



South Gippsland
Shire Council

Come for the beauty, Stay for the lifestyle

COUNCIL AGENDA PAPERS

23 March 2016

**ORDINARY MEETING NO. 400
COUNCIL CHAMBER, LEONGATHA
COMMENCING AT 2PM**

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

**NOTICE IS HEREBY GIVEN THAT ORDINARY MEETING NO. 400
OF THE SOUTH GIPPSLAND SHIRE COUNCIL WILL BE HELD ON
23 MARCH 2016 IN THE COUNCIL CHAMBER, LEONGATHA
COMMENCING AT 2PM**

INDEX

SECTION A - PRELIMINARY MATTERS	1
A.1 WELCOME.....	1
A.2 OPENING PRAYER.....	1
A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	1
A.4 REQUESTS FOR LEAVE OF ABSENCE	1
A.5 APOLOGIES	1
A.6 CONFIRMATION OF MINUTES	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	4
SECTION B - NOTICES OF MOTION AND/OR RESCISSION	5
SECTION C - COMMITTEE REPORTS	6
SECTION D – PROCEDURAL REPORTS	7
D.1 FINANCE PERFORMANCE REPORT JULY 2015- FEBRUARY 2016	7
D.2 REPORT ON ASSEMBLY OF COUNCILLORS: 13 JANUARY 2016 – 21 FEBRUARY 2016	11
D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 23 JANUARY 2016 TO 19 FEBRUARY 2016	20

SECTION E - COUNCIL REPORTS	23
E.1 PETITION – REQUEST FOR 2 STREET LIGHTS IN MILES LANE, LEONGATHA	23
E.2 PETITION - REQUEST FOR FLASHING 40KM/H SPEED SIGNS AT THE POOWONG CONSOLIDATED SCHOOL ENTRANCES	29
E.3 PROPOSED BUDGET 2016-2017/LONG TERM FINANCIAL PLAN	34
E.4 DRAFT FOSTER COMMUNITY INFRASTRUCTURE PLAN	39
E.5 POLICY REVIEW: C30 ELECTION PERIOD POLICY	44
E.6 POLICY REVIEW: C34 COUNCIL LAND OWNERSHIP POLICY	48
SECTION F - URGENT OR OTHER BUSINESS	63
SECTION G – GENERAL QUESTION TIME	64
G.1 QUESTION TIME	64
G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE	64
CLOSED SESSION	65
ITEM 1 PERSONNEL MATTER	65
SECTION H - MEETING CLOSED	66

Tim Tamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 REQUESTS FOR LEAVE OF ABSENCE

A.5 APOLOGIES

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 399, held on 24 February 2016 in the Council Chamber, Leongatha be confirmed.

A.7 DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

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

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

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

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

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

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

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

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

Privacy

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

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

A.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.

Tim Tamlin, Chief Executive Officer declared a direct conflict of interest in Closed Session Item 1 – Personnel Matter, as he is the subject of this Council Report.

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.

A.10 COUNCILLOR REPORTS

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

Nil

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT JULY 2015- FEBRUARY 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The financial performance to February 2016 shows the following high level outcomes:

- Operating result: \$2.67 million surplus which is \$3.41 million favourable compared to the year to date budget projection of \$0.74 million deficit.
- Capital works: \$6.85 million expenditure which is \$2.77 million behind year to date budget of \$9.62 million.
- Cash assets: Projected 30 June \$10.35 million (original budget \$13.85 million)
- Underlying working capital ratio: Projected 30 June 1.78 to 1 (original budget 1.62 to 1)
- The projected financial outcome for 2015/16 is a \$2.36 million surplus. This is \$2.93 million unfavourable compared to the original \$5.29 million budgeted surplus. The receiving of \$4.34 million 2015/16 Victorian Grants Commission allocations in the previous financial year contributes to this variation.
- The Minister for Local Government announced that Victorian council rate increases will be capped to the rate of inflation, 2.5% for 2016/17. This situation has been strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / Long Term Financial Plan..

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 29 February 2016.

A copy of **Appendix 1 - Financial Performance Report to 29 February 2016** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 - Part 7 Financial Management

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure.

REPORT

Background

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

Throughout the course of the financial year the actual financial performance is managed by:

- Comparing year to date actual financial performance with the year to date budgets.
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing them to the originally adopted Long Term Financial Plan.

The financial performance indicators that were used to develop the annual and longer term budgets are used to monitor projected financial outcomes at year end and the longer term financial ramifications.

The Financial Performance Reports are purposefully prepared outside traditional quarterly cycles. The timelines better align with strategic events that occur throughout the financial year. This enables important financial updates to be provided to Council and the community in a timely manner.

The reporting timelines include:

- August: Report identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June.

- November: Report identifies financial implications of any changes made to operational or capital budgets prior to the commencement of the development of the annual budget for the following financial year.
- February: Report aligns with annual budget process.
- May: Report provides Council with likely financial outcome for year end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

At financial year end comprehensive financial statements and performance statements are produced, subject to an external audit and form part of the Annual Report.

Discussion

Appendix 1 - Financial Performance 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 implications of the year to date performance and the projected outcome for the financial year end.

Section 3 – Long Term Financial Plan analysis.

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

FINANCIAL CONSIDERATIONS

Activities within the Council 2015-2016 Annual Plan are funded through the 2015/16 Budget.

The Financial Performance Report provides a high level analysis of Council's position for the July 2015 to February 2016 period.

The longer term financial performance indicators of the original adopted 2015/16 Budget showed that the financial plan was financially sustainable. However, the forecast annual rate caps will negatively impact on Council's financial sustainability in the longer term. This situation is being strategically managed as part of the development of the forthcoming 2016/17 Annual Budget / LTFP.

RISK FACTORS

Transparency in reporting is a risk management control measure that allows the community and Council to view and assess the financial management of year to date results as well as the annual and longer term financial implications.

Council can not only assess year to date performance, but can assess the annual and longer term financial implications as well.

CONCLUSION

The Report provides an overview of Council's financial performance for the period July 2015 to February 2016.

RECOMMENDATION

That Council receive and note the Financial Performance Report (Appendix 1) for the period July 2015 to February 2016.

**D.2 REPORT ON ASSEMBLY OF COUNCILLORS: 13 JANUARY 2016 –
21 FEBRUARY 2016, INCLUDING ONE LATE REPORT OF 3 DECEMBER
2015**

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

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 from 13 January - 21 February 2016; including one late assembly advice of the 3 December 2015.

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

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Thursday 3 December 2015

Active Retirees Advisory Committee

Councillors Attending:

Councillor Fawcett

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Leongatha Landscape Master Plan
- Council's website, publicity and communications
- Active Ageing Plan 2012-16
- Seniors Festival

Wednesday 13 January 2016

Executive Update

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

- CEO response to Councillor issue
- Financial Overview: Rate Capping Update
- Port Welshpool Long Jetty Rehabilitation Update

Thursday 28 January 2016

Korumburra Round Table

Councillor Attending: Cr Brunt

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Great Southern Rail Trail and potential to extend trail between Korumburra and Leongatha.
- Council update: Streetscape Master Plan process, South Gippsland Northern Towns Water project etc
- Ongoing discussions for future use of Korumburra Access Centre
- Discussion on future model/role, communication, community planning of KRT

Monday 1 February 2016**Road Safety Meeting**

Councillor Attending: Councillor Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Truck safety day at Koonwarra Cattle Yards
- Inquiry into vehicle crashes were reported by Victoria Police
- Visual Messaging Boards - effective in both monitoring and modifying speed behaviour
- Truck safety group funding
- Older drivers' forum will be run during March and April across the Shire.

Wednesday 3 February 2016**Economic Development
& Tourism Steering
Committee**

Councillors Attending:

Councillors Hutchinson-Brooks (Chair), Davies, Kennedy and Harding.

Conflict of Interest: Nil disclosed.

Topics Discussed:

- Priority Projects
- Economic Development and Tourism Strategy
- Strategic Investment Updates
- Steering Committee Development & Planning
- South Gippsland Branding Review

Wednesday 3 February 2016

Planning Committee

Councillors Attending:

Councillors Newton, Davies, Harding, Kennedy, Brunt, Fawcett and Hutchinson-Brooks.

Conflict of Interest:

Cr Nigel Hutchinson-Brooks declared an indirect conflict of interest by conflict of duty under Section 78B of the LGA (1989) in item 5 – C108 *Koonwarra Agricultural Commercial Precinct Project as he is a Director of the Company that are consultants to the proponents.*

Cr Nigel Hutchinson-Brooks declared an indirect conflict of interest by past close association under Section 78 of the LGA (1989) in item 5 – C89 *Walkerville Rezoning (Ansevata Nominees)* as a company of which he is a Director has in the past had conversations with the proponents but has not acted for them.

Matters subsequently not discussed.

