2012/13 AMENDMENTS**

Engineering Services Directorate

#### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend the following budget adjustments be made to the 2012/13 Capital Works Program:

1. Include in the 2012/13 Capital Works Budget a new item for urgent Road Failure Stabilisation Works throughout the Shire totalling \$656,600.
2. Defer the remaining 2012/13 Station Street, Korumburra Rehabilitation budget of \$527,200 to the 2013/14 budget in order to carry out more urgent road failure works. The remaining \$527,200 in the 2012/13 Capital Works Budget be reallocated in the 2012/13 Capital Works Budget to carry out urgent Road Failure Stabilisation Works throughout the Shire.
3. Reduce the 2012/13 Bridge Street, Korumburra budget from \$194,400 to \$65,000 with the remaining \$129,400 also being reallocated to the funds required to carry out the identified urgent Road Failure Stabilisation Works throughout the Shire.
4. The identified urgent stabilisation works are currently outside current road failure intervention and may result, if not repaired, in potentially hazardous road conditions .

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

- **Confidential Appendix 1** - Identified Urgent Road Failure Stabilisation Works.

A copy of **Confidential Appendix 1** has been distributed separately to Councillors and the Executive Leadership Team.

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

Local Government Act 1989

#### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Long Term Financial Plan

## **COUNCIL PLAN**

Strategic Goal:	4.0	Appropriate Infrastructure
Outcome:	4.1	Roads, streets, bridges, drainage and other associated infrastructure

## **CONSULTATION**

Not Applicable

## **REPORT**

### **Discussion**

The following amendments to the capital works program have been identified as requiring amendment due to the need to address identified urgent road failures.

These works are:

#### **1. Urgent Road Failure Stabilisation Works (new Cost Centre)**

A number of road failures have been identified as requiring urgent repairs using both foam bitumen and lime/cement stabilisation methods as appropriate. These roads and the associated costs for each identified road are detailed in **Confidential Appendix 1**.

The substantial failures in these roads have arisen due to recently experienced latent weather conditions together with increased underground spring activity which has consequently undermined the sub-base and wearing courses of these roads.

#### **2. Rehabilitation of Station Street, Korumburra (Cost Centre 9762)**

In order to source the funding required to address the identified urgent road failures detailed in **Confidential Appendix 1**, it is proposed to defer the less urgent works in Station Street, Korumburra for inclusion in the 2013/14 Capital Works budget process and program in the appropriate future year's budget. The remaining unexpended budget of \$527,200 will be reallocated to help cover the estimated cost of the urgent Road Failure Stabilisation Works.

It should be noted that a full design for the Station Street rehabilitation works has recently been completed and is ready for tender.

#### **3. Rehabilitation of Bridge Street, Korumburra (Cost Centre 9790)**

As a result of detailed geotechnical investigations, the cost for the identified rehabilitation works has been determined to be \$65,000. Consequently, the Capital Works budget for this project will be reduced from \$194,400 to \$65,000. The remaining budget of \$129,400 will be

reallocated to carry out the identified urgent Road Failure Stabilisation Works detailed in **Confidential Appendix 1**.

### **Proposal**

It is proposed that Council allow the above amendments be made in the 2012/13 Capital Works Program. It is proposed to deliver the program using the approved supplier's contract currently in place, Contract SGC12/11 Supply of Plant Hire and Civil Contractor Works.

### **FINANCIAL CONSIDERATIONS**

There are no net changes to the 2021/13 Capital Works Program following the proposed adjustments to identified projects.

The Station Street, Korumburra rehabilitation project will be reviewed as part of the 2013/14 Capital Works budget process and programmed in the appropriate future year's budget.

### **RISK FACTORS**

There are no risks associated with the proposed 2012/13 Capital Works program amendments.

The risks to Council by not approving the proposed amendments are:

- The urgent Road Failure Stabilisation Works will deteriorate further therefore increasing Council's future repair cost.
- Community dissatisfaction.
- Identified road failures are outside current intervention levels identified in Council's Road Management Plan and Road Infrastructure Asset Management Plan.
- Failure to rectify identified road failures may potentially result in hazardous road conditions.

### **CONCLUSION**

Due to the urgent nature of the identified Road Failure Stabilisation Works, it is recommended that Council approve the proposed 2012/13 Capital Works Program amendments.

## **RECOMMENDATION**

That Council:

1. Include a budget of \$656,600 for urgent Road Failure Stabilisation Works in the 2012/13 Capital Works Program.
2. Reduce the budget for the rehabilitation of Station Street, Korumburra (Cost Centre 9762) by \$527,200 to zero and transfer to the Road Failure Stabilisation Works project. The project will be reviewed as part of the 2013/14 Capital Works budget process and programmed in the appropriate future year's budget.
3. Reduce the budget for the rehabilitation of Bridge Street, Korumburra (Cost Centre 9790) from \$194,400 by \$129,400 to \$65,000 and transfer to the Road Failure Stabilisation Works project.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Brunt**

**THAT COUNCIL:**

1. **INCLUDE A BUDGET OF \$656,600 FOR URGENT ROAD FAILURE STABILISATION WORKS IN THE 2012/13 CAPITAL WORKS PROGRAM.**
2. **REDUCE THE BUDGET FOR THE REHABILITATION OF STATION STREET, KORUMBURRA (COST CENTRE 9762) BY \$527,200 TO ZERO AND TRANSFER TO THE ROAD FAILURE STABILISATION WORKS PROJECT. THE PROJECT WILL BE REVIEWED AS PART OF THE 2013/14 CAPITAL WORKS BUDGET PROCESS AND PROGRAMMED IN THE APPROPRIATE FUTURE YEAR'S BUDGET.**
3. **REDUCE THE BUDGET FOR THE REHABILITATION OF BRIDGE STREET, KORUMBURRA (COST CENTRE 9790) FROM \$194,400 BY \$129,400 TO \$65,000 AND TRANSFER TO THE ROAD FAILURE STABILISATION WORKS PROJECT.**

**Cr Fawcett left the Meeting at 2.57pm.**

**CARRIED UNANIMOUSLY**

---

#### **E.4 SUBMISSIONS TO PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - PART DALE DRIVE, LEONGATHA**

Engineering Services Directorate

##### **EXECUTIVE SUMMARY**

A report to Council on 28 November 2012 discussed the interest of the adjoining landowner, the owner of the Mountain View Retirement Village (MVRV), in purchasing part of Dale Drive, Leongatha to facilitate an improved entrance to the MVRV. This would require Council to commence a road discontinuance procedure.

Initial investigations into this request revealed that the subject area of road (as identified in **Attachment 1**) was not required as a road for public use. The report recommended commencing a road discontinuance procedure pursuant to Section 206 and Clause 3 of Schedule 10 to the Local Government Act, 1989 (LGA) along with public notification pursuant to Sections 207A and 223 of the LGA (**Attachment 2**).

Public notice was placed in 'The Star' and 'The Sentinel Times' week commencing 5 December 2012. Two submissions were received.

This report considers the concerns raised by the submitters and proposes a way forward by reducing the subject area of road to be discontinued and designing a Court Bowl for construction in the future.

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

- **Attachment 1** - Plan of the road (initial request and proposal).
- **Attachment 2** - Public notice of proposed road discontinuance.
- **Attachment 3** - Plan showing The Road - Reduced Area and proposed Court Bowl design.
- **Confidential Appendix 1** - Submission from Submitter 1.
- **Confidential Appendix 2** - Submission from Submitter 2.

A copy of **Confidential Appendix 1 and 2** has been distributed separately to Councillors and the Executive Leadership Team.

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

Local Government Act, 1989 - Clause 3, Schedule 10 and Sections 206, 207A and 223

##### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Land Ownership Policy 2011

---

## COUNCIL PLAN

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Processes
Strategy No:	5.2.2	Asset Management Planning

## CONSULTATION

Consultation since the last report on 28 November 2012 includes the following:

1. The public notice as shown in **Attachment 2** was advertised in the newspapers listed in Table 1 below:

*Table 1: Public Notice*

Date	Newspaper
4 December 2012	The Star
5 December 2012	The Sentinel Times

2. Receipt of two written submissions. The submissions are attached at **Confidential Appendix 1 and 2**. The concerns raised are listed in Table 2 below:

*Table 2: List of concerns*

No.	Concern	Submitter
1	Area is a designated turning circle.	1 & 2
2	Danger with reversing of garbage trucks up Dale Drive and safety of children	1 & 2
3	With no turning area, traffic entering Dale Drive will turn into my property. This includes CFA emergency vehicles and garbage trucks.	2
4	Traffic overflowing into Dale Drive and parking on both sides of Dale Drive. Significant rise in traffic.	1 & 2
5	No rational reason or need for the retirement village to acquire the land as part of their development.	2
6	No contact by Council prior to public notice	1 & 2
7	Design not compliant with Council's Infrastructure Design Manual (IDM)	2

3. A letter of response to the submitters on 15 January 2013 acknowledging receipt of their submission and informing them that their concerns were being investigated and would be discussed in a report to Council on 27 February 2013.



4. Internal discussions with officers from Council's:
  - a. Assets Department
  - b. Engineering Department; and
  - c. Sustainability Departmentto investigate the submitters' concerns and proposed actions to address.
5. Discussions have been held with the proposed purchaser to inform them of the submissions received and actions to address.

## REPORT

### Background

The adjoining owner (owner of MVRV) approached Council on 4 September 2012 with an interest in purchasing a small unconstructed portion of Dale Drive to facilitate an improved design to the MVRV entrance and construct entrance gates. This area is identified in yellow on the plan in **Attachment 1**. It was important to respond to this request quickly given the MRV development timeframe and proposed official opening on 18 October 2012.

Investigations into this request revealed that a larger area of Dale Drive could be discontinued (as identified in red on the plan in **Attachment 1**, (the Road) for the following reasons:

1. The Road is not reasonably required as a public road.
2. No other users will be affected by the discontinuance.
3. Any assets in the Road can be protected with an easement for future maintenance and access purposes.
4. The discontinuance is in accordance with Council's Land Ownership Policy.
5. Council is able to accommodate a developer's request and assist with an improved design.

Council, having considered the above reasons, resolved at its meeting on 28 November 2012 (part resolution):

- "1. Confirm that the subject area of Dale Drive, Leongatha (Road) as shown bordered in red on Attachment 1 is not reasonably required as a road for public use."*

Refer to **Attachment 1** for the Plan of the road (initial request and proposal) as per 28 November 2012 Council Report.

Public notification proceeded on this basis.

In order to avoid delaying the MVRV's construction program and as an interim measure whilst Council's statutory obligations and internal procedures for a road discontinuance were being followed, a short-term lease was granted to the adjoining landowner over the Road.

### Discussion

The responses listed in Table 3 below are offered to Council in addressing each of the concerns of the Submitters:

*Table 3: Responses to concerns of the Submitters*

Concern No.	Response
1	<b>Area is a designated turning circle.</b> The area is a modified t-intersection. The t-intersection will remain for forward movement of traffic if the road is discontinued as the adjoining landowner does not intend to reconfigure the entrance from its present design.
2	<b>Danger with reversing of garbage trucks up Dale Drive and safety of children.</b> Whilst construction of the MVRV is underway, garbage trucks are making reverse manoeuvres. The roads within the MVRV have been designed to allow garbage trucks to enter the MVRV for collection. This design will ultimately provide a forward moving route for the garbage trucks.
3	<b>With no turning area, traffic entering Dale Drive will turn into my property. This includes CFA emergency vehicles and garbage trucks.</b> In addition to the response to concern no. 2 above, the current design of the turning area is poor. There is merit in providing a suitably designed Court Bowl for traffic. For this reason, Council's Engineering Department propose to design and cost the construction works to provide a Court Bowl in the future (refer <b>Attachment 3</b> ).
4	<b>Traffic overflowing into Dale Drive and parking on both sides of Dale Drive. Significant rise in traffic.</b> It is suspected that this situation arose during the official opening of the MVRV on 18 October 2012. Whilst construction is underway, minor parking disruption may occur. In the longer term, traffic overflowing into Dale Drive and parking on both sides of Dale Drive is not expected to be a permanent problem.

