



COUNCIL MINUTE

**ORDINARY MEETING NO. 403
WEDNESDAY 22 JUNE 2016
COUNCIL CHAMBERS, LEONGATHA
COMMENCED AT 2PM**

PRESENT:

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

OFFICERS:

Mr Tim Tamlin	Chief Executive Officer
Anthony Seabrook	Director Sustainability and Infrastructure Services
Bryan Sword	Director Development Services
Jan Martin	Director Community and Corporate Services
June Ernst	Coordinator Corporate Planning and Council Business
Natasha Berry	Corporate and Council Business Officer
Jodi Cumming	Corporate and Council Business Officer
Rick Rutjens	Coordinator Media & Communications
Tom Lovass	Manager Finance, Risk & Procurement

MISSION

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

SOUTH GIPPSLAND SHIRE COUNCIL

ORDINARY MEETING NO. 403 WEDNESDAY 22 JUNE 2016 COUNCIL CHAMBERS, LEONGATHA COMMENCED AT 2PM

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TimTamlin
Chief Executive Officer

SECTION A - PRELIMINARY MATTERS

A.1 WELCOME

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

A.2 OPENING PRAYER

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

Amen

A.3 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

A.4 REQUESTS FOR LEAVE OF ABSENCE

Nil

A.5 APOLOGIES

Nil

A.6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council:

1. Ordinary Meeting No. 402, held on 25 May 2016 in the Council Chambers, Leongatha be confirmed.
2. Special Meeting of Council - REVIEW AMENDMENTS AND APPROVE COUNCILLOR CODE OF CONDUCT 2016 held on 25 May 2016 in the Council Chambers, Leongatha be confirmed.
3. Special Meeting of Council - PROPOSED 2016-2017 ANNUAL BUDGET - S223 SUBMISSION CONSIDERATION AND DETERMINATION held on 1 June 2016 in the Council Chambers, Leongatha be confirmed.

MOVED: Cr Kennedy

SECONDED: Cr Davies

THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:

- 1. ORDINARY MEETING NO. 402, HELD ON 25 MAY 2016 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**
- 2. SPECIAL MEETING OF COUNCIL - REVIEW AMENDMENTS AND APPROVE COUNCILLOR CODE OF CONDUCT 2016 HELD ON 25 MAY 2016 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**
- 3. SPECIAL MEETING OF COUNCIL - PROPOSED 2016-2017 ANNUAL BUDGET - S223 SUBMISSION CONSIDERATION AND DETERMINATION HELD ON 1 JUNE 2016 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

CARRIED UNANIMOUSLY

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.

Councillor Moyha Davies declared an indirect conflict of interest by close association with respect of Council Reports Item E.3 PROPOSED ROAD OPENING / DECLARATION - WOOD COURT, FOSTER as a close relative has a home at Wood Court, Foster.

Councillor Don Hill declared a direct conflict of interest with respect of Council Reports Item E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he owns land adjoining the unused road and is the applicant.

Councillor Robert Newton declared an indirect conflict of interest with respect of two items included in the Closed Session Item 1 2015/16 COMMUNITY GRANTS ROUND 2 – ASSESSMENT as he is a Committee member on two Clubs whose grant applications are under consideration.

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.

Noted.

Ian Murphy, Recreation Coordinator declared an indirect conflict of interest in Council Report E.6 2016 DRAFT SOCCER FACILITIES PLAN - COMMUNITY CONSULTATION, having a conflicting duty in that he is a Board Member of the Gippsland Soccer League.

A.9 PETITIONS

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

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

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

Nil

A.10 COUNCILLOR REPORTS

Cr Harding addressed Council regarding two priority projects; restoration of the Long Jetty at Port Welshpool and Black Spur projects have been promised funding by the Federal Government, dependent on the results of the election.

Cr Harding addressed Council regarding attendance at the opening of ViPlus 'Grainstore' building that has been donated to the Toora area. The Lions Club have been provided access to the building for a peppercorn rent and it has been proposed to be used as Dairy Farming Museum, to hold meetings and other projects. Cr Harding as well as the Lions Club are pleased with this generous donation.

Cr Davies addressed Council regarding attendance at Rural Council Victoria Meeting to consider a motion to become a legal entity and adopt new rules. Rural Council Victoria has been successful in receiving funding by the Victorian Government of 3.5 million dollars over the next four years to deliver a number of rural Council Victoria initiatives.

Cr Hutchinson-Brooks addressed Council regarding attendance at:

- Municipal Emergency Management Planning Committee meeting and noted that it is broadening its approach to reach out to people in the community. A meeting was held by the Shire, for community members to attend and discuss topics and issues related to such things as drought and the dairy industry. The meeting allowed various groups to attend to discuss all the initiatives that the individual groups are doing within the South Gippsland area. This initiative allows the farmers of the community to be involved.**
- Fish Creek Community Development Group meeting.**

Cr Hutchinson-Brooks commented how various community groups within the Shire are finding membership numbers a challenge. He commented that as current members are in the older age bracket, it makes it difficult for the groups to keep going as there are no younger members coming up through the ranks.

Cr Kennedy addressed Council by congratulating Council's contractor Dasma for how they have been conducting waste management and mulch service delivery.

Cr Kennedy addressed Council regarding attendance at Tarwin Lower's Craft shop meeting regarding the potential sale of this land. Cr Kennedy commented how the group has donated large sums of money to local groups within the area since its establishment in 1984, including CFA and Tour De Tarwin. He also noted that 80% of stalls of the Tarwin Lower Craft Market are located on this land.

Cr Kennedy commented that local cheese producers are now buying milk directly from farmers, a small start in helping the troubled industry.

Cr Fawcett left the Council Meeting at 2.19pm and returned at 2.20pm.

Cr Newton addressed Council regarding an up and coming event, a Farmers Family Day, to be held at the Korumburra Showgrounds on the 3 July 2016 from 10am to 2pm.

Cr Newton addressed Council regarding another local event, the 50 year anniversary of the Battle of Long Tan to honour the people that served in the Vietnam war and related services overseas. This event will be held on Thursday 18 August at 5.30pm to 7.30pm at the Leongatha Hall.

Cr Newton read out a statement regarding John Murrell on behalf of the Library Board regarding his recent passing.

SECTION B - NOTICES OF MOTION AND/OR RESCISSION

B.1 NOTICE OF MOTION NUMBER 695 – THE SOUTH GIPPSLAND SHIRE COUNCIL ARTS PRIZE

BACKGROUND

Many municipalities host an annual art show to feature the creative talents of their area. South Gippsland is acknowledged to be the home, either full time or part time, of a wealth of very talented artists. This district also hosts many art exhibitions in small galleries and studios, and a range of very successful local community run art shows. However, there is currently no shire wide art show hosted by Council that focuses on works produced by artists with a direct connection to South Gippsland. This motion seeks Council to investigate the potential for such an exhibition to be created, including an assessment of all costs and how such a show could complement the existing art shows and exhibitions provided in South Gippsland.

MOTION

I, **Councillor Kennedy**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **22 June 2016**.

‘That Council:

1. Receive a report at the 24 August 2016 Ordinary Council Meeting on how Council could coordinate and present an Annual 2D Visual Arts prize open to residents and artists with a proven connection to South Gippsland.
2. The report should include all associated costs and explore the potential for the event to be linked to other Art shows currently held in the Shire.’

MOVED: Cr Kennedy

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. RECEIVE A REPORT AT THE 24 AUGUST 2016 ORDINARY COUNCIL MEETING ON HOW COUNCIL COULD COORDINATE AND PRESENT AN ANNUAL 2D VISUAL ARTS PRIZE OPEN TO RESIDENTS AND ARTISTS WITH A PROVEN CONNECTION TO SOUTH GIPPSLAND.**
- 2. THE REPORT SHOULD INCLUDE ALL ASSOCIATED COSTS AND EXPLORE THE POTENTIAL FOR THE EVENT TO BE LINKED TO OTHER ART SHOWS CURRENTLY HELD IN THE SHIRE.**

AMENDMENT

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Harding

THAT COUNCIL:

- 1. INVESTIGATE AS PART OF THE ARTS STRATEGY ON HOW COUNCIL COULD COORDINATE AND PRESENT AN ANNUAL 2D VISUAL ARTS PRIZE OPEN TO RESIDENTS AND ARTISTS WITH A PROVEN CONNECTION TO SOUTH GIPPSLAND.**
- 2. THE ARTS STRATEGY SHOULD INCLUDE ALL ASSOCIATED COSTS INVOLVED IN RUNNING AN ANNUAL 2D VISUAL ARTS PRIZE AND EXPLORE THE POTENTIAL FOR THE EVENT TO BE LINKED TO OTHER ART SHOWS CURRENTLY HELD IN THE SHIRE.'**

The AMENDMENT was CARRIED UNANIMOUSLY and is now the Motion before the Chair.

The Motion was CARRIED UNANIMOUSLY.

B.2 NOTICE OF MOTION NUMBER 696 – IMPROVED GOVERNANCE ARRANGEMENTS AND A MORE OPEN TRANSPARENT COUNCIL PROCESS

PURPOSE

It has become apparent during this council that governance standards have reduced and council is arguably less transparent in its decision making processes nowadays.

At a time when other councils are beginning to implement a more open and transparent process for council meetings, at South Gippsland we are making more decisions in closed meetings and limiting the ability of open council to both question decisions and motions that come before council. We have for example decided by majority opinion not to allow individual councillors to ask question during question time despite this being normal practice for at least the last 8 years of recorded council minutes. This decision was not taken at an open council meeting-it was determined by a “straw poll” in a closed council/executive session. A practice frowned upon by the Local Government Ombudsman.

MOTION

I, **Councillor Don Hill**, advise that I intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **22 June 2016**.

‘That Council receive a report at the 24 August 2016 Ordinary Council Meeting exploring the following options:

1. Live streaming of the Open Special and Ordinary Council Meetings of South Gippsland Shire Council directly to the internet, as is now occurring at some other Councils within Australia.
2. Implementing a question time section for Councillors at each Council Meeting alongside the existing question time for ratepayers. The Purpose of which is to be able to hold council accountable in open Council as occurs at all other levels of Government within Australia.
3. Implementation of annual training for Mayors/Chairs on correct interpretation of the Local Law and how to treat all Councillors equally and fairly as detailed within the panel report received at 27 April 2016 meeting in point 84.’

MOVED: Cr Hill

SECONDED: Cr McEwen

**THAT COUNCIL RECEIVE A REPORT AT THE 24 AUGUST 2016
ORDINARY COUNCIL MEETING EXPLORING THE FOLLOWING
OPTIONS:**

- 1. LIVE STREAMING OF THE OPEN SPECIAL AND ORDINARY
COUNCIL MEETINGS OF SOUTH GIPPSLAND SHIRE COUNCIL
DIRECTLY TO THE INTERNET, AS IS NOW OCCURRING AT SOME
OTHER COUNCILS WITHIN AUSTRALIA.**
- 2. IMPLEMENTING A QUESTION TIME SECTION FOR COUNCILLORS
AT EACH COUNCIL MEETING ALONGSIDE THE EXISTING
QUESTION TIME FOR RATEPAYERS. THE PURPOSE OF WHICH IS
TO BE ABLE TO HOLD COUNCIL ACCOUNTABLE IN OPEN
COUNCIL AS OCCURS AT ALL OTHER LEVELS OF GOVERNMENT
WITHIN AUSTRALIA.**
- 3. IMPLEMENTATION OF ANNUAL TRAINING FOR MAYORS/CHAIRS
ON CORRECT INTERPRETATION OF THE LOCAL LAW AND HOW
TO TREAT ALL COUNCILLORS EQUALLY AND FAIRLY AS
DETAILED WITHIN THE PANEL REPORT RECEIVED AT
27 APRIL 2016 MEETING IN POINT 84.**

LOST

For: Crs Kennedy, Hill and McEwen.

**Against: Crs Fawcett, Brunt, Harding, Davies, Newton and Hutchinson-
Brooks.**

B.3 NOTICE OF MOTION NUMBER 697 – PUBLIC WI-FI OPTIONS FOR SOUTH GIPPSLAND

BACKGROUND

Leongatha in particular and many towns in South Gippsland have vacant shops and are already suffering a downturn because of the impact of reduced milk prices to our dairying community. Retail precincts in rural areas are under increased competition from internet shopping. This is anticipated to continue to grow over the next decade. Retail experts say that shopping precincts need to be clear about their vision, be digitally connected and offer destination experience that are contemporary to attract people.

Meeniyian Progress Association and the Meeniyian Traders through the leadership of Richard Powell have introduced free Wi-Fi in Meeniyian. When people break their journey they usually explore the town, have a coffee and food and use its services. Sixty-five percent of people already use smart devices (I-phones, ipads, tablets) to access information for shopping and tourist information.

Meeniyian Wi-Fi has recorded some 31,000 hits in the past 20 months. People seek out free Wi-Fi hot spots to access the internet. It is estimated that each person spends \$10- \$20 per visit. This boosts retail activity by approximately \$20- \$30k a month, which is adding to turnover and the wellbeing of businesses.

While there are a growing number of Councils (10-20), who have Wi-Fi hot spots and a few towns that have free Wi-Fi services, there is no Shire or Council that has a comprehensive service for their towns and suburbs. If council resolved to work in partnership with traders and businesses this would be a landmark event and become a unique selling proposition for our Shire that would attract people to visit and spend money in our towns.

The basic cost of equipment is around \$2,500 for towns with repeaters being around and additional \$250. One system has coverage of some 183m. All that is required is a phone line and a payment of around \$80 per month for the internet service. Each town would have to be assessed for the number of repeater stations, as their site and layout would require to be assessed etc. Any user can have limits placed on their download per day.

In Meeniyian the Progress Association initiated the project and provided some funds towards its cost. The project was handed over to the Meeniyian Tourist and Traders Association who will pay for ongoing costs.

If council were to proceed, this would generate significant publicity for branding South Gippsland Shire and its respective local towns and districts and add to prosperity of the Shire.

MOTION

We, **Councillors Andrew McEwen and Don Hill**, advise that we intend to submit the following motion to the Ordinary Council Meeting scheduled to be held on **22 June 2016**.

‘That Council receive a report prior to the December 2016 Ordinary Council Meeting that details the associated costs and benefits of introducing a free Wi-Fi service to the main service and tourist towns of South Gippsland. This report should also include options and opportunities to partner with the relevant Business, Traders and Progress Associations.’

MOVED: Cr Hill

SECONDED: Cr Kennedy

THAT COUNCIL RECEIVE A REPORT PRIOR TO THE DECEMBER 2016 ORDINARY COUNCIL MEETING THAT DETAILS THE ASSOCIATED COSTS AND BENEFITS OF INTRODUCING A FREE WI-FI SERVICE TO THE MAIN SERVICE AND TOURIST TOWNS OF SOUTH GIPPSLAND. THIS REPORT SHOULD ALSO INCLUDE OPTIONS AND OPPORTUNITIES TO PARTNER WITH THE RELEVANT BUSINESS, TRADERS AND PROGRESS ASSOCIATIONS.

AMENDMENT

MOVED: Cr McEwen

SECONDED: Cr Davies

THAT COUNCIL RECEIVE A REPORT IN DECEMBER 2016 ORDINARY COUNCIL MEETING THAT DETAILS THE ASSOCIATED COSTS AND BENEFITS OF INTRODUCING A FREE WI-FI SERVICE TO THE MAIN SERVICE AND TOURIST TOWNS OF SOUTH GIPPSLAND. THIS REPORT SHOULD ALSO INCLUDE OPTIONS AND OPPORTUNITIES TO PARTNER WITH THE RELEVANT BUSINESS, TRADERS AND PROGRESS ASSOCIATIONS.

Cr Fawcett left the Council Meeting 3.03pm.

MOVED: Cr Davies

THAT THE MOTION BE NOW PUT.

The AMENDMENT was CARRIED UNANIMOUSLY and is now the Motion before the Chair.

Cr Fawcett returned to the Council Meeting at 3.05pm.

The Motion was CARRIED UNANIMOUSLY.

SECTION C - COMMITTEE REPORTS

Nil

SECTION D – PROCEDURAL REPORTS

D.1 FINANCE PERFORMANCE REPORT MAY 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This Report provides an overview of Council's financial performance for the period July 2015 to May 2016. It shows the following high level outcomes:

- Operating result: \$5.21 million surplus which is \$1.91 million favourable compared to the year-to-date budget projection of \$3.30 million surplus.
- Capital works: \$14.35 million expenditure which is \$436,000 behind year-to-date budget of \$14.79 million.
- Cash assets: Projected 30 June \$11.35 million (original budget \$13.85 million)
- Underlying working capital ratio: Projected 30 June 1.87 to 1 (original budget 1.62 to 1)
- The projected financial outcome for 2016/17 is a \$2.45 million surplus. This is \$2.84 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 longer term financial performance indicators show that the financial plan (adjusted for budget carry forwards and other budget adjustments) is financially sustainable.

Document/s pertaining to this Council Report

- **Appendix 1** - Financial Performance Report to 31 May 2016.

A copy of **Appendix 1 - Financial Performance Report to 31 May 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

Each year Council 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 the annual budget process.
- May: Report provides Council with the 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 2015/16 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 May 2016 period.

The longer term financial performance indicators show that the Long Term Financial Plan is financially sustainable.

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 May 2016. The Long Term Financial Plan remains financially sustainable.

RECOMMENDATION

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

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

**THAT THE RECOMMENDATIONS IN ITEMS D.1, D.2 AND D.3 BE
ADOPTED.**

CARRIED UNANIMOUSLY

D.2 REPORT ON ASSEMBLY OF COUNCILLORS: 22 APRIL – 21 MAY 2016

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 in 2016.