Matters Discussed:

- Strategic Planning Project List
- Planning Applications of Significance
- Decisions for Oct, Nov and Dec 2015

**Gippsland Ports
Briefing - Long Jetty
Rehabilitation Position**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information regarding Gippsland Ports and its position on the rehabilitation of the Port Welshpool Long Jetty.

Caravan Parks Update

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided an update on legal and compliance proceedings relating to the Yanakie and Long Jetty Caravan Parks.

Wednesday 3 February 2016

**Visitor Information
Services Review – Draft
Communication and
Engagement Plan**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding,
Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information regarding a
draft Communication and Engagement Plan for
undertaking a review of Council's Visitor Information
Services.

**Reforms Arising from
the Local Government
Act Amendment
(Improved Governance)
Act 2015 and Election
Period Policy**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding,
Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information regarding the
State Government's changes to strengthen the Local
Government Act 1989 that were predominantly in
regard to Councillor conduct, Councillor discretionary
grants and Council elections.

**Executive Update /
Discussion**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding,
Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Unconventional Gas Report
- Councillor Timetable
- Special Committee of Council Tuesday 9 February
2016 Agenda distribution
- Council Agenda 24 February 2016 reports listed

**Councillor/ CEO
Session**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding,
Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Team relationships
- Conflict of Interest

Thursday 7 February 2016**Active Retirees
Advisory Committee****Councillors Attending:**

Councillor Fawcett

Conflict of Interest: Nil disclosed.

Matters Discussed:

- Community Venues
- Community Transport
- Active Ageing Plan 2017-2022
- Seniors Festival 2016

Wednesday 17 February 2016**Nyora Development
Strategy****Councillors Attending:**

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information on the progress of the Nyora Development Strategy and forthcoming community consultation.

**Ordinary Council
Agenda Topics
Discussion****Councillors Attending:**

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information on Council agenda items for the Ordinary Council Meeting 24 February 2016.

**Leongatha Streetscape
Master Plan – Bair
Street Update****Councillors Attending:**

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks and Hill.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information on the outcome of the first round of community consultation / engagement for the Bair Street Leongatha Streetscape Master Plan Project and the briefing sought feedback from Council regarding the suggested way forward for the draft stage of the Project.

Wednesday 17 February 2016

**2nd Draft Budget
including Annual Plan
Initiatives**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Davies, McEwen and Hutchinson-Brooks and Hill.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information on progressing the Council Budget 2016 /17.

**Caravan Parks Quarterly
Update**

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks and Hill.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided with a quarterly briefing on the performance of the Yanakie and Long Jetty Foreshore Caravan Parks focusing on highlights from the last quarter, current activities and planned initiatives.

Public Presentation

OPEN SESSION

Councillors Attending:

Councillors Fawcett, Kennedy, Brunt, Harding, Davies, Newton, McEwen and Hutchinson-Brooks and Hill.

Conflict of Interest: Nil disclosed.

Presentations were made to Council by the following community members:

Ros Griggs, representing the Tidal River Open Space Project (TROSP) Committee and **Brett Mitchell**, Area Chief Ranger, Parks Vic addressed Council by presenting on the progress of the Tidal River Open Space Project.

Meredith and Gil Freeman, representing Grow Lightly addressed Council on the progress of Grow Lightly, Korumburra.

Paul Richardson, Korumburra community member addressed Council on the Rating Strategy– 2014-2018.

Marg Lynn, Heather Butler and Maxine Kiel addressed Council on a Proposal to Council to assist with employment of a Community development worker for Mirboo North District.

Lorraine Knox and Keith Tonkin, representing Loch Community Development Association (LCDA), Loch addressed Council on the Toilet Amenities – Sunnyside Park, Loch.

Wednesday 17 February 2016

**2nd Draft Budget
including Annual Plan
Initiatives**

Councillors Attending:

Councillors Fawcett, Brunt, Newton, Davies,
McEwen, Hill and Hutchinson-Brooks.

Conflict of Interest: Nil disclosed.

Matters Discussed:

Councillors were provided information on progressing
the Council Budget 2016 /17.

**Korumburra Round
Table**

Councillors Attending:

Councillors Brunt and McEwen.

Conflict of Interest: Nil disclosed

Matters Discussed:

Council Agenda 24 February 2016 Item E.7
Korumburra Roundtable – Progress Report.

RECOMMENDATION

That Council:

1. Receive and note this report; and
2. Make confidential pursuant to section 77(2)(b) of the Local Government Act 1989 (Act) all matters considered by the Planning Committee at its meeting held on Wednesday 3 February 2016 on the basis that the meeting discussed:
 - a. proposed developments (section 89(2)(e) of the Act); and
 - b. matters which the Council considers would prejudice the Council or any person (section 89(2)(h) of the Act),until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.
3. Make confidential pursuant to Section 77(2)(b) all matters considered by the Council at its Councillor Briefing held on Wednesday 17 February 2016 in relation to the Council's Draft Budget 2016/17 on the basis that the meeting discussed:
 - a. matters which the Council considers would prejudice the Council or any person, (section 89(2)(h) of the Act),

**excluding the release of the Proposed 2016/17 Budget in an
Agenda for an Ordinary or Special Meeting of Council.**

D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 23 JANUARY 2016 TO 19 FEBRUARY 2016

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) during the period from 23 January to 19 February 2016, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 - Section 5 and 186 (the Act)
- Local Law No. 3 2010 Processes of Municipal Government (Meeting Procedures and Common Seal)
- South Gippsland Shire Council Procurement Policy
- South Gippsland Shire Council Instrument of Delegation to the Chief Executive Officer

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

REPORT

Documents Sealed

Under the 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 may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

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.’ Council’s Instrument of Delegation to the CEO also delegates to the CEO the power to ‘use the Common Seal of Council subject to that use being reported to Council.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 23 January 2016 to 19 February 2016.

1. S173 Agreement between South Gippsland Shire Council and the owners of both 1023 Mount Lyall Road, Nyora and 100 Weavers Road, Nyora in relation to the re-subdivision of the land into two (2) lots – Seal Applied 2 February 2016.
2. S173 Agreement between South Gippsland Shire Council and the owner of 88 Atherton Drive, Venus Bay in relation to the development of a dwelling and outbuilding (shed) – Seal Applied 9 February 2016.
3. S173 Agreement between South Gippsland Shire Council and the owner of Heathlands Drive, Port Welshpool in relation to the development of a single dwelling – Seal Applied 11 February 2016.
4. S173 Agreement between South Gippsland Shire Council and the owners of 110 Hairs Road, Moyarra in relation to a two (2) lot subdivision – amend permit to include a carriageway easement and change lot size – Seal Applied 11 February 2016.

Contracts awarded after a public tender process within the CEO’s delegation

The CEO's delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of:

- Annual WorkCover and Council insurance premiums; and

- Any contract which complies with Council's Procurement Policy and falls within the allocation in the Council adopted Annual Budget which exceeds the value of \$250,000 (inclusive of GST).

Council's Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose (a brief description of the goods, services and works that is being procured), the successful tenderer, contract length and the total contract price.

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

There were no contracts awarded between 23 January and 19 February 2016 under the CEO's delegation following a public tender.

Contract variations approved by the CEO

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

There were no contract variations which exceeded the CEO's delegation, made by the CEO during the period from 23 January to 19 February 2016.

Contract extensions approved by the CEO

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

There following contract extensions that exceeded the CEO's delegation were made by the CEO during the period from 23 January 2016 to 19 February 2016.

1. SGC12/07 Provision of Debt Collection Services: a second and final one year extension was approved by the CEO on 4 February 2016 to the original three year contract entered into on 1 July 2012 with Australian Receivables Limited.

RECOMMENDATION

That Council receive and note this report.

SECTION E - COUNCIL REPORTS

E.1 PETITION – REQUEST FOR 2 STREET LIGHTS IN MILES LANE, LEONGATHA

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

At the 24 February 2016 Council meeting, a petition was tabled requesting Council reconsider funding the supply and installation of two street lighting poles at the units of 4 Miles Lane, Leongatha.

Council does not provide this level of service for street lighting on privately owned property, therefore, it is recommended that Council not support this request.

Refer to **Attachment 1** – Aerial Map for the proposed location of the installation of the two street lights.

Document/s pertaining to this Council Report

- **Attachment 1** – Aerial Map
- **Attachment 2** – Petition Prayer
- **Confidential Appendix 1** – Petition with Signatories

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
- Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Infrastructure Asset Management Plan 2013

COUNCIL PLAN

Outcome:	3.0	Integrated Services & Infrastructure.
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

CONSULTATION

In preparing this report, internal discussions have been held within the Engineering & Assets Department. Specific consultation has been undertaken with the lead petitioner regarding the street lighting request.