Concern No.	Response
5	<p><b>No rational reason or need for the retirement village to acquire the land as part of their development.</b></p> <p>This is a question of preference and for the developer and its designer to consider. The entrance gates have already been constructed on part of the Road. Improved design has already occurred.</p> <p>In addressing concern no. 3, the area of Road proposed to be discontinued will be reduced (refer <b>Attachment 3</b>).</p>
6	<p><b>No contact by Council prior to public notice.</b></p> <p>This is noted. Council's preference is to inform its community as much as possible. In future, a road discontinuance procedure will include writing to residents who may be affected by a proposal to inform them of the proposal and/or capture their feedback prior to the public notice or date of the public notice.</p>
7	<p><b>Design not compliant with Council's Infrastructure Design Manual (IDM).</b></p> <p>Dale Drive was designed and constructed prior to Council's adoption of the IDM. However, we believe that the response to concerns 3 and 5 above will address this.</p>

## Proposal

It is proposed to proceed as follows:

1. Reduce the area of the Road to be discontinued as identified in **Attachment 3** (The Road - Reduced Area).
2. The Road - Reduced Area to be sold to the adjoining landowner.
3. Council's Engineering Department prepare a design and cost the works to provide a Court Bowl turning area at the end of Dale Drive. The construction of the Court Bowl will be prioritised in accordance with Council's criticality processes.
4. Inform the submitters and adjoining landowner of this proposal.

This proposal is fair and reasonable and does not have any adverse affects on the amenity and access to other residents of Dale Drive.

## FINANCIAL CONSIDERATIONS

Out of pocket expenses incurred by Council in this matter are to be reimbursed to Council. To date these expenses include:

Surveyor fees	\$1,782 + GST
Legal fees	\$0

Advertising fees      \$500 + GST (approximately)

The Reduced Area will be valued by Council's Valuer.

The approximate cost of the Court Bowl is \$20,000 and will be considered as part of the 2013/14 budget process.

### **RISK FACTORS**

There are not believed to be any risks associated with this proposal as Council has complied with its statutory obligations and addressed the concerns of the submitters in a reasonable manner.

### **CONCLUSION**

It is considered that The Road - Reduced Area shown in **Attachment 3** is the appropriate area of road to be discontinued.

The Road - Reduced Area will ensure that enough space remains for Council to construct a Court Bowl in the future. A Court Bowl is the preferred design to ensure ease of forward movement for all traffic in the longer term in addition to the garbage vehicles being able to enter the MVRV on collection days.

## **RECOMMENDATION**

That Council:

1. Discontinue the Reduced Area of Dale Drive, Leongatha as identified at Attachment 3 (The Road – Reduced Area), in accordance with Clause 3, Schedule 10 of the Local Government Act 1989.
2. Authorise the sale of The Road - Reduced Area to the adjoining landowner (the owner of the Mountain View Retirement Village).
3. Prepare a court bowl design and cost the construction works to be considered as part of 2013/14 budget process.
4. Inform the submitters and adjoining landowner of this proposal.
5. Authorise the Chief Executive Officer or his delegate to publish a Road Discontinuance Notice for The Road - Reduced Area in the Victoria Government Gazette which will remove the road status and vest the land (The Road – Reduced Area) in Council's ownership.
6. Upon the vesting of the land (The Road – Reduced Area) in Council's ownership, authorise the Chief Executive Officer or his delegate to enter into negotiations for the sale of The Road - Reduced Area to the adjoining landowner (including the signing and sealing of all relevant documentation required to effect the sale).
7. Authorise the Chief Executive Officer or his delegate to sell the land (The Road – Reduced Area) to the abutting owner at not less than the value as advised by the Council's valuer.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr McEwen**

**THAT COUNCIL:**

- 1. DISCONTINUE THE REDUCED AREA OF DALE DRIVE, LEONGATHA AS IDENTIFIED AT ATTACHMENT 3 (THE ROAD – REDUCED AREA), IN ACCORDANCE WITH CLAUSE 3, SCHEDULE 10 OF THE LOCAL GOVERNMENT ACT 1989.**
- 2. AUTHORISE THE SALE OF THE ROAD - REDUCED AREA TO THE ADJOINING LANDOWNER (THE OWNER OF THE MOUNTAIN VIEW RETIREMENT VILLAGE).**
- 3. PREPARE A COURT BOWL DESIGN AND COST THE CONSTRUCTION WORKS TO BE CONSIDERED AS PART OF 2013/14 BUDGET PROCESS.**
- 4. INFORM THE SUBMITTERS AND ADJOINING LANDOWNER OF THIS PROPOSAL.**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO PUBLISH A ROAD DISCONTINUANCE NOTICE FOR THE ROAD - REDUCED AREA IN THE VICTORIA GOVERNMENT GAZETTE WHICH WILL REMOVE THE ROAD STATUS AND VEST THE LAND (THE ROAD – REDUCED AREA) IN COUNCIL’S OWNERSHIP.**
- 6. UPON THE VESTING OF THE LAND (THE ROAD – REDUCED AREA) IN COUNCIL’S OWNERSHIP, AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO ENTER INTO NEGOTIATIONS FOR THE SALE OF THE ROAD - REDUCED AREA TO THE ADJOINING LANDOWNER (INCLUDING THE SIGNING AND SEALING OF ALL RELEVANT DOCUMENTATION REQUIRED TO EFFECT THE SALE).**
- 7. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SELL THE LAND (THE ROAD – REDUCED AREA) TO THE ABUTTING OWNER AT NOT LESS THAN THE VALUE AS ADVISED BY THE COUNCIL’S VALUER.**
- 8. REQUIRE THE PURCHASER PAY FOR ALL COSTS ASSOCIATED WITH THE SALE OF THE LAND.**

**CARRIED UNANIMOUSLY**

**Attachment 1**  
**Plan of The Road (initial request and proposal)**



---

## Attachment 2 Public notice of proposed road discontinuance

**PUBLIC NOTICE  
SOUTH GIPPSLAND SHIRE COUNCIL  
PROPOSED ROAD DISCONTINUANCE – PART OF DALE DRIVE, LEONGATHA**

South Gippsland Shire Council (**Council**) acting under section 206 and Schedule 10 clause 3 of the Local Government Act 1989 (**Act**) gives notice that it proposes to discontinue the area of road shown hatched on the plan below (**Road**). If discontinued, Council proposes to transfer the land from the Road to itself or to the adjoining landowner.

A person may make a submission on the proposal. Any person proposing to make a submission under section 223 of the Act must do so on or before 5:00pm 11 January 2013. All submissions will be considered in accordance with section 223 of the Act. Following the consideration of any submissions, Council may decide to discontinue the Road or not to discontinue the Road. For any enquiries please contact Chris Van Der Ark, Property Development Co-Ordinator on 5662 9391.

Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 9 Smith Street, Leongatha or posted to the following address : The Chief Executive Officer, South Gippsland Shire Council, Private Bag 4, Leongatha VIC 3953.

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

**Tim Tamlin**  
Chief Executive Officer



**Attachment 3**  
**Plan showing The Road - Reduced Area and Proposed Court Bowl design**



**LEGEND**



Proposed Court Bowl



The Road - Reduced Area  
(approx 166.3 sq m - subject to survey)



Gate



Future garbage truck movement  
(loop through Mountain View Retirement Village)

## **E.5 CONTRACT SGC10/01 BUILDING MAINTENANCE SERVICES AND ESSENTIAL SAFETY MEASURES**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

This report is presented to Council to approve the final 1 year optional extension to Maskell's Maintenance Services Pty Ltd for Part A and Part B of Contract SGC10/01 Building Maintenance Services (Part A) and Essential Safety Measures (Part B) effective from 1 July 2013.

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

- Local Government ACT 1989 - Section 186 and Section 208A-J
- Local Government Procurement Best Practice Guidelines 2008

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Procurement Policy 2012
- Long Term Financial Plan (LTFP)

### **COUNCIL PLAN**

Strategic Goal:	4.0	Appropriate Infrastructure
Outcome:	4.2	Council Buildings / Facilities
Strategy No:	4.2.1	Maintenance

### **CONSULTATION**

Maskell's Maintenance Services Pty Ltd has been consulted in relation to the proposed Contract extension and has indicated that they would be willing to continue providing the services in accordance with the Contract requirements.

## **REPORT**

### **Background**

At its Ordinary Council Meeting on the 3 June 2009, Council approved the following recommendation:

*“That Council:*

- 1. Award Part A of Contract SGC10/01 Provision Of Building Maintenance Services to Maskell’s Maintenance Service Pty Ltd as per Schedule 2 of their tender submission from 1 September 2009 to 30 June 2012, a period of 34 months.*
- 2. Award Part B of Contract SGC10/01 Provision Of Maintenance Essential Safety Measures to Maskell’s Maintenance Service Pty Ltd as per Schedule 2a of their tender submission from 1 September 2009 to 30 June 2012, a period of 34 months.*
- 3. Affix the common seal of the municipality to the documents.”*

At its Ordinary Meeting on 26 April 2012, Council approved the following recommendation:

*“That Council:*

*Authorise the Chief Executive Officer to approve the extension of Contract SGC10/01 Building Maintenance Services (Part A) and Essential Safety Measures (Part B) for one year, effective from 1 July 2012.”*

### **Discussion**

Maskell’s Maintenance Service Pty Ltd have met all the objectives of both Part A and Part B of the Contract to date and in doing so have provided a reliable and an efficient service to Council.

An evaluation of the contractors performance has been undertaken and the contractor has performed satisfactorily and met all of the contract obligations.

Council have shared a good working relationship with Maskell’s Maintenance Service Pty Ltd over a long period and believe this will continue.

### **Proposal**

It is proposed to extend Part A and Part B of Contract SGC10/01 Provision of Building Maintenance Services and Maintenance of Essential Safety Measures for a final term of 1 year.

## **FINANCIAL CONSIDERATIONS**

The proposed 2013/14 budget for Building Maintenance and Essential Safety Measures is \$1.19 million. The contract is accommodated within the Property Department's Building Maintenance program budget and is funded in the Long Term Financial Plan.

## **RISK FACTORS**

N/A

## **CONCLUSION**

Maskell's Maintenance Service Pty Ltd has provided reliable and efficient Building Maintenance Services to Council over the term of their contract to date. Extending the Contract for the final 1 year optional extension will provide an excellent outcome in terms of service to the community and best value to Council.

## **RECOMMENDATION**

That Council authorise the final one year optional extension of Part A and Part B of Contract SGC10/01 Building Maintenance Services and Essential Services Measures for one year, effective from 1 July 2013.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL AUTHORISE THE FINAL ONE YEAR OPTIONAL  
EXTENSION OF PART A AND PART B OF CONTRACT SGC10/01  
BUILDING MAINTENANCE SERVICES AND ESSENTIAL SERVICES  
MEASURES FOR ONE YEAR, EFFECTIVE FROM 1 JULY 2013.**

**Cr Fawcett returned to the Council Meeting at 3.02pm.**

**CARRIED UNANIMOUSLY**

## **E.6 PROPOSED NEW ROAD NAME FOR UNNAMED ROAD OFF UNION STREET, BENA**

Engineering Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to gain Council support to name the unnamed road off Union Street in the Township Bena and Parish of Jeetho by calling for community comment (refer to Attachment 1).

It is proposed to name the road 'Hennessy Court'.

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

- **Attachment 1** - Map of Road Location.
- **Attachment 2** - Guidelines for Geographic Names 2010.

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

- Geographic Place Names Act 1998
- Guidelines for Geographic Names 2010
- Emergency Services Telecommunications
- Local Government Act 1989

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Road Naming Policy 2009

### **COUNCIL PLAN**

Strategic Goal:	4.0	Appropriate Infrastructure
Outcome:	4.1	Roads, streets, bridges, drainage & other associated infrastructure

### **CONSULTATION**

- The Korumburra and District Historical Society.
- Vicnames, Geographic Place Names - Department of Sustainability and Environment.

### **REPORT**

#### **Background**

As a result of a recent subdivision to the south of Union Street, Bena, this unnamed lane requires naming due to the fact that new lots will be created

fronting the road. The new lots will require formal addresses. A court bowl has been constructed at the end of the road as part of the subdivisional works.

In line with Council Policy, the Korumburra and District Historical Society was requested to provide a name for this unnamed road off Union Street, Bena. The Historical Society's proposed recommendation to Council is 'Hennessy' after Hugh Hennessy Senior.

The Hennessy family, consisting of three sons and a daughter, originally came from Daylesford in the early 1900's, buying land on the outskirts of the Bena Township which adjoins the area of the unnamed laneway. The original homestead they built still stands today.