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

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 27 April 2016		
Ordinary Council Agenda Topic Discussion – 27 April 2016	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, McEwen, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information on Council agenda items for the Ordinary Council Meeting 27 April 2016.	
Public Presentation OPEN SESSION	Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, McEwen, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed.	
Presentations were made to Council by the following community members: Chris Buckingham , Labor Candidate for the seat of McMillan addressed Council regarding Council Agenda item B.2 NOTICE OF MOTION NUMBER 692 – RENAME FEDERAL GOVERNMENT SEAT OF MCMILLAN. Paul Norton , addressed Council regarding Council Agenda item E.7 COUNCILLOR CONDUCT PANEL REPORT DETERMINATION – INITIATED BY CR FAWCETT, CR DAVIES AND CR BRUNT REGARDING CR HILL. David Amor , Community member Korumburra addressed Council regarding Council Agenda item B.1 NOTICE OF MOTION NUMBER 691 - AN ALTERNATIVE APPROACH TO A \$32 MILLION MUNICIPAL OFFICE COMPLEX.		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 27 April 2016		
Executive Update	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p>	<ul style="list-style-type: none"> • Sandy Point mobile phone tower • Memorial Hall Fees and Charges • Council purchase of part laneway in Foster as part of the Foster Streetscape
Ordinary Council Agenda Topic Discussion – 27 April 2016	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p>	<p>Councillors were provided information on Council agenda items for the Ordinary Council Meeting 27 April 2016.</p>
Thursday 28 April 2016		
Korumburra Round Table	<p>Councillors Attending: Crs Brunt and Hill.</p> <p>Conflict of Interest: nil disclosed</p> <p>Topics Discussed:</p>	<ul style="list-style-type: none"> • Council update: Council Meeting 27 April 2016: <ul style="list-style-type: none"> ○ Korumburra Streetscape Master Plan ○ Northern Towns announcement of funding ○ Leongatha Streetscape Plan ○ Visitor Services Review • Korumburra signage issues – town entries, removal of old town entry sign, old sign by saleyards, etc. • Community engagement and consultation between Korumburra Round Table and other Korumburra Community groups to identify projects in order to prepare a Community Direction Statement. • Membership and future role of the Round Table

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 May 2016		
Planning Briefing	<p>Councillors Attending: Crs Newton, Davies, Harding, Brunt, Kennedy, Fawcett, Hutchinson-Brooks and McEwen.</p> <p>Conflict of Interest:</p> <p>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 <i>Koonwarra Agricultural Commercial Precinct Project as he is a Director of the Company that are consultants to the proponents.</i></p> <p>Topics Discussed:</p> <ul style="list-style-type: none">• Strategic Planning Project List• Environmental Overlay Review & Building on Steep Slopes Guidelines• 90 Walkerville Road Tarwin Lower – Rezoning Enquiry – Farming Zone to the Low Density Residential Zone• Planning Applications of Significance• Decisions for March 2016• VCAT Decisions	
Foster and Mirboo North Library Floor Space	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were provided information on Foster and Mirboo North Library Floor Space in conjunction with current demand and future population growth.</p>	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 May 2016		
Executive Update	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <ul style="list-style-type: none"> • Council Budget 2016/17 Section 223 Community Consultation update 	
Caravan Park Review	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were provided information regarding the Caravan Park Review.</p>	
Nyora Development Strategy – Draft for Consultation	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were provided information on the Nyora Development Strategy – draft for consultation.</p>	
Mirboo North Structure Plan – Draft for Consultation	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, McEwen and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were provided information on the findings of the Mirboo North Structure Plan review and direction of the proposed strategy: <i>Mirboo North Structure Plan Refresh</i>.</p>	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 4 May 2016		
Korumburra Town Centre Streetscape Master Plan	Councillors Attending: Crs Kennedy, Brunt, Harding, Newton, Davies, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information on Korumburra Town Centre Streetscape Master Plan.	
Councillor / CEO Session	Councillors Attending: Crs Kennedy, Brunt, Harding, Newton, Davies, Hill and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: <ul style="list-style-type: none">• Streaming Council Meetings• Councillor Relationships• Supporting our Farmers	
Wednesday 18 May 2016		
Review of Community Grants Program for 2016/17 – Including Councillor Discretionary Fund Review	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information and reviewed the current Community Grants Policy and Guidelines.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 May 2016		
2015/16 Community Grants Round 2 Assessment	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks. Conflict of Interest: The Mayor, Cr Newton left the room at 9.53am with two declared conflicts of interest. Cr Robert Newton declared an indirect conflict of interest by conflict of duty under Section 78B of the Local Government Act (1989) in an application for consideration, Korumburra Golf Club application as he <i>is a member of the Korumburra Golf Club</i> . Cr Robert Newton declared an indirect conflict of interest by conflict of duty under Section 78B of the Local Government Act (1989) in an application for consideration, Leongatha Chamber of Commerce and Industry application as he <i>is a member on the fund raising committee for the Lennie Gwyther statue</i> . Topics Discussed: Councillors were provided information on the current Community Grants assessment round, each application was outlined and discussed.	
Community Budgeting	Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks. Conflict of Interest: nil disclosed. Topics Discussed: Councillors were provided information and considered future options for conducting Community Budgeting for 2017/18.	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 May 2016		
Executive Update	<p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p>	<p>Topics Discussed:</p> <ul style="list-style-type: none"> • Caravan Park Update • Korumburra Development Proposal • Community group meeting to discuss the economic impact of dairy farming in South Gippsland and the role of various groups. • Rail Freight Alliance Membership • Victorian Railways
<p>Sustainability Strategy - Progress Update on 2011 Implementation Plan & 2016 Strategy Revision</p>	<p>Councillors Attending: Crs Fawcett, Harding, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided an update on the Sustainability Strategy - 2011 Implementation Plan & 2016 Strategy Revision and considered options to progress to the next stage.</p>
<p>6-12 Smith Street, Leongatha</p>	<p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p>	<p>Topics Discussed:</p> <p>Councillors were provided information regarding Council's property at 6 – 12 Smith Street, Leongatha.</p>

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 May 2016		
Franklin River Reserve - Impacts of Free-of-Charge Camping	<p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors were provided information on the impacts of the Free of Charge camping and considered strategies to overcome various issues.</p>	
<p>Public Presentation</p> <p>OPEN DAY SESSION</p>	<p>Councillors Attending: Crs Fawcett, Brunt, Harding, Newton, Davies and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p>	
<p>Presentations were made to Council by the following community members:</p> <p>David Amor addressed Council regarding Leongatha Recreation Reserve.</p> <p>Barbara Look, Community Strengthening SGSC, Graeme Green, Corner Inlet Men's Shed and John Hyett, Venus Bay/Tarwin Lower Men's Shed addressed Council regarding an update of the Men's Sheds throughout the region.</p> <p>Rhett McLaren, Event Manager for Unify Music Festival Tarwin Lower addressed Council on the success of the Festival in January 2016 and proposal for the future event in January 2017.</p> <p>Bob Wylie, Vice President, Meeniyen Bowling Green Committee addressed Council regarding Meeniyen Bowling Green Committee, seeking Council assistance for a Community Grant application for a new synthetic green.</p> <p>Ralph Gallagher addressed Council regarding a late submission he made to the Council Budget 2016/17.</p> <p>Paul Norton addressed Council with his response to questions that Council had answered from Council Minute 27 April 2016.</p> <p>Matthew Sherry addressed Council regarding Caravan Parks and accountability to the rate payer, and concern he has with the Long Jetty Caravan Park.</p>		

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 May 2016		
Budget Section 223 Submission Briefing	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, Hill and Hutchinson-Brooks.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors reviewed submissions that were being heard in the afternoon.</p>	
<p>Council Budget Section 223 Submission Hearing</p> <p>OPEN SESSION</p>	<p>Councillors Attending: Crs Fawcett, Kennedy, Brunt, Harding, Newton, Davies, Hill, Hutchinson-Brooks and McEwen.</p> <p>Conflict of Interest: nil disclosed.</p>	
<p>Presentations were made to Council by the following community members:</p> <ol style="list-style-type: none"> 1. Neil Breeden and Ken O'Neill 2. Michael Lester, representing Prom Coast Arts Council & SG Art Alliance 3. Lillian Brittain, representing Spring in South Gippsland 4. Paul Katsieris, representing Walkerville Ratepayers and Residents Association 5. Donald Atkins 6. Vincent Morfuni 7. Meg Knight 		
Budget Section 223 Submission Briefing	<p>Councillors Attending: Crs Fawcett, Brunt, Newton, Davies, Hill, Hutchinson-Brooks and McEwen.</p> <p>Conflict of Interest: nil disclosed.</p> <p>Topics Discussed:</p> <p>Councillors reviewed submissions that had been heard.</p>	

Meeting Title	Councillors Attending and Disclosures of Conflict of Interest	Topics Discussed
Wednesday 18 May 2016		
Public Presentation OPEN EVENING SESSION	Councillors Attending: Crs Fawcett, Brunt, Newton, Davies, Hutchinson-Brooks, McEwen and Hill. Conflict of Interest: nil disclosed.	
Presentations were made to Council by the following community members: Lorcan Heneghan , representing the Leongatha Knights Football Club addressed Council by seeking Council support in the application process for Sport and Recreation Victoria Grant funding to upgrade their football ground.		
Toora Station Park Advisory Group Meeting	Councillors Attending: Cr Harding Conflict of Interest: nil disclosed. Topics Discussed: <ul style="list-style-type: none">• Toora Station Park Advisory Group Meeting Management Plan• Meeting cycle suggested twice annually• ViPlus Opening Celebration	

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 Briefing at its meeting held on Wednesday 4 May 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.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 18.

D.3 DOCUMENTS SEALED AND CONTRACTS AWARDED, VARIED OR EXTENDED BY THE CHIEF EXECUTIVE OFFICER - 23 APRIL TO 20 MAY 2016

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 23 April to 20 May 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 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 April to 20 May 2016.

1. S173 Agreement between South Gippsland Shire Council and the owner of 45 Cahills Outlet Road, Kardella South in relation to the development of a dwelling and ancillary works – Seal Applied 2 May 2016.
2. S173 Agreement between South Gippsland Shire Council and the owner of 10 Graham Avenue, Venus Bay in relation to the development of a single dwelling – Seal Applied 10 May 2016.
3. S173 Agreement between South Gippsland Shire Council and the owner of 5 Paris Crescent, Venus Bay in relation to the development of a dwelling – Seal Applied 10 May 2016.
4. S173 Agreement between South Gippsland Shire Council and the owner of 15 Fishermans Road, Venus Bay in relation to the development of land with a single dwelling – Seal Applied 20 May 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, 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.

The following contracts were awarded between 23 April and 20 May 2016 under the CEO's delegation following a public tender.

1. Tender RFT/100 Provision of Cleaning Services - Various Office Sites awarded to KC Facility Services Pty Ltd for a three year period (with optional 2 X 1 year extensions) for the annual lump sum amount of \$59,459.40 (including GST);
2. Tender RFT/101 Management and / or Cleaning Services of the Leongatha Memorial Hall Complex awarded to Cleaning Wizard Australia Pty Ltd for a three year period (with optional 2 X 1 year extensions) for the annual lump sum amount of \$61,935.50 (including GST);
3. Tender RFT/104 Supply and Implementation of a Software as a Service Financial Solution awarded to PrimeQ Pty Ltd which comprises a three year software licence agreement of \$297,264 (excluding GST) and an Implementation Services contract for the lump sum amount of \$240,000.00 (excluding GST), each of which falls within the allocation in the Council adopted Annual Budget.
4. Tender RFT/98 Supply and Delivery of One Motor Grader awarded to William Adams Pty Ltd for the lump sum amount of \$382,800.00 (including GST) and the trade-in offer from William Adams Pty Ltd of \$70,400.00 (including GST) for Council's 2009 Volvo G940 Grader ;

and
5. Tender RFT/92 Supply and Implementation of a Unified Communications System awarded to IComm Australia Pty Ltd for the lump sum amount of \$244,856.54 (excluding GST).

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 April to 20 May 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 were no contract extensions approved by the CEO for any contracts which in total exceeded the CEO's delegation during the period 23 April to 20 May 2016.

RECOMMENDATION

That Council receive and note this report.

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 18.

SECTION E - COUNCIL REPORTS

E.1 **MIRBOO NORTH STRUCTURE PLAN REFRESH - DRAFT FOR CONSULTATION**

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Mirboo North Structure Plan Refresh is an annual plan initiative. The current Mirboo North Structure Plan (2004) aims to guide future land use and development for the 15 years between 2004 and 2019. However, since the Structure Plan was prepared, there have been changes to planning controls and State Government requirements. The existing plan has been "refreshed" to respond to these changes, incorporate other Council work that has been undertaken and improves policy for decision-making.

Mirboo North Structure Plan Refresh ("the Plan" - see **Attachment 1**) sets out how further growth should be accommodated as the town grows. It focuses town growth within the centre of the township. It proposes some changes to policy and controls in the South Gippsland Planning Scheme in relation to land use, built form and landscape, access and open space. This report recommends that the Mirboo North Structure Plan be presented to the community for consultation.

Document/s pertaining to this Council Report

- **Attachment 1** - Mirboo North Structure Plan Refresh
- **Attachment 2** - Mirboo North Structure Plan Refresh - Appendix A Land Use Analysis
- **Attachment 3** - Mirboo North Structure Plan Map 2004

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Planning and Environment Act 1987
- Gippsland Regional Growth Plan (2014)
- Planning Practice Note 58 - Structure Planning for Activity Centres (2015)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Mirboo North Structure Plan (2004)
- Mirboo North Community Infrastructure Plan (2014)
- South Gippsland Housing & Settlement Strategy (2013)
- South Gippsland Heritage Study (2004)

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:	3.1.5	We will encourage sustainable development that promotes the health, well-being and unique character of the community.

CONSULTATION

Council has consulted with key external agencies: Gippsland Water, South Gippsland Water, Country Fire Authority, West Gippsland Catchment Management Authority and the Department of Environment, Land, Water and Planning.

Internally, consultation has taken place with Council's statutory planning, social planning, engineering and community strengthening teams.

REPORT

Background

The current Mirboo North Structure Plan (the 2004 Structure Plan) aims to guide future land use and development for the 15 years between 2004 and 2019. However, since the Structure Plan was prepared, there have been changes to planning controls and State Government requirements that mean the existing plan needs to be 'refreshed'. Since the preparation of the 2004 plan bushfire and water catchment controls have changed and there have been other changes to planning policy including changes to zone controls. For example, the permissible lot size in the Low Density Residential Zone has been reduced from 0.4ha (approximately 1 acre) to 0.2ha (approximately 1/2 acre) where sewer is provided. State Government requirements for structure plans have also changed in this time. It is no longer appropriate for arrows to indicate a direction for growth with no boundaries showing where this is expected to stop (see **Attachment 3**). Reviewing the structure plan also provides the opportunity to improve existing policy and consider other changes that have occurred during this time including any changes to community views on town development.

CONTEXT

Mirboo North is the third largest town in South Gippsland with 1,611 residents in 676 dwellings (2011 Census). The population is expected to approach 2,000 in the next 20 years with three to six additional dwellings needed each year. Over the past six years, an average of six dwellings have been built each year. In 2015, 13 building permits were issued for new dwellings, indicating continued growth in coming years.

CURRENT POLICY

State Government direction for this town supports sustainable change, specifically small-scale residential, commercial and industrial development [Gippsland Regional Growth Plan (2014)]. It also supports the protection of the agricultural and forestry land surrounding Mirboo North, particularly for food production. The Regional Growth Plan recognises that the town's growth is subject to bushfire risk and the declared water supply catchment considerations.

The 2004 Structure Plan was implemented into the South Gippsland Planning Scheme by Amendment C46 in 2010. This amendment introduced the existing local policy and Framework Plan for Mirboo North into Clause 21.15. A review of existing policy and the Structure Plan have found that a number of improvements could be made. The policy statements could provide greater guidance for decision-making in instances where a permit is required. Many of the existing policy statements provide little guidance in the case of permit required uses for the relevant zone (where a permit is required). An updated structure plan has the potential to be more user-friendly. It would also recognise other strategic work that has been completed since 2004.

Discussion

INTRODUCTION

The Structure Plan Refresh ("the Plan" - **Attachment 1**) sets out the direction for future growth for Mirboo North, taking into consideration the town's constraints and opportunities. The Plan provides objectives, strategies and actions in relation to the following four themes:

- Land Use
- Built Form & Landscape
- Access
- Spaces

Objectives and strategies will be implemented through changes to the South Gippsland Planning Scheme.

CONSTRAINTS

Mirboo North faces a number of challenges and/or limitations in relation to future growth including:

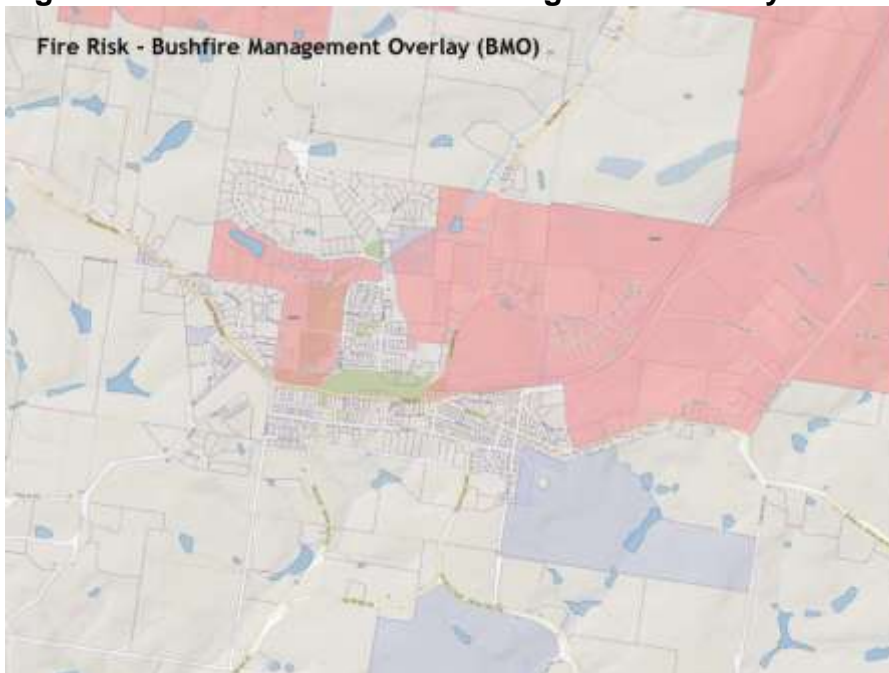
- Fire risk
- Erosion and landslip risk
- Difficulties with infrastructure servicing – especially reticulated sewer
- Potable water catchment restrictions

Recognition of these issues should be better reflected in the Structure Plan and the related Mirboo North Framework Plan in the Planning Scheme.

Fire Risk

Fire authorities have assessed Mirboo North as having a very high bushfire risk. Factors that contribute to this risk are the town's location on a ridge, the area's hilly nature and dense vegetation. The town and surrounding areas is a 'Designated Bushfire Prone Area' where specific bushfire construction standards apply for buildings. The Bushfire Management Overlay (BMO) also applies to large areas of the north and north-east of the township. The BMO identifies land that may be significantly affected by bushfire and triggers the need for a planning permit for certain developments and requires that new development implements appropriate bushfire protection measures. Growth in areas affected by the BMO will require careful management. In other areas, growth is proposed but needs to be carefully managed to minimise fire risk such as with buffers from forested areas.

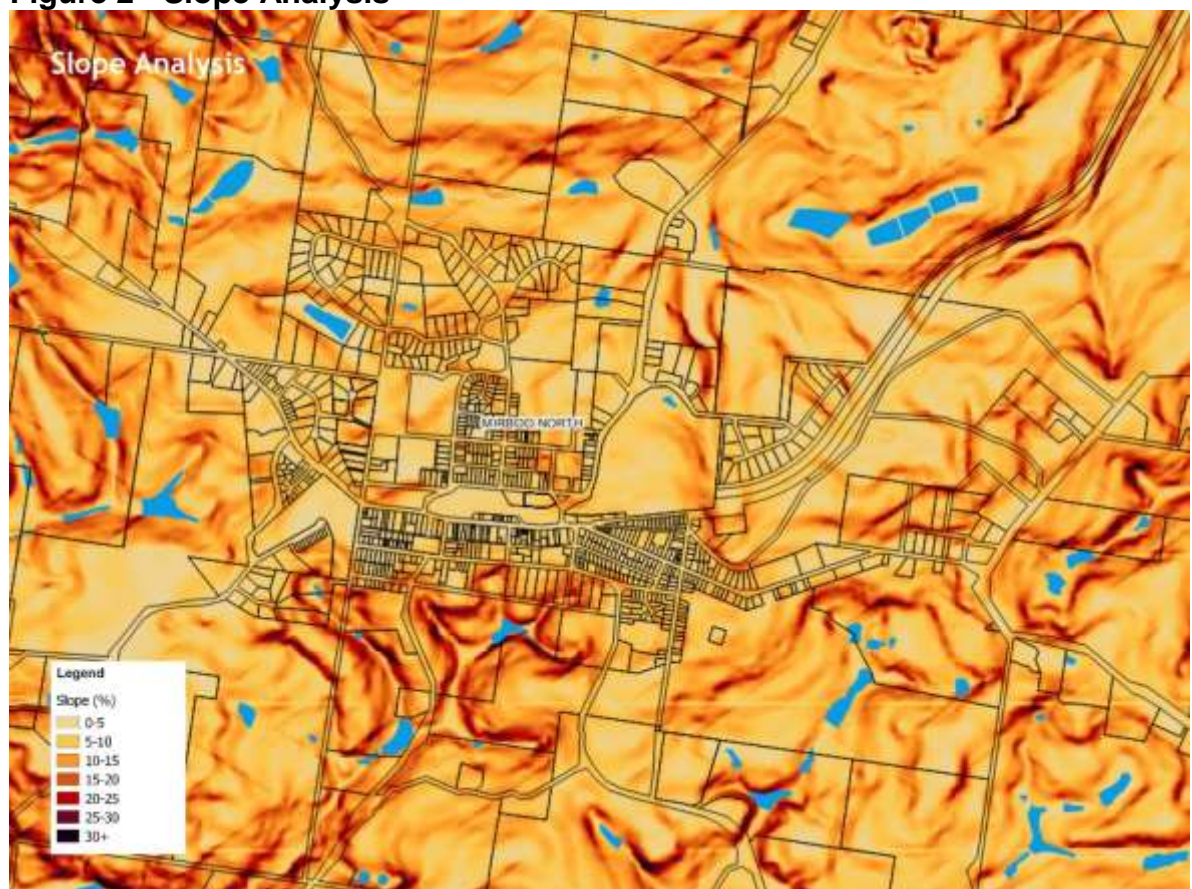
Figure 1 - Fire Risk - Bushfire Management Overlay



Erosion & Landslip Risk

Land in and around Mirboo North is susceptible to erosion and landslip. Key factors that contribute to this susceptibility are land slope and soil type. In general, the flattest land in Mirboo North has already been developed. Future growth should avoid development and access to development on steep land, particularly land with a slope greater than 20 per cent. To minimise erosion and landslip risk, expansion of the town boundary should be avoided particularly to the west and the south of the town where steep land is present. Management of future growth within the town boundary should consider development intensification in flat areas and development in line with the Design Guidelines for Building on Steep Land (2016).