The lead petitioner indicated that the cost of the proposed lighting should be shared amongst all residents of Miles Lane, not just those at 4 Miles Lane units, as they would all benefit from the installation of these lights.

Over the past 10 years there have been numerous discussions, site visits and correspondence with the lead petitioner and the Body Corporate regarding requests for street lighting in Miles Lane, Leongatha.

REPORT

Background

A petition with 14 signatures was received by Council on 19 January 2016 requesting Council reconsider the installation of two street lights on Miles Lane at Council's expense. It is noted that most (12 out of 14) names on the petition are residents of the units under the Owners Corporation (Plan 519051Q) for 4 Miles Lane, which consists of 19 units.

A copy of the petition prayer is available in **Attachment 2**. The complete petition including signatories is available in **Confidential Appendix 1**.

This petition was received and noted by Council at the meeting held on 24 February 2016 where it was decided that the petition lay on the table until the Council meeting of 23 March 2016 to enable officers to prepare a report to Council.

The initial request for street lighting in Miles Lane was received by Council in April 2006 from the Owners Corporation for 4 Miles Lane. The matter was investigated and the Owners Corporation was advised that Council did not have a budget for installing new street lighting in Miles Lane.

At this time, Council's street lighting budget only provided funds to install street lighting lamps on existing power poles. There were no existing poles in Miles Lane and it was too narrow to install new poles within the existing road reserve. The Owners Corporation was also advised that further investigation could occur to install underground power and new street lighting at each end of the lane with cost recovery in the form of a special charge scheme.

In 2009, 2013 and 2014, further street lighting investigations were undertaken with a local electrical contractor, for possible lighting options near the entrances to the units at 4 Miles Lane.

The options involved the installation of:

- Two new street lamps supplied by Council at a cost of \$400 excluding GST); and
- Two poles at a cost of \$2,500 excluding GST, which amounted to a shared cost for each of the 19 units at 4 Miles Lane of \$132 excluding GST. The poles were to be installed just inside the fence line of the Owners Corporation area at units 1 and 19 (due to the inadequate room in the laneway) and connected to their security bollards power supply. This solution would have addressed the Owners Corporation's and unit owners' concerns regarding safety and vandalism where it had been reported that bollard lighting on the premises had been damaged, and switches were turned off in the units meter boxes.

In November 2015, further correspondence was received from the Owners Corporation regarding lighting in Miles Lane and whether Council would be revisiting this matter with the new unit development in Miles Lane opposite 4 Miles Lane.

Discussion

The issue of street lighting in the vicinity of 4 Miles Lane is predominantly about security lighting for these units. It has been mentioned in previous correspondence that vandalism is a major concern for these unit householders.

The petition requests street lighting at each end of Miles Lane (not just the unit entrances of 4 Miles Lane). There is currently street lighting installed within close proximity to each end of Miles Lane, one in the central median of Koonwarra Road and the other approximately 10 metres south of Miles Lane.

To install additional street lighting closer to the ends of Miles Lane is estimated at \$25,000.

Council is the responsible road authority for all local roads on its Register of Public Roads under the Road Management Act 2004. As such, Council is obliged to manage the use of roads having regard to the principle that the primary purpose of a road is to be used by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road and on the environment. The Road Management Act 2004 also details the power to install street lighting. This prescribes that the responsible road authority, at its discretion, can install street lighting on roads in a manner which it considers appropriate having regard to its road management functions.

Current practice for the installation of new street lighting in urban areas is to provide lighting lamps on existing poles where low voltage power is available, and in locations where the safety of footpath and road users can be significantly improved.

Currently, there are very few lanes within the urban areas of the Shire that have street lighting and those that do have them are mounted on existing poles. There are some lanes which have street lighting at the ends of the lane.

Pedestrian safety has been raised previously and on this occasion in the petition. Street lighting would help pedestrian safety in Miles Lane, however, this lane is too narrow for the installation of a specific street lighting pole as it would be a hazard to traffic movement in the lane.

Proposal

It is proposed that Council not fund the supply and installation of two street lights at 4 Miles Lane, Leongatha on the basis that Council does not provide this level of service on privately owned properties. .

FINANCIAL CONSIDERATIONS

Council does not have a budget to supply and install street lighting on privately owned property.

The estimated cost of installing additional street lighting at each end of Miles Lane is \$25,000, which is not supported.

RISKS

If Council were to support this request for street lighting at 4 Miles Lane, Leongatha, may potentially create the risk of other requests for the supply and installation of street lighting on privately owned property, in which Council does not have the budget to deliver this level of service.

CONCLUSION

Council does not provide this level of service for the supply and installation of street lighting on privately owned property.

RECOMMENDATION

That Council:

- 1. Not fund the supply and installation of two street lights at the units of 4 Miles Lane, Leongatha on the basis that Council does not provide this level of service on privately owned properties.**
- 2. Notify the lead petitioner of its decision.**

**Attachment 1
Aerial Map**



★	Proposed location of security lighting for 4 Miles Lane, Leongatha.
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**Attachment 2
Petition Prayer**

Petition for the installation of 2 lights in Miles Lane at Council expense

E.2 PETITION - REQUEST FOR FLASHING 40KM/H SPEED SIGNS AT THE POOWONG CONSOLIDATED SCHOOL ENTRANCES

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

At the 24 February 2016 Council meeting, a petition was tabled requesting Council consider the installation of flashing 40 km/h speed indicators on all school zone entries at the Poowong Consolidated School.

This report recommends that Council and VicRoads work with the Poowong Consolidated School and the Poowong Community Consultative Committee to investigate potential improvement opportunities at the existing school crossing and associated signage.

Document/s pertaining to this Council Report

- **Attachment 1** – Petition Prayer
- **Confidential Appendix 1** - Petition with Signatories

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
- Road Management Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Road Infrastructure Asset Management Plan 2013

COUNCIL PLAN

Outcome:	3.0	Integrated Services & Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development.

CONSULTATION

In preparing this report, internal discussions have been held within the Engineering & Assets Department.

Since 2009 there have been numerous discussions, site visits and correspondence with the lead petitioner, as well as similar interaction with the Poowong Consolidated School during this period. VicRoads has been involved in some of these interactions with the most recent site meeting held on 18 February 2016, involving all parties (including the lead petitioner).

REPORT

Background

A petition with 480 signatures was received by Council on 18 January 2016 from the Poowong Community Consultative Committee requesting Council consider the installation of flashing 40 km/h speed signs in the vicinity of the Poowong Consolidated School.

A copy of the petition prayer is available in **Attachment 1**. The complete petition including signatories is available in **Confidential Appendix 1**.

The petition was received and noted by Council at the meeting held on 24 February 2016 where it was decided that the petition lay on the table until the Council meeting of 23 March 2016 to enable officers to prepare a report to Council. It should be noted that this petition was also sent to VicRoads and the Minister for Roads and Road Safety by the lead petitioner.

Similar requests have been made by the Poowong Community Consultative Committee as far back as May 2009 for these signs. The Poowong Consolidated School has been involved in these discussions as well as VicRoads. A nearby resident has in recent times also raised the issue of the effectiveness of the existing school speed zone signs outside the school in Gardner Lane, Poowong.

The consistent response from both VicRoads and Council in the past is that flashing school speed signs at this location cannot be installed by VicRoads because they do not meet the guidelines for illuminated signs which are only installed on 60 km/h roads that have traffic volumes well in excess of those volumes on Ranceby Road.

Discussion

At the site meeting held on 18 February 2016, the above position was reiterated by both VicRoads and Council. Alternative solutions such as upgrading the existing school speed zone signage and improving the school crossing which is located approximately 200m west of the school were proposed at the meeting. VicRoads agreed to investigate both of these options.

There was also some discussion on investigating the provision of a crossing supervisor at the school crossing. VicRoads indicated that they would only make a contribution to the cost of a supervisor if the warrants were met, which is unlikely to be the case. However, it was agreed that further traffic counts would be carried out by VicRoads and further pedestrian counts would be carried out by Council. Future usage of the crossing will also be monitored.

The Poowong Community Consultative Committee in conjunction with the Poowong Consolidated School also noted that they may be able to raise sufficient funds to install these flashing signs. VicRoads was amenable to this option.

Proposal

It is proposed that Council:

1. Work with VicRoads, the Poowong Consolidated School, and the Poowong Community Consultative Committee to investigate the potential improvement opportunities at the existing school crossing including the associated signage.
2. Carry out further traffic and pedestrian counts and monitor future usage of the crossing.

FINANCIAL CONSIDERATIONS

Council would be responsible for the upgrade of any school crossing signage in Gardner Lane. This cost would be less than \$2,000. Any improvements to the existing school crossing would most likely be the subject of a future grant application such as the relevant TAC Program.