Hugh Hennessy Seniors' sons, Hugh Junior, David and Jim, all continued to live in the district. Hugh Junior took over the family farm, while David and Jim bought nearby land. The home farm stayed in the family for over sixty years until sold in 1957. The Hennessy's were well known as 'top farmers' in the district.

In later years, Hugh Junior became a Councillor for the Shire of Korumburra and presided over the opening ceremony of the new Bena Hall when it was rebuilt in 1939.

## **Discussion**

The naming of roads and streets is a local government responsibility under the Local Government Act 1989 and is processed in accordance with the Guidelines for Geographic Place Names 2010.

### *Name Duplications Search*

A Vicnames 15km duplicate name search has been carried out for the name 'Hennessy', resulting in no duplications or similar sounding names.

The proposed road name is in keeping with community expectations and conforms to the principles outlined in Sections 1.8 and 4.1 of the Guidelines for Geographic Names 2010 (refer to Attachment 2).

## **Proposal**

It is proposed that Council:

1. Commence the process to name the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court'.
2. Give public notice of the proposal and write to all land owners with a property abutting the road proposed to be named.

3. Receive a final report on the outcome of the public consultation process including copies of any submissions received.

### **FINANCIAL CONSIDERATIONS**

There will be no cost to Council for the supply and installation of a new sign for the road. This will be provided by the developer of the new subdivision.

### **RISK FACTORS**

There is minimal risk to Council in naming this road as the methodology for the naming of roads is contained in the Guidelines for Geographic Names 2010, and this proposal conforms to the principles outlined in Sections 1.8 and 4.1 (refer to Attachment 2).

### **CONCLUSION**

It is Council's responsibility to ensure all properties have a formal address from a public safety and risk management perspective, as unnamed roads potentially create confusion for emergency services, communication services and the general public.

## **RECOMMENDATION**

That Council:

1. Commence the process to consider the naming of the 140 metre long unnamed road, traversing in a westerly direction off Union Street, in the Township of Bena and Parish of Jeetho as 'Hennessy Court'.
2. Give public notice week commencing 11 March 2013 of the proposal and write to all land owners with a property abutting the road proposed to be named.
3. In the public notice clearly state:
  - a. A person may make a submission to the proposal no later than Friday 5 April 2013 addressed to the Assets Technical Officer, South Gippsland Shire Council, Private Bag 4, Leongatha 3953 or delivered to the Council Office, 9 Smith Street, Leongatha.
  - b. Copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the proposals are considered.
4. Receive a final report at the next appropriate Council meeting on the outcome of the public consultation process including copies of any submissions received.

## **STAFF DISCLOSURE OF INTEREST**

Nil



**MOVED: Cr Newton**

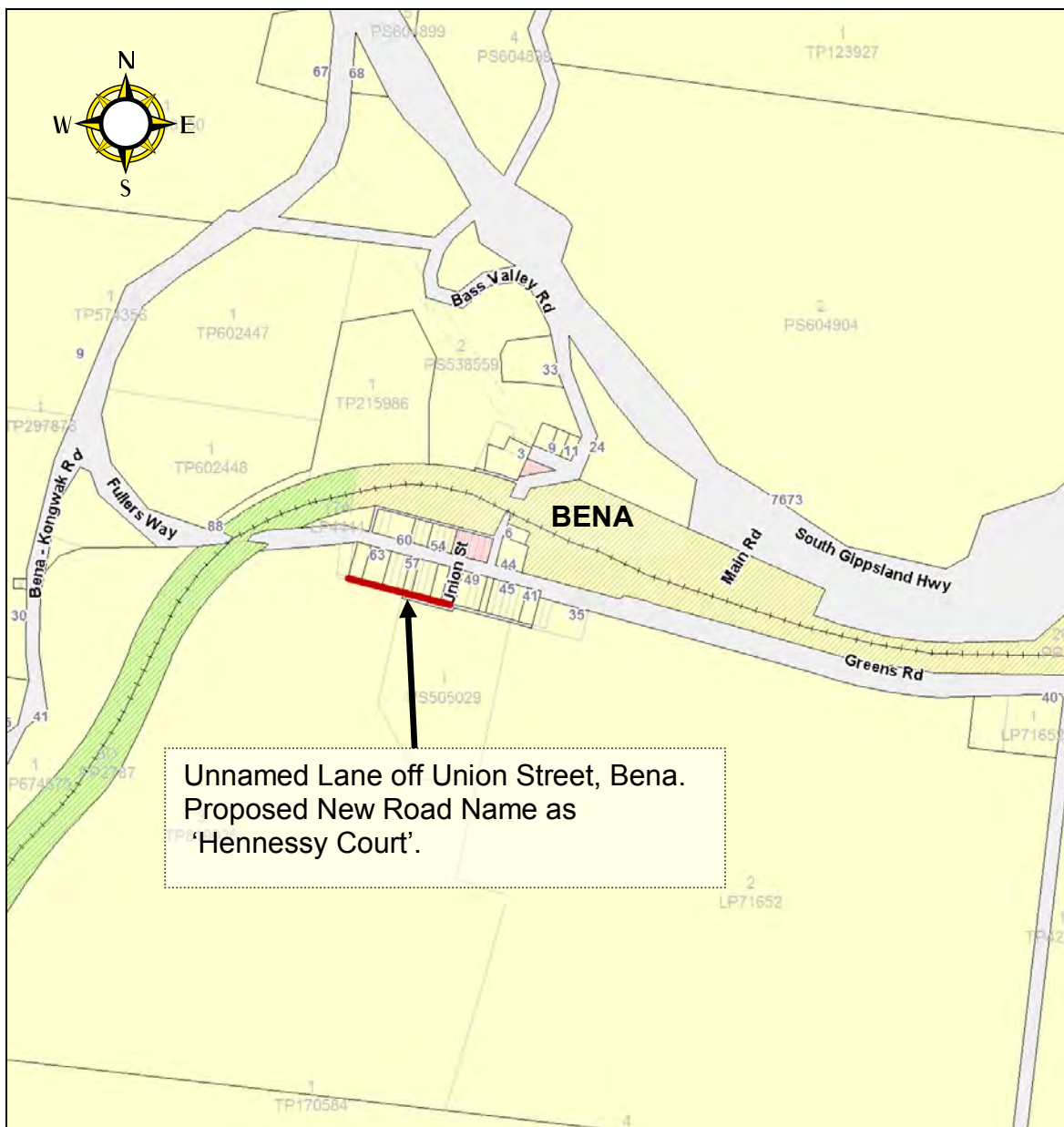
**SECONDED: Cr Brunt**

**THAT COUNCIL:**

- 1. COMMENCE THE PROCESS TO CONSIDER THE NAMING OF THE 140 METRE LONG UNNAMED ROAD, TRAVERSING IN A WESTERLY DIRECTION OFF UNION STREET, IN THE TOWNSHIP OF BENA AND PARISH OF JEETHO AS 'HENNESSY COURT'.**
- 2. GIVE PUBLIC NOTICE WEEK COMMENCING 11 MARCH 2013 OF THE PROPOSAL AND WRITE TO ALL LAND OWNERS WITH A PROPERTY ABUTTING THE ROAD PROPOSED TO BE NAMED.**
- 3. IN THE PUBLIC NOTICE CLEARLY STATE:**
  - a. A PERSON MAY MAKE A SUBMISSION TO THE PROPOSAL NO LATER THAN FRIDAY 5 APRIL 2013 ADDRESSED TO THE ASSETS TECHNICAL OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL, PRIVATE BAG 4, LEONGATHA 3953 OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET, LEONGATHA.**
  - b. COPIES OF SUBMISSIONS (INCLUDING SUBMITTERS' NAMES AND ADDRESSES) WILL BE MADE AVAILABLE AT THE COUNCIL MEETING AT WHICH THE PROPOSALS ARE CONSIDERED.**
- 4. RECEIVE A FINAL REPORT AT THE NEXT APPROPRIATE COUNCIL MEETING ON THE OUTCOME OF THE PUBLIC CONSULTATION PROCESS INCLUDING COPIES OF ANY SUBMISSIONS RECEIVED.**

**CARRIED UNANIMOUSLY**

### Attachment 1 Map of Road Location



## **Attachment 2**

### **Guidelines for Geographic Names 2010**

Council is governed by the Geographic Place Name Guidelines 2010 (GPN) and duplicate road names are a problem from a public safety and risk management perspective, as they create confusion for emergency and communication services, particularly if an address is duplicated. The Emergency Services Telecommunications Authority (ESTA) who are responsible for 000 call taking and dispatch often deal with incidents where callers need to clarify the location of their road. This can cause unnecessary delays for the dispatch of an emergency vehicle.

#### *“Section 1.8 - Principle 1(D) Ensuring names are not duplicated*

*Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling or pronunciation. Examples of names which are similar and considered to be duplicates are White, Whyte, Wite and Wiet.”*

*Duplication is not allowed within the one locality or within the following distances:*

- metropolitan urban area, within 5 kilometres;
- regional urban area, within 15 kilometres; and
- rural or remote area within 30 kilometres.”

#### *“Section 1.8 - Principle 1(C) Ensuring public safety*

*Geographic names and boundaries must not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services. Many emergency response and other public services (such as mail) are determined by locality boundaries or road extents, and proposals must ensure that operations will not be adversely affected.*

*For example, the boundary of a locality must be applied in a way that makes sense not only for the local community, but also for visitors. Similarly, the extent of a road name should ensure easy navigation for pedestrians and vehicles along the entire route from one end to the other.”*

#### *“Section 4.1 - Principle 4(B) Extent: road course, start and end points*

*Any proposal to name or rename a road needs to clearly indicate the extent to which the name will apply. The extent of a road is considered to be its start and end points, and the course (including bends, divided carriageway sections and curves) of the road between these two points.*

*A road name must not be applied in a way that is ambiguous or could cause confusion for road users. For example, the road name should be applied to a single, unobscured and unobstructed roadway that leads from point a to point b, in a clear and logical manner. The road name should not be applied in a ‘looping’ or ‘disjointed’ way.”*

## **E.7 KORUMBURRA COMMUNITY INFRASTRUCTURE PLAN**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The Korumburra Community Infrastructure Plan presents current and forecast demographic data, current facilities and services, relevant policies and guidelines and best practice examples for 11 categories. These categories include early years, youth, aged and disability, arts and culture, commercial retail and tourism, community meeting spaces, education, learning and libraries, health services, law and emergency services, open space, streets, parks and playgrounds and sport and recreation. It provides recommendations for future community infrastructure needs for the next 5, 10 and 20 years for facilities, services and community supports. This report has been developed to support planning and provision of appropriate facilities and services for the Korumburra community for the next 20 years.

This report recommends that the Korumburra Community Infrastructure Plan Draft be placed on public exhibition and that community consultations take place to ensure it is appropriate and responsive to community needs, priorities and values.

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

- **Attachment 1:** Korumburra Community Infrastructure Priority Timeline
- **Appendix 1:** Korumburra Community Infrastructure Plan Draft

A copy of **Appendix 1** is available on Council's website:  
[www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

- Council Plan 2010 - 2014
- Annual Plan 2012 - 2013
- Access and Inclusion Plan 2009 - 2012
- Active Ageing Plan 2012 - 2016
- Aquatic Strategy 2009

- Economic Development and Tourism Strategy 2012 - 2017
- Emergency Management Plan (revised July 2012)
- Korumburra Structure Plan 2010
- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan - Annual Plan 2012/2013
- Open Space Strategy 2007
- Recreation Plan 2007
- South Gippsland Planning Scheme
- Youth Policy

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant, Engaged Community
Outcome:	1.2	Health and Wellbeing
Strategy No:	1.2.2	Community Health
Strategic Goal:	3.0	A Strong Economy
Outcome:	3.1	Economic Development
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning

### **CONSULTATION**

1. Internal Consultation
  - a. A briefing was presented to Council on the 6th February 2013.
  - b. Representation from each department within Council has provided input into the Plan.
2. External Consultation
  - a. July 2012: A newsletter describing all Council projects and plans based in Korumburra was distributed to owners and occupiers of land. February 2013: A second Korumburra newsletter was circulated via local newspapers and to residents registered to receive updates as a result of the first newsletter.
  - b. This report proposes community consultations are held in March in conjunction with those for the Korumburra Town Centre Framework Plan via existing community and business groups and a public meeting.