Figure 2 - Slope Analysis



Infrastructure servicing

Gippsland Water provides water and gravity-feed sewer services. To the south of the town (most land south of Ridgway), sewer connection is necessary because of the land's location in a potable water catchment.

Growth of the town is constrained by access to water and sewer infrastructure, particularly sewer infrastructure. Infrastructure for existing urban land within the town can generally support further growth. Notable exceptions to this are the General Residential Zone (GRZ) land south of Giles

Street and the GRZ land on Railway Road east of Murray Street and south of the Grand Ridge Rail Trail where sewer provision is technically difficult and not cost effective for Gippsland Water to service. Some existing Low Density Residential Zone areas are also difficult to service and will continue to require on-site containment into the long term.

Expansion of the town boundaries is limited by the ability to install and maintain water and sewer infrastructure. Land generally falls away from the existing township area, meaning that existing sewer infrastructure is unable to service possible growth areas. This occurs to the west, where the existing sewer pump station is almost at capacity. Servicing the area south of the current township boundary is also difficult where a new pump station and associated infrastructure would be required. This is estimated to cost over \$1 million. Water supply to these areas, however, is not expected to be a problem. For south eastern expansion on the other hand, water pressure will be an issue. A pump will be needed to pressurise the water. Such a pump has a high risk of pump failure. A new pump station will also be required. Again this is likely to cost over \$1 million.

Potable water catchment restrictions

While Mirboo North is within the jurisdiction of Gippsland Water for the provision of water and sewerage services, south of the ridge (approximately along Ridgway) Mirboo North is affected by South Gippsland Water's Tarwin River potable water supply catchment. The catchment protects the quality of the drinking water for townships to the south (notably Meeniyah and Dumbalk) that draw their water from the Tarwin River.

New State Government restrictions introduced in the past five years make development in the catchment much more restrictive. Critically for townships it means that urban land rezonings must be connected to the reticulated sewer system. This requirement, combined with the abovementioned cost of providing sewer, means that expansion of the township into the catchment should not be supported.

Figure 3 - Tarwin River Special Water Supply Catchment



Urban Design Considerations

Existing residential land to the north of the town is as far as a 2 kilometre walk from the town centre and without continuous footpath connection. Further expansion in this direction is not recommended due to its distance from the town.

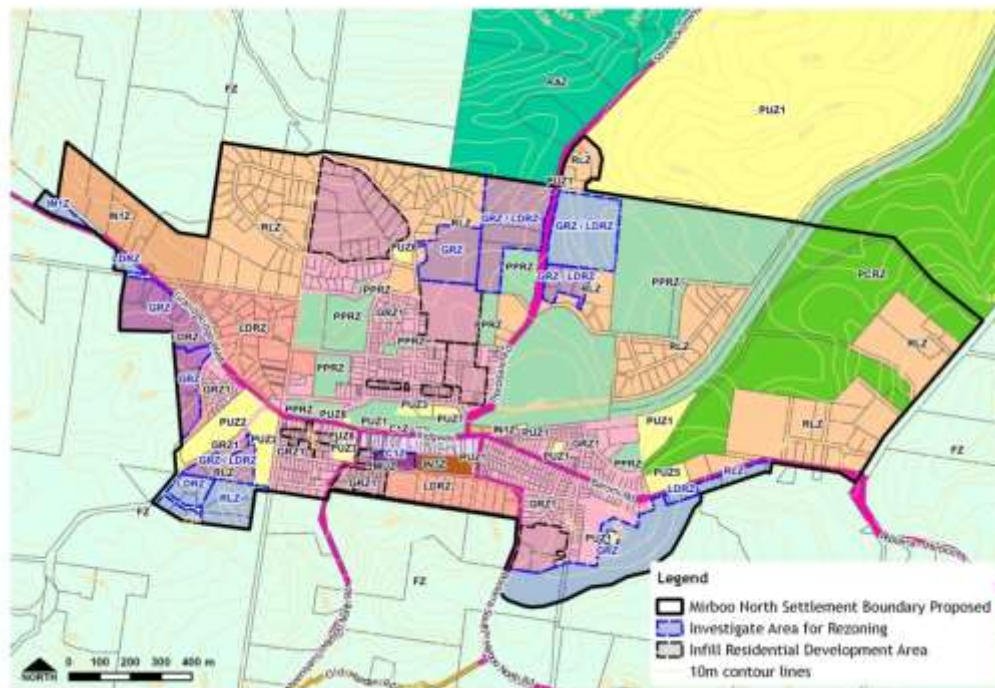
Many of the existing subdivisions are designed with lot layout, road and open space configurations that make rezoning to achieve higher density difficult to achieve. A number of the existing and developed subdivisions on the edge of the township do not provide connection points to adjoining greenfield land that might be suitable for long term development. These long established problems make integrated urban design difficult to achieve without significant disruption to existing residents.

LAND USE

Location for Future Growth

Generally land that is easy to develop in Mirboo North has already been developed. Most sites which appear at first sight to have development opportunities are subject to constraints such as those mentioned above. In response to this, future growth should be concentrated within urban areas, particularly within walking distance (400m) of the town centre, and may be facilitated through rezoning existing urban land to more intense residential uses (i.e. Low Density Residential Zone to General Residential Zone). The Plan identifies vacant and underdeveloped land, land within walking distance for residential intensification and recommends areas to be investigated for rezoning as shown in the following figure.

Figure 4 - Land Use Recommendations



Commercial Expansion

While there does not appear to be a shortage of retail space in the town, the options for commercial expansion are limited. It is expected that in another 20 years the town's population will support a supermarket with a total site area up to 1,000sqm. The existing supermarket would need additional space for this to occur, specifically space to accommodate the additional car parking spaces needed for the increase in retail floor space.

There are few large land parcels close to the town centre. The large land parcels zoned Mixed Use (MUZ) are considered to be the most appropriate, though the land is sloping. This land is located behind the existing supermarket.

Rezoning the largest and flattest MUZ lots on the north side of Giles Street to the C1Z is the best option to secure this land for the long term expansion of the town centre. It also greatly decreases the chances that this land will be developed for dwellings, which is a 'no planning permit required' use in the MUZ.

Greater Guidance

The Plan proposes the following additional policy to assist with decision making where planning permits are needed. This policy seeks to promote tourism, facilitate a vibrant town centre and reinforce the main street for retail and other attractions.

Proposed additional policy:

1. To encourage land uses that focus pedestrian activity in the town centre.
2. Discourage shops (except restricted retail) and food and drink premises outside Commercial 1 Zone
3. Discourage land uses other than shops, offices, place of assembly, community facilities and tourist attractions outside the town centre.

BUILT FORM & LANDSCAPE

Mirboo North's village character and scenic setting could be afforded greater protection through the South Gippsland Planning Scheme.

Design Guidance

Greater design guidance is proposed to encourage built form appropriate to the area. General guidance is provided to better consider the impact of built form on views and the siting of buildings. Other guidance is provided for specific areas such as the town centre and residential areas.

Within the town centre, built form is encouraged that is distinct from the surrounding residential areas, is conducive to pedestrian activity and considers amenity. Active frontages (like shop fronts) are to be maintained and provided as redevelopment occurs, particularly along Ridgway. Weather protection should also be provided. Buildings should be constructed on the front boundary of Ridgway and adjoining streets to reflect the existing pattern of development in the commercial area.

Within walking distance to the town centre, design guidelines aim to encourage residential development that contributes to the amenity of the area.

Higher density residential development and retirement living is encouraged within walking distance of the town centre. This is expected to result in greater site coverage, impermeable areas and closer building forms. These design impacts will be offset by appropriate landscaping, which will be a requirement of the local policy.

Heritage

The 2004 Heritage Study recommends a number of buildings and other built form in Mirboo North for heritage protection. While some buildings are now protected by the Heritage Overlay, many are not. The Plan does not introduce new heritage controls but continues to support Council's current position of voluntary inclusion of privately owned heritage features in the Heritage Overlay.

ACCESS

The Plan seeks to better recognise the importance of universal access to key destinations. It prioritises improvements to infrastructure in order to improve access, including footpath provision at key missing connections. The Plan identifies key destinations to assist with the prioritisation of access improvements. It also identifies access projects to improve intersection safety and an alternate route when there is an emergency or public event on Ridgway.

OPEN SPACES

The Plan seeks to improve access to open space, including play spaces, as the town changes and grows. It identifies areas that have poor access to open space that may be improved through additional development. No new open space reserves are proposed.

Proposal

The Plan should be presented to the community for comment. Community comment will inform any changes that need to be made to prepare the final Plan for implementation into the South Gippsland Planning Scheme.

FINANCIAL CONSIDERATIONS

The project has an allocated budget of \$35,000. The Structure Plan Refresh is being prepared by Council staff, which should result in cost savings depending on the need for economic analysis to support the proposed planning scheme changes.

RISKS

Further population growth and development in Mirboo North is subject to fire risk, erosion risk and uncertainties regarding infrastructure provision and potable water supply catchment planning. This strategy seeks to address these issues by directing growth away from fire risk areas, avoiding development on steep slopes and taking measures to avoid impacts on the water catchment area.

CONCLUSION

Mirboo North Structure Plan Refresh is an annual plan initiative that sets the direction for future change and growth in Mirboo North. It takes into consideration policy changes and strategic work that has been undertaken since the 2004 Structure Plan was prepared. The Plan is now ready to be presented to the community for comment.

RECOMMENDATION

That Council:

1. Present the Mirboo North Structure Plan Refresh to the community for comment for a minimum consultation period of 28 days.
2. Receive a future report to adopt the proposed changes to the Mirboo North Structure Plan which also considers community feedback.

MOVED: Cr Hutchinson-Brooks SECONDED: Cr Brunt

THAT COUNCIL:

1. **PRESENT THE 'MIRBOO NORTH STRUCTURE PLAN REFRESH' (ATTACHMENT 1) TO THE COMMUNITY FOR COMMENT FOR A MINIMUM CONSULTATION PERIOD OF 28 DAYS.**
2. **RECEIVE A FUTURE REPORT TO ADOPT THE PROPOSED CHANGES TO THE MIRBOO NORTH STRUCTURE PLAN WHICH ALSO CONSIDERS COMMUNITY FEEDBACK.**

CARRIED UNANIMOUSLY

Attachment 1 Mirboo North Structure Plan Refresh



Introduction

Purpose

The Mirboo North Structure Plan Refresh (referred to as the Plan) provides a framework to guide future land use and development in the township.

Study Area

The Plan applies to land identified in the township boundary (see "Framework Plan" on page 3).

Context

Mirboo North is strategically located between Morwell and Leongatha on the Strzelecki Highway. It is the third largest town in South Gippsland with 1,611 residents in 676 dwellings (2011 Census). The population is expected to approach 2,000 in the next 20 years with 3-6 dwellings needed each year to accommodate this growth.

Set on a ridge amongst green rolling hills, the town is attractive for residential growth and tourism. The town services the surrounding agricultural district and also serves as a satellite town for the Latrobe Valley and Leongatha.

The State Government has identified Mirboo North as a town where sustainable change (small-scale residential, commercial and industrial development and change) should be supported (Gippsland Regional Growth Plan 2014). The Growth Plan also states that the settlement is surrounded by key agricultural

and forestry land that should be protected and where food production for domestic and export markets should be supported. South Gippsland Shire's Housing and Settlement Strategy (2013) identifies Mirboo North as a District Town where growth is to be promoted as a secondary growth settlement.

Key Constraints

The town is affected by a number of key constraints which restrict opportunities for change and development. These are:

- Bushfire risk
- Declared potable water supply catchment
- Sloping land including very steep land
- Erosion risk

Structure of this Plan

The Plan sets out objectives, strategies and actions that apply to the town. A few of these objectives and actions are overarching while the rest are set out according to four themes (Land Use, Built Form & Landscape, Access and Open Spaces).

The Plan distinguishes between objectives, strategies and actions that are already found in the South Gippsland Planning Scheme or other strategic work and those which are proposed for inclusion in the Planning Scheme (in *italics*).

The clauses referred to are found in the South Gippsland Planning Scheme and refer to both State and local policy. Two reports are also referenced: Mirboo North Community Infrastructure Plan 2014 (referred to as "CIP" and the Blueprint for Social Community Infrastructure 2014 (referred to as "BSCIF").

The Plan

OVERARCHING OBJECTIVES

Promote Mirboo North as a sustainable community and the principal town in the north of the Shire (Cl. 21.15)

Ensure that any proposed use and development of land in Mirboo North is generally in accordance with the *Mirboo North Structure Plan Refresh* (Cl. 21.15 adjusted)

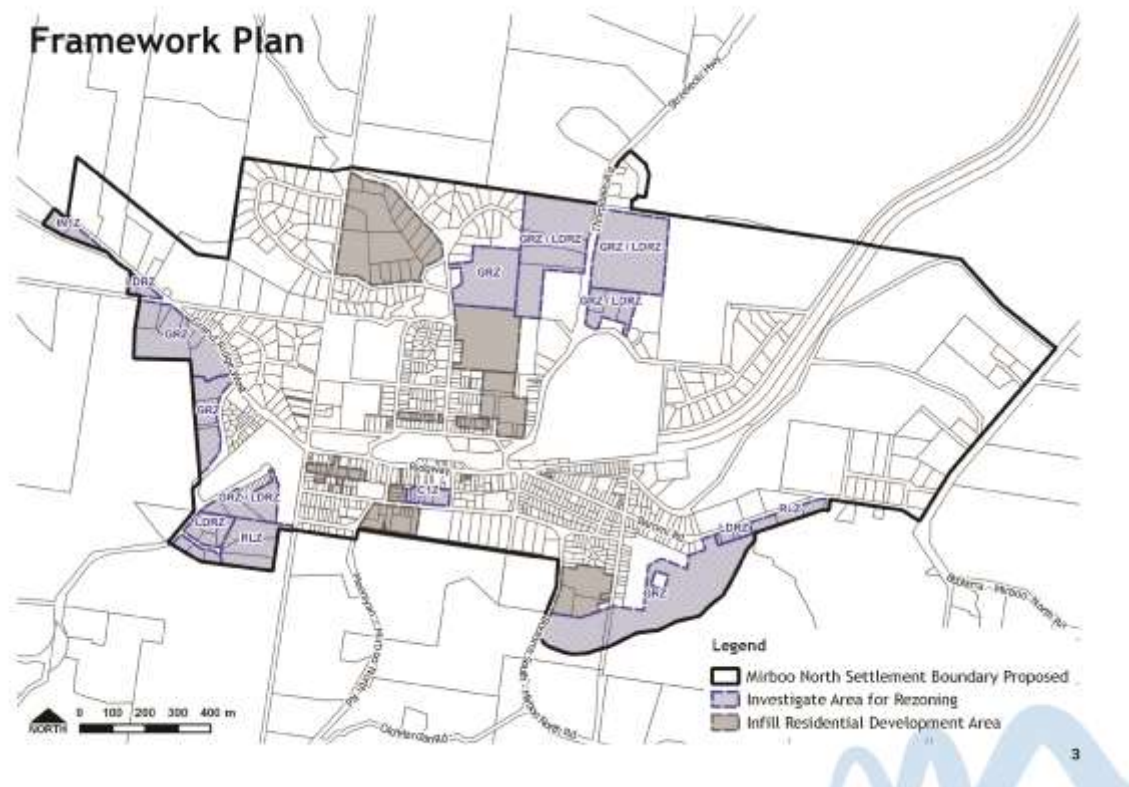
Role & Function

Principal township in the north of the Shire, servicing the surrounding agricultural activities and rural population. Tourism is an increasingly important economic contributor (Cl. 21.15)

OVERARCHING ACTIONS

Implement the Mirboo North Structure Plan Refresh via an amendment to the South Gippsland Planning Scheme which:

- Updates the Framework Plan in the local policy as shown on page 3
- Updates the local policy about Mirboo North with the proposed objectives and strategies
- Rezones the Mixed Use Zone area to Commercial 1 Zone to provide for town centre expansion (specifically large format retail)
- Applies the General Residential Zone (GRZ) - Schedule 2 and 3 to existing GRZ areas with variations to the planning controls so that they better reflect local conditions and improve amenity



Land Use

CONTEXT

Mirboo North is an agricultural services, lifestyle and retirement location surrounded by highly productive agricultural land. While servicing the surrounding agricultural communities, it also performs a satellite town role to the Latrobe Valley and Leongatha. Land use and town growth is subject to a number of environmental constraints. The main retail strip is located on the Strzelecki Highway (Ridgway) with most community facilities in close proximity. Two industrial precincts are located in the town: one at the western edge and the other in the town centre.