RISKS

If Council were to support this request for flashing 40 km/h speed indicators on all school zone entries at the Poowong Consolidated School, may potentially create the risk of other similar requests at schools across the Shire in which Council does not have the budget to deliver this level of service.

RECOMMENDATION

That Council:

- 1. Investigate with VicRoads, the Poowong Consolidated School, and the Poowong Consultative Committee, the potential for improving the existing school crossing and associated signage.**
- 2. Carry out further pedestrian counts (in parallel with VicRoads carrying out further traffic counts) and monitor future usage of the crossing.**
- 3. Notify the lead petitioner of its decision.**

**Attachment 1
Petition Prayer**

We the undersigned petition the responsible authority for the installation of flashing 40 kph speed indicators on all School Zone entries to the Poowong Consolidated School in the town of Poowong.

E.3 PROPOSED BUDGET 2016-2017/LONG TERM FINANCIAL PLAN

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report presents the South Gippsland Shire Council Proposed Annual Budget (Proposed Budget) for the 2016-2017 financial year refer **Appendix 1**.

Sections 2 and 3 of the Proposed Budget set out the strategic initiatives Council aims to implement in 2016-2017 which in effect contain the annual plan actions and indicators to be achieved in 2016-2017.

The Council has reviewed the strategic directions in the 2013-2017 Council Plan and has determined that they are sound and are directing Council towards its intended outcomes. No changes are proposed to the 2013-2017 Council Plan.

The Minister for Local Government announced that Victorian council rate increases will be capped to the rate of inflation, 2.5% for 2016/17. The rate rises in the forward years have also been modelled at 2.5%.

Council will now receive \$38.9m less rates & charges revenue over a 14 year period when comparing the Proposed 2016/17 Budget / Long Term Financial Plan (LTFP) to the previously adopted 2015/16 Budget / LTFP.

The budgeted financial statements for the 2016-2017 Budget and Long Term Financial Plan are financially sustainable. They are validated by a series of key financial performance indicators.

The four year rolling Strategic Resource Plan will be included in the 2013-2017 Council Plan when the final 2016-2017 Budget is adopted in June 2016.

It is recommended that Council endorse the 2016-2017 Proposed Annual Budget and commence a Section 223 public consultation process inviting formal written submissions from the community on the Proposed Budget, with a closing date of Wednesday 27 April 2016.

Section 223 public submissions will be heard at a Council briefing session on Wednesday 18 May 2016 and then considered and determined at a Special Meeting of Council on Wednesday 1 June 2016.

Document/s pertaining to this Council Report

- **Appendix 1** – Proposed Annual Budget 2016-2017

A copy of **Appendix 1 - 2016-2017 Proposed Annual Budget** is available on Council's website: www.southgippsland.vic.gov.au or by contacting 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Local Government Act 1989 Sections 127, 129 and 223

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Long Term Financial Strategies

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.1	Improve the Financial Sustainability of Council, Including Diversifying Revenue Streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.
Objective:	4.2	Pursue Best Practice in Organisational Development and Operations of the Organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in the decision making process.

CONSULTATION

Council commenced its consultation for the 2016/17 Budget in September 2015 with an on-line community engagement activity - OurSay. 29 participants generated 19 ideas. These were considered on 30 September where Councillors worked through a series of activities to identify Annual Plan Initiatives/Activities for the Proposed 2016-2017 Budget.

This session was followed by a Community Workshop on 14 October 2015 where ideas arising from the OurSay event and the Councillor workshop were discussed.

Further Council briefings have been held on 9 December 2015, 17 February 2016 and 2 March 2016.

External consultation on the Annual Budget will proceed once Council formally endorses a Proposed Budget on 23 March 2016. The community can consider the budget and make formal written submissions pursuant to

Section 223 of the Local Government Act until 27 April 2016. Council will review the submissions at a briefing session on 18 May 2016. A Special Meeting of Council will be held on 1 June 2016 to formally consider submissions.

Council is scheduled to formally consider and adopt the 2016/17 Annual Budget at its meeting to be held on 22 June 2016.

REPORT

Council Plan review

The Council has reviewed the strategic directions in the 2013-2017 Council Plan and has determined that they are sound and are directing Council towards its intended outcomes. No changes are proposed to the 2013-2017 Council Plan. The four year rolling Strategic Resource Plan will be included in the 2013-2017 Council Plan when the final 2016-2017 Budget is adopted in June 2016.

Rate capping

The Minister for Local Government, The Honourable Natalie Hutchins, announced that Victorian council rate increases will be capped to the rate of inflation, 2.5% for 2016/17. The rate rises in the forward years of the Long Term Financial Plan have been modelled at 2.5% from 2016/17 onwards.

Council will now receive \$38.9m less rates & charges revenue over a 14 year period when comparing the Proposed 2016/17 Budget / LTFP to the previously adopted 2015/16 Budget / LTFP.

Implementation

Council is legislatively required to prepare and then adopt an Annual Budget.

The tabled Proposed Budget document in **Appendix 1** is the Budget for the purposes of preparing a budget under Section 127 of the Local Government Act 1989.

Council is required to give 28 days notice of its intention to adopt the Proposed Budget (**Appendix 1**). During this public exhibition period the community can consider the budget and make formal written submissions to the Chief Executive Officer pursuant to Section 223 of the Local Government Act. An opportunity to speak to submissions will be provided to submitters, upon request. Any written submission must be considered by Council before the adoption of the Budget

It is proposed to hear submissions at a Council meeting to be held on 18 May 2016 Council will then consider and determine submissions at a Special Meeting of Council to be held on 1 June 2016 and adopt the 2016-2017 Annual Budget at the Ordinary Council Meeting on 22 June 2016.

Council may endorse the Budget (**Appendix 1**) as presented or consider any final amendments, prior to the commencement of the public consultation period.

FINANCIAL CONSIDERATIONS

Council has a legislative requirement to comply with the following principles of sound financial management:

- Prudently manage financial risks relating to debt, assets and liabilities;
- Provide reasonable stability in the level of rate burden;
- Consider the financial effects of Council decisions on future generations; and
- Provide full, accurate and timely disclosure of financial information.

A key component of sound financial management is the preparation of an Annual Budget within a longer-term business framework. For the 2016-2017 financial year, the Proposed Budget includes the following features:

- Operating expenditure (including depreciation) will be \$61.12 million;
- Capital expenditure will be \$19.97 million;
- Total debt redemption will be \$nil;
- Total cash outflows will be \$69.16 million;
- Total cash inflows will be \$67.92 million;
- Cash at end of financial year will be \$9.12 million;
- Increase in rates will be 2.50% and 1.70% for waste services;
- Rate and charges income will be \$39.90 million.

In the later years of the plan the projected operating result has a gradual downward trend. This is due to the longer term impact of less rates revenue as a result of rate capping. Council is managing this issue by allowing any future years' productivity gains to flow through to the bottom line in the later years, so as to strategically address the downward trend in the forecast underlying operating results.

The financial statements for the 2016-2017 Budget and Long Term Financial Plan are financially sustainable. They are validated by a series of key financial performance indicators contained in **Appendix 1**.

RISKS

Council has legislated time constraints and specific responsibilities set out in the Local Government Act 1989 (Act) for preparing an Annual Budget. The Council must adopt the Budget by 30 June 2016. Endorsing the Proposed Budget and commencing the formal public consultation process will work towards ensuring the required legislative timelines can be met.

Further, under Section 136 of the Act, Council is required to manage financial risks prudently, having regard to economic circumstances and ensuring that decisions made and actions taken consider their financial effects on future generations. Council's Annual Budget and Long Term Financial Plan is developed with reference to a number of Long Term Financial Strategies which include a number of key financial performance indicators.

CONCLUSION

The 2016-2017 budgeted financial statements are financially sustainable.

The Proposed Budget (**Appendix 1**) is presented to Council for endorsement prior to commencing a formal public consultation review that will close on 27 April 2016. It is recommended submissions be heard by Council at a hearing session to be held on 18 May 2016. They will then be considered and decided at a Special Meeting of Council on 1 June 2016 in the Council Chambers, Leongatha.

RECOMMENDATION

That Council:

- 1. Note that the 2013 – 2017 Council Plan has been reviewed and determined that no strategic changes are required;**
- 2. Endorse the 2016-2017 Proposed Annual Budget incorporating the Long Term Financial Plan, contained in Appendix 1, under Section 127 of the Local Government Act 1989;**
- 3. Approve commencement of the statutory procedure to invite public submissions on the 2016-2017 Annual Budget pursuant to clause section 129 of the Local Government Act, 1989;**
- 4. Authorise the Chief Executive Officer to give public notice on Tuesday 29 March 2016 of the 2016-2017 Proposed Annual Budget in accordance with Section 129 of the Local Government Act 1989 and commence a Section 223 Public Consultation process inviting written submissions from the community on the proposed 2016-2017 Budget by close of business on Wednesday 27 April 2016; and**
- 5. Consider for adoption the final 2016-2017 Annual Budget at a Council Meeting on Wednesday 22 June 2016 after consideration of any submissions received at a Special Meeting of Council on Wednesday 1 June 2016.**

E.4 DRAFT FOSTER COMMUNITY INFRASTRUCTURE PLAN

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The draft Foster Community Infrastructure Plan adopts an integrated approach to planning for facilities and services in Foster. It seeks to maximise use of existing facilities and supports planning for multipurpose community infrastructure in the future.