- c. Meetings with external organisations in the areas of health, education and aged care will be held to ensure accuracy of information.
- d. The document will be exhibited to all owners and occupiers of land in the township of Korumburra and nearby rural areas.

## **REPORT**

### **Background**

Community infrastructure plans are currently being prepared for the three towns in South Gippsland expecting the greatest population growth. The Korumburra Community Infrastructure Plan was initiated first to support a range of current projects based in Korumburra. It will guide the development, timing, and possible location of services and facilities required over the short, medium and long term.

### **Discussion**

As a result of rezoning for residential development in Korumburra (C52 and C66) and infill development, it is estimated that an average of 50 additional dwellings will be constructed each year over the next 20 years. It is expected that the population will grow from 4,174 in 2011 to 6,304 by 2031, an average annual growth rate of 2.29%.

The demographic profile of Korumburra will change with an increase in the proportion of families, retirees and youth. The number of people aged 19 and under is forecast to increase to 25% of the population by 2012 and remain at that ratio to 2031. The age group forecast to increase at the greatest rate (relative to population size) in the next 10 years is 70 - 74 year olds who will increase by 93% to 286 persons.

Significant population growth fuels demand for accessible, coordinated and well-designed community infrastructure. Integrated community facilities and services are a vital component for creating healthy communities that support social inclusion and enhance the wellbeing of residents. Linking new residential developments with existing areas and the town centre will ensure a socially vibrant town centre that provides equitable, accessible facilities and services for everyone in the community.

The Korumburra Community Infrastructure Plan can be used for a variety of purposes by Council, external organisations and the community. These include:

1. Negotiate appropriate development contributions sufficient to fund a reasonable contribution towards community infrastructure needs
2. Ensure allocation of land and budget for community infrastructure
3. Inform community planning discussions

4. Inform decision making regarding construction of new facilities or refurbishment of existing facilities
5. Identify current best practice
6. Support strategic planning of the town centre including provision of retail, community spaces and services that are easily accessible
7. Inform service level planning for Korumburra by Council and external service providers
8. Provide data to advocate for provision of services for specific age groups.

### **Proposal**

It is proposed that the Korumburra Community Infrastructure Plan be used as a guiding reference document to priorities planning for Council, external organisations and the broader community for the next 5, 10 and 20 years. See **Attachment 1** Korumburra Community Infrastructure Priorities Timeline.

### **FINANCIAL CONSIDERATIONS**

The community infrastructure plan will inform financial decision making by Council to:

1. Negotiate developer contributions;
2. Provide information for planning new community facilities or refurbishment of existing community facilities;
3. Inform strategic planning for the town;
4. Inform provision of services by Council and other non-Council organisations in Korumburra.

### **RISK FACTORS**

1. Raising community expectations for facilities and services.

Minimising risk: Clear explanations that proposed facilities or services are recommendations only requiring further investigation for funding and budget allocation.

The advantage of strengthened relationships between Council and the community and potential for greater community acceptance of future decisions and plans is enhanced through community consultations.

2. Relevance of the document in the future leading to irrelevance or incorrect data may mislead planning.

Minimising risk: Annual review and updating of the document.

## **CONCLUSION**

Community infrastructure is essential to provide spaces and places for participation in community life and provides opportunities for community building. The Korumburra Community Infrastructure Plan includes a detailed audit of current infrastructure; current and projected demographic information and guides prioritisation for infrastructure over the next 5, 10 and 20 years.

## **RECOMMENDATION**

That Council endorse the Korumburra Community Infrastructure Plan Draft for public exhibition and community consultation.

## **STAFF DISCLOSURE OF INTEREST**

**Nil**

**MOVED: Cr McEwen**

**SECONDED: Cr Davies**

## **THAT COUNCIL:**

- 1. ENDORSE THE KORUMBURRA COMMUNITY INFRASTRUCTURE PLAN DRAFT FOR PUBLIC EXHIBITION AND COMMUNITY CONSULTATION UNTIL 30 APRIL 2013; AND**
- 2. RECEIVE A REPORT FOR THE ORDINARY COUNCIL MEETING 27 MARCH 2013 ON ESTABLISHMENT OF A COLLABORATIVE PARTNERSHIP APPROACH TO THE SOCIAL AND ECONOMIC DEVELOPMENT OF KORUMBURRA.**

**CARRIED UNANIMOUSLY**



Attachment 1  
Korumburra Community Infrastructure Priorities Timeline



**Councillor Hutchinson-Brooks left the Council Meeting at 3.10pm with a declared indirect conflict of interest in Council Reports Item E.8 – PLANNING SCHEME AMENDMENT C76 - SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN - PANEL REPORT AND ADOPTION OF AMENDMENT as he has a conflicting duty in that he has a commercial relationship with a relative of a landowner in the affected area.**

**E.8 PLANNING SCHEME AMENDMENT C76 - SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN - PANEL REPORT AND ADOPTION OF AMENDMENT**

Development Services Directorate

**EXECUTIVE SUMMARY**

Planning Scheme Amendment C76 introduces the key recommendations of the Southern Leongatha Outline Development Plan - July 2011 (ODP) into the South Gippsland Planning Scheme. The policies introduced by the Amendment provide strategic direction to guide the land use and development of the Southern Leongatha area over the next 25 years and beyond. This includes planning for commercial developments adjoining both sides of the South Gippsland Highway, north of Simons Lane and Boags Road. The Outline Development Plan area is displayed in the Panel Report - see page 1 of **Attachment 1**.

The Amendment received public submissions which required its referral to an Independent Planning Panel. The Panel Report has been received (see **Appendix 2**) and it recommends the Amendment be adopted subject to some minor changes. The Panel also recommend some minor changes to the provisions of the ODP. The Panel's recommendations are supported and it is recommended that Council receive the Panel Report, amend the ODP, adopt Amendment C76 and submit the Amendment to the Minister for Planning for approval in accordance with the provisions detailed in **Attachment 1**.

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

- **Attachment 1** - Amendment C76 provisions for Council adoption
- **Appendix 1** - Amendment C76 Panel Report
- **Appendix 2** - Southern Leongatha Outline Development Plan (Amended February 2013)
- **Appendix 3** - Council Report 22 August 2012

A copy of **Appendix 1, 2 and 3** is available on Council's website: [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) or by contacting 5662 9200.

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

Planning and Environment Act 1987

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Infrastructure Design Manual March 2010

## **COUNCIL PLAN**

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning

## **CONSULTATION**

Amendment C76 was exhibited in May 2012 in accordance with the requirements of the Planning and Environment Act 1987. Exhibition resulted in the receipt of eight submissions. The submissions were presented to Council at the 22 August 2012 Council Meeting. See Appendix 3 for a discussion of the submissions.

## **REPORT**

### **Background**

In 2005 Council exhibited Amendment C35. The Amendment proposed to apply the Business 4 Zone to land on both sides of the South Gippsland Highway in the area north of Simons Lane and Boags Road. The purpose of the Amendment was to establish a bulky goods retail precinct. The Amendment received objections and was referred to a Planning Panel. The Panel recommended that the rezoning not occur until Council completed an Outline Development Plan to demonstrate how the broader area would operate in a full development scenario. The absence of appropriate infrastructure planning was a key concern of the C35 Panel. Amendment C35 lapsed and the land was not rezoned.

Commercial and residential development interest in the Southern Leongatha area has remained strong and in 2010 Council commenced preparation of the Southern Leongatha ODP. The ODP was exhibited, received submissions and was subsequently adopted by Council in August 2011. Council resolved at the same time to include the key recommendations of the ODP into the Planning Scheme. Amendment C76 was prepared to implement the ODP.

### **Discussion**

The Panel Report and the August 2012 Council Report (provided in the Appendices to this Council Report) provide a broad overview of the ODP and Amendment C76 processes and outcomes. For this reason the following discussion is primarily limited to those elements of the Panel's

recommendations which require changes to the provisions of the ODP and the Amendment.

*New Leongatha Planning Provisions at Clause 21.04-4*

The new Leongatha planning provisions (Clause 21.04-4) proposed by Amendment C76 are supported by the Panel however some minor changes have been recommended. The changes can be viewed in Appendix C of the Panel Report - see underlined and strikethrough text. The changes are minor and summarised as followed:

- Amend the wording of the provision 'Rezoning and Development Plan requirements' to improve the readability of the provision. The change is policy neutral and will still ensure that all developments in the ODP area must satisfactorily respond to the requirements of the ODP.
- Delete the provision "Investigate and support the potential to establish residential aged care land use in close proximity to the Leongatha Hospital".

Woorayl Lodge Inc. (aged care provider) made a submission to the Panel supporting the identification of their land at 5 Boags Road (4ha vacant undeveloped land adjoining the Highway) for an aged care facility. They presented arguments to the Panel that close physical proximity to the hospital is not essential in the locating of aged care facilities. The Panel supported this view and has deleted the above provision.

The Panel has also recommended the ODP be amended to identify the land at 5 Boags Road as 'Future Aged Care Facility'. The Panel acknowledge the commitment Woorayl Lodge have made to the site and believe it worthy of identification in the ODP. The amended ODP (see Appendix 2 - 'Outline Development Plan - Land Use Plan' map) incorporates this change. The C76 provisions have not been correspondingly changed because the Panel did not recommend it and because such a change would presuppose in the Planning Scheme a land use and development that requires a planning permit. Planning policy should not predetermine the specific use or development of land where a planning permit is required and the potential could exist to approve a broad range of uses.

- The 'Reference document' section has been amended to include reference to the 'South Gippsland Paths and Trails Strategy 2010 (as amended)'. Inclusion of this provision is supported because it will assist Council in achieving pedestrian connectivity around the ODP area.

*Commercial land use in the ODP area*

The new Clause 21.04-4 'Leongatha' provisions include updated land use provisions in the section 'Highway frontage commercial areas'. The land uses to be encouraged and discouraged were included in the Amendment in

response to the 'Reformed Zones for Victoria' Discussion Paper which proposes (amongst various other changes) the removal of the Business 4 Zone from all planning schemes and the introduction of two new Commercial Zones. The Commercial Zones have the potential to significantly weaken the economic health of the existing Town Centre and the overall function of the town's commercial land uses.

The commercial uses identified in the Leongatha provisions lay the groundwork for the preparation of a Special Use Zone (SUZ) to be applied to both sides of the Highway. The SUZ can be customised by Council to control the types of uses that can be established in the area. This means that Council can schedule out of the zone (prohibit or restrict) uses that should be located in the Town Centre or uses like 'Industry' which may adversely affect the residential amenity of the surrounding area. Introduction of the SUZ is identified in the new 'Actions for implementation' section of the Amendment provisions.

The Panel's policy support for the identification of specific commercial uses to encourage and discourage and the SUZ is a good outcome. If the Reformed Zones for Victoria are introduced it is likely that many councils will seek to use the SUZ to address the challenges created by the new zones. This may present concerns for the Department of Planning and Community Development. The Panel's support for the use of the SUZ and its identification in the Planning Scheme will greatly improve Council's ability to apply the SUZ and guide the appropriate development of commercial uses in the ODP area.

#### Provision of development infrastructure

A submission made to the Panel discussed the absence of detailed infrastructure planning in the ODP and C76 Amendment provisions. The Panel supported Council's view that the Amendment provisions are a high level document that provides guidance in relation to future applications to rezone and develop land. Critically, the 'Actions for implementation' provisions list the key infrastructure that needs to be provided across the area. The provisions also identify the need to implement a Development Contributions Plan Overlay, or similar cost recovery method, to secure funding for the infrastructure work.

In relation to how infrastructure planning should proceed it is important to note the comment of the Panel that:

*"The Panel would encourage Council to undertake this work (traffic and drainage study) and prepare these documents as soon as practicable, and also encourage Council to ensure the traffic study addresses issues raised in the submissions, particularly Mr Love's regarding planning for a potential future duplication of the South Gippsland Highway".*

This point is noted to emphasise the Panel's acknowledgement that traffic infrastructure planning is critical to establishing development in the area and extending from this, that the rezoning of land should not occur until this work has been completed.

## **FINANCIAL CONSIDERATIONS**

Council is required to pay the Panel Report costs. There are no other financial considerations directly related to the recommendations of this report. The Amendment provisions identify the need to gain meaningful development contributions when land is rezoned in the ODP area. If development proceeds without appropriate development contributions it is likely to have adverse financial implications for Council.

## **RISK FACTORS**

If C76 is not approved there will be a lack of strategic guidance for the development of land in the ODP area.