OBJECTIVES

To encourage land uses that focus pedestrian activity in the town centre (new)

To encourage a diverse range of tourism opportunities (Cl. 21.11)

To encourage the development of bed and breakfast, cabin, homestead and motel accommodation in appropriate locations (Cl. 21.11)

STRATEGIES

Settlement

Manage growth within the settlement boundary (new) - refer to map opposite

Promote residential infill development and township consolidation as a priority over expansion of the township's boundaries,

4

particularly infill Residential Development Areas* (Cl. 21.15 adjusted) - refer to map opposite

Promote higher density residential development and retirement living within a 400m radius of the town centre (Cl. 21.15 adjusted)¹ - refer to 'Residential in Walking Distance' on page 11

Where demand can be demonstrated, promote the staged release of new residential land in a contiguous and integrated manner, providing for a range of densities that decrease with distance from the town centre (Cl. 21.15)

Economy

Retain the main street for retailing and other commercial development (Cl. 21.15)

Discourage shops (except restricted retail) and food and drink premises outside Commercial 1 Zone (new)

Discourage land uses other than shops, offices, place of assembly, community facilities and tourist attractions outside the town centre (new)

Encourage new commercial and economic development opportunities that support the needs of the local community (Cl. 21.15)

Promote tourism and other economic development that complements the natural environment and landscape values of the region (Cl. 21.15)

ACTIONS

Support indoor recreation facilities available

¹ The South Gippsland Shire (2013) Housing and Settlement Strategy recommends lot sizes of 250-400 square metres.

during the day connected to residential areas via accessible paths and trails (CIP p.2)

Support accessible and varied services that support older people actively participate in community life (CIP p.2)

An upgrade or extension to the kindergarten or child care centre should integrate both centres and consider inclusion of Maternal and Child Health services, creating a children's services precinct (CIP p.29 & BSCI p.6)

Investigate the need for supported residential accommodation for younger people with disabilities or independent living units (CIP p.58)

Encourage retail outlets which cater for locals and visitors to the town to ensure year round business rather than catering for the narrower tourist market alone (CIP p.70)

Encourage businesses and services that attract new residents to town such as businesses and services that promote art, craft, cafes and bushwalks (CIP p.70)

Encourage weekend opening hours (CIP p.71)

Encourage more retail and 'in town' accommodation (CIP p.71)

Support infill development south of Ridgway for older people and retirement age which is close to shop and services with a continuous footpath connection (CIP p.45)

Investigate the areas shown on the map opposite for rezoning to provide for residential and commercial growth and legitimises existing uses in the township boundary*

* Appendix A to this report provides an analysis of these areas



CONTEXT

OBJECTIVES

To deliver sustainable public transport, pedestrian and car parking (Cl. 21.12)

STRATEGIES

6

ACTIONS

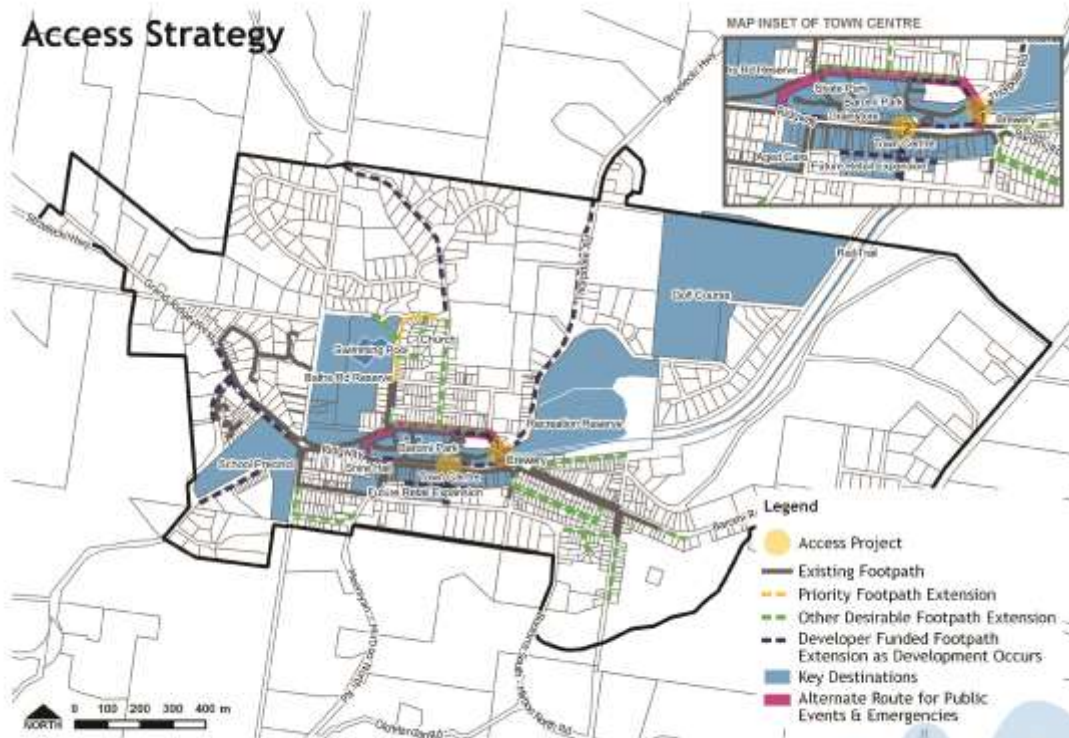
Build paths that provide shared access for pedestrian and wheeled mobility scooters with even surfaces, gutters and road crossing points (CIP p.47)

Ensure new residential developments in Mirboo North attract sufficient developer contributions for the continuous provision of pedestrian access that includes off road mobility scooter and wheelchair access (CIP p.47)

Prioritise safe pedestrian access between new developments and the town centre (CIP p.28)*
Maintain pedestrian access for parents with prams and children on bicycles, particularly in

Use Couper Street as an alternate route in the case of public events or emergencies in Ridgway - refer to map opposite

*The map opposite shows Council's existing priorities for footpath extension. Footpath connections to new development are expected to be funded as part of development.



Open Spaces

OVERVIEW

Mirboo North is rich in open space assets. The town is centred around Baromi Park which provides various spaces and facilities for multiple uses. Walter J Tuck reserve provides for formal sporting activities. Bath's Reserve and the Grand Ridge Rail Trail provide for more informal recreation. This is also provided by Parks Victoria's Mirboo North Regional Park which consists of four separate areas outside the town to the north east, north west, west and south east. The golf course, provides for golf, as well as public access. Further open space is provided by Parks Victoria's Mirboo North H13 Bushland Reserve.

OBJECTIVES

To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community (Cl. 11.03-1)

To achieve a measurable net gain in the extent and quality of the Shire's biodiversity (Cl. 21.06-1)

STRATEGIES

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities (Cl. 11.03-1)

Provide public open space reserves that improve pedestrian and cycle linkages to key destinations (Cl. 21.15 adjusted)

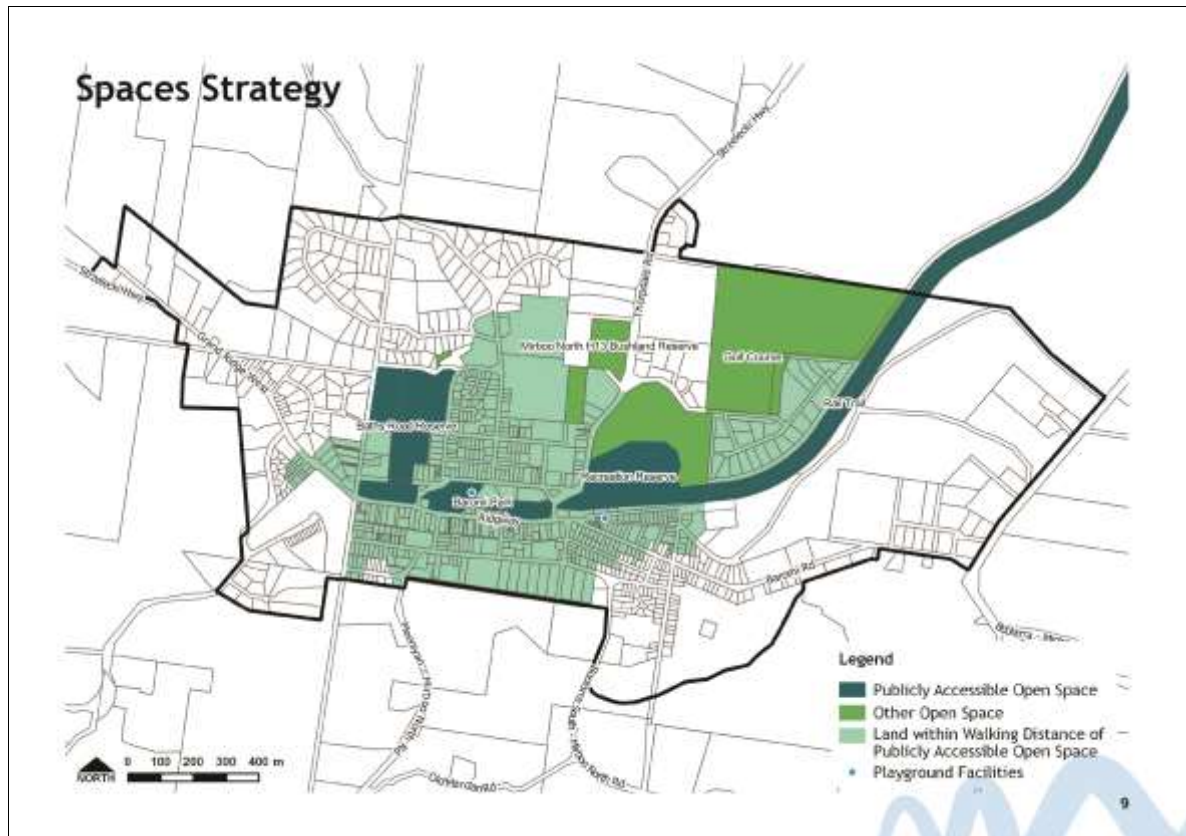
Ensure new subdivisions improve pedestrian and cycling linkages to key destinations (new)

Provide publicly accessible open space within 400m of residential development (new)

ACTIONS

Provide play spaces within 400m of all residential developments (CIP p.2)

Provide further seating and lighting at the skate bowl, extending its use as an amphitheatre to make it attractive for a broader range of people (CIP p.33, p.37)



Built Form & Landscape

CONTEXT

With its town centre located along a ridge, Mirboo North is known for its hilly topography and scenic views. While extensive clearing has occurred since European settlement, the landscape and vegetation continue to dominate over built form. Waterways and natural drainage lines often appear as vegetated corridors.

The town centre is distinct from the surrounding built form due to its fine grain nature with commercial-style frontages built to the front property boundary. Residential development is low rise and detached, generally responsive to the topography and set in established gardens.

OBJECTIVES

To protect landscapes that contribute to character, identity and sustainable environments (Cl. 12.04-2)

To ensure that heritage places are used, managed and developed in a way that conserves or reveals their heritage significance (Cl. 21.09-1)

To continuously improve all aspects of the urban environment (Cl. 21.09-2)

To minimise the visual impact of signage and infrastructure on the landscape (Cl. 21.09-3)

To recognise the importance of the natural

environment and built form to the tourism industry (Cl. 21.11)

STRATEGIES

Retain a compact town centre which promotes high quality urban design (Cl. 21.15)

Protect and enhance the distinctive village atmosphere and picturesque location within the Strzelecki Ranges (Cl. 21.15)

Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses (Cl. 14.02-1)

Ensure that planning to create or expand a settlement in an area at risk from bushfire reduces the risk to future residents, property and community infrastructure to an acceptable level (Cl. 13.05-1)

Ensure landscape and indigenous vegetation are visually dominant rather than built form (new)

Encourage active frontages within the town centre (new) - refer to map opposite

Avoid siting buildings close to vegetation where vegetation can be removed without a planning permit for bushfire protection (new)

Consider the impact of built form on views from and to the surrounding landscape, particularly public viewing areas and corridors, such as main roads (new)

Encourage buildings built to the front boundary

along Ridgway and adjoining streets in the town centre (new)

ACTIONS

Improve planning controls to maintain and improve the amenity of residential areas by:

- Reducing the maximum front fence height (from 2m in a Road Zone, Category 1 to 1.5m and 1.5m to 1.2m in other areas)
- Ensuring at least 50% of front setbacks is permeable
- Providing lower fire risk indigenous vegetation (refer to Indigenous Plants of South Gippsland (2004) & CFA Landscaping for Bushfire (2011))

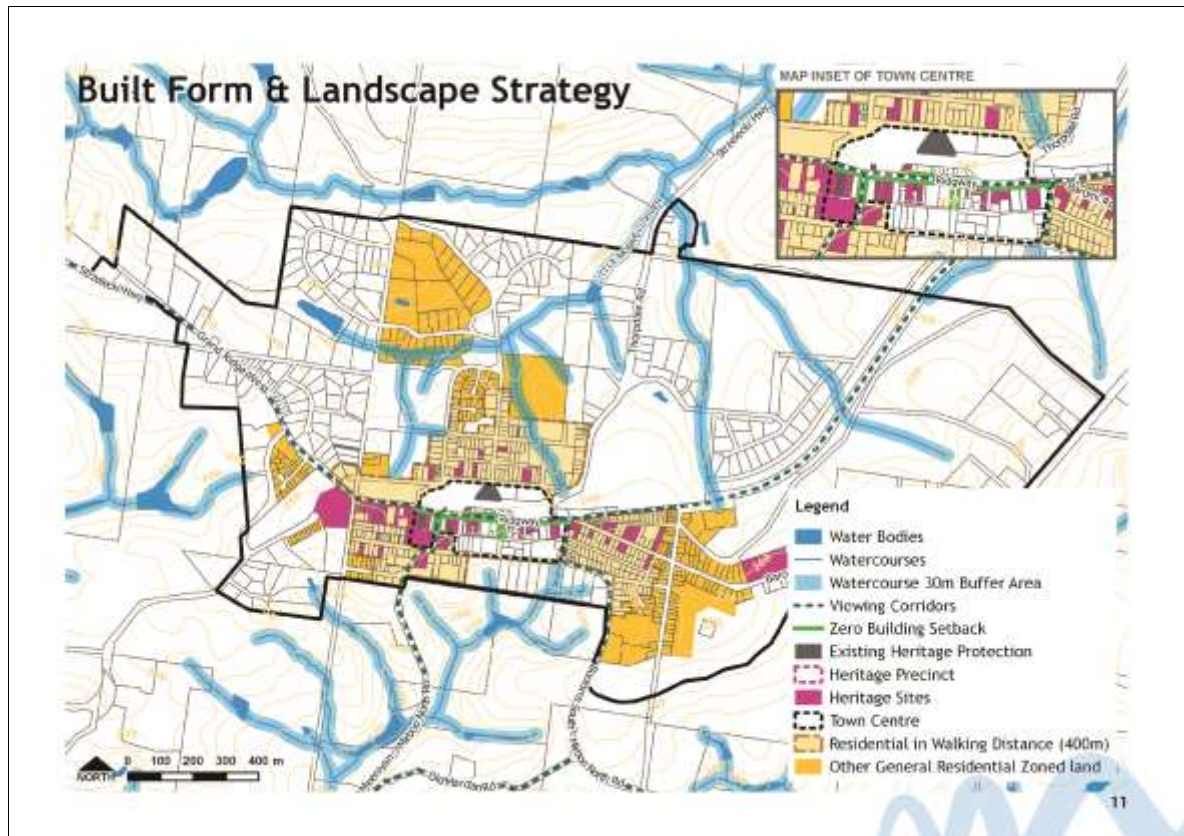
Improve planning controls to better reflect the local conditions of residential areas outside 400m of the town centre by:

- Increasing permeability requirements (from 20% to 40%)
- Reducing maximum site coverage (from 60% to 50%)
- Not allowing walls built to side boundaries

Encourage landowners of properties with heritage significance as identified in the South Gippsland Heritage Study (2004) (significant properties shown opposite) to support voluntary inclusion of their property in Heritage Overlay for heritage protection - refer to map opposite

Use South Gippsland's Design Guidelines for Steep Slopes (2016) before considering building or subdivision on sloping land

Investigate the need for additional indoor leisure facilities in particular to service the Mirboo North catchment (BSCI p.21)



DESIGN GUIDELINES

Ridgway

Building frontages must contribute to the appearance and retail function of the area.

To provide an active frontage, buildings must provide:

- A display window and / or entrance measuring at least 80% of the width of the street frontage of each individual shop premises and food and drink premises, or at least 60% of the width of the street frontage of each premises used for other commercial uses.
- Clear glazing to street frontages.
- Facade design that incorporates lighting to add to a sense of security at night.
- Built scale appropriate to the street and proximity to pedestrians.

Buildings should provide continuous weather protection along the street frontage.

Any security grilles should be mounted internally. Where this is not possible or practical, they should be visually permeable or transparent.

Vehicle ingress and egress, loading facilities and building services should not be located on frontages to this street.

Other Streets

Buildings must present an attractive pedestrian-focused frontage.

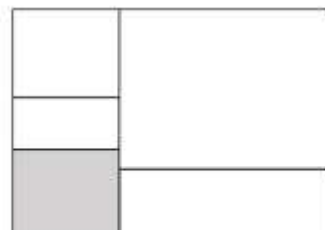
To provide an active frontage, buildings must provide:

- Individual entry doors to ground level dwellings to create a residential address to the street.
- Shelter and lighting to entries.
- Clear glazing to street frontages.
- No or low visually permeable front fencing only*.
- Built scale appropriate to the street and proximity to pedestrians.

*Where this is not possible or practical, they should be visually permeable or transparent.

Acknowledgements

The photo of the Blessing of the Bikes on the front cover (bottom left) is courtesy of Mirboo North Times.



Attachment 2 Appendix A Land Use Analysis

Mirboo North Structure Plan Refresh APPENDIX A - LAND USE ANALYSIS

Appendix A - 1

Land Use Analysis

A review of land constraints and opportunities for future growth in Mirboo North resulted in the following areas being recommended as either:

- An area to be investigated for rezoning, or
- A residential development infill area.

The following tables explain the rationale for these recommendations. The numbers and letters correspond to land shown on the map opposite.

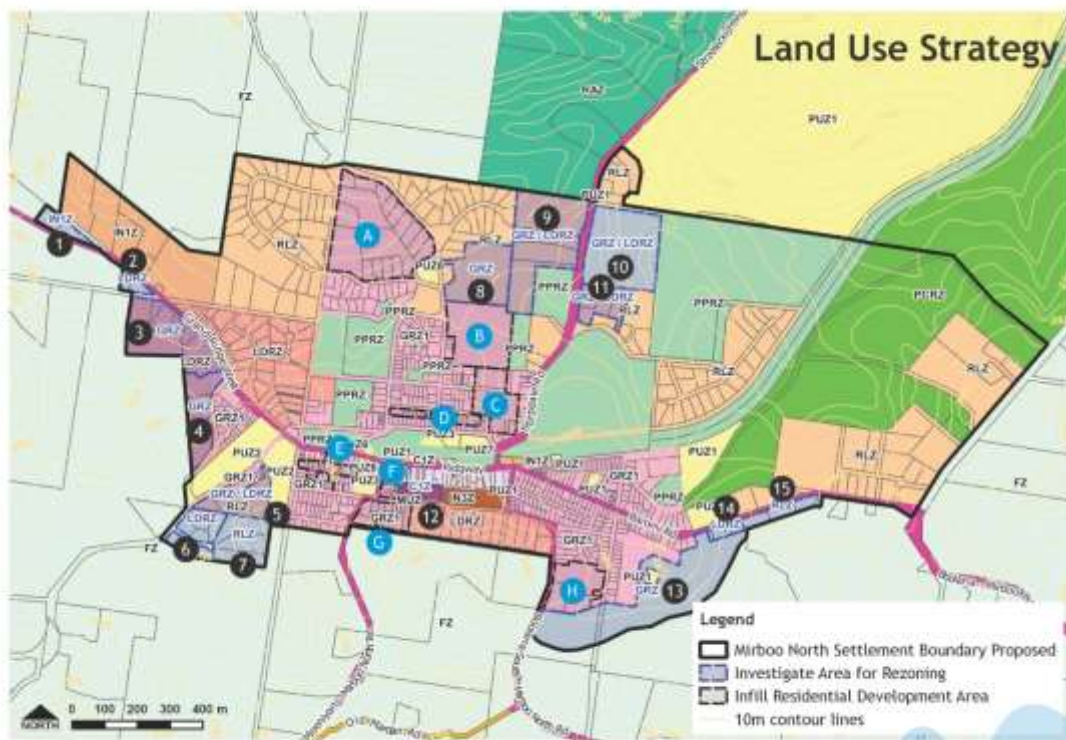
TO NOTE:

Land slope has been calculated using 10 metre contours which is fairly rudimentary data to rely on. More detailed investigation of slope and soil stability is required before any land is rezoned.