The draft document provides eight key recommendations that aim to guide Council decision making and activities for the next 20 years.

This report presents the draft Foster Community Infrastructure Plan for Council's endorsement to be placed on public exhibition in Foster. Community feedback will be considered prior to the final document being presented to Council for adoption.

Document/s pertaining to this Council Report

- **Appendix 1** - Draft Foster Community Infrastructure Plan

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Disability Act 2006
- Equal Opportunity Act 2010
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Direction for Aquatic Facilities in South Gippsland 2015 - 2020
- Early Childhood Services Building Assets Policy Framework 2013
- South Gippsland Housing and Settlement Strategy
- South Gippsland Municipal Health and Wellbeing Plan 2013 - 2017
- South Gippsland Planning Scheme

- South Gippsland Shire Council Active Ageing Plan 2012 - 2016
- South Gippsland Shire Council Asset Management Strategy 2013
- South Gippsland Shire Council Economic Development and Tourism Strategy 2015 - 2020
- South Gippsland Shire Council Municipal Early Years Plan 2011 - 2016
- South Gippsland Shire Council Paths and Trails Strategy 2010
- South Gippsland Shire Council Recreation Plan. Volume 4: Implementation Plan 2007
- South Gippsland Shire Council Social Community Blueprint 2014 - 2029

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Deliver affordable modern community services and facilities through an integrated approach to planning and infrastructure development
Strategy:	3.1.3	We will develop an integrated planning approach for our townships and villages, so that facilities are located in areas where they are most appropriate

CONSULTATION

Consultation included:

- Meetings with key community stakeholders managing infrastructure in Foster
- A survey circulated to gain data for community owned and managed infrastructure. The survey questions were used to prompt discussion in meetings and individual interviews
- A focus group meeting held with health and aged care service providers to discuss issues relating to the delivery of services in current infrastructure in Foster
- A meeting arranged by the Foster community to bring key community groups and Council together to discuss future plans and proposals influencing community infrastructure in Foster
- Discussion with representatives from Council Engineering and Assets, Operations, Sustainable Communities, Community Services, Economic Development and Tourism, Regulatory Services and Planning.

- Discussion with the consultant responsible for developing the Social Community Infrastructure Cluster Review for Tarwin Lower, Venus Bay and Meeniyan.

REPORT

Background

Community infrastructure planning provides an integrated approach to planning and allows prioritisation and decision making for infrastructure spending by Council and the community.

A number of documents have been developed to support community infrastructure planning since 2013:

- Community infrastructure plans have been developed for South Gippsland's larger towns and locations where future growth is expected to be the greatest including Korumburra, Leongatha, Nyora, Mirboo North and Tarwin Lower/Venus Bay.
- A Blueprint for Social Community Infrastructure providing an overview of community infrastructure across the Shire was adopted by Council in September 2014.
- A Cluster Review for Tarwin Lower, Venus Bay and Meeniyan was developed to complement the Blueprint by providing an audit and analysis of current infrastructure in the designated areas and provides key recommendations adopted by Council July 2015.

The draft Foster Community Infrastructure Plan contributes to this series of documents discussing and making recommendations on community infrastructure specifically for the town of Foster.

Discussion

The draft Foster Community Infrastructure Plan has two elements:

1. Current and projected demographic data, analysis of the current and future needs of sectors of the community and specific service areas; and
2. It incorporates the terms of reference of Stage two of the Social Community Infrastructure Project relating to the Blueprint for Social and Community Infrastructure that provides discussion of existing community facilities in Foster, opportunities for increased utilisation, expansion of facilities and consolidation of assets.

Summarising a detailed audit of current and potential use of community infrastructure, the draft Foster Community Infrastructure Plan (refer **Appendix 1**), provides eight key recommendations for Council's consideration:

1. Encourage committees of management of all Council facilities to develop Master Plans prior to seeking support for funding from Council. Master Plans should include priorities for action, consultation with the broader community and or user groups and have investigated possible funding opportunities.
2. That Council assess applications for funding for improvement to community infrastructure against criteria set out in the Blueprint for Social Community Infrastructure.
3. Support one or more current tenants of the Stockyard Gallery to find an alternative site in order to provide increased space in the building.
4. Increase capacity of facilities with multiple meeting rooms to allow simultaneous use of shared facilities. Design access between meeting rooms and kitchens, toilets and offices, and provide secure storage for user groups.
5. Provide connection between existing public parks and open space via path and cycle networks including linking the Great Southern Rail Trail with the town centre.
6. Undertake training needs analysis of all volunteers in Foster and establish ongoing training and support programs for volunteers in organisations and the community.
7. Consider shared promotion by the community of
 - a. Adult education and training by all providers via community website or newsletters
 - b. Meeting rooms available to organisations and the community
Maintain the meeting room matrix included in this report
 - c. Volunteer opportunities, training and support.
8. By 2030, investigate the development of a community learning hub. Tenants in the hub may include a library, adult education facilities and the Visitor Information Centre.

Proposal

It is proposed that the draft Foster Community Infrastructure Plan be placed on public exhibition in Foster to seek community feedback prior to adoption of the final document.

FINANCIAL CONSIDERATIONS

The Foster Community Infrastructure Plan provides Council with clear infrastructure maintenance, renewal and investment priorities to inform future capital works programs and long term financial planning.

Any improvements to current infrastructure would be considered in reference to the Blueprint for Social and Community Infrastructure with an expectation that there will be supporting community contributions.

RISKS

There is a risk of raising community expectation that Council will fund new infrastructure projects or upgrades. The document clearly articulates the financial constraints that Council is experiencing and the importance of projects being either fully community funded or a shared funding arrangement in line with the criteria set out in the Blueprint for Social and Community Infrastructure.

The document clearly states that where committees of management of Council facilities seek funding from Council for community infrastructure improvements, they are required to have developed a comprehensive Master Plan.

CONCLUSION

The draft Foster Community Infrastructure Plan allows Council and the community to make best use of existing facilities, increase use of under-utilised facilities, and support the volunteers that maintain community infrastructure and services in Foster.

Most community infrastructure meets the needs of the current and future population of Foster; however an alternative location for one or more tenants in the Stockyard Gallery building will be required in the next 5 years.

RECOMMENDATION

That Council:

- 1. Exhibit the draft Foster Community Infrastructure Plan for a period of 28 days for public comment;**
- 2. Consider submissions and where appropriate amend the Foster Community Infrastructure Plan; and**
- 3. Consider the revised plan for adoption as soon as practicable after the closing of submissions.**

E.5 POLICY REVIEW: C30 ELECTION PERIOD POLICY

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

Legislative changes to the Local Government Act 1989 introduced in October 2015 requires Council to adopt the C30 Election Period Policy by 31 March 2016 incorporating improved governance standards.

Council re-adopted its Pre-Election Policy in June 2015; however the revised legislation requires further inclusions and the re-naming of the Policy. This former policy is to be revoked and replaced with the new Election Period Policy contained in **Appendix 1**.

Document/s pertaining to this Council Report

- **Appendix 1** - C30 Election Period Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Part 3
- Local Government (Improved Governance) Act 2015
- Reforms arising from the Local Government (Improved Governance) Act 2015 – A guide for councils

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Pre-Election Policy, June 2015
- Councillor Code of Conduct, June 2013
- Acceptance of Gifts and Donations Policy, March 2014
- Councillor Support and Expenditure Policy, March 2015

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operation of the organisation.
Strategy:	4.2.2	We will monitor corporate governance processes, including risk management and skills development with the aim of ongoing improvement.

CONSULTATION

The State Government has conducted extensive consultation with the Local Government sector in the first part of its major reform of the Local Government Act 1989. This consultation identified an immediate requirement to support the integrity and efficient conduct of the 2016 elections. To this end the Local Government (Improved Governance) Act 2015 was passed by the State Government in October 2015.

The Executive Leadership Team and Councillors have been briefed on the new legislated changes. Councillors discussed the draft Election Period Policy at a briefing session on 3 February 2016.

REPORT

Background

The State Government is driving the Local Government Act 1989 reform through a staged approach. In October 2015 the State Government passed the Local Government (Improved Governance) Act 2015, as an interim stage to strengthen the Local Government Act 1989. These immediate reforms require each Victorian Council to have an Election Period Policy.