## **CONCLUSION**

Completion of the Southern Leongatha Outline Development Plan and its implementation into the South Gippsland Planning Scheme by Amendment C76 addresses a key deficiency that has limited the ability of Council and landowners to successfully achieve land rezoning and development in the southern Leongatha area. The minor changes to the Outline Development Plan and the C76 Amendment provisions recommended by the Panel are supported and will provide greater certainty for the use and development of the area.

## **RECOMMENDATION**

That Council:

1. Receive the Panel Report 'South Gippsland Planning Scheme Amendment C76 - 10 January 2013'.
2. Amend and adopt the 'Southern Leongatha Outline Development Plan (amended February 2013)' in accordance with Panel Report Recommendations 2 and 3, as detailed in Appendix 2 of this report.
3. Adopt Planning Scheme Amendment C76 in accordance with the Panel Report recommendation, as detailed in Attachment 1.
4. Submit Amendment C76 to the Minister for Planning for approval in accordance with section 11(1)(b) of the Planning and Environment Act 1987.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Fawcett**

**SECONDED: Cr Davies**

**THAT COUNCIL:**

- 1. RECEIVE THE PANEL REPORT 'SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C76 - 10 JANUARY 2013'.**
- 2. AMEND AND ADOPT THE 'SOUTHERN LEONGATHA OUTLINE DEVELOPMENT PLAN (AMENDED FEBRUARY 2013)' IN ACCORDANCE WITH PANEL REPORT RECOMMENDATIONS 2 AND 3, AS DETAILED IN APPENDIX 2 OF THIS REPORT.**
- 3. ADOPT PLANNING SCHEME AMENDMENT C76 IN ACCORDANCE WITH THE PANEL REPORT RECOMMENDATION, AS DETAILED IN ATTACHMENT 1.**
- 4. SUBMIT AMENDMENT C76 TO THE MINISTER FOR PLANNING FOR APPROVAL IN ACCORDANCE WITH SECTION 11(1)(B) OF THE PLANNING AND ENVIRONMENT ACT 1987.**

**CARRIED UNANIMOUSLY**

**Cr Hutchinson-Brooks returned to the Meeting at 3.12pm.**

## Attachment 1 Amendment C76 Adoption Provisions

Note: The blue / underlined text details the changes to the existing Clause 21.04-4 'Leongatha' provisions to be introduced by Amendment C76.

### SOUTH GIPPSLAND PLANNING SCHEME

#### 21.04-4 Leongatha

C76 / 20

##### Overview

Leongatha is the principal township of the South Gippsland Shire and a centre of State significance in the dairy milk processing industry. As the largest provider of retail, professional, industrial and social services, Leongatha plays a central role as a service provider to the South Gippsland community with elements such as leisure, health and educational services, fulfilling a broader regional role. Situated between the coastal development fringe of Bass Coast and the industry of the Latrobe Valley, and within comfortable driving distance of Melbourne, Leongatha retains a rural township feel valued by its residents. Key issues in Leongatha include establishing a Town Centre heavy vehicle bypass; the development of a bulky goods retail precinct; the provision of additional industrial land and development of the surplus railway precinct land.

Leongatha's future will depend on consolidating and growing its commercial sector, promoting residential development and by defining and building upon Leongatha's broader role within the greater Gippsland region.

##### Objectives

- To retain Leongatha as the major regional service centre in the Shire.
- To ensure that sufficient areas of residential land, at a range of densities, is available to accommodate future township growth.
- To achieve sequential and staged residential development that integrates with existing infrastructure networks.
- To maintain the primacy of the Town Centre as the retail and service hub of the township.
- To provide adequate areas of commercial and industrial land.
- To provide strong pedestrian and cycling connectivity to the Town Centre and key community assets.
- To improve heavy vehicle and highway traffic movement through and around the township.

##### Strategies

- Promote the use and development of land in accordance with the strategic direction in the Leongatha Framework Plan and the Leongatha Town Centre Framework Plan.
- Monitor the availability and development of residential land and encourage the rezoning of appropriate areas identified in the Leongatha Framework Plan to maintain an estimated 15-year residential land supply.
- Require the preparation of development plans for new residential estates that establish appropriate integration with existing residential areas and infrastructure; provide pedestrian and cyclist connectivity to the Town Centre and key community features, and protect the environmental values of the land.
- Promote higher density residential development and retirement living within a 400m radius of the existing commercially zoned land in the Town Centre.
- Ensure a high standard of building design, layout and landscaping for all new development, and particularly at the highway entrances to the town.
- Ensure that adequate land is available to accommodate new retail, social, community, commercial and entertainment facilities within the Town Centre.



---

SOUTH GIPPSLAND PLANNING SCHEME

- Maintain a compact Town Centre that reduces the need for car usage, with all key features and major retail activities within comfortable walking distance of the intersection of Bair Street and McCartin Street.
- Discourage the development of retail uses outside of the Town Centre where such uses may weaken the principal role of the Town Centre.
- Promote the establishment of a bulky goods retail precinct on the western side of the South Gippsland Highway, and commercial use precinct for uses not appropriate to a Town Centre location on the eastern side of the Highway, at the southern entry to the township – [see Southern Leongatha Growth Area provisions below](#).
- Focus industrial development within existing industrial areas and promote the expansion of industrial uses into the land north and west of the golf course recreation reserve while integrating the potential for heavy vehicle connectivity to the South Gippsland Highway.
- Pursue the establishment of a highway bypass of the Leongatha Town Centre by the diversion of South Gippsland Highway traffic along Long Street and Hughes Street in accordance with the Leongatha Town Centre Framework Plan.
- Pursue options to improve heavy vehicle traffic movements from the South Gippsland Highway to the industrial estate.
- Ensure new development and road traffic improvements do not compromise the longer-term potential return of rail services to Melbourne.

#### Southern Leongatha Growth Area

[The Southern Leongatha Growth Area is situated on the southern development boundary of Leongatha and is defined by Simons Lane and Boags Road to the south, the Great Southern Rail Trail to the west and Coalition Creek to the east. This area presents significant opportunities for residential and highway frontage commercial development over the next 25 years and beyond.](#)

[To guide development in this area Council has prepared the Southern Leongatha Outline Development Plan \(ODP\). The ODP forms the basis for the Southern Leongatha Growth Area provisions. The ODP and Growth Area provisions build upon the land uses identified in the Leongatha Framework Plan map and should be considered in addition to the other 'Leongatha' provisions in this Clause. The Growth Area provisions offer direction on key land use and development issues to be considered when land is being rezoned, or planning permits assessed.](#)

#### The Objective for the Growth Area is:

*[To achieve high quality residential and commercial development that responds to the landform, amenity and development and community infrastructure requirements of the subject land and its surrounds in an equitable long-term manner.](#)*

#### Rezoning and Development Plan requirements

[Applications to rezone land should be supported by Development Plans that respond, as appropriate, to the issues identified in the strategies. Development Plan Overlays should require a site analysis and design response and building / subdivision plans as part of the rezoning process that display the proposed outcomes on the land. Development Plans should be prepared with close consideration to linkages and impacts on the broader surrounding area, especially in relation to traffic and storm water management planning and other infrastructure provision.](#)

[Rezoning and Development Plans must represent a logical land development unit bounded by main roads, natural features or the boundaries of the Development Plan Overlay map area. Residential rezonings and Development Plans on individual small lots on the eastern](#)

---

SOUTH GIPPSLAND PLANNING SCHEME

side of the Highway need to clearly demonstrate that the requirements of the ODP can be satisfied.

Residential Development

Based on the level of demand for new dwellings in the five years to 2011, the Growth Area has the potential to satisfy more than 25 years residential land supply for Leongatha. Development in the Growth Area should specifically consider the following strategies:

- Promote the application of the Residential 1 Zone and the subdivision of land to maximize the efficient use of land across a range of lot sizes – while having specific regard to:
  - Minimise the number of residential lots with boundaries adjoining the highway frontage commercial uses. Adjoining lots should have sufficient size / depth to allow landscaping to soften the potential visual and amenity impact of commercial uses.
  - Avoid the creation of residential lots in the Coalition Creek flood plain, except where the potential exists for dwellings to be located within lots above the flood level. Roads must not be located in flood prone areas.
- Retain (where existing) and support application of the Low Density Residential Zone to the land immediately north of Simons Lane and Boags Road, and the land south of the proposed commercial area on the eastern side of the Highway.
- Promote the staged and sequential rezoning and subdivision of Residential 1 zoned land that integrates with the existing road network and infrastructure to the north, avoiding the creation of isolated development, or development with poor connectivity to the north.

Highway frontage commercial area

- The Leongatha Framework Plan map identifies a 'Bulky Goods Retail Area' on the western side of the Highway and a 'Highway Frontage Commercial Area' on the eastern side.

The Bulky Goods Area should primarily support larger floor plate 'Restricted retail premises' type uses such as the retailing of furniture, whitegoods, electrical equipment, bedding and manchester, lighting, automotive parts, camping and outdoor equipment, tools, building materials and DIY and homemaker products.

The 'Highway Frontage Commercial Area' should primarily support uses that are not suited to a Town Centre location, benefit from highway exposure and that will have visitation patterns that do not encourage cross highway vehicle and pedestrian traffic movements. Such uses may include Car wash, Conference / Function centre, Emergency services facility, Hotel, Landscape gardening supplies, Motel, Motor vehicle boat or caravan sales, Place of worship, Service station, Trade supplies, and Veterinary centre.

Where a planning permit is required for the use of land it is policy to discourage on either side of the Highway the following uses, Accommodation, Food and drink premises, Industry, Office, Place of assembly (excluding those listed above), Retail premises (excluding those listed above) and Warehouse.

The establishment and consideration of these uses and developments should be guided by the following strategies:

---

SOUTH GIPPSLAND PLANNING SCHEME

- Strongly discourage commercial or community uses that may weaken the primacy of the Town Centre.
- Strongly discourage the establishment of industrial uses, or other discretionary uses, that may detrimentally affect the amenity of surrounding sensitive land uses.
- Promote high quality urban design, site layout, building and landscape design suitable to a township entry point, which provides / encourages:
  - Appropriate buffers to adjoining sensitive land uses.
  - Generally consistent building setback lines with buildings of not more than 10 metres height above ground level. Building layout should consider the long term potential for widening of the highway.
  - Ample onsite car parking, without visually dominating front setbacks.
  - Subdivision, building layout and access design that avoids the requirement to create new highway access points.
  - Building siting and design which makes efficient use of land with specific regard to minimizing unused areas of land (not including landscaping) to the side and rear of development.
- Investigate the implementation of a Design & Development Overlay, or design guidelines, over the land adjoining the highway frontage that will promote urban design outcomes suitable to a township entry point.

Development Infrastructure Provision

Significant development infrastructure improvements must occur in the Growth Area, and the broader surrounding area, to support development. The provision of infrastructure should be guided by the following strategies:

- Encourage the location and design of new highway intersection treatments that facilitate development on both sides of the highway, avoiding the proliferation of highway entry points.
- Where residential areas are accessible through commercial areas, encourage the creation of wide landscaped road reserves that create a residential *sense of place*.
- Create an internal road network that considers the future requirements of adjoining undeveloped land and the potential for cumulative increased usage over time.
- Consider the requirement for road and pathway infrastructure upgrading and funding at locations separated from development sites.
- Investigate the creation of a new connector road between Parr Street and Nerrena Road and the relocation of the Simons Lane Bass Highway intersection to a safer location further north of the existing intersection.
- Create a shared pathway network around the boundaries of the Growth Area and along both sides of the highway.
- Promote integrated storm water management on a 'whole of catchment' basis, avoiding the duplication of drainage assets or reliance on overland flows outside of drainage easements and declared waterways.
- Encourage the provision of reticulated sewage assets that consider the development requirements of surrounding land and avoid asset duplication and the need for incremental asset upgrading.

Infrastructure provision must address the requirements of Council's Infrastructure Design Manual.