Areas to be Investigated for Rezoning

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
1	Industrial 1 Zone (IN1Z)	Existing industrial uses Within existing township boundary Adjacent to current industrial land Prominent site Space for some future expansion on the site	3138 Strzelecki Hwy & part 3140 Strzelecki Hwy Single lot Farming Zone (FZ) Approx. 1.5ha (0.8+0.7ha) Up to approx. 5% slope	No evidence that additional industrial land is needed Existing house on separate lot Would result in different zone on each of two lots at 3140 Strzelecki Hwy (Farming Zone & IN1Z) Sewer and water may not be available
2	Low Density Residential Zone (LD1RZ)	Existing small lot with house Within existing township boundary Opposite residential on the other side of Wembridges Rd Sewer and water appears to be available	63-67 Grand Ridge West 2 lots in FZ Approx. 0.8ha (0.35+0.45ha) Less than approx. 5% slope	Access to Road 1 Zone Opposite side of highway to industrial land Taryin River Potable Water Catchment 1.5km walk from town centre

2 - Appendix A



AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
3	General Residential Zone (GRZ)	<p>Very large lots</p> <p>Within existing township boundary</p> <p>Some large cleared areas:</p> <p>Opposite smaller lots on Grand Ridge West</p> <p>Not far from school</p> <p>Footpath connection from town up to Pearce St which should be extended as part of rezoning and development</p> <p>Water supply available</p>	<p>5-7 Wembridges Rd, 13-59 Grand Ridge West</p> <p>7 lots in LDRZ</p> <p>Approx. 8.5ha</p> <p>(0.1+0.3+0.4+0.9+1.1+2.4+3.2ha)</p> <p>Up to approx. 15% slope</p>	<p>Several treed areas</p> <p>Access to Road 1 Zone</p> <p>Largest cleared area is steeper land</p> <p>Pump station has limited capacity to support additional lots - pump station would need augmenting to support rezoning and subdivision of 3 and 4 depending on the number of additional lots</p> <p>Tarwin River Potable Water Catchment</p>
4	GRZ	<p>Very large lots</p> <p>Mostly cleared land</p> <p>Within existing township boundary</p> <p>Close to school</p> <p>Single land owner</p> <p>Water supply available</p>	<p>941-945 Berrys Creek Rd</p> <p>4 lots mostly in LDRZ</p> <p>Approx. 4.4ha</p> <p>Up to approx. 20% slope</p> <p>N.B. Currently working with land owner to rezone this land</p>	<p>Irregular lot shapes / configuration</p> <p>Large significant trees which would pose a safety risk to urban development</p> <p>Gippsland Water infrastructure is located in centre of property</p> <p>Pump station has limited capacity to support additional lots - pump station would need augmenting to support rezoning and subdivision of 3 and 4 depending on the number of additional lots</p> <p>Waterway at western edge of the site</p> <p>Slope of the land</p> <p>Tarwin River Potable Water Catchment</p> <p>Beyond comfortable walking distance (within 1-1.5km walk of town centre)</p>

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
5	LDRZ & GRZ	<p>Very large lots</p> <p>Mostly cleared land</p> <p>Within existing township boundary</p> <p>Adjacent to school</p> <p>Only 3 land owners</p> <p>Provides opportunity to continue existing subdivision pattern of GRZ lots on Castle St</p> <p>Has potential for another row behind GRZ lots on Castle St serviced by a road parallel to Castle St with access from Castle St along eastern boundary of 1A Castle St and 23 Castle St</p> <p>Sewer and water appear to be available</p>	<p>1A & 23 Castle St & 902 Berrys Creek Rd</p> <p>4 lots (3 properties) in RLZ</p> <p>Approx. 3.7ha (0.5+1.2+2.0ha)</p> <p>Approx 5-15% slope, with an extremely steep section over 70% at the southern edge</p>	<p>Vegetation at 902 Berry Creek Rd</p> <p>Slope of the land, particularly the steepest sections</p> <p>Tarwin River Potable Water Catchment</p>
6	LDRZ	<p>Existing residential development</p> <p>Lot size equivalent to Low Density Residential Zone land</p> <p>Lots could not be further subdivided in LDRZ</p> <p>Within existing township boundary</p> <p>Smaller lots in Scott Court FZ area</p> <p>Adjacent to existing urban area</p> <p>Land has effectively been removed from the FZ in the long term</p> <p>Water is available</p>	<p>1-6 Scott Crt & 896-900 Berrys Creek Road</p> <p>7 lots in FZ</p> <p>3,000-6,000sqm each</p> <p>Up to approx. 15% slope</p>	<p>Slope of the land</p> <p>Lack of footpath provision and unsafe roads to walk along</p> <p>Beyond comfortable walking distance to town centre (approx. 700m walk)</p> <p>Tarwin River Potable Water Catchment</p> <p>Serviced by septic tanks</p>

Appendix A - 5

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
7	RLZ	<p>Existing residential development on 2 lots with approval for dwelling on remaining lot</p> <p>Lot size equivalent to Rural Living Zone land</p> <p>Lots could not be further subdivided with RLZ minimum 1ha lot size provision</p> <p>Within existing township boundary</p> <p>Larger lots in Scott Court FZ area</p> <p>Adjacent to existing urban area</p> <p>Land has effectively been removed from the FZ in the long term</p>	<p>7-9 Scott Crt</p> <p>3 lots in FZ</p> <p>1.4-2ha each</p> <p>Up to approx. 50% slope</p>	<p>Water body and waterway</p> <p>Land is very steep</p> <p>Lack of footpath provision and unsafe roads to walk along</p> <p>Lack of direct route to town centre (approx. 1.2km walk)</p> <p>Tarwin River Potable Water Catchment</p> <p>Serviced by septic tanks apart from 7 Scott Crt</p>
8	GRZ	<p>Single owner</p> <p>Very large lot</p> <p>Within existing township boundary</p> <p>Adjacent to urban land</p> <p>Sewer and water appear to be available / able to extend</p>	<p>2 Old Thorpdale Rd</p> <p>Single lot in RLZ</p> <p>Approx 6.8ha</p> <p>Up to approx. 10% slope - likely to be more since the Little Morwell River runs through the property</p> <p>N.B. Existing planning permit to subdivide land into 7 lots though plans are yet to be certified or statement of compliance issued</p>	<p>Waterway (Little Morwell River) and vegetation</p> <p>Aboriginal Cultural Heritage Sensitivity</p> <p>Bushfire Management Overlay</p> <p>Environmental Significance Overlay (Erosion)</p> <p>Beyond comfortable walking distance of town centre (approx. 700m)</p> <p>Lack of footpath infrastructure</p> <p>Slope of the land</p>

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
9	GRZ / LDRZ	Very large lots Within existing township boundary GRZ lots on flatter more accessible land with LDRZ on steeper land on the other side of the waterway Sewer and water appear to be available / able to be extended	43-79 Thorpdale Rd 4 lots in RLZ Approx. 12ha (5.0+1.7+2.3+1.7ha) Up to approx. 40% slope	Waterway (Little Monwell River) and vegetation Access to Road 1 Zone Aboriginal Cultural Heritage Sensitivity Bushfire Management Overlay Environmental Significance Overlay (Erosion) Adjacent forested area which poses a fire risk Beyond comfortable walking distance of town centre (approx. 1.1km) Lack of footpath infrastructure Slope of the land Location at edge of the town
10	GRZ / LDRZ	Single owner Very large lot Within existing township boundary Identified for investigation as a residential zone in existing framework	10 Thorpdale Rd 1 lot in FZ Approx. 11.2ha Up to approx. 60% slope - with the steepest land along the waterway	Waterway Access to Road 1 Zone Aboriginal Cultural Heritage Sensitivity (north western corner only) Bushfire Management Overlay Environmental Significance Overlay (Erosion) Adjacent forested area which poses a fire risk Beyond comfortable walking distance of town centre (approx. 1.1km)

Appendix A - 7

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
10 (cont.)				Lack of footpath infrastructure Slope of the land Location at edge of the town
11	GRZ / LDRZ	Large lots Within existing township boundary Most of the land is relatively flat	2-8 Thorpdale Rd & 4 Galvins Rd 5 lots in RLZ Approx. 3ha (0.25+0.25+0.25+1.01+1.19ha) Up to approx. 20% slope	Vegetation Bushfire Management Overlay Environmental Significance Overlay (Erosion)
12	Commercial 1 Zone (C1Z)	Continues to provide for commercial expansion on large lots behind the main street and adjacent to the existing supermarket and town centre Preferred location for commercial expansion (other areas have smaller residential lots, existing industrial uses, existing community parkland) C1Z generally requires a planning permit for land use and development for accommodation (including a dwelling and will discourage residential development fragmenting future commercial expansion opportunities) Water and sewer available	31-39 Giles St, 4-6 Peters St & R2, PS411407 Mixed Use Zone (MUZ) Approx. 1.36ha (190+1,220+1,420+1,420+1,420+2,830+4,960sqm) Up to approx. 10% slope	Slope of the land May need additional economic analysis to justify change Some existing housing

AREA	PROPOSED ZONE	RATIONALE	DESCRIPTION	ISSUES
13	GRZ	Two owners Very large lots Most of the land within existing township boundary and already identified for growth Land between Grand Ridge East and Murray St flatter and at same elevation for servicing Sewer available (though limited)	19 Murray St & Grand Ridge East 2 lots in FZ Approx. 17.6ha (4.3+13.3ha) Up to approx. 20% slope Area bound by 250m contour line – in line with Panel recommendations for Amendment C46 to the South Gippsland Planning Scheme	Water pressure issues (will need significant infrastructure which has a high risk of failure to be addressed) Will need a new sewer pump for full development Dispersed large trees (potentially significant remnant trees) Access to Road 1 Zone
14	LDRZ	Existing dwelling approvals Lot size equivalent to small Low Density Residential Zone lots Lots could not be further subdivided in LDRZ Within existing township boundary	90-104 Baromi Road 7 lots (5 properties) FZ Approx. 1,000sqm per lot (apart from 100-102 Baromi Rd which is approx. 2,000sqm) Up to approx. 10% slope	No connection to sewer
15	RLZ	Existing residential developed land Within existing township boundary	106-150 Baromi Road 3 lots in FZ Up to approx. 20% slope	No connection to sewer

Appendix A - 9

Areas for Residential Infill Development

AREA	RATIONALE	DESCRIPTION	ISSUES
A	Existing very large GRZ lots within existing township boundary Largest lots relatively clear Water and sewerage appear to be available	2-18 & 52-56 Wells Rd, 50 Balook Rd & 11-27 Old Thorpdale Rd Approx. 1.5ha (with 9ha in total for the 4 central lots & other lots 4,000-6,000sqm each) Up to approx. 10% slope	Slope of land Larger lots relatively land locked & may require access via adjacent lots Lots with existing large housing and vegetation covering the site difficult to re-subdivide Vegetation Aboriginal Cultural Heritage Sensitivity affects 50 Balook St & 54 Wells Rd
B	Single owner Existing very large GRZ lot within existing township boundary Large cleared areas Water and sewerage partly available and can be extended	36 Balding St Single lot Approx. 7.5ha Up to approx. 10% slope	Waterway Vegetation Adjacent forested area which poses a fire risk Bushfire Management Overlay
C	Existing large GRZ lots within existing township boundary Some cleared areas particularly at 17 Allen St No buildings on 17 Allen St & 43-47 Couper St Water and sewerage available	17 Allen St, 23 Bourke St, 8 Ogilvie St, 43-47 Couper St & 1 Thorpdale Rd Approx. 3.9ha (1.2+1.5+0.6+0.4+0.2ha) Up to approx. 20% slope	Waterway Vegetation Bushfire Management Overlay at 17 Allen St & part of 23 Bourke St

AREA	RATIONALE	DESCRIPTION	ISSUES
D	Existing large residential lots within existing township boundary Close to town centre with large vacant backyards that could be developed fronting Bourke Street Water and sewerage available	Parts of 2 Baths Rd, 9-17, 21 & 27-39 Couper St & 2 Balding St Approx. 1.8ha (most properties approx. 1,400sqm in total with 600sqm of backyard identified) Up to approx. 5% slope N.B. Dwellings were excluded from the area, several of which have heritage significance - land owners are welcome to seek inclusion of their properties/ parts of their properties in the Heritage Overlay	Limited space for additional development Some existing outbuildings
E	Existing large GRZ lots within existing township boundary Close to town centre Water and sewerage available	Parts of 2-6 Ballock St, 5 & 19 Burchell Ln, 8-20 & 26 Ridgway & 15A Giles St Approx. 1.6ha (lots 700-3,000sqm, often with half property identified) Up to approx. 5% slope	Some vegetation Irregular lot shapes / configuration Some existing buildings
F	Existing large GRZ lots within existing township boundary Close to town centre Water and sewerage appear to be available	3-9 Brennan St, 29 Giles St, 22 Burchell Ln & R1 VPS411407 Approx. 0.5ha (lots 500-1,300sqm) Up to approx. 15% slope	Slope of the land Some vegetation Some existing housing

Appendix A - 11

AREA	RATIONALE	DESCRIPTION	ISSUES
G	Existing large GRZ lots within existing township boundary Close to town centre Water and sewerage available	28-42 Giles St & 2778 Meenyan Mirboo North Rd Approx. 2.6ha (lots 700-7,700sqm each) Up to approx. 15% slope	Sewer pump station has limited capacity and would not be able to service the undeveloped part of the area Sewer pump would be required for development located down the hill Slope of land Some vegetation Irregular lot shapes / configuration Some existing housing
H	Existing very large GRZ lots within township boundary Cleared land with existing three houses at the edge of the lots Edge of the area is just within walking distance of town centre	39 & 47 Grand Ridge East & 40 Murray St 4.5ha (lots 9,600-2,500sqm) Up to approx. 15% slope	Road 1 Zone access Slope of land Few existing buildings Tarwin River Potable Water Catchment

12 - Appendix A

E.2 FOSTER COMMUNITY INFRASTRUCTURE PLAN 2016

Development Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The draft Foster Community Infrastructure Plan was presented to Council on 23 March 2016. Following a period of public exhibition the final plan is recommended to Council for adoption (see **Appendix 1**).

Document/s pertaining to this Council Report

- **Attachment 1** - Summary of Submissions
- **Appendix 1** - Foster Community Infrastructure Plan 2016
- **Confidential Appendix 1** - Submissions

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

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

Confidential Appendix 1 is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Active Ageing Plan 2012 - 2016
- Annual Plan 2015/16
- Council Plan 2013 - 2017
- Disability Action Plan 2013 - 2017

- Early Childhood Services Building Assets Policy Framework
- Economic Development and Tourism Strategy 2015 - 2020
- Foster Structure Plan 2009
- Municipal Early Years Plan 2011 - 2016
- Municipal Public Health and Wellbeing Plan 2013 - 2017
- Open Space Strategy 2007
- Paths and Trails Strategy 2009
- Recreation Plan 2008
- South Gippsland Shire Planning Scheme
- South Gippsland Youth Policy

COUNCIL PLAN

Outcome:	3.0	Integrated Services and Infrastructure
Objective:	3.1	Affordable modern community services and facilities through an integrated approach to planning and infrastructure development.
Strategy:	3.1.4	Plan for the service needs of the changing demographic.
	3.1.5	Sustainable development that promotes health, wellbeing and unique character of the community.

CONSULTATION

Public exhibition

The draft Foster Community Infrastructure Plan was endorsed by Council on 23 March for public exhibition until 29 April 2016. During the public exhibition period, four written submissions and two verbal submissions were received. (**Confidential Appendix 1**). During the exhibition period, meetings were held with the Stockyard Gallery Committee of Management and the Access and Inclusion Advisory Committee in preparation for the final plan.

REPORT

Background

The Foster Community Infrastructure Plan provides an integrated approach to planning and allows prioritisation and decision making for Council and the community. It supports planning for multipurpose community infrastructure in the future and the efficient use of existing facilities. Current and projected

demographic information is used to assess requirements for community facilities and services for the next 20 years.

Over the next 20 years Foster's population will gradually increase with the majority of people continuing to be aged 50 years and over. Supply of community infrastructure in Foster is considered adequate for the current population. To meet the needs of the community for the next 20 years, forward planning to maximise flexible use of existing facilities and support to volunteers will be required.

Discussion

Summarising a detailed audit of current and potential use of community infrastructure, the Foster Community Infrastructure Plan (refer **Appendix 1**) provides eight key recommendations to guide actions for Council, the community, and other key stakeholders in Foster.

Following the public exhibition period the eight key recommendations are as follows:

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. Investigate the current and future needs of all tenants of the Stockyard Gallery to either find alternative accommodation or provide increased space through redesign and shared space negotiations.
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 while taking into consideration 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.

Submissions

Submissions were received from two individuals and four groups. Meetings were held with two groups to discuss the draft plan and an individual telephone interview was conducted with a person wishing to submit comments to the plan verbally.

Some amendments were made in response to submissions and are summarised in **Attachment 1**. The submission themes and amendments made include:

- 1. Stockyard Gallery
 - a. Additional detail to describe arts in Corner Inlet - Page 64.
 - b. Amended tenant analysis wording - Page 130.
 - c. Amended recommendation wording - Page 9 and page 132.
- 2. Foster Station Park
 - a. The Foster Structure Plan 2009 remains the guide to strategic planning decisions for Foster Station Park. The document has been amended to include this detail - Page 112.
- 3. Change of name
 - a. Document amended in all references to the community house.
- 4. Disability access in Main Street Foster
 - a. Concerns and suggestions provided to relevant Council officers.
 - b. No amendments applied.

Proposal

It is proposed that the Foster Community Infrastructure Plan be adopted by Council and that the recommendations are further developed to link with Council business plans, capital works plan and strategic plan reviews.

FINANCIAL CONSIDERATIONS

Budget implications for Council are noted in the recommendations and Council will consider the recommendations and funding requirements as part of the annual budgeting process.

Recommendations for community groups to engage expertise to develop plans may result in applications to Council for community grants. Any grant applications will be considered on their merit.

RISKS

Risks may include increased community expectations for Council to fund new infrastructure or upgrades. The document clearly articulates the financial constraints that Council is experiencing and the need for managing any future planning in line with annual budgeting.

CONCLUSION

The 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.

RECOMMENDATION

That Council adopt the Foster Community Infrastructure Plan 2016 (Appendix 1).

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL ADOPT THE FOSTER COMMUNITY INFRASTRUCTURE PLAN 2016 (APPENDIX 1).

Cr Hutchinson-Brooks left the Council Meeting at 3.22pm and returned at 3.23pm.

Cr Brunt left the Council Meeting at 3.24pm and returned at 3.26pm.

Cr Hill left the Council Meeting at 3.25pm and returned at 3.27pm.

CARRIED UNANIMOUSLY

Attachment 1
Summary of 6 submissions

Topic	Details	Officer observations
Disabled access	General support for the sentiments of the plan, consideration for egress and access issues for people with disability.	Noted with thanks. Specific issues and questions relating to footpath access and Foster Streetscape have been referred to relevant Council departments. No amendments.
Amendment to name	Foster Community House name changed to Manna Gum Community House. Funded services changed.	Plan amended throughout.
Stockyard Gallery and Corner Inlet Arts	Concern for intention of recommendation for Stockyard Gallery. Revised wording offered in submission.	On invitation, a Council officer met with submitter to discuss concerns. Amended wording p9, p64, p130, p132.
Foster Station Park	Concern that Foster Station Park not adequately promoted in the draft plan.	This is Crown Land, managed by the Great Southern Rail Trail Committee. The Foster Structure Plan 2009 remains the guide to strategic planning decisions for Foster Station Park. Amendment page 112
Foster Library	Support for intention of the plan. Confirm limited space available for current library service delivery. Support innovative planning by tenants of Stockyard Gallery to develop increased space for all. Increase reference to library in youth chapter.	Noted with thanks Amendment to p90 and p93

Cr Moyha Davies left the Council Meeting at 3.28pm with a declared indirect conflict of interest by close association with respect of Council Agenda Item E.3 PROPOSED ROAD OPENING / DECLARATION - WOOD COURT, FOSTER as a close relative has a home at Wood Court, Foster.

E.3 PROPOSED ROAD OPENING / DECLARATION - WOOD COURT, FOSTER

Sustainable Communities & Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council commence the statutory procedures to declare a road status over Council owned land in Wood Court, Foster to formalise legal abuttal to adjacent properties.

Document/s pertaining to this Council Report

- [Attachment 1](#) – Locality Plan – Wood Court, Foster.
(showing portion of Council Land to be declared as a road).

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204 and 223)
- Road Management Act 2004 (Section 11)

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Public Road Register
- Road Management Plan 2013

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.

CONSULTATION

External Consultation

No external consultation has occurred to date. This will commence when Council publicly notifies its intention to declare a road status over the subject land and calls for submissions in accordance with Section 223 of the Local Government Act 1989 and writes to the adjoining landowners.

Internal Consultation

Discussions have been held with the Engineering and Assets Department when investigating the need to create the road status.

REPORT

Background

Council is the owner of land in Wood Court, Foster (the Land). Its legal description is Crown Allotments 21 and 22, Township of Foster, Parish of Wonga Wonga and is contained within Certificate of Title Volume 08712 Folio 059. The Land is bordered black in **Attachment 1 – Locality Plan**.

The Land functions as a road reserve but this is not captured in the Land's legal description. As a result, this poses a legal abuttal issue to the seven properties that adjoin the Land. Without a road status, the seven properties do not have legal abuttal to Wood Court.