Council updated its Pre-Election Policy at the 24 June 2015 Council meeting, however the new legislation requires further inclusions to the content and a change to the policy name.

Discussion

The Local Government Act (Improved Governance) Act 2015 includes significant reforms for the Local Government Act 1989. The main changes include the following:

1. The Victorian Electoral Commission (VEC) is to be the statutory election service provider for all future Council elections.
 - a. There is no need to tender for election services;
 - b. VEC is to prepare the Council electoral rolls;
 - c. The requirement for an 'exhibition roll' has ended;
 - d. Prosecution of persons for not voting will now be the sole responsibility of the VEC;
 - e. Cost recovery of non-voting payments, including fines and court charges received will be returned to the relevant Council;
 - f. VEC has the power to challenge the validity of an election.
2. Conditions for nominating as a candidate and meeting qualification criteria for candidacy have been reinforced and strengthened.

- a. Candidates must be enrolled;
 - b. Candidates for Council must nominate in person;
 - c. Disqualification for those prohibited from managing a corporation;
 - d. New powers for the returning officer to reject the nomination of a disqualified candidate;
3. Election period (caretaker) arrangements now require all Councils to adopt and maintain an Election Period Policy. The policy and procedures need to incorporate a range of matters including:
 - a. Preventing inappropriate decisions and misuse of resources, including restricting Council from making significant policy and strategic decisions or preventing Council proceedings or resources being used for electioneering purposes;
 - b. Determining the types of decisions that can be made, including legislatively required documents such as the Annual Report or general operational and procedural reports;
 - c. Limiting public consultation and Council events to avoid creating election issues, committing the incoming Council to address issues raised or for these opportunities be used for electioneering;
 - d. A process is required to ensure equitable access to Council information so that candidates have the same access to information as Councillors have as candidates;
 - e. A time frame of 31 March 2016 has been included in the legislation for each Council to adopt an Election Period Policy and then again not later than twelve months prior to each future election. The Policy has to be in place and implemented for the election period referred to as the Caretaker Period.
4. Clarification has been provided on the Council prohibition on publishing or distributing material likely to influence voting.
 - a. Publishing or distributing material likely to influence voting at the election is prohibited during the 'election period' commencing 32 days before election day;
 - b. The CEO is required to certify documents produced during the election period to declare documents are not electoral material;
 - c. Documents that were published prior to the election period do not require certification and are not caught by the prohibition. Statutory documents permitted under legislation may continue to be disseminated during election period without limitation;

- d. Documents should still be vetted and any material that might reasonably influence the election should be temporarily withdrawn.

Proposal

The C30 Election Period Policy contained in **Appendix 1** has been developed using Council's Pre-Election Policy as the base and updating it to address the range of reforms required by the legislative changes.

It is proposed that Council revoke the former Pre-Election Policy and adopt the Election Period Policy (**Appendix 1**) in accordance with the legislative reforms aimed at strengthening governance standards for Council elections.

FINANCIAL CONSIDERATIONS

There are no specific financial implications associated with this Policy. Costs associated with the legislated appointment of the Victorian Electoral Commission to manage all Victorian Council elections and infringements associated with it will be incorporated into the Draft 2016/17 Budget.

RISKS

Council is required to adopt an Election Period Policy by 31 March 2016 to meet new legislated requirements. Failure to adopt the revised Election Period Policy and/or retain the existing Pre-Election Policy will place Council at risk of breaching the Local Government Act (Improved Governance) Act 2015 and the Local Government Act 1989.

CONCLUSION

The State Government's program of legislative reform of the Local Government Act 1989 has commenced with initial reforms introduced in October 2015. One of the requirements arising from the change is for each Victorian Council to adopt an Election Period Policy addressing the reforms required by the new legislation.

The C30 Election Period Policy contained in **Appendix 1**, once adopted, will allow Council to be compliant with the revised legislation and be in a stronger position to manage various aspects associated with the forthcoming Council election in October 2016.

RECOMMENDATION

That Council:

1. **Revoke Council's C30 Pre-Election Policy, June 2015;**
2. **Adopt the new C30 Election Period Policy contained in Appendix 1; and**
3. **Publish the adopted C30 Election Period Policy on Council's website.**

E.6 POLICY REVIEW: C34 COUNCIL LAND OWNERSHIP POLICY

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends the adoption of the revised C34 Council Land Ownership Policy which was last adopted on 24 August 2011.

Document/s pertaining to this Council Report

- **Attachment 1** – Amendments to C34 Council Land Ownership Policy 2011.
- **Attachment 2** – C34 Council Land Ownership Policy 2016 (For Adoption).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989
- Land Acquisition and Compensation Act 1986
- Victorian Government Land Monitor Policy for the Purchase Compulsory Acquisition and Sale of Land

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Council's Vision 2020

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.1	Improve the financial sustainability of Council, including diversifying revenue streams.
Strategy:	4.1.1	We will explore innovative ways of increasing revenue and reducing expenditure where appropriate.

REPORT

Background

On 24 August 2011, Council adopted the newly developed Council Land Ownership Policy (the Policy). The Policy provides for the long term guiding principles and management of Council's Land Portfolio. The Policy has a periodic review every four years which is consistent with Council's Policy Framework.

The Review

A review of the Policy identified minor amendments as follows:

1. Removal of the reference to the Victorian Government's Best Practice Guidelines for the Sale and Exchange of Land, as they are now obsolete.
2. Include a reference that the Policy is based on Legislative requirements and State Government guidelines.

A copy of these amendments is available in **Attachment 1 – Amendments to C34 Council Land Ownership Policy 2011**.

A final version of the Policy is available in **Attachment 2 – C34 Council Land Ownership Policy 2016 (For Adoption)**.

Proposal

It is proposed that Council adopt the revised Policy and that the next review occur in the 2019/20 financial year (four year cycle) or earlier, upon request by Council.

FINANCIAL CONSIDERATIONS

This Policy should facilitate better investment opportunities and economic growth within the Shire.


RISKS

As noted in the Policy, the absence of appropriate policies and procedures exposes Council to risk in the areas of increased maintenance costs, public and legal liability, poor planning and reputation.

RECOMMENDATION

That Council adopt the revised C34 Council Land Ownership Policy 2016 (Attachment 2).

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



South Gippsland Shire Council

COUNCIL LAND OWNERSHIP POLICY

Policy Number	C34	Directorate	Engineering Services
Council Item No.	E 7	Department	Property Development
Council Adoption Date	24 August 2011	Primary Author	Chris Van Der Ark
Revision Date	24 August 2015	Secondary Author	N/A

POLICY OBJECTIVE

~~The objective of this Policy is to~~ provide the guiding principles when dealing with Council land on such matters as sale, exchange, purchase and development, with the aim of:

- Providing transparent processes when selling, exchanging, purchasing and developing Council land.
- Reducing long term maintenance costs for land which has no ~~efficient community~~ immediate or long term strategic use.
- Facilitating better investment opportunities and economic growth.
- Reducing risk/liability for Council.
- Ensuring best value is achieved in land dealings.

Refer to Attachment 1 – Guiding Principles for the Sale, Exchange, Purchase and Development of Land.

LEGISLATIVE PROVISIONS

Act	Section or Clause
Local Government Act, 1989 (Vic), 1989	186A, 187A, 189, 189(2)(b), 190, 191, 192, 193, 223, clause 3, schedule 10
Land Acquisition and Compensation Act, 1986	All
Planning and Environment Act, 1987	All
Subdivision Act, 1988	Sections 20, 24 and 35
Property Law Act, 1958	All
Transfer of Land Act, 1958	All
Sale of Land Act, 1962	All
Land Act 1958	All
Road Management Act, 2004	All
Valuation of Land Act 1960	13DA(1A)

DEFINITIONS

"Council" means South Gippsland Shire Council or its predecessors.

"Land" means land for which Council:

1. is the registered proprietor;
2. is entitled to be the registered proprietor; or
3. is required to be the registered proprietor in order to facilitate its core business.

Council Land Ownership Policy

Page 1 of 7

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



COUNCIL POLICY

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"LGA" means the Local Government Act, 1989

"Public Open Space" for the purposes of this Policy, Public Open Space is defined as land for which Council is the registered proprietor and which has been created as a Reserve on a Plan of Subdivision or is contained within a Public Park and Recreation Zone within the South Gippsland Planning Scheme.

POLICY STATEMENT

As Council's Vision 2020 represents the aspirations of our diverse communities and articulates a vision of what South Gippsland should be like in the year 2020, this Policy will contribute to Council's Vision by providing appropriate guidelines when dealing with Council land and any associated sale, exchange, purchase and/or development to facilitate better investment opportunities and economic growth.