Open space / Community use / Neighbourhood retail

---

SOUTH GIPPSLAND PLANNING SCHEME

- [Provide and/or reserve an open space reserve of approximately 4ha on the flatter sections of the residential area west of the highway. Additional open space should also be provided at a location adjoining the rail trail if this is not achieved by the 4ha.](#)
- [Provide and/or reserve a 1ha \(minimum\) land parcel west of the highway for future community development infrastructure.](#)
- [Provide continuous lineal open space connectivity between the eastern end of Parkside Close and the wetland area adjoining the Boags Road / Tarwin Ridge Boulevard.](#)
- [Investigate the potential to provide a small local park adjoining Coalition Creek.](#)
- [Investigate the potential to locate a small neighbourhood retail service centre \(adjoining an open space reserve\) in the residential area west of the highway.](#)

---

Actions for implementation

- [Prepare a detailed development infrastructure plan \(in accordance with Council's Infrastructure Design Manual\) that will form the basis for a developer contributions scheme to be implemented through a Development Contributions Plan Overlay or section 173 Agreements instigated when land is rezoned or developed. The plan should address, but not be limited to:](#)
  - [the full construction of the whole length of Simons Lane; upgrading the Boags Road / Simons Lane highway intersection.](#)
  - [Improvements to the Simons Lane / Bass Highway intersection including its potential relocation further north.](#)
  - [Improvements to the South Gippsland Highway intersections with Parr Street and Greenwood Parade.](#)
  - [The provision of shared pathways, open space drainage and community infrastructure.](#)

[Infrastructure planning must be considered on a 'full development scenario' and consider the timing / staging \(trigger points\) of infrastructure provision.](#)

- [Investigate the application of a Special Use Zone to the 'Bulky goods retail area' and the 'Highway frontage commercial area' to guide the use of the precinct in a manner that responds to the amenity interface issues of the proposed residential areas, does not weaken the established commercial role of the Town Centre, and minimises the 'cross Highway' commercial interrelationships of the land uses.](#)
- Review the existing zoning of the Town Centre and immediate surrounds and prepare a detailed strategic plan for the Town Centre which includes consideration of the areas identified as 'Town Centre Expansion Investigation Areas' and 'Future Commercial Investigation Area'.

**Reference Document**

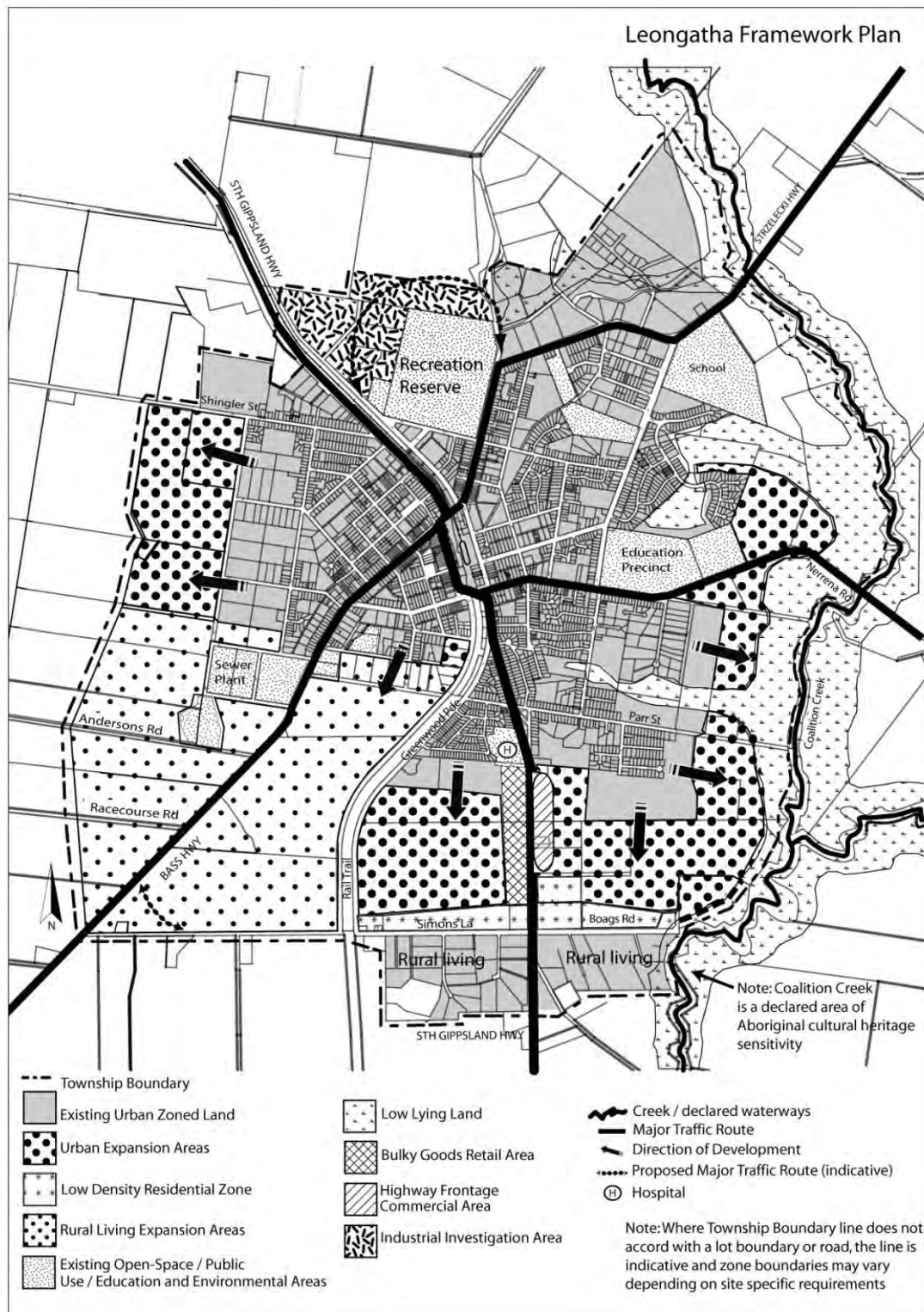
*Leongatha Structure Plan, June 2008*

[\*Southern Leongatha Outline Development Plan February 2013 \(as amended\)\*](#)

[\*South Gippsland Paths and Trails Strategy 2010 \(as amended\)\*](#)



SOUTH GIPPSLAND PLANNING SCHEME



SOUTH GIPPSLAND PLANNING SCHEME



## **E.9 MUNICIPAL ASSOCIATION OF VICTORIA PLANNING COMMITTEE**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The Municipal Association of Victoria (MAV) has requested nominations from Councils to participate in the MAV Planning Committee. Cr Hutchison Brooks and Director Development Services Phil Stone have been nominated for membership and their nominations were forwarded to the MAV in January 2013, prior to the deadline set by the MAV.

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

- **Attachment 1:** MAV Planning Committee Terms of Reference

### **COUNCIL PLAN**

Strategic Goal:	3.0	A Strong Economy
Outcome:	3.3	Infrastructure
Strategy No:	3.3.4	Land Use Planning: Ensure that land use planning supports the orderly and sustainable development of land

### **REPORT**

Municipal Association of Victoria's (MAV) Planning Committee is one of several which report to the MAV Board and is used as a mechanism to engage with the sector and inform policy submission, projects and advocacy. The committee is appointed for a two year period and meets on a quarterly basis.

The MAV Committees have been a significant means of receiving input on a range of critical issues impacting the sector and as a policy development forum for the MAV.

MAV Committees are chaired by an MAV Board member and the terms of reference are attached to this report.

### **FINANCIAL CONSIDERATIONS**

N/A

### **RISK FACTORS**

N/A

### **CONCLUSION**

Cr Nigel Hutchison Brooks and Director Development Services Phil Stone nominations for membership of the Municipal Association of Victoria's (MAV) Planning Committee were sent in January 2013.

## **RECOMMENDATION**

That Council endorse Cr Nigel Hutchison Brooks and Director Development Services Phil Stone have been nominated for membership of the Municipal Association of Victoria's (MAV) Planning Committee.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Fawcett**

**SECONDED: Cr McEwen**

**THAT COUNCIL ENDORSE CR NIGEL HUTCHISON BROOKS AND  
DIRECTOR DEVELOPMENT SERVICES PHIL STONE HAVE BEEN  
NOMINATED FOR MEMBERSHIP OF THE MUNICIPAL ASSOCIATION OF  
VICTORIA'S (MAV) PLANNING COMMITTEE.**

**CARRIED UNANIMOUSLY**



---

## Attachment 1

### TERMS OF REFERENCE NOVEMBER 2012

#### MAV PLANNING COMMITTEE

<b>Chair:</b>	MAV Board member
<b>Purpose:</b>	To engage member councils and inform and progress land use planning issues impacting on local government as prioritised by the MAV Strategic Plan and through State Council.
<b>Scope:</b>	The group will address planning issues prioritised by the MAV Board through the Strategic Plan and in response to State Council resolutions.
<b>Membership:</b>	<p>The membership is determined by the Board and seeks to include council representatives from both metropolitan and regional Victoria:</p> <ul style="list-style-type: none"><li>• The committee should have a broad representation from across the state.</li><li>• Representation to include a mixture of councillors and senior council officers.</li></ul>
<b>Role of Members:</b>	<ul style="list-style-type: none"><li>• To inform the MAV of councils' positions, issues and strategies identified in each region</li><li>• To support consultation with logical groupings of councils on current state-wide planning issues</li><li>• To participate in the formulation of MAV state-wide policy positions and campaigns</li><li>• To respond to out-of-session communications</li></ul>
<b>Priorities and Timelines:</b>	<ul style="list-style-type: none"><li>• The committee should identify priority issues consistent with the Strategic Plan, State Council resolutions and MAV Board priorities annually</li><li>• Short-term project or policy specific working groups may be created where the need arises</li><li>• Meetings every quarter</li><li>• Review achievements and future strategy annually</li></ul>
<b>Term of Group:</b>	<ul style="list-style-type: none"><li>• November 2014 at which time the board will undertake a review.</li></ul>
<b>Reporting:</b>	<ul style="list-style-type: none"><li>• Minutes and outcomes from committee meetings to be reported to the MAV Board by the committee Chair.</li></ul>
<b>MAV Resourcing:</b>	<ul style="list-style-type: none"><li>• Secretariat functions to the Advisory Committee – MAV</li><li>• All member councils to be regularly circularised regarding the activities of the committee.</li></ul>
<b>Media and Communications</b>	<ul style="list-style-type: none"><li>• The MAV President is the media spokesperson for the MAV. He may, at times, give express permission for the CEO or another person to act as a spokesperson on a specific matter. All media inquiries that occur in your capacity as a member of an MAV committee should be redirected to MAV Communications (Debbie Smith, 9667 5521, 0414 396 097, <a href="mailto:dsmith@mav.asn.au">dsmith@mav.asn.au</a>) for the attention of the President.</li></ul>

## **E.10 ANIMAL REGISTRATION FEE AND STRUCTURE REVIEW**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The Domestic Animals Act 1994 (the Act) controls how Council determines registration fees for dogs and cats including permitting Council to charge a reduced fee for micro chipped dogs and cats. The Act has recently been amended in that micro chipped dogs and cats will no longer automatically receive the reduced fee. As a result of the amendments it is necessary for Council to amend its animal registration fees.

The proposed fee structure is projected to increase animal registration fee revenue for the current financial year from \$208,899 to approximately \$209,763. The majority of dog and cat registrations are for desexed dogs and cats. Registration fees for desexed dogs and cats will increase by \$4 from \$32 to \$36 (\$16 to \$18 for pensioner owned animals).

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

- **Attachment 1** - Current Animal Registration Fee Structure
- **Attachment 2** - Proposed Animal Registration Fee Structure
- **Attachment 3** - Financial implications

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

Domestic Animals Act 1994, Section 15

### **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Domestic Animal Management Plan 2008

### **COUNCIL PLAN**

Strategic Goal:	1.0	A Vibrant Engaged Community
Outcome:	1.2	Health and Well Being
Strategy No:	1.2.3	Community Health

### **CONSULTATION**

The Bureau of Animal Welfare has been consulted regarding the proposed changes.

## **REPORT**

### **Background**

The Act controls how Council determines animal registration fees for dogs and cats. It permits Council to charge a reduced fee in certain circumstances including: if the animal is desexed; older than 10 years; kept for breeding purposes or implanted with a prescribed permanent identification device (i.e. micro chipped). The reduced fee must be not more than 1/3 of the maximum fee.

The Act has recently been amended so that it is necessary for Council to amend the structure of animal registration fees and set the maximum and reduced fee amounts.