This situation is an anomaly that should be rectified by Council using its powers under the Road Management Act 2004 and the Local Government Act 1989.

Discussion

Legal Process

Section 11 of the Road Management Act 2004 provides Council with the power to declare a road status over any land owned by Council:

“11 Power to declare and name a road.”

In addition, Section 204 of the Local Government Act 1989 provides Council with the power to:

“204 Council may declare a road to be a public highway or to be open to the public.”

A declaration made under Section 204 of the Local Government Act 1989 requires Council to follow a Section 223 submission process.

The Road Management Act 2004 and the Local Government Act 1989 require Council to publish a notice of its declaration in the Government Gazette.

Proposal

It is proposed that Council commence statutory procedures in accordance with the Road Management Act 2004 and the Local Government Act 1989 and give public notice of Council's intention to declare a road status over the Land in Wood Court, Foster.

FINANCIAL CONSIDERATIONS

There will be minor administration costs associated with declaring the Land as a road open to public traffic.

RISKS

Leaving the Land in its current state poses a risk to the affected landholders who do not have legal abuttal to a road and renders their properties landlocked. As the responsible authority, Council is authorised to address this risk.

CONCLUSION

It is in the interests of both Council and affected landholders that the Land owned by Council is declared as a road open to public traffic to confirm the current usage of the Land as a road.

RECOMMENDATION

That Council:

1. Commence statutory procedures pursuant to the Road Management Act 2004 (Section 11) the Local Government Act 1989 (Section 204 and 223) to declare a road status over land owned by Council being Crown Allotments 21 and 22, Township of Foster, Parish of Wonga Wonga, contained within Certificate of Title Volume 08712 Folio 059 as shown in Attachment 1 (the Proposal).
2. Give public notice in its Noticeboard section of the local newspapers week commencing 27 June 2016 on the Proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by close of business Wednesday 27 July 2016.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the Proposal.
4. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date and place to hear, consider and determine submissions.
 - b. Hear submitters who had elected to speak to their submissions at a Committee of Council in closed session pursuant to Section 89(2)(h) of the Local Government Act 1989 comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.

- c. Consider submissions and decision determined at the next available Ordinary Council meeting in open session.
- 5. If no submissions are received to the public notice agree to publish the road opening / declaration in the Victorian Government Gazette.

MOVED: Cr Kennedy

SECONDED: Cr McEwen

THAT COUNCIL:

1. **COMMENCE STATUTORY PROCEDURES PURSUANT TO THE ROAD MANAGEMENT ACT 2004 (SECTION 11) THE LOCAL GOVERNMENT ACT 1989 (SECTION 204 AND 223) TO DECLARE A ROAD STATUS OVER LAND OWNED BY COUNCIL BEING CROWN ALLOTMENTS 21 AND 22, TOWNSHIP OF FOSTER, PARISH OF WONGA WONGA, CONTAINED WITHIN CERTIFICATE OF TITLE VOLUME 08712 FOLIO 059 AS SHOWN IN ATTACHMENT 1 (THE PROPOSAL).**
2. **GIVE PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS WEEK COMMENCING 27 JUNE 2016 ON THE PROPOSAL IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 TO COMMENCE A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY CLOSE OF BUSINESS WEDNESDAY 27 JULY 2016.**
3. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL.**
4. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE AND PLACE TO HEAR, CONSIDER AND DETERMINE SUBMISSIONS.**
 - b. **HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSIONS AT A COMMITTEE OF COUNCIL IN CLOSED SESSION PURSUANT TO SECTION 89(2)(H) OF THE LOCAL GOVERNMENT ACT 1989 COMPRISING OF THE MAYOR, AT LEAST ONE WARD COUNCILLOR, AND ANY OTHER COUNCILLOR IN ATTENDANCE.**
 - c. **CONSIDER SUBMISSIONS AND DECISION DETERMINED AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.**

**5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE
AGREE TO PUBLISH THE ROAD OPENING / DECLARATION IN THE
VICTORIAN GOVERNMENT GAZETTE.**

Cr Kennedy left the Council Meeting at 3.30pm and returned at 3.31pm.

CARRIED UNANIMOUSLY

Attachment 1 Locality Plan – Wood Court, Foster

The aerial plan below shows the portion of Council Land to be declared as a road.



E.4 PROPOSED ROAD DISCONTINUANCE - PART OF GARDNER LANE, POOWONG

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council commence a road discontinuance procedure for an unused part of Gardner Lane, Poowong and sell the land from the discontinued road to the adjoining landowner.

Document/s pertaining to this Council Report

- [Attachment 1](#) – Road Discontinuance Diagram Gardner Lane, Poowong.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- C34 Land Ownership Policy 2016

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.

CONSULTATION

External Consultation

The road discontinuance proposal has been discussed with and agreed to by the proprietor of the adjoining land - GBP Australia Pty Ltd.

If Council supports the recommendations in this report, further public consultation will occur during the public notification period in accordance with Section 223 of the Local Government Act 1989 and a letter will be sent to the adjoining landowners to notify them of the decision to call for submissions.

Internal Consultation

Discussions have been held with the Engineering and Assets Department when investigating the need to discontinue part of the unused road.

REPORT

Background

GBP Australia Pty Ltd operates the Poowong Abattoir at 60 Gardner Lane, Poowong.

There has been a long standing issue with the location for loading and unloading of cattle to the abattoir's kill room. The loading and unloading of cattle occurs partially on public road reserve. This is due to the positioning of the abattoir buildings at 60 Gardner Lane, which has limited any opportunity to construct this loading / unloading space within its boundary.

The only opportunity to rectify the issue is to discontinue a small strip of unused road and to sell the land from the discontinued road to the adjoining land owner. Once discontinued, the land discontinued from the unused road will be consolidated into the title for 60 Gardner Lane, Poowong.

GBP Australia Pty Ltd engaged engineers to design turning plates for heavy vehicle movement along Gardner Lane, Poowong. The design confirmed that the discontinuance of the portion of unused road would not prevent the continuation of Gardner Lane if it was required to be open to public traffic in the future. The area for proposed discontinuance will allow B-Doubles to reverse and unload off the public road.

Discussion

Legislation

Sections 206, 207A, 223 and Schedule 10, Clause 3 of the Local Government Act 1989 provides Council with the power to discontinue a road and sell the land.

Subject Road

The portion of unused road is shown hatched on the plan in **Attachment 1 – Road Discontinuance Diagram Gardner Lane, Poowong**. Its legal description is Crown Allotment 8 (Part), Parish of Poowong. It has an area of 199m² and is freehold road owned by Council.

Proposal

It is proposed that Council commence the statutory procedures to discontinue the unused portion of Gardner Lane, Poowong (as shown hatched on the plan in **Attachment 1**) and sell the land from the discontinued road to the adjoining landowner.

FINANCIAL CONSIDERATIONS

The survey costs incurred to date have been paid by the adjoining land owner.

If the portion of unused road is discontinued, the purchase price will be no less than the valuation determined by Council's Valuer.

RISKS

The submission process (Section 223 of the Local Government Act 1989) provides an opportunity for risk identification prior to the proposal proceeding.

The proposal is consistent with the following objectives of Council's *C34 Land Ownership Policy*:

- Providing transparent processes when selling Council land.
- Facilitating better investment opportunities and economic growth.

CONCLUSION

The proposal to commence the statutory procedures to discontinue the portion of unused road reserve has no detrimental impacts to the ability to continue the extension of Gardner Lane in the longer term. For this reason, and to address the issue with the reversing of B-Doubles on a public road, and to allow the loading and unloading of cattle on private property, the proposal is presented to Council for consideration.

RECOMMENDATION

That Council:

1. Commence the statutory procedures pursuant to Sections 206, 207A, 223 and Schedule 10, Clause 3 of the Local Government Act 1989 to discontinue a 274m² unused portion of Gardner Lane, Poowong as shown hatched in Attachment 1 and sell the land from the discontinued road to the adjoining landowner (the Proposal).
2. Give public notice in its Noticeboard section of local newspapers week commencing 4 July 2016 of the Proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by 5.00pm Wednesday 3 August 2016.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the Proposal.
4. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date and place to hear, consider and determine submissions.

- b. Hear submitters who have elected to speak to their submission at a Committee of Council in closed session pursuant to Section 89(2)(h) of the Local Government Act 1989 comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.
 - c. Consider submissions and decision determined at the next available Ordinary Council Meeting in open session.
- 5. If no submissions are received to the public notice, agree to:
 - a. Publish a road discontinuance notice in the Victoria Government Gazette;
 - b. Sell the land from the discontinued road to the adjoining land owner on the conditions that:
 - i. The purchase price of the land is no less than valuation determined by Council's Valuer.
 - ii. The land is consolidated into the title of adjoining land owned by the purchaser.

MOVED: Cr Brunt

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **COMMENCE THE STATUTORY PROCEDURES PURSUANT TO SECTIONS 206, 207A, 223 AND SCHEDULE 10, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 1989 TO DISCONTINUE A 274M2 UNUSED PORTION OF GARDNER LANE, POOWONG AS SHOWN HATCHED IN ATTACHMENT 1 AND SELL THE LAND FROM THE DISCONTINUED ROAD TO THE ADJOINING LANDOWNER (THE PROPOSAL).**
2. **GIVE PUBLIC NOTICE IN ITS NOTICEBOARD SECTION OF LOCAL NEWSPAPERS WEEK COMMENCING 4 JULY 2016 OF THE PROPOSAL IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 TO COMMENCE A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY 5.00PM WEDNESDAY 3 AUGUST 2016.**
3. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL.**
4. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**

- a. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE AND PLACE TO HEAR, CONSIDER AND DETERMINE SUBMISSIONS.**
 - b. **HEAR SUBMITTERS WHO HAVE ELECTED TO SPEAK TO THEIR SUBMISSION AT A COMMITTEE OF COUNCIL IN CLOSED SESSION PURSUANT TO SECTION 89(2)(H) OF THE LOCAL GOVERNMENT ACT 1989 COMPRISING OF THE MAYOR, AT LEAST ONE WARD COUNCILLOR, AND ANY OTHER COUNCILLOR IN ATTENDANCE.**
 - c. **CONSIDER SUBMISSIONS AND DECISION DETERMINED AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.**
- 5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE, AGREE TO:**
- c. **PUBLISH A ROAD DISCONTINUANCE NOTICE IN THE VICTORIA GOVERNMENT GAZETTE;**
 - d. **SELL THE LAND FROM THE DISCONTINUED ROAD TO THE ADJOINING LAND OWNER ON THE CONDITIONS THAT:**
 - i. **THE PURCHASE PRICE OF THE LAND IS NO LESS THAN VALUATION DETERMINED BY COUNCIL'S VALUER.**
 - ii. **THE LAND IS CONSOLIDATED INTO THE TITLE OF ADJOINING LAND OWNED BY THE PURCHASER.**

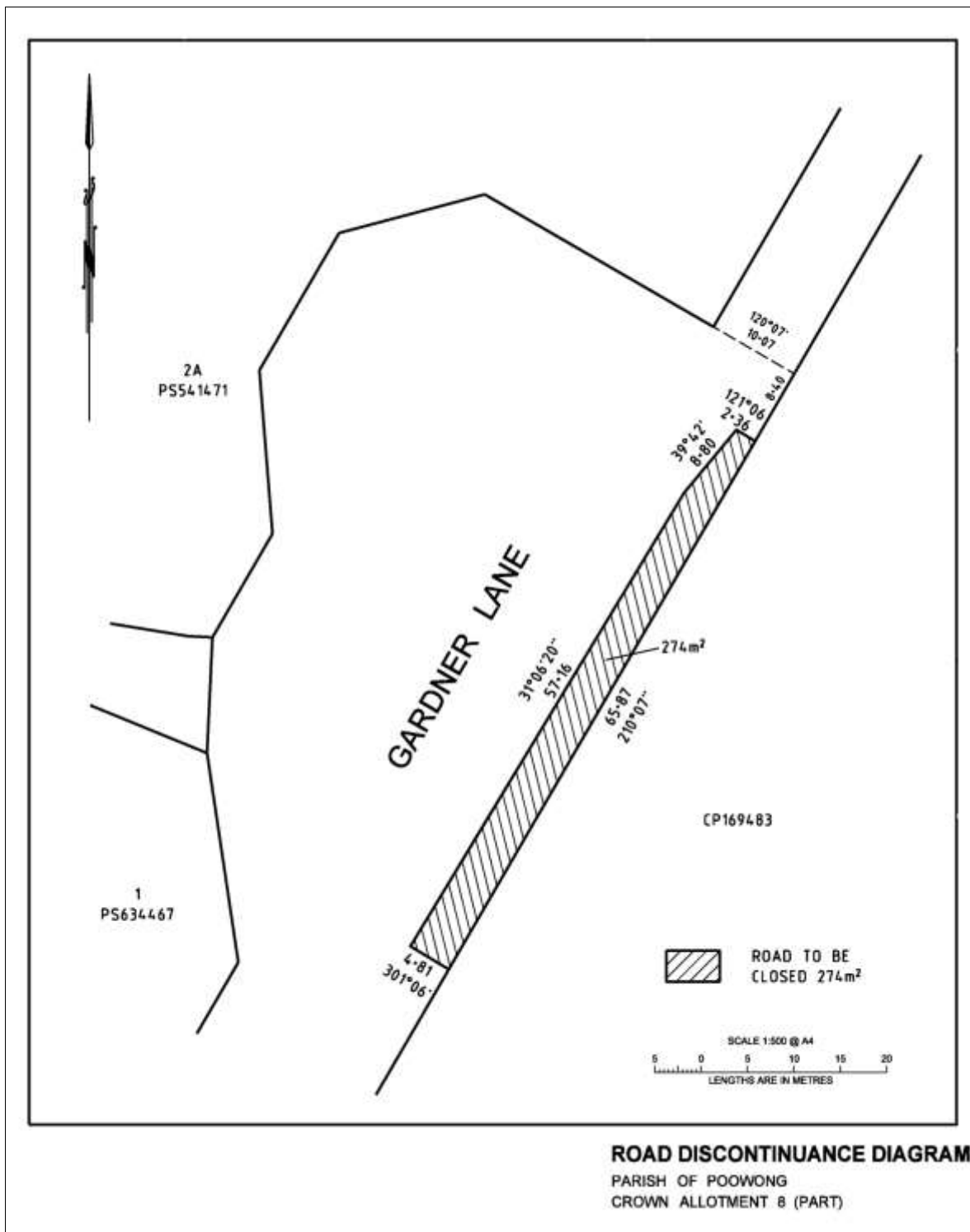
Cr Davies returned to the Council Meeting 3.32pm.

Cr McEwen left the Council Meeting at 3.34pm.

CARRIED UNANIMOUSLY

Cr McEwen returned to the Council Meeting at 3.35pm.

Attachment 1
Road Discontinuance Diagram Part Gardner Lane, Poowong



Councillor Don Hill left the Council Meeting at 3.34pm with a declared direct conflict of interest with respect of Council Reports Item E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO as he owns land adjoining the unused road and is the applicant.

E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report recommends Council commence the statutory procedures to declare a section of unused government road to the south of Giles Street, Mirboo North and Parish of Mirboo, open to public traffic to allow the applicant legal access to their property.

Document/s pertaining to this Council Report

- [Attachment 1](#) – Survey Plan of Proposed Road Opening.
- [Attachment 2](#) – Aerial Plan of Proposed Road Opening.
- **Confidential Appendix 1** – Road Opening Request (January 2016).

Confidential Appendix 1 is confidential information on the grounds that it relates to a matter specified under Section 89(2)(h) that Council considers would prejudice the Council or any persons; respective of the Local Government Act 1989.

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

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989 (Sections 204(2), 207A(c) and 223)
- Road Management Act 2004
- Road Management Plan 2013
- Planning and Environment Act 1987

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Vision 2020
- Road Opening Procedure
- Infrastructure Design Manual
- Public Road Register

COUNCIL PLAN

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

CONSULTATION

- Council will place a public notice of the proposed declaration in its Noticeboard section of the local newspapers and on Council's website week commencing 27 June 2016, in accordance with Section 223 of the Local Government Act 1989, and send letters to adjoining property owners.
- The submission period is 28 days from publication and will close at 5.00pm on Monday 27 July 2016.
- If submissions are received to the public notice, they will be heard at a Special Committee of Council in closed session and the decision determined at the next available Ordinary Council Meeting in open session.
- If no submissions are received to the public notice, a further notice will be published of the road opening in the Victorian Government Gazette.

REPORT

Background

Council has received an application from an adjoining land owner of the unused Government road in question, requesting the opening of approximately 211 metres of unused and unmade government road reserve (being an area of 4,263m²) to the south of Giles Street, Mirboo North. The section of unused government road requested to be opened to public traffic will allow the applicant legal access to their property being L1 TP394262.

Having no reasonable access means the property owner is unable to get farm machinery into their property to work the farm, operate the irrigation equipment, or manage weed control.

The property in question has recently been purchased by the applicant and access to the main area of the applicant's farm was previously gained through vacant land on Giles Street. This property has now been sold and will not be available for the applicant to access the main area of their farm.

Access from the western side to the eastern side of the property is restricted by a major gully and swamp. Whilst the section of unused road proposed to be opened also has a gully to be crossed, this can be achieved by installing a large culvert, or possibly a small bridge. The applicant will need to contact the West Gippsland Catchment Management Authority to obtain any necessary approvals and permits to work in waterways.

The road to be opened is currently unconstructed and will need to be constructed. The new road will be classified as 'Access Place - Urban' in accordance with Council's Road Hierarchy.

The road to be constructed shall be formed and gravelled incorporating a 4.0 metre wide carriageway with 1.5 metre wide shoulders and table drains to suit.

A portion of the road also has an Agricultural Licence (1509282) with the Department of Environment, Land, Water, and Planning (DELWP) covering it which is held with another property owner. This existing licence will need to be revoked prior to the road being opened.

Refer to [Attachment 1 – Survey Plan](#) and [Attachment 2 – Aerial Plan](#) of the proposed road opening.

Discussion

Council has the power under the Local Government Act 1989 Section 204 to:

- “1. Declare a road in its municipal district to be a public highway; and*
- 2. Declare a road that is reasonably required for public use to be open to public traffic.”*

The declaration made under Section 204 requires Council to use a Section 223 Submission Process.

Both the Road Management Act and Local Government Act require Council to publish a notice of its declaration to open a road in the Government Gazette.

Although Council has delegated its power to declare a road under the Road Management Act to staff, it is considered desirable that Council make both declarations together, namely declaring the land as a road and declaring the road open to public traffic.

The proposal to open approximately 211 metres (being an area of 4,263m²) of unused government road shall only proceed to gazettal, subject to the following conditions:

- The applicant enters into a Section 173 Agreement under the Planning and Environment Act 1987, to construct the road to Council's satisfaction and bears all costs associated with the opening and construction of the road.
- The construction of the road must be completed prior to any building or construction works occurring on the land.
- The applicant is to maintain the road during the twelve month Defects Liability Period agreed to by Council, following which Council will be responsible for the maintenance of the road in accordance with its Road Management Plan 2013.
- The applicant is to obtain all relevant Permits before commencing works to construct the road.
- The Section 173 Agreement shall end upon the expiry of the Defects Liability Period agreed to by the Council in regards to the works provided, satisfactory completion of these works, and rectifications required during such Defect Liability Period. As soon as is reasonably practical after the ending of the Agreement and subject to the owner making an application in writing to the Council, the Council shall, at the expense of the owner, make application to the Registrar of Titles to cancel the recording of this Agreement pursuant to Section 183(2) of the Act to all or the relevant part of the land as the case may be.

Proposal

It is proposed that Council commence the statutory procedures in accordance with Sections 204, 223 and Schedule 10 Clause 3 of the Local Government Act 1989 to declare the 4,263m² section of unused government road to the south of Giles Street, Mirboo North, Parish of Mirboo (refer to [Attachment 1](#)) open to the public for traffic.