RISK ASSESSMENT

In the absence of appropriate policies and procedures, Council exposes itself to risk in the areas of increased maintenance costs, public and legal liability, poor planning and reputation. Accordingly, this Policy will contribute to reducing risk by recognising legislative requirements and referring to following the Victoria State Government's Government Polies, Best Practice Guidelines for the Sale and Exchange of Land¹.

IMPLEMENTATION STATEMENT

- This Policy will be made available on Council's website.
- This Policy will be reviewed on a 4 year cycle.

Once adopted by Council, this Policy will be reviewed on a 4 year cycle.

¹ In March 2008, the Department of Planning and Community Development released its paper entitled 'Local Government Best Practice Guideline for the Sale and Exchange of Land'. This document can be accessed from http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0017/53081/Local-Government-Best-Practice-Guideline-for-the-Sale-and-Exchange-of-Land.pdf

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



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Attachment 1

GUIDING PRINCIPLES FOR THE SALE, EXCHANGE, PURCHASE AND DEVELOPMENT OF LAND.

1. LAND EVALUATION

To determine whether or not Land is:

- surplus and can be sold or exchanged; and/or
- required to be purchased to facilitate a public purpose.

Council must conduct a land evaluation exercise to gain sufficient information on the manner and extent to which the Land contributes to Council achieving the objectives in its Vision and existing or proposed strategic initiatives.

The land evaluation exercise will consider, but is not limited to, such items as:

1. The current use, status and condition of the Land.
2. Council's planning scheme, strategic policies, strategies and plans that may govern the use of the land.
3. Is the land recognised in a community plan for the locality.
4. Can the Land contribute to an overall development which would facilitate positive economic and/or financial outcomes.
5. What is the environmental and social (cultural or otherwise) status of the Land.
6. What level of public consultation is required when ~~treating-dealing~~ with the Land? For example, should public consultation be over and above that required by Sections 189 and 223 of the Local Government Act, 1989.

2. REPORTING TO COUNCIL

Once the land evaluation exercise has been completed, an initial report to Council must be prepared which clearly articulates the justification for dealing with the Land in the manner proposed and seek a resolution to proceed. Further reports to Council may be required subject to the nature of the project.

3. LOCAL GOVERNMENT BEST PRACTICE GUIDELINES FOR SALE/EXCHANGE OF LAND

The general principles for the sale and exchange of Land ~~as provided in the Local Government Best Practice Guidelines should be followed. These guidelines~~ are summarised as follows:

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



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- 3.1. All sales and exchange of Land must comply with the provision of the LGA.

Sales and exchange of Land must be conducted through a public process (i.e. public advertising for sale or auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of Land by private treaty². Council is to explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.

- 3.2. Sales and exchange of Land should be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.

- 3.3. Generally, all sales and exchange of Land should occur at not less than the market value assessed by a valuer engaged by Council. However, in the event that land is sold for less than the market value, an explanation must be provided as to the circumstances, reasons or factors which led to the decision to recommend accepting a sale price that is less than market value.

- 3.4. Prior to being offered for sale or exchange, the Land should be appropriately zoned. This will ensure that the ultimate use of the Land is determined by that zone and the highest possible sale price is achieved.

4. SPECIFIC LEGISLATIVE REQUIREMENTS FOR THE SALE OR EXCHANGE OF COUNCIL LAND

- 4.1. Restriction on power to sell or exchange Land – Section 189 LGA

Council must comply with section 189³ of the LGA when selling or exchanging Land. Council can only be exempted from complying with Section 189 of the LGA with the approval of the Minister for Local Government pursuant to Section 193 of the LGA.

- 4.2. Valuation - Section 189(2)(b) LGA

² An example of a private treaty sale is the sale of a discontinued road to an adjoining land owner, sale of land in an inappropriate subdivision, sale of land which is not suitable for sale by a public process due to access issues or constraints on Certificate of Title to the Land or local historical reasons.

³ Section 223 does not apply to Land that has been discontinued from a Road status. Public consultation for Road is subject to a separate process and dealt with at Clause 3, Schedule 10 of the LGA.

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



COUNCIL POLICY

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Council must comply with section 189(2)(b) of the LGA. This section requires that the valuation must be obtained from a valuer holding the qualifications and experience specified under section 13DA(1) of the Valuation of Land Act 1960.

4.3. Public Open Space – Section 20 Subdivision Act 1988

Council must comply with section 20 of the Subdivision Act 1988. Section 20 requires Council to use the proceeds from the sale of any Public Open Space to:

1. Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
2. Improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for the use for public recreation or public resort, as parklands or for similar purposes; or
3. With the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

5. PROCEEDS FROM THE SALE OF LAND

- 5.1. Where the Land is not within the definition of Public Open Space, the proceeds of sale will be placed into a strategic reserve for reinvestment into Land purchases and development for enhanced community facilities and infrastructure generally within the Shire.
- 5.2. Where the Land is public open space, then Council will comply with the provisions described at 4.3 above.

6. PURCHASE AND DEVELOPMENT OF LAND

From time to time, Council will be required to purchase and/or develop Land in order to accommodate a public purpose and in connection with the performance of its functions. Examples of public purposes are:

1. Drainage easements.
2. Road widening.
3. Recreational activity.
4. Community services.
5. Office purposes.
6. Infrastructure generally.

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



COUNCIL POLICY

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Council will allocate funds for purchase and/or development through its annual budget process, capital works program, or strategic reserve. Certain funds/accounts are available only for specific purposes.

A summary of the general principles for the purchase of Land for development are as follows:

- 6.1. All purchases must comply with the provisions of the LGA and where relevant, the *Land Acquisition and Compensation Act, 1986* and *Planning and Environment Act, 1989*.
- 6.2. Purchases must be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.
- 6.3. Recognise Council's right of first refusal over Government land within its Shire⁴ and the opportunity this right presents to facilitate an identified public purpose.
- 6.4. Generally, all purchases should occur at not more than the market value assessed by a valuer engaged by Council. However, in the event that land is purchased for more than the market value, an explanation must be provided into the circumstances, reasons or factors which led to the decision to recommend offering a purchase price that is more than market value.
- 6.5. Prior to purchasing Land an investigation into the suitability of the Land for the purpose for which the Land is being bought will be conducted and in particular, an enquiry into the history of the prior uses of the Land in order to identify any potential contamination issues.
- 6.6. Once the Land has been purchased and, if necessary, the Land should be appropriately zoned for the purpose for which it was purchased (ie. a public zone).

7. LEGISLATIVE REQUIREMENTS FOR THE PURCHASE OF LAND

- 7.1. The legislative requirement for the purchase of Land is provided at Section 187 of the LGA, 1989. The *Land Acquisition and Compensation Act, 1986* may also apply.
- 7.2. Although Council is not bound by State Government procedures for the purchase, compulsory acquisition and sale of its Land, reference can be made to the Victoria Government Land Monitor Policy for the Purchase,

⁴ Refer to clause 4.3 of the Victoria Government Land Monitor Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land (August 2000).

Attachment 1 Amendments to C34 Council Land Ownership Policy 2011



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Compulsory Acquisition and Sale of Land which provides useful information when purchasing land for government purposes.

This Policy can be accessed from:

http://www.dse.vic.gov.au/data/assets/pdf_file/0020/104096/Policy_and_Instructions_for_the_Purchase_Compulsory_Acquisition_and_Sale_of_Land.pdf

Attachment 2

C34 Council Land Ownership Policy 2016 (For Adoption)



South Gippsland Shire Council

COUNCIL LAND OWNERSHIP POLICY

Policy Number	C34
Council Agenda Item No.	E.6
Council Adoption Date	23 March 2016
Revision Date	2019/20

Directorate	Sustainable Communities & Infrastructure
Department	Sustainable Communities
Primary Author	Manager Sustainable Communities
Secondary Author	Coordinator Property

POLICY OBJECTIVE

To provide the guiding principles when dealing with Council land on such matters as sale, exchange, purchase, and development, with the aim of:

- Providing transparent processes when selling, exchanging, purchasing and developing Council land.
- Reducing long term maintenance costs for land which has no immediate or long term strategic use.
- Facilitating better investment opportunities and economic growth.
- Reducing risk / liability for Council.
- Ensuring best value is achieved in land dealings.