### **Discussion**

The Act was amended in 2005 offering reduced fees for micro chipped cats and dogs. In 2007 amendments to the Act mandated micro chipping for all newly registered dogs and cats and that the reduced registration fee for micro chipped animals would be withdrawn after five years. In 2008 Council introduced mandatory micro chipping through Council's Domestic Animal Management Plan for animal registration renewals.

Now that the Act has been amended, owners of newly registered animals that are micro chipped will not automatically receive the reduced fee. Owners of micro chipped animals that are already registered will continue to receive the reduced fee until the death of the animal.

### **Proposal**

The current fee structure is detailed in Attachment 1. The proposed fee structure is detailed in Attachment 2. The financial implications are detailed in Attachment 3. Overall the proposed fee structure (Attachment 2) is projected to increase animal registration fee revenue for the current financial year from \$208,899 to approximately \$209,763. The impact on the individual registration categories is listed below. Pensioners will continue to receive a 50% discount for the nominated fee. Micro chipped animals that were first registered before 11 April 2013 will continue to receive the reduced fee.

#### **New registrations**

- \$4 increase (from \$32 to \$36) for desexed dogs and cats
- \$11 reduction (from \$47 to \$36) for undesexed dogs kept for working stock
- \$32 reduction (from \$68 to \$36) for undesexed dogs and cats kept for either;
  - breeding by registered breeder;

- have undergone obedience training in the case of dogs; or
- are registered with an applicable organisation if the owners are members of that organisation.

\$40 increase (from \$68 to \$108) for remaining undesexed dogs and cats animals (i.e. microchip concession no longer applies for new registrations)

- Nil increase (\$205) for dangerous and menacing dogs. (Note new registrations unable to be received for restricted breed dogs)

#### Registration renewals

- \$4 increase (from \$32 to \$36) for desexed dogs and cats
- \$11 reduction (from \$47 to \$36) for undesexed dogs kept for working stock
- \$32 reduction (from \$68 to \$36) for remaining undesexed dogs and cats
- Nil increase (\$205) for dangerous, menacing and restricted breed dogs

### **FINANCIAL CONSIDERATIONS**

The proposed fee structure is projected to increase animal registration fee revenue for the current financial year from \$208,899 to approximately \$209,763.

### **RISK FACTORS**

Nil

### **CONCLUSION**

It is recommended that Council note how Council determines animal registration fees, impact of the recent changes to the Act that will take effect on 13 April 2013 and the need for Council to amend its animal registrations fees and structure.

## **RECOMMENDATION**

That Council:

1. Note the legislative changes that effects how Council determines animal registration fees for dogs and cats.
2. Adopt the proposed animal registration fee structure detailed in Attachment 2.

## **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Davies**

**SECONDED: Cr Newton**

**THAT COUNCIL:**

1. **NOTE THE LEGISLATIVE CHANGES THAT EFFECTS HOW COUNCIL DETERMINES ANIMAL REGISTRATION FEES FOR DOGS AND CATS.**
2. **ADOPT THE PROPOSED ANIMAL REGISTRATION FEE STRUCTURE DETAILED IN ATTACHMENT 2.**

**CARRIED UNANIMOUSLY**

**Attachment 1  
Current Fee Structure**

<b>Table 1.1 - Dogs</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>\$205</b>	<b>\$68</b>	<b>\$47</b>	<b>\$32</b>
Any dogs (other than dangerous dogs, menacing dogs or restricted breed dogs) to which a description in Column 2 or 3 or 4 does not apply	<p>Dogs over 10 years old.</p> <p>Dogs kept for breeding by the proprietor of a domestic animal business conducted on registered premises.</p> <p>Dogs that have undergone obedience training which complies with the regulations.</p> <p>Dogs registered with an applicable organisation, if their owners are members of the applicable organisation with which the dogs are registered.</p> <p>Dogs that are implanted with a prescribed permanent identification device or permanently identified in the prescribed manner.</p>	Dogs kept for working stock and implanted with a prescribed permanent identification device or permanently identified in the prescribed manner.	Desexed dogs implanted with a prescribed permanent identification device or permanently identified in the prescribed manner.

Note: All animals listed under the columns above are subject to a 50% pensioner discount. Fee for dangerous, menacing and restricted breed dogs \$205.

<b>Table 1.2 - Cats</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>N/A</b>	<b>\$68</b>	<b>\$32</b>
Any cats to which a description in Column 2 or 3 does not apply	Cats over 10 years old.  Cats kept for breeding by the proprietor of a domestic animal business conducted on registered premises.  Cats registered with an applicable organisation, if their owners are members of the applicable organisation with which the cats are registered.  Cats that are implanted with a prescribed permanent identification device	Desexed cats implanted with a prescribed permanent identification device

Note: All animals listed under the columns above are subject to a 50% pensioner discount

## Attachment 2 Proposed Fee Structure

<b>Table 2.1 - Dogs</b>	
<b>Column 1 – Maximum Fee - \$108</b>	<b>Column 2 – Reduced Fee - \$36</b>
Any dogs (other than dangerous dogs, menacing dogs or restricted breed dogs) to which a description in Column 2 does not apply	<p>Desexed dogs.</p> <p>Dogs over 10 years old.</p> <p>Dogs kept for working stock.</p> <p>Dogs kept for breeding by the proprietor of a domestic animal business conducted on registered premises.</p> <p>Dogs that have undergone obedience training which complies with the regulations.</p> <p>Dogs registered with an applicable organisation, if their owners are members of the applicable organisation with which the dogs are registered.</p> <p>Dogs that are permanently identified in the prescribed manner.</p>

Note: All animals listed under the columns above are subject to a 50% pensioner discount. Fee for dangerous, menacing and restricted breed dogs will continue to be \$205. New registrations unable to be received for restricted breed dogs.

<b>Table 2.2 - Cats</b>	
<b>Column 1 – Maximum Fee - \$108</b>	<b>Column 2 – Reduced Fee - \$36</b>
Any Cats to which a description in Column 2 does not apply	<p>Desexed cats.</p> <p>Cats over 10 years old.</p> <p>Cats kept for breeding by the proprietor of a domestic animal business conducted on registered premises.</p> <p>Cats registered with an applicable organisation, if their owners are members of the applicable organisation with which the cats are registered.</p>

Note: All animals listed under the columns above are subject to a 50% pensioner discount.



### Attachment 3 Financial Implications

<b>Table 3.1 – Current structure, fees and income</b>			
<b>Animal Class</b>	<b>Number registered</b>	<b>2013 Fee (\$)</b>	<b>Income (\$)</b>
Dangerous, menacing, restricted breed dogs	9	205	1,845
Microchip, not desexed dogs/cats	742	68	50,456
Microchip, desexed dogs/cats	3467	32	110,944
Working dog, not desexed	268	47	12,596
Microchip, not desexed, dogs/cats - pensioner	290	34	9,860
Microchip, desexed, dog/cats – pensioner	1414	16	22,624
Working dog, not desexed - pensioner	24	23.50	564
<b>TOTAL</b>	<b>6,214</b>		<b>208,889</b>

<b>Table 3.2 – Proposed structure, fees and income</b>			
<b>Animal Class</b>	<b>Number registered</b>	<b>2013 Fee (\$)</b>	<b>Income (\$)</b>
Dangerous, menacing, restricted breed dogs	9	205	1,845
Column 1 of Table 2.1 and 2.2 – See Attachment 2	177	108	19,116
Column 1 of Table 2.1 and 2.2 – See Attachment 2 – 50% pensioner discount	78	54	4,212
Column 2 of Table 2.1 and 2.2 – See Attachment 2	4300	36	154,800
Column 2 of Table 2.1 and 2.2 – See Attachment 2 – 50% pensioner discount	1650	18	29,700
<b>TOTAL</b>	<b>6,214</b>		<b>209,763</b>

## SECTION F - URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

### 1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No.3 (Clause 46) allows for where a situation has not been provided for under the Local law, 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 ordinary meeting of Council 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 Local law 3 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.

### 2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up coming event or the outcomes of a recent meeting with a Minister etc.

**RECOMMENDATION:**

That Council consider the item 'differential rates submission to department of planning and community development' as a matter of urgent business to ensure council's response can be submitted by the due date of 14 March 2013 for consideration by the differential rates ministerial committee and the department of planning and community development.

**MOVED: Cr Hill**

**SECONDED: Cr McEwen**

**THAT COUNCIL CONSIDER THE ITEM 'DIFFERENTIAL RATES SUBMISSION TO DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT' AS A MATTER OF URGENT BUSINESS TO ENSURE COUNCIL'S RESPONSE CAN BE SUBMITTED BY THE DUE DATE OF 14 MARCH 2013 FOR CONSIDERATION BY THE DIFFERENTIAL RATES MINISTERIAL COMMITTEE AND THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.**

**CARRIED UNANIMOUSLY**

**F.1 DIFFERENTIAL RATES SUBMISSION TO DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

Director Corporate Services

**EXECUTIVE SUMMARY**

The Department of Planning and Community Development released for public comment draft Ministerial Guidelines for differential rates. The Differential Rates Ministerial Committee is leading the consultation with key stakeholders. Written submissions by councils must be submitted by Thursday 14 March 2013. Comments by members of the public must be submitted by Thursday 28 February.

The draft Ministerial Guidelines for Differential Rates in general focus on achieving:

- increased transparency by Councils in setting differential rates;
- raising awareness of the different taxation options councils have available to them; and
- improving the understanding and awareness of the purpose of rating strategies and the need for clear and transparent objectives that underpin the different classes of differential rates.

It is proposed that Council consider the prepared submission on the draft Ministerial Guidelines for differential rates and adopt a submission to be provided to the Committee by Thursday 14 March 2013.

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

Local Government Act 1989, Section 3C and 161

## **INTERNAL POLICIES / STRATEGIES / DOCUMENTS**

Long Term Financial Plan 2012/2013

## **COUNCIL PLAN**

Strategic Goal:	5.0	A Leading Organisation
Outcome:	5.2	Systems and Process
Strategy No:	5.2.3	Financial Management

## **REPORT**

### **Background**

In response to community concerns about Councils' use of differential rating powers, changes have been made to the Local Government Act 1989.

The Local Government Legislation Amendment (Miscellaneous) Act 2012 allows the Minister to set differential rating guidelines, and empowers the Minister to seek an Order in Council to prevent the application of inconsistent differential rates.

The Department of Planning and Community Development released for public comment draft Ministerial Guidelines for differential rates. The consultation is being led by the Differential Rates Ministerial Committee. The Committee is consulting with key stakeholders, and providing advice to the drafting process. The Committee members are:

- David Morris MP, (chair) Member for Mornington, Parliamentary Secretary for Local Government,
- David O'Brien MLC, Member for Western Victoria.

Submissions to the Committee are required by Thursday 14 March 2013.

### **Discussion**

Seven key questions were raised during the public comment phase and responses have been prepared to these seven questions. The proposed detailed responses are outlined below.

1. Do the draft Ministerial Guidelines and Discussion Paper provide sufficient guidance for local governments on the application of differential rates?

The proposed Ministerial Guidelines and Discussion Paper provide good guidance on the application of differential rates. The Discussion Paper is a very useful tool to assist a general understanding of local government rating principles, legislative constraints and the toolbox of options available to manage revenue raising options for councils. The guidelines are quite succinct in their intent of what is required.

It would be beneficial for the guidelines to be established as the formal requirement to follow, but also include the Discussions Paper as a supplementary document for reference, rather than for adherence.

2. Do the draft Ministerial Guidelines and Discussion Paper describe the procedure and detail required for differential rates setting?

The Ministerial Guidelines and Discussion Paper provide a good background for setting differential rates and general guidance on the procedure to set these. They are not too prescriptive, which will allow councils the ability to apply them in a manner that is applicable to their communities. The only concern with not being more specific is that it is then not clear what level of detail or description can be applied to gain a level of consistency across councils.

Improvements suggested to strengthen the applicability of the Guidelines and the Discussion Paper include:

- Specifying the Objectives:

The Discussion Paper mentions being 'clear and transparent'; these terms are likely to still have quite different levels of disclosure of information by different Councils.

Improvement opportunity: An 'example' on the level and type of detail to set out the 'Objectives of various differential rates' would be beneficial in the Discussion Paper. These may include example wording or copies of best practice examples. These examples would provide a background to the type of information required in the guidelines for 'Specifying the Objectives' and that would be deemed adequate by the Minister, to avoid being challenged.