FINANCIAL CONSIDERATIONS

All costs associated with the design and construction of the road shall be the responsibility of the applicant.

The future maintenance cost of this section of road, including the culvert, is estimated to be \$550 per annum. This will be included in Council's operating budget for road maintenance when required.

RISKS

There are no risks to Council if this road opening proceeds as all legal risks fall under the Road Management Act 2004 and are subsequently addressed in Council's Road Management Plan 2013.

If Council does not open the road, the applicant will not have legal and reasonable access to their property known as L1 TP394262 located east of Meeniyah Mirboo North Road / south of Giles Street, Mirboo North.

CONCLUSION

It is considered appropriate that Council commence statutory procedures to declare that the section of unused government road, to the south of Giles Road, Mirboo North, Parish of Mirboo, be open to public traffic to allow the applicant legal and reasonable access to their property.

RECOMMENDATION

That Council:

1. Pursuant to Section 204(2) of the Local Government Act 1989 declare that the unused government road being an area of 4263m² to the south of Giles Street, Mirboo North, Parish of Mirboo shown on Attachment 1, is required to be open to the public for traffic as a right and declares the road to be a public highway for the purposes of the Act (the Proposal).
2. Give public notice on Council's website and in its Noticeboard section of the local newspapers on 27 June 2016 of the Proposal in accordance with Section 223 of the Local Government Act 1989 to commence a public consultation process inviting written submissions from the community by 5.00pm Wednesday 27 July 2016.
3. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the proposal (items 1&2).
4. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date and place to hear, consider, and determine submissions.
 - b. Hear submitters who had elected to speak to their submission at a Committee of Council in closed session pursuant to Section 89(2)(h) of the Local Government Act 1989 comprising of the Mayor, at least one Ward Councillor, and any other Councillor in attendance.
 - c. Consider submissions and decision determined at the next available Ordinary Council Meeting in open session.
5. If no submissions are received to the public notice agree to publish the road opening in the Victorian Government Gazette.
6. Prepare a Section 173 Agreement for the applicant to enter into under the Planning and Environment Act 1987, in which the applicant bears all

the costs associated with the opening and construction of the road and authorise the Chief Executive Officer or his delegate to sign all documentation in relation to the establishment of the Agreement.

7. Authorise the Chief Executive Officer or his delegate to sign all documentation in relation to the ending of an Agreement under Section 183 of the Planning and Environment Act to enable the removal of a Section 173 Agreement between South Gippsland Shire Council and the applicant.

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **PURSUANT TO SECTION 204(2) OF THE LOCAL GOVERNMENT ACT 1989 DECLARE THAT THE UNUSED GOVERNMENT ROAD BEING AN AREA OF 4263M² TO THE SOUTH OF GILES STREET, MIRBOO NORTH, PARISH OF MIRBOO SHOWN ON ATTACHMENT 1, IS REQUIRED TO BE OPEN TO THE PUBLIC FOR TRAFFIC AS A RIGHT AND DECLARES THE ROAD TO BE A PUBLIC HIGHWAY FOR THE PURPOSES OF THE ACT (THE PROPOSAL).**
2. **GIVE PUBLIC NOTICE ON COUNCIL'S WEBSITE AND IN ITS NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS ON 27 JUNE 2016 OF THE PROPOSAL IN ACCORDANCE WITH SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 TO COMMENCE A PUBLIC CONSULTATION PROCESS INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY BY 5.00PM WEDNESDAY 27 JULY 2016.**
3. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER SECTION 223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL (ITEMS 1&2).**
4. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE:**
 - a. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE AND PLACE TO HEAR, CONSIDER, AND DETERMINE SUBMISSIONS.**
 - b. **HEAR SUBMITTERS WHO HAD ELECTED TO SPEAK TO THEIR SUBMISSION AT A COMMITTEE OF COUNCIL IN CLOSED SESSION PURSUANT TO SECTION 89(2)(H) OF THE LOCAL GOVERNMENT ACT 1989 COMPRISING OF THE MAYOR, AT LEAST ONE WARD COUNCILLOR, AND ANY OTHER COUNCILLOR IN ATTENDANCE.**

- c. CONSIDER SUBMISSIONS AND DECISION DETERMINED AT THE NEXT AVAILABLE ORDINARY COUNCIL MEETING IN OPEN SESSION.**
- 5. IF NO SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE AGREE TO PUBLISH THE ROAD OPENING IN THE VICTORIAN GOVERNMENT GAZETTE.**
- 6. PREPARE A SECTION 173 AGREEMENT FOR THE APPLICANT TO ENTER INTO UNDER THE PLANNING AND ENVIRONMENT ACT 1987, IN WHICH THE APPLICANT BEARS ALL THE COSTS ASSOCIATED WITH THE OPENING AND CONSTRUCTION OF THE ROAD AND AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTATION IN RELATION TO THE ESTABLISHMENT OF THE AGREEMENT.**
- 7. AUTHORISE THE CHIEF EXECUTIVE OFFICER OR HIS DELEGATE TO SIGN ALL DOCUMENTATION IN RELATION TO THE ENDING OF AN AGREEMENT UNDER SECTION 183 OF THE PLANNING AND ENVIRONMENT ACT TO ENABLE THE REMOVAL OF A SECTION 173 AGREEMENT BETWEEN SOUTH GIPPSLAND SHIRE COUNCIL AND THE APPLICANT.**

MOVED: Cr Fawcett

SECONDED: Cr Harding

THAT COUNCIL DEFER AGENDA ITEM E.5 PROPOSED ROAD OPENING / DECLARATION OF A SECTION OF UNUSED GOVERNMENT ROAD OFF GILES STREET IN THE TOWNSHIP OF MIRBOO NORTH, PARISH OF MIRBOO IN ORDER TO CONSIDER ANY OTHER OPTIONS OF PROVIDING ACCESS TO THE PROPERTY WHICH MAY INCLUDE DISCONTINUANCE OF THE ROAD AND SALE TO THE APPLICANT BY NO LATER THAN THE COUNCIL MEETING 24 AUGUST 2016.

CARRIED

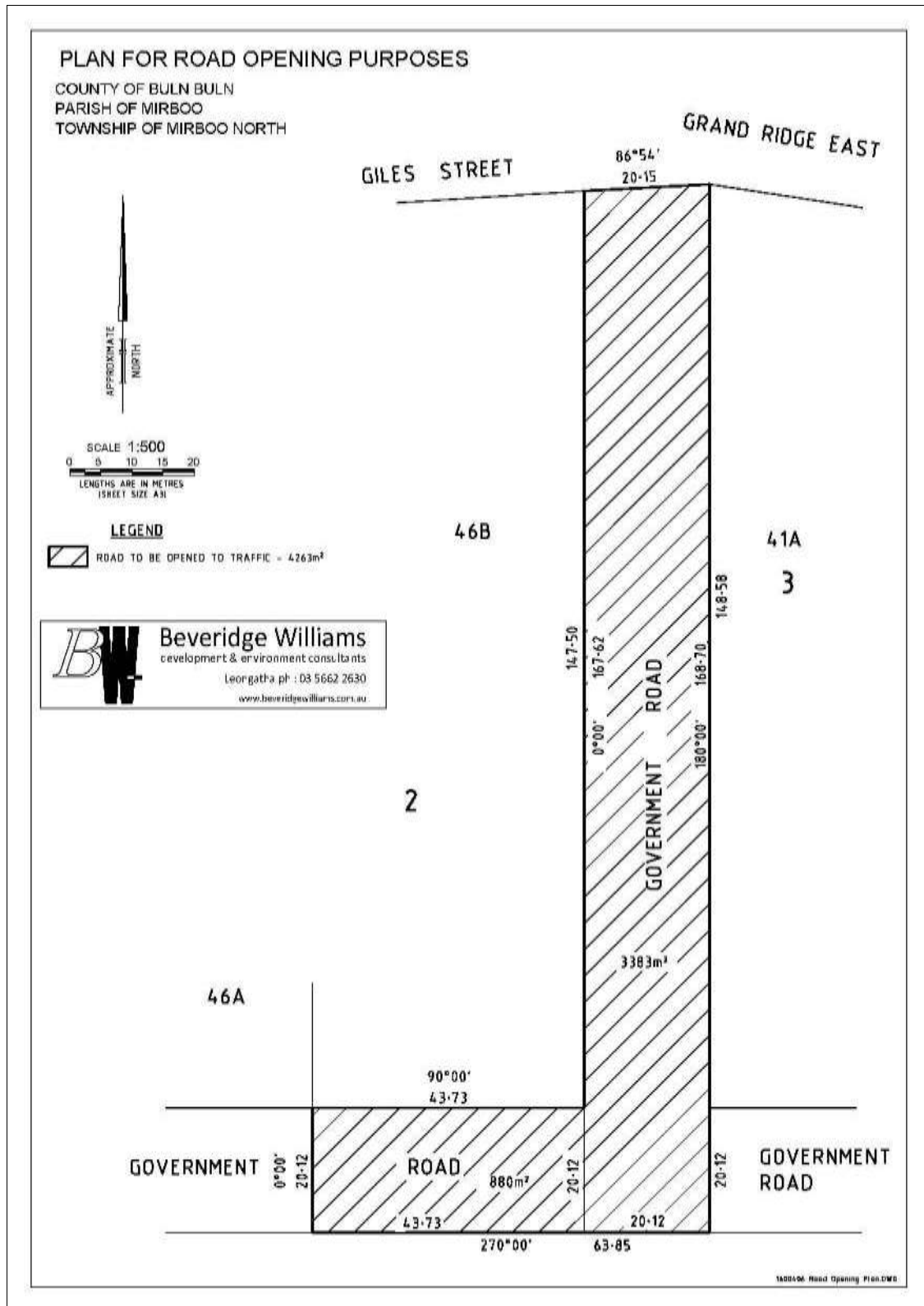
For: Crs Fawcett, Harding, Brunt, Newton, Davies, Hutchinson-Brooks and Kennedy.

Against: Cr McEwen

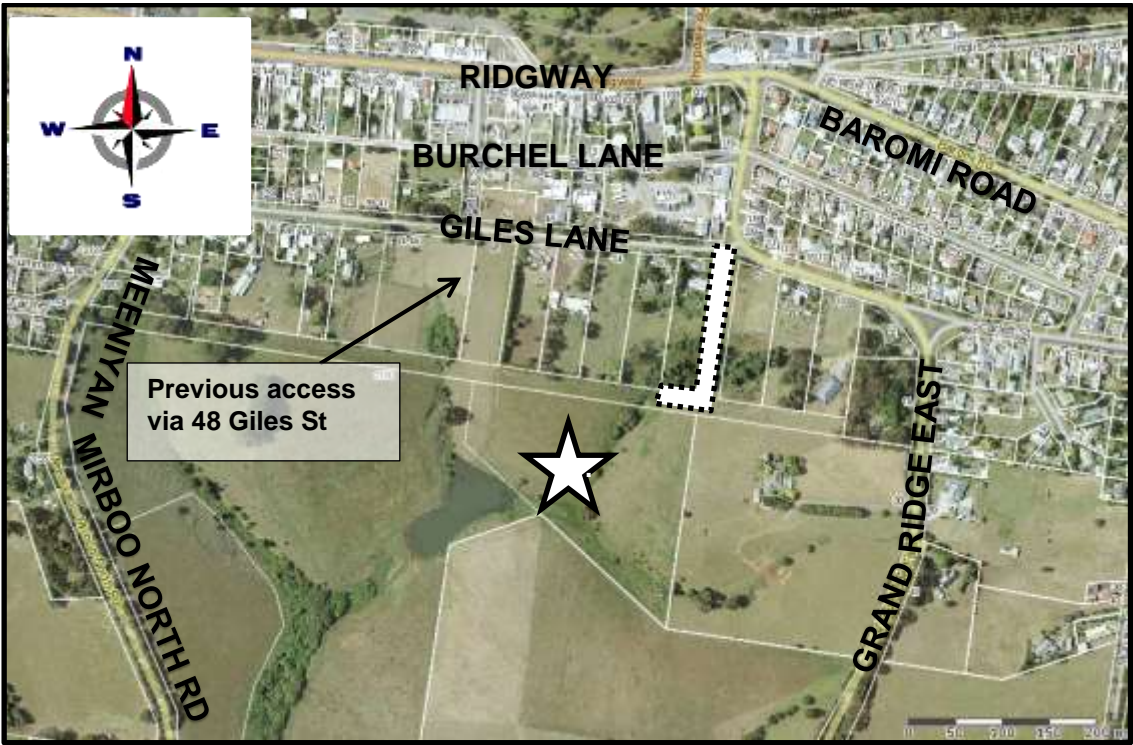
Cr Fawcett left the Council Meeting at 3.56pm

Cr Hill returned to the Council Meeting at 3.57pm.



Attachment 1 Survey Plan of Proposed Road Opening



Attachment 2
Aerial Plan of Proposed Road Opening



LEGEND

	Land requiring access from unused road
	Unused road to be opened

E.6 2016 DRAFT SOCCER FACILITIES PLAN - COMMUNITY CONSULTATION

Sustainable Communities and Infrastructure Directorate

STAFF DISCLOSURE OF INTEREST

Ian Murphy, Recreation Coordinator declared an indirect conflict of interest in Council Report E.6 2016 DRAFT SOCCER FACILITIES PLAN - COMMUNITY CONSULTATION, having a conflicting duty in that he is a Board Member of the Gippsland Soccer League.

EXECUTIVE SUMMARY

Soccer participation in the Shire has increased substantially from previous seasons, especially female participation. This has resulted in increased pressure on recreation reserve facilities that have already been adapted to provide for soccer.

The *2016 Draft Soccer Facilities Plan* (Draft Plan) recognises the increased pressure and identifies opportunities to improve soccer facilities to support the sport's continued growth. The Draft Plan has been developed through consultation with local soccer clubs and relevant stakeholders.

It is recommended that the Draft Plan be distributed to the soccer clubs and key stakeholders for comment as well as placing it on Council's website for broader community comment.

Document/s pertaining to this Council Report

- **Appendix 1** - 2016 Draft Soccer Facilities Plan.

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

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Recreation Strategy 2007

"Goal 3. Sports Development:

- *To encourage more people to continue to play a sport of their choice.*
- *Provide the appropriate quality and quantity of sports infrastructure to maintain current participation."*

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:	3.1.1	We will deliver Council and community projects and leverage project funds to attract investment from external sources.

CONSULTATION

External Consultation

The consultants met with all local soccer clubs, conducted site inspections, and gathered data via an online survey.

The Gippsland Soccer League, Gippsport, and Football Federation Victoria were also asked to provide comment, information, and support during the development of the Draft Plan.

Internal Consultation

The Community Strengthening, Building Maintenance, and Grants Teams have contributed information and provided support to the consultant.

Councillors have previously been briefed on the Draft Plan.

Further Community Consultation

The Draft Plan is ready to be distributed to the soccer clubs and key stakeholders.

A media release will be prepared and information placed on Council's website requesting feedback from our broader community.

The Draft Plan will then be finalised to incorporate feedback from the community consultation process and presented to Councillors at a future Briefing Session, followed by a report to Council to consider adopting the final 2016 Soccer Facilities Plan.

REPORT

Background

At the July 2014 Council meeting it was resolved to:

“Endorse a grant application to be submitted for \$20,000 for the South Gippsland Soccer Facilities Master Plan to the Sport and Recreation Victoria 2015/2016 Community Facility Funding Program – Planning.”

Council's grant application was successful and a request for quotations from suitably qualified consultants followed. The outcome of the quotation process saw Inside Edge Sports and Leisure Planning being engaged to develop the Draft Plan.

A key driver of the Soccer Facilities Plan has been the recent growth in soccer participation both locally and across the region. From 2014 to 2015 participation at the four clubs in the municipality increased 22% including over 100 female participants.

Discussion

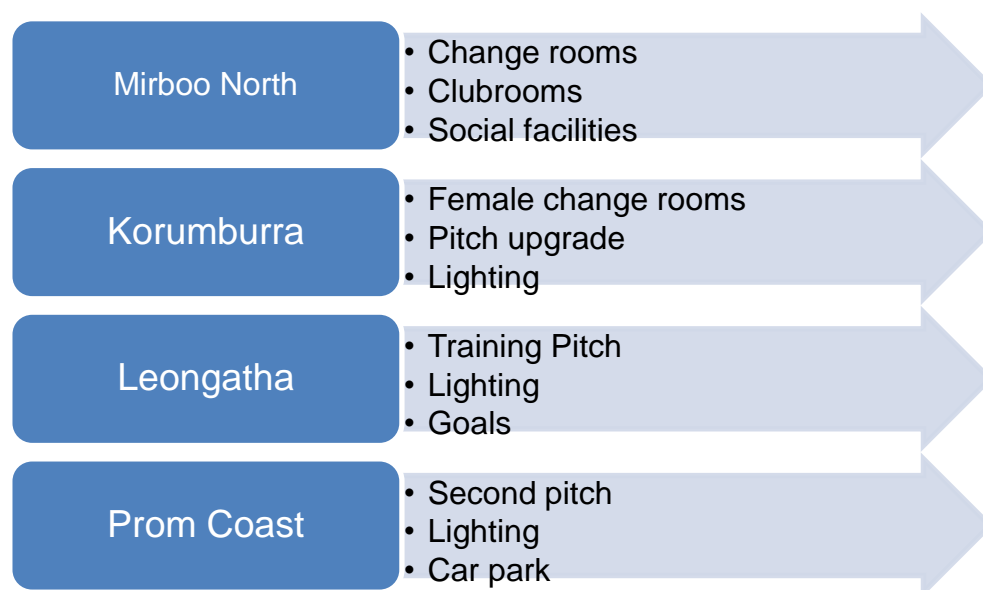
There are four soccer clubs within the municipality and these are listed below along with their home ground:

1. Mirboo North United – Walter Tuck Recreation Reserve.
2. Korumburra City – Korumburra Recreation Reserve.
3. Leongatha Knights – Mary MacKillop Catholic Regional College.
4. Prom Coast – Arthur Sutherland Reserve, Welshpool.

All the existing venues were originally used for Australian Rules Football and not designed to suit the needs of soccer.

With the increased participation in soccer, the facilities at these venues have been adapted to provide for soccer. As interest continues to increase, especially with female participation, the condition and suitability of the facilities have presented more of a challenge.

The Draft Plan identifies opportunities for improvements at these venues. The clubs have identified the following items as priorities:



The community consultation process will provide an opportunity to confirm these priorities.

Proposal

It is proposed that Council release the Draft Plan for community consultation.

The Draft Plan will then be finalised to incorporate feedback from the community consultation process and presented to Councillors at a future Briefing Session. A report will then be prepared for Council to consider adopting the final *2016 Soccer Facilities Plan*.

FINANCIAL CONSIDERATIONS

Council has no dedicated funding to implement actions from the final *2016 Soccer Facilities Plan*.

The *Capital Works Program* contains an annual allocation towards community infrastructure projects. This allocation is utilised to support local sporting clubs attract external (State Government) funding to improve community infrastructure.

It is anticipated that soccer clubs will fundraise and access Council's *Community Grants Program* for minor projects. For larger projects, the soccer clubs can seek Council support in securing external funding from programs such as the Sport and Recreation Victoria *Community Sports Infrastructure Fund*.

RISKS

Council will play a major role in supporting soccer clubs to improve facilities to meet the needs of a growing number of participants.

There is a risk that releasing this document will create an expectation that Council will drive the improvements identified in the Draft Plan. Community consultation process will provide the opportunity for Council to show their support for clubs to improve their facilities, including applications for funding to bring these projects to fruition.

CONCLUSION

The Draft Plan identifies the opportunities to improve soccer facilities within the municipality. Releasing this document for the community to consider will create a shared vision for the future development of these well utilised community facilities.

RECOMMENDATION

That Council:

1. Release the *2016 Draft Soccer Facilities Plan* for community consultation with written submissions to be received until 5.00pm on 3 August 2016.
2. Distribute the 2016 Draft Soccer Facilities Plan to soccer clubs and key stakeholders involved in its development.
3. Prepare a media release for distribution and place information on Council's website requesting feedback.
4. Consider a report at the 14 December 2016 Council meeting on the feedback received during the community consultation process.