Refer to **Attachment 1 – Guiding Principles for the Sale, Exchange, Purchase and Development of Land.**

LEGISLATIVE PROVISIONS

Act (or as amended)	Section or Clause
Local Government Act 1989 (Vic)	186A, 187A, 189, 189(2)(b), 190, 191, 192, 193, 223, Clause 3, Schedule 10
Land Acquisition & Compensation Act 1986	All
Planning and Environment Act 1987	All
Subdivision Act 1988	Sections 20, 24 and 35
Property Law Act 1958	All
Transfer of Land Act, 1958	All
Sale of Land Act, 1962	All
Land Act 1958	All
Road Management Act 2004	All
Valuation of Land Act 1960	13DA(1A)

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Page 1 of 6

Attachment 2 C34 Council Land Ownership Policy 2016 (For Adoption)



COUNCIL POLICY

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DEFINITIONS

"Council"	means South Gippsland Shire Council or its predecessors.
"Land"	means land for which Council: <ol style="list-style-type: none">1. is the registered proprietor;2. is entitled to be the registered proprietor; or3. is required to be the registered proprietor in order to facilitate its core business.
"LGA"	means the Local Government Act, 1989
"Public Open Space"	for the purposes of this Policy, Public Open Space is defined as land for which Council is the registered proprietor and which has been created as a Reserve on a Plan of Subdivision or is contained within a Public Park and Recreation Zone within the South Gippsland Planning Scheme.

POLICY STATEMENT

As Council's Vision 2020 represents the aspirations of our diverse communities and articulates a vision of what South Gippsland should be like in the year 2020, this Policy will contribute to Council's Vision by providing appropriate guidelines when dealing with Council land and any associated sale, exchange, purchase and/or development to facilitate better investment opportunities and economic growth.

RISK ASSESSMENT

In the absence of appropriate policies and procedures, Council exposes itself to risk in the areas of increased maintenance costs, public and legal liability, poor planning and reputation. Accordingly, this Policy will contribute to reducing risk by recognising legislative requirements, and referring to Victoria State Government Policies.

IMPLEMENTATION STATEMENT

- This Policy will be made available on Council's website.
- This Policy will be reviewed on a 4 year cycle.

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Page 2 of 6

Attachment 2 C34 Council Land Ownership Policy 2016 (For Adoption)



COUNCIL POLICY

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ATTACHMENT 1

Guiding Principles for the Sale, Exchange, Purchase and Development of Land

1. LAND EVALUATION

To determine whether or not Land is:

- a. surplus and can be sold or exchanged; and/or
- b. required to be purchased to facilitate a public purpose.

Council must conduct a land evaluation exercise to gain sufficient information on the manner and extent to which the Land contributes to Council achieving the objectives in its Vision and existing or proposed strategic initiatives.

The land evaluation exercise will consider, but is not limited to, such items as:

1. The current use, status and condition of the Land.
2. Council's planning scheme, strategic policies, strategies and plans that may govern the use of the land.
3. Is the land recognised in a community plan for the locality.
4. Can the Land contribute to an overall development which would facilitate positive economic and/or financial outcomes.
5. What is the environmental and social (cultural or otherwise) status of the Land.
6. What level of public consultation is required when dealing with the Land? For example, should public consultation be over and above that required by Sections 189 and 223 of the Local Government Act, 1989.

2. REPORTING TO COUNCIL

Once the land evaluation exercise has been completed, an initial report to Council must be prepared which clearly articulates the justification for dealing with the Land in the manner proposed and seek a resolution to proceed. Further reports to Council may be required subject to the nature of the project.

3. GUIDELINES FOR SALE / EXCHANGE OF LAND

The general principles for the sale and exchange of Land are summarised as follows:

- 3.1. All sales and exchange of Land must comply with the provision of the LGA.

Attachment 2 C34 Council Land Ownership Policy 2016 (For Adoption)



COUNCIL POLICY

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Sales and exchange of Land must be conducted through a public process (i.e. public advertising for sale or auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale, for example the sale or exchange of Land by private treaty¹. Council is to explain to its community the circumstances which led to its decision to use an alternative method of sale in the interests of probity, public accountability and transparency.

- 3.2. Sales and exchange of Land should be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.
- 3.3. Generally, all sales and exchange of Land should occur at not less than the market value assessed by a valuer engaged by Council. However, in the event that land is sold for less than the market value, an explanation must be provided as to the circumstances, reasons or factors which led to the decision to recommend accepting a sale price that is less than market value.
- 3.4. Prior to being offered for sale or exchange, the Land should be appropriately zoned. This will ensure that the ultimate use of the Land is determined by that zone and the highest possible sale price is achieved.

4. SPECIFIC LEGISLATIVE REQUIREMENTS FOR THE SALE OR EXCHANGE OF COUNCIL LAND

4.1. Restriction on power to sell or exchange Land – Section 189 LGA

Council must comply with Section 189 of the LGA when selling or exchanging Land. Council can only be exempted from complying with Section 189 of the LGA with the approval of the Minister for Local Government pursuant to Section 193 of the LGA.

4.2. Valuation - Section 189(2)(b) LGA

Council must comply with Section 189(2)(b) of the LGA. This section requires that the valuation must be obtained from a valuer holding the qualifications and experience specified under Section 13DA(1) of the Valuation of Land Act 1960.

4.3. Public Open Space – Section 20 Subdivision Act 1988

Council must comply with Section 20 of the Subdivision Act 1988. Section 20 requires Council to use the proceeds from the sale of any Public Open Space to:

¹ An example of a private treaty sale is the sale of a discontinued road to an adjoining land owner, sale of land in an inappropriate subdivision, sale of land which is not suitable for sale by a public process due to access issues or constraints on Certificate of Title to the Land or local historical reasons.

Attachment 2 C34 Council Land Ownership Policy 2016 (For Adoption)



COUNCIL POLICY

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1. Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
2. Improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for the use for public recreation or public resort, as parklands or for similar purposes; or
3. With the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

5. PROCEEDS FROM THE SALE OF LAND

- 5.1. Where the Land is not within the definition of Public Open Space, the proceeds of sale will be placed into a strategic reserve for reinvestment into Land purchases and development for enhanced community facilities and infrastructure within the Shire.
- 5.2. Where the Land is public open space, then Council will comply with the provisions described at 4.3 above.

6. PURCHASE AND DEVELOPMENT OF LAND

From time to time, Council will be required to purchase and/or develop Land in order to accommodate a public purpose and in connection with the performance of its functions. Examples of public purposes are:

1. Drainage easements.
2. Road widening.
3. Recreational activity.
4. Community services.
5. Office purposes.
6. Infrastructure generally.

Council will allocate funds for purchase and/or development through its annual budget process, capital works program, or strategic reserve. Certain funds/accounts are available only for specific purposes.

A summary of the general principles for the purchase of Land for development are as follows:

- 6.1. All purchases must comply with the provisions of the LGA and where relevant, the *Land Acquisition and Compensation Act, 1986* and *Planning and Environment Act, 1989*.

Attachment 2 C34 Council Land Ownership Policy 2016 (For Adoption)



COUNCIL POLICY

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- 6.2. Purchases must be in the best interest of the community and provide the best result, both financial and non-financial, for Council and the community.
- 6.3. Recognise Council's right of first refusal over Government land within its Shire² and the opportunity this right presents to facilitate an identified public purpose.
- 6.4. Generally, all purchases should occur at not more than the market value assessed by a valuer engaged by Council. However, in the event that land is purchased for more than the market value, an explanation must be provided into the circumstances, reasons or factors which led to the decision to recommend offering a purchase price that is more than market value.
- 6.5. Prior to purchasing Land an investigation into the suitability of the Land for the purpose for which the Land is being bought will be conducted and in particular, an enquiry into the history of the prior uses of the Land in order to identify any potential contamination issues.
- 6.6. Once the Land has been purchased and, if necessary, the Land should be appropriately zoned for the purpose for which it was purchased (ie. a public zone).

7. LEGISLATIVE REQUIREMENTS FOR THE PURCHASE OF LAND

- 7.1. The legislative requirement for the purchase of Land is provided at Section 187 of the LGA, 1989. The *Land Acquisition and Compensation Act*, 1986 may also apply.
- 7.2. Although Council is not bound by State Government procedures for the purchase, compulsory acquisition and sale of its Land, reference can be made to the Victoria Government Land Monitor Policy for the Purchase, Compulsory Acquisition and Sale of Land which provides useful information when purchasing land for government purposes.

This Policy can be accessed from:

http://www.dse.vic.gov.au/_data/assets/pdf_file/0020/104096/Policy_and_Instructions_for_the_Purchase_Compulsory_Acquisition_and_Sale_of_Land.pdf

² Refer to clause 4.3 of the Victoria Government Land Monitor Policy and Instructions for the Purchase, Compulsory Acquisition and Sale of Land (August 2000).

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 Councillorbe 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.

SECTION G – GENERAL QUESTION TIME

G.1 QUESTION TIME

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Responses to questions tabled and taken on notice at the previous Council Meeting 24 February 2016 are expected to be tabled at this Council Meeting 23 March 2016.

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 PERSONNEL MATTER

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of a PERSONNEL MATTER pursuant to section 89(2)(a) as provided for by the Local Government Act 1989.

SECTION H - MEETING CLOSED

NEXT MEETING

The next Ordinary Council Meeting open to the public will be held on Wednesday, 27 April 2016 commencing at 2pm in the Council Chamber, Leongatha.