- Suitable Uses of Differential Rates:

The application of 'Equity' and 'Capacity to Pay' principles do not provide adequate guidance for applying these in either the Discussion Paper or the Guidelines. A definition for each term and guidance as to what principles may be deemed fair or equitable when comparing between the categories, as well as within a category, would be beneficial in the Discussion Paper. These are both areas that community members are likely to question based on their own particular circumstance, rather than based on a particular class of land. The Discussion Paper outlines the difficulty in constructing a valid objective that stands up to scrutiny, but it does not then provide guidance on tools or approaches that would assist a Council in addressing these aspects.

Improvement Opportunity: Both the Discussion Paper and the Guidelines would be strengthened by specifically stating that 'Equity' and 'Capacity to Pay' are tax design principles that are based across the full 'class of land'. The Differential Paper could be expanded to elaborate on factors such as taxation benefits that can be claimed by various classes, a guide as to what may constitute 'remoteness to access services', or other aspects that may have broader equity/capacity to pay rationales for councils to consider. A further improvement would be the inclusion of definitions for both 'equity' and 'capacity to pay', along with guidance on how equity between classes of land could be measured/applied.

- Types and Classes of Land Appropriate for Differential Rating:

The guidelines specify councils 'must' define the types or classes of land by the 4 separate classes and then the sub classes below them. This implies every Council using differential rates must apply all of these types. Given the strengthened requirement to be clear and transparent in specifying the objectives and justifying arguments around equity and capacity to pay for each type of differential, the 'absolute' specified in the guideline to use all of these classes of land will make the task quite onerous. It is also likely to lead to more confusion among community members than already exists. Some councils may not have some of the classes of land type in the list.

Improvement Opportunity: The guidelines would be easier to apply to each individual Council's situation if the 'must' use categories were limited to 'choosing from the set of specified classes' – for example the list provided in the guidelines. This would allow councils flexibility in choosing the classifications that best suit their municipality, while allowing for consistency between councils in the range of classes that can be used.

- Transparency and Disclosure:

The guidelines provide a statement regarding providing transparency to the community, but do not address what this should equate to in practical terms. The guidelines also mention 'provide evidence' for the objectives. It's not clear if this evidence is required to be kept as background information should the Minister ask for it, or if a greater amount of information has to be included in the documentation provided to the public in the draft and adopted budget. The main reference to what is to be included in annual budget documents appears to be referencing 'other documents' that have been used to influence the determination of a specific rate.

The checklist in the Discussion Paper is a useful guide for determining if adequate thought has been applied to determining a differential rate.

Improvement Opportunity: There is an opportunity for improvement to strengthen the guidelines by specifying that councils, as a minimum, are required to promote the objectives for each class of land in the Section 223 public engagement process. This then provides consistency across all councils in being clear and transparent at the same point in the process and

allows every community member the opportunity to formally respond through a submission to those stated objectives.

3. Do the draft Ministerial Guidelines and Discussion Paper provide for a clear rationale for the consideration of differential rates?

The Discussion Paper is a very useful document that explains the background for differential rates. It is easy to read and covers the basis of differential rating in a succinct way. General comments on where some improvements to the Discussion Paper can be provided are highlighted previously.

The application of broad categories of classes would be easier to apply across all councils. Narrow specifications would be difficult to articulate in the guidelines if they were supported. If the aim is to maintain some consistency across all councils then narrow specifications would be problematic and broad categories would be more applicable.

4. Do the draft Ministerial Guidelines and Discussion Paper provide a basis for Councils to utilise good practice approaches?

The Guidelines and Discussion Paper encourage good practice approaches, particularly in emphasising the need for increased clarity and transparency in determining differential rates. As indicated above, it would be beneficial to have some good examples, or best practice examples, included in the Discussion Paper to encourage greater consistency across all councils in the type of information that is sought.

5. Do the draft Ministerial Guidelines and Discussion Paper encourage the use of other rating tools alongside differential rates?

Yes, the Discussion Paper is beneficial in encouraging the use of other rating tools. There are limitations for councils in how, or where, some of these can be applied though; for example the Municipal Charge has a limit applied to it and special rates require an extended process to have these established.

6. Do taxation design principles provide for greater clarity for the application of differential rates?

As outlined previously the application of 'Equity' and 'Capacity to Pay' principles do not provide adequate guidance for applying these in either the Discussion Paper or the Guidelines. Simplicity in design and administration are not easily achieved in regard to these two tax design principles.

The aspects of cross-border competitiveness and competitive neutrality are easier to apply and comply with, when considering classes of land.

7. Regarding farm rates, should all councils in rural areas (including councils with relevant rural land within the metropolitan growth area) be required to establish a separate farm rate below the general rate?

South Gippsland Shire Council currently has a 90% differential on farm rates, which is comparable with most of our surrounding rural councils.

As each Council's situation is unique, a blanket requirement for all councils to have a separate farm rate and to set a 'below the general rate' is likely to create significant issues for councils across the State. Most inner metropolitan councils may not have any farm land, while some remote rural councils would be predominantly farmland. Legislating a requirement for all councils to have a 'below the general rate' may create an inequitable burden on remaining classes within a municipality.

One of the main concerns for farm land appears to be surrounding the 'capacity to pay'. Farmers are often asset rich, but cash poor. They do have the capacity to take their rates off tax, but this can be little comfort if they are unable to make enough from their land to cover the cost of the rates burden at the outset. This is a difficult challenge to address when rates are based on valuations.

An option for consideration may be that councils with farm land are:

- a. Required to set a farm rate – this allows for transparency to be given in development of a budget outlining the objective and justification for the differential set; and if deemed relevant
- b. The rate be 'equal to, or lower than, the general rate' – this would limit councils from setting a differential higher than the general rate but allow flexibility of funding relief to councils with capacity to share the tax burden over classes with greater capacity to pay.

Timeframes for Adoption:

It is understood that the new guidelines are to be finalised so that all Victorian councils can apply them in the current budget process. Please be advised that South Gippsland Shire Council, amongst others, aim to adopt their budget by 30 June 2013. The draft budget is to be presented to Council in late April for the Section 223 Public Consultation process to proceed in May. The timelines are very tight, so the earliest possible release of the guidelines is urgently requested.

### **Proposal**

That the above submission on the draft Ministerial Guidelines for differential rates be provided to the Differential Rates Ministerial Committee, by Thursday 14 March 2013, as a Council adopted submission to the public consultation process.

### **CONSULTATION**

In addition to written submissions on the draft Ministerial Guidelines for differential rates, a number of public forums have been held around the state to provide an opportunity for verbal feedback and discussion of the key



issues. The Director Corporate Services and two Councillors attended the consultation session held in Traralgon on Friday 15 February 2013.

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with providing a submission to the Differential Rates Ministerial Committee.

### **RISK FACTORS**

If Council does not provide a submission to the Differential Rates Ministerial Committee then Council's views will not be considered by the Committee as part of the guideline consultation and finalisation process.

### **CONCLUSION**

The draft Ministerial Guidelines for Differential Rates in general focus on achieving:

- increased transparency by Councils in setting differential rates;
- raising awareness of the different taxation options councils have available to them; and
- improving the understanding and awareness of the purpose of rating strategies and the need for clear and transparent objectives that underpin the different classes of differential rates.

### **RECOMMENDATION**

That Council adopt the above submission on the Draft Ministerial Guidelines For Differential Rates and it be submitted to the Differential Rates Ministerial Committee by Thursday 14 March 2013.

### **STAFF DISCLOSURE OF INTEREST**

Nil

**MOVED: Cr Hill**

**SECONDED: Cr Hutchinson-Brooks**

**THAT COUNCIL ADOPT THE ABOVE SUBMISSION ON THE DRAFT MINISTERIAL GUIDELINES FOR DIFFERENTIAL RATES AND IT BE SUBMITTED TO THE DIFFERENTIAL RATES MINISTERIAL COMMITTEE BY THURSDAY 14 MARCH 2013.**

**Cr Newton left the Meeting at 3.16pm.**

**Cr Newton returned to the Meeting at 3.18pm.**

**CARRIED UNANIMOUSLY**

---

## SECTION G – GENERAL QUESTION TIME

### G.1 QUESTION TIME

-----  
**Cr Hill addressed Council by asking two questions, the questions were taken on notice.**

#### **Question 1**

**Did the Rates Department take into account section 3(f) of part 5A - determining value of land from the Valuation of Land Act 1960 when setting the rates at the last revaluation in 2012? That being “(f) the actual and potential capacity of the land to yield a monetary return.”**

#### **Question 2**

**What can Council tell the public in relation to the new potable water supply guidelines regarding the effect and restrictions for all new permit applicants for dwellings in the farm zone?**

-----  
**Ms Danika Dent representing The Sentinel times directed a question to Council asking, what is a road bowl?**

***The Chief Executive Officer, Mr Tim Tamlin responded by indicating that it is a ‘turning circle’, a section of road at the end of the road.***

-----  
**Ms Wendy Williams, representing the Foster Mirror directed a question to Council asking about the planning process for National Broadband Network (NBN) towers.**

***A response from Cr Fawcett indicated that community engagement would take place through the normal planning application process.***

***Cr McEwen indicated that the NBN will be conducting community consultation throughout each area.***

-----

## **G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

**Noted.**

**The following question was taken on notice at the previous Council Meeting of 28 November 2012 and a response is now provided.**

**At Ordinary Council Meeting 28 November 2012, Cr Hill asked a question on behalf of Ms Susie Cordia requesting that community members that live outside of the Shire be included in Council's survey processes. Ms Cordia requested that Council consider a postal survey to obtain views of those who do not live in the Shire full time.**

**An answer to the question has been provided.**

***Council has strongly indicated the desire to improve our community consultation and engagement. As Council discusses the best methods and strategies to improve our consultation methods, Council's Draft Communication and Consultation Policy and Toolkit 2012 is being used as a guide to assist officers to identify and use appropriate methods of consultation. Postal surveys and electronic surveys are options that may be considered. Unfortunately, a postal survey is not always efficient or effective as a method to capture non-resident ratepayer feedback.***

***For example, Council has approximately 7,100 Non Resident ratepayers. Printing and Posting letters, surveys and reply paid envelopes will cost approximately \$1.80 each. The result is an expense of \$12,800. The time required preparing and allowing for delivery and return may also be long.***

***To improve our communication and be more efficient, officers are currently preparing a Social Media policy, which will address some of the gaps in communication that have been identified. Non-permanent residents can then follow our updates on social media such as Facebook or Twitter, where we can provide up to date information that is more effective than just traditional methods of communication. A business case is currently being developed for the upgrade of a new Council website, which when completed, will also improve access to relevant information and improve navigation.***

## **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    MAV CONTRACT C031-12 SUPPLY TO LOCAL GOVERNMENT AUTHORITIES - THROUGH NATIONAL TENDER RFT-031 12 FOR THE PROVISION OF FUELS AND LUBRICANTS – FUEL CARD SERVICES**

#### **RECOMMENDATION**

That Council close the Meeting to the Public to allow for consideration of a Contractual Matter pursuant to Section 89(2)(d) as provided for by the Local Government Act 1989.

**MOVED: Cr Fawcett**

**SECONDED: Cr Newton**

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF A CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(d) AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**ITEM 1      MAV CONTRACT C031-12 SUPPLY TO LOCAL GOVERNMENT  
AUTHORITIES - THROUGH NATIONAL TENDER RFT-031 12 FOR  
THE PROVISION OF FUELS AND LUBRICANTS – FUEL CARD  
SERVICES**

**MOVED: Cr Hutchinson-Brooks**

**SECONDED: Cr Newton**

**THAT COUNCIL:**

- 1.    AWARD TENDER MAV CONTRACT C031-12 FUEL SUPPLY TO  
LOCAL GOVERNMENT AUTHORITIES FOR THE PROVISION OF  
FUELS AND LUBRICANTS TO BP AUSTRALIA PTY LTD – FUEL  
CARD SERVICES.**
- 2.    AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SIGN THE  
AGREEMENT AND TERMS AND CONDITIONS WITH BP  
AUSTRALIA PTY LTD.**
- 3.    MAKE PUBLIC THE CONTRACT PURPOSE, DESCRIPTION AND  
THE SUCCESSFUL PREFERRED CONTRACTOR.**

**CARRIED**

## **SECTION H - MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Council Meeting open to the public will be held on Wednesday, 27 March 2013 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 3.42pm.**

**CONFIRMED:.....**

**CR KIERAN KENNEDY – MAYOR**

**Date:.....**