MOVED: Cr Davies

SECONDED: Cr Hutchinson-Brooks

THAT COUNCIL:

1. **RELEASE THE 2016 DRAFT SOCCER FACILITIES PLAN FOR COMMUNITY CONSULTATION WITH WRITTEN SUBMISSIONS TO BE RECEIVED UNTIL 5.00PM ON 3 AUGUST 2016.**
2. **DISTRIBUTE THE 2016 DRAFT SOCCER FACILITIES PLAN TO SOCCER CLUBS AND KEY STAKEHOLDERS INVOLVED IN ITS DEVELOPMENT.**
3. **PREPARE A MEDIA RELEASE FOR DISTRIBUTION AND PLACE INFORMATION ON COUNCIL'S WEBSITE REQUESTING FEEDBACK.**
4. **CONSIDER A REPORT AT THE 14 DECEMBER 2016 COUNCIL MEETING ON THE FEEDBACK RECEIVED DURING THE COMMUNITY CONSULTATION PROCESS.**

CARRIED UNANIMOUSLY

E.7 ANNUAL BUDGET 2016/17 AND UPDATED STRATEGIC RESOURCE PLAN

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Annual Budget 2016/17 and the updated Strategic Resource Plan is presented to Council for adoption.

Appendix 1 South Gippsland Shire Council Annual Budget 2016/17 has been prepared pursuant to Section 127 and 130 of the Local Government Act 1989.

Appendix 2 Council Plan 2013-2017 includes the updated Strategic Resource Plan 2016/17-2019/20 that has been prepared pursuant to Section 126 of the Local Government Act 1989.

There have been a number of changes made to the Proposed Budget presented to the 23 March 2016 Council Meeting. These movements are summarised below:

Income Statement	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Total income	66,895	68,337	1,442	Increase
Total expenses	61,120	62,676	1,556	Increase
Surplus (deficit)	5,775	5,661	114	(Unfav)

Capital Expenditure	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
Expenditure	19,971	20,814	843	Increase

The major changes to budgets include:

Recurrent Income

1. \$670,000 funds carried forward from 2015/16 to 2016/17, predominantly capital income and operational grants. These projects are described within this report.
2. \$329,000 additional grant income expected as a partial funding offset for a storm event that occurred in May 2016.
3. Additional \$262,000 grant income anticipated for the Toora Dredging proposal.

Recurrent Expenditure

1. \$1.1m additional 'material & consumable' expenditure - predominantly grant funded expenditure being carried forward from 2015/16 for uncompleted projects. These projects are described within this report.
2. Additional \$136,000 expenditure for WorkCover premium.
3. Additional \$300,000 expenditure for the Toora Dredging proposal.

Capital Expenditure

1. \$843,000 additional 'capital expenditure' - the majority being funds carried forward from 2015/16 for uncompleted capital projects. These projects are described in this report.

Financial impact

The budget adjustments have not compromised the integrity of either the Annual Budget 2016/17 or the budgeted financial statements in the Long Term Financial Plan.

Documents pertaining to this Council Report

- **Appendix 1** – Annual Budget 2016/17
- **Appendix 2** – Council Plan 2013-2017

The **Appendix 1 - Annual Budget 2016/17** and **Appendix 2 - Council Plan 2013-2017** are both available on Council's website:

www.southgippsland.vic.gov.au or by calling 5662 9200.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Sections 125, 126, 127, 129, 130 and 223
- Local Government (Planning and Reporting) Regulations 2014

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

- 31 March to 27 April 2016: Section 223 Public Consultation inviting written submissions to the Proposed Budget:
- 1 June 2016: Special Council meeting to formally consider the submissions made to the Proposed Budget.
- Thirteen written submissions were received for the formal S223 submission requirement by the closing time on 27 April 2016. Nine submitters asked to speak to their submissions. The hearing of submissions took place on Wednesday 18 May 2016. All submissions were considered and determined at the Special Meeting of Council held on 1 June 2016.
- There were no Council resolutions from the 1 June 2016 Special Meeting that required an amendment to the 2016/17 Budget.
- Submitters have been advised in writing of Council's decision at the 1 June 2016 Special Meeting.

REPORT

At the Council Meeting held on 23 March 2016 Council considered and prepared a Proposed Annual Budget for the purposes of Section 127 of the Local Government Act 1989.

Council resolved in part that the Annual Budget be referred to the Ordinary Council Meeting on 22 June 2016 for adoption.

As required under the provisions of Section 129 of the Local Government Act 1989 the necessary public notices have been given. The information required to be made available under Regulation 10 of the Local Government Regulations 2014 has been complied with.

Budget adjustments

Final Budget Projections for 2015/16 and budgeted Carry Forwards:

Departments have reviewed their final budget projections for 2015/16, the aim being that at financial year end (30 June 2016) actual costs incurred correlate closely to costs projected. The favourable net expenditure projections identified for 2015/16 has provided a funding offset for the unavoidable net operating cost increase adjustments (predominantly WorkCover premium cost increase) made in the 2016/17 operating budget.

As part of this process there were a number of capital, grant funded and other projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2015/16 and corresponding increases have been made to budgets in 2016/17.

This will distort the financial KPIs between the two financial years but does not present as a strategic concern. The funding implications of budgeted carry forwards between the two years are net neutral.

The following projects have had grant, contribution and other income funds carried forward from 2015/16 to 2016/17:

Cost Centre Name	Activity Name	Account Name	\$
Fleet - Fleet Purchases	General	Vehicle Sales	(66,816)
Bridge - Black Spur Bridge Investigation - Koonwarra	General	State Government Grant (non recurrent)	(103,000)
Corner Inlet Tourism - Great Southern Rail Trail	General	State Government Grant (non recurrent)	(500,000)

The 2016/17 budget projection for rates and charges increased by \$57,000 after taking into account supplementary valuation adjustments made subsequent to the Proposed Budget being prepared in March 2016.

The income projection for interest revenue was also increased by \$40,000.

Grant income projections for a storm event that occurred in May (estimated cost \$400,000) were increased by \$329,000 and \$35,000 in 2016/17 and 2017/18 respectively.

There was an additional \$262,000 grant income included in the 2016/17 budget for the Toora Dredging proposal.

The following projects have had grant related and other expenditure budgets carried forward from 2015/16 to 2016/17:

Cost Centre Name	Activity Name	Account Name	\$
Bridge - Black Spur Bridge Investigation - Koonwarra	General	Contractors	250,000
Corner Inlet Tourism - Great Southern Rail Trail	General	Contractors	450,000
Biodiversity	Jim Harvey Biodiversity Fund	Contractors	125,567
Biodiversity	Native Vegetation Offset	Contractors	13,166
Sustainability Services	Sustainability Wiki	Contractors	1,009
Sustainability Services	Agricultural Resilience and Shared Climate Change	Marketing, Advertising and Promotion	1,258
Sustainability Services	Agricultural Resilience and Shared Climate Change	Printing and Stationery	333
Sustainability Services	Agricultural Resilience and Shared Climate Change	Contractors	19,686
Sustainability Services	Agricultural Resilience and Shared Climate Change	Consultancies	1,931
Sustainability Services	Agricultural Resilience and Shared Climate Change	Catering	3,671

Cost Centre Name	Activity Name	Account Name	\$
Recreation Facilities	Equestrian Park Business Case	Consultancies	15,000
Youth Development	Youth Project - FReeZA (3 years)	Training and Professional Development	1,500
Youth Development	Youth Project - FReeZA (3 years)	Contractors	3,000
Youth Development	Youth Project – FReeZA (3 years)	Materials	3,000
Access and Inclusion Program	Respectful Relationships	Materials	3,000
Building Inclusive Communities	Rural Access Program	Materials	10,000
Bridge - Black Spur Bridge Investigation - Koonwarra	General	Contractors	105,000
Strategic Planning	Nyora Development Plan and Developer Plan	Consultancies	62,380
Strategic Planning	Building on Steep Slopes Review	Consultancies	55,000

The following operational items had their budget brought forward from 2016/17 to 2015/16:

Cost Centre Name	Activity Name	Account Name	\$
Information Technology	General	Contractors	(30,000)
Sustainability Services	Agricultural Resilience and Shared Climate Change	Materials	(1,204)

Other adjustments made to the 2016/17 Budget / Long Term Financial Plan included:

- Increasing Workcover premium cost projection by \$136,000 as a result of anticipated cost increases.
- Additional \$300,000 expenditure for the Toora Dredging proposal.
- Adjustments to plant oncost transfer income and expenditure accounts for the 2016/17 Budget / Long Term Financial Plan. These adjustments are cost neutral.

The following capital projects have had budgets carried forward from 2015/16 to 2016/17:

Cost Centre Name	Activity Name	Account Name	\$
Fleet - Fleet Purchases	General	Capital Plant Purchases	380,634
Buildings - Caravan Park Toilet Block - Port Welshpool	General	Contractors	376,419
Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha	Land Acquisition	Contractors	12,000
Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha	Land Acquisition	Legal Fees	5,761
Pools - Splash Hydro Therapy Pool and Gymnasium- Leongatha	General	Contractors	70,000

The following capital project had its budget brought forward from 2016/17 to 2015/16:

Cost Centre Name	Activity Name	Account Name	\$
IT Capital Works	Compliance Software	Software Purchases and Enhancements	(15,000)

The capital works program has also been adjusted to take into account a decision made by Council at its 23 March 2016 meeting to:

- Bring back Dollar Road Dumbalk – Road rehabilitation project from the 2016/17 financial year to the 2015/16 year; and
- Defer Loch Wonthaggi Road Loch – Road rehabilitation project from 2015/16 financial year to the 2016/17 year; as shown in the table below.

Cost Centre Name	Activity Name	Account Name	\$
Roads - Sealed Rehabilitation Program	Loch Wonthaggi Road, Loch	Contractors	518,034
Roads - Sealed Rehabilitation Program (carry back from 2016/17)	Dollar Rd, Dumbalk	Contractors	(532,000)

COUNCIL PLAN 2013-2017 – UPDATED STRATEGIC RESOURCE PLAN

The Act requires that the Council Plan is to include the updated four year Strategic Resource Plan and this must be reviewed and adopted by 30 June annually. The Strategic Resource Plan 2016/17-2019/20 contained within the Annual Budget, has been updated in the Council Plan.

The Annual Budget 2015/16 incorporates both the 15 year Long Term Financial Plan and the four year Strategic Resource Plan. The Strategic Resource Plan is a four year subsection of the 15 year Long Term Financial Plan.

The Strategic Resource Plan that has been appended to the Council Plan has been prepared with reference to the Local Government Model Strategic Resource Plan Better Practice Guide issued by Local Government Victoria.

It is proposed that the Council Plan 2013-2017 incorporating the Strategic Resource Plan 2016/17-2019/20 be adopted, issued to the Minister for Local Government and placed on Council's website.

RISKS

Annual budgets are 'best estimates' of cost requirements to deliver a defined level of services and strategic projects and initiatives. Throughout the financial year there is reasonable likelihood that:

- Some costs incurred may vary materially to what was budgeted;
- Unavoidable cost events or increases may occur; and/or
- Strategic opportunities may arise that require funding.

Council will strategically manage these events by utilising 'rolling budget' management processes. On a monthly basis, there will be a review of 'actual' financial performance to year-to-date budgets. An exception-based summary for material variations and changes to annual and longer term budget projections will be circulated to Councillors.

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 to the originally adopted Long Term Financial Plan's budgeted financial statements.

Budget projections for annual and forward budgets will be updated when it is known that the year end result will vary materially with original budgets. This process ensures that management and Council are at all times aware of likely year end results and longer term financial impact. This provides opportunity for Council to demonstrate sound financial management by strategically managing financial risks faced by Council throughout the year.

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

CONCLUSION

A number of key financial performance indicators are used to assess the financial integrity of the annual and forward budgets. The budgeted financial statements of the Annual Budget 2016/17 and Long Term Financial Plan referenced in **Appendix 1** and as set by the Long Term Financial Strategies, are financially viable and sustainable.

RECOMMENDATION

That Council:

1. Adopt the 2016/17 Annual Budget (Appendix 1) in accordance with Section 130 (1) of the Local Government Act 1989 including the Declaration of Rates and Charges in accordance with Section 158 of the Local Government Act 1989;
2. Authorise the Chief Executive Officer to give public notice of this decision to adopt the Annual Budget 2016/17 budget in accordance with Section 130 (2) of the Local Government Act 1989;
3. Adopt the Strategic Resource Plan that is appended to the 2013-2017 Council Plan (Appendix 2) in accordance with Section 126 3 (b) of the Local Government Act 1989; and
4. Provide the Minister for Local Government with a copy of the adopted 2016/17 Annual Budget and the 2013-2017 Council Plan incorporating the Strategic Resource Plan.

A corrected Recommendation was considered.

MOVED: Cr Hill

SECONDED: Cr McEwen

THAT COUNCIL:

- 1. ALTER THE WORDING ON PAGES 91 AND 97 OF THE 2016/17 ANNUAL BUDGET (APPENDIX 1) TO REMOVE REFERENCE TO NORTH POOWONG ROAD (\$1.23M) BEING REFERRED TO AS CAPITAL PROJECT THAT HAD BUDGETS CARRIED FORWARD FROM 2015/16 TO 2016/17, ADJUST ON PAGE 8 THE \$2.65M CARRY FORWARD AMOUNT TO \$1.43M AND ADJUST ON PAGE 48 THE UNRESTRICTED CASH RATIO IN 2016/17 FROM 23.59% TO 37.46%;**
- 2. ADOPT THE 2016/17 ANNUAL BUDGET (APPENDIX 1) IN ACCORDANCE WITH SECTION 130 (1) OF THE LOCAL GOVERNMENT ACT 1989 INCLUDING THE DECLARATION OF RATES AND CHARGES IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2016/17 BUDGET IN ACCORDANCE WITH SECTION 130 (2) OF THE LOCAL GOVERNMENT ACT 1989;**
- 4. ADOPT THE STRATEGIC RESOURCE PLAN THAT IS APPENDED TO THE 2013-2017 COUNCIL PLAN (APPENDIX 2) IN ACCORDANCE WITH SECTION 126 3 (B) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 5. PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 2016/17 ANNUAL BUDGET AND THE 2013-2017 COUNCIL PLAN INCORPORATING THE STRATEGIC RESOURCE PLAN.**

Cr Fawcett left the Council Meeting at 4.00pm and returned at 4.01pm.

CARRIED UNANIMOUSLY

E.8 COMMUNITY BUDGETING

Chief Executive Office

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report has been prepared in response to the Motion adopted on the 16 December 2015, that Council:

1. Defer the Community Budgeting process as outlined in the E.7 resolution of the 28 October 2015 Council meeting.
2. To receive a report by June 2016 into how to undertake a more representative Participatory Budgeting process for the 2017/18 budget.
3. Prior to the 2016/17 budget being finalised, invite those who nominated to participate in the Community Budgeting process to a lunch and meeting to discuss ideas for their communities.

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- IAP2 Framework
- Core Values for the Practice of Public Participation:
 1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
 2. Public participation includes the promise that the public's contribution will influence the decision.
 3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
 4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
 5. Public participation seeks input from participants in designing how they participate.
 6. Public participation provides participants with the information they need to participate in a meaningful way.
 7. Public participation communicates to participants how their input affected the decision.

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation.
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation.
Strategy:	4.2.3	We will make informed decisions and provide opportunities for the community to participate in.

CONSULTATION

External consultation was held with 23 nominees for the Community Budgeting project at the Community Budgeting lunch in March. Discussions were conducted between the nominees, Councillors and Council's Executive Team and relevant officers.

The discussions focused around four key topics including the initial constraints, community feedback, project proposals and future changes.

Further feedback opportunities were provided to nominees who were unable to attend and to debrief through feedback forms.

Common trends in the feedback included:

1. Many of the Community Budgeting nominees agreed that \$400,000 was a drawcard for the community and appreciated the opportunity to have a say.
2. The main concerns about the project that made the community reluctant was the short timeframe, lack of interest, fear to approach Council with their ideas, the selection process and feelings of being over-consulted.
3. To attract the best mix of nominees to meet the demographic requirements many of the nominees agreed that focus should shift from age-specific candidates to their skills and interests. Diversity, incorporating community groups and altering the application form were also considered.
4. Streetscaping was the most common project suggested among the four towns (identified for Venus Bay, Foster and Korumburra). Other common projects were related to recreation and included specific areas designed for youth.
5. The top five highest voted suggestions for improvement of the Community Budgeting project were:
 - a. Information – Full page ad in local papers: 32 votes
 - b. Once town plan is done use it to allot funds: 31 votes
 - c. Make the guidelines for the selection panel clear, specific and measureable to ensure panel is made up of people with the

appropriate skill set to see the project to a satisfactory conclusion for the majority of community: 28 votes

- d. Send a letter explaining the project fully; including what would be required from a time perspective, how the jury process would work and what the money could be spent on, to the main community groups in the town and allow time: 27 votes
- e. More communication – clear communication on how the process will work – how can the money be spent and on what: 27 votes

REPORT

Background

Council deferred the Community Budgeting Project at its meeting on the 16 December 2015 until the 2017/18 Annual Budget after receiving an inadequate number of nominees to form representative panels.

The timelines for the project were too tight to meet the dates outlined in the original Notice of Motion that was carried in August 2015.

Council requested a report that would assist in facilitating a successful Community Budgeting project in 2017/18.

Discussion

Successful implementation of community panel projects has occurred in municipalities such as the Surf Coast Shire Council, City of Yarra and Yarra Ranges Council where solutions to contentious issues have been decided by panels of local community members.

As articulated in its Council Plan, this Council is committed to provide opportunities for the community to participate in the decision making process. While Council was lauded for being innovative with the adoption of the original Participatory Budgeting notice of motion, in retrospect community panels proved not to be the most appropriate engagement method for allocating \$400,000 to each of the four towns.

The original Community Budgeting nominees advised that they felt over-consulted, that many of the potential projects were already noted in existing community plans. Given this, those plans can be utilised to assist the community to prioritise the projects necessary for 2017/18.

The nominees also identified the need for more communication between Council and these communities as a key indicator of success for the project.

This can be achieved by utilising an online platform and holding town meetings to determine which projects are put forward to Council for the 2017/18 financial year.

Options

1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project with polls to determine priority projects and town meetings to engage the community on their key projects.
2. Continue with an upgraded and reviewed Community Budgeting process to be implemented for 2017/18. A fully resourced facilitated Community Budgeting project would cost in the vicinity of \$40,000 per panel (a total of \$160,000), which would need to be included in the 2016/17 Annual Budget.

Proposal

That Council re-shapes the Community Budgeting project to the Community Capital Works Allocation project.

To be successful this project would need to be facilitated as follows:

- Utilise existing community plans and/or the long term capital works program to determine projects that could be completed using the \$400,000 allocated to each of Korumburra, Foster, Venus Bay and Mirboo North.
- Develop an online forum where individuals identify their preferred projects as identified in the community plan/capital works program and provide opportunities to suggest other projects.
- Evaluate the suggested projects for cost and suitability. If the suggested projects are possible within the constraints of this program, add them to the list of projects.
- Hold town meetings in each of the four towns to provide the opportunity for community members to vote on the top ten preferred project/s in a deliberative poll.
- Recommendations from the deliberative polls to be collated and presented to Council by December 2017 for potential inclusion in the 2017/18 Capital Works Program.

FINANCIAL CONSIDERATIONS

Council has already allocated \$400,000 (total \$1.6M) for each of Korumburra, Foster, Venus Bay and Mirboo North in the 2017/18 Annual Budget.

The costs for managing the process articulated in Option 1 will be covered by existing resource allocation.

If Council opted to pursue a facilitated Community Budgeting process (Option 2) it would need to allocate \$160,000 to the project in the 2016/17 Annual Budget.

RISKS

Given that the first iteration of the Community Budgeting failed to garner broad community interest there is potential for reputational risk if the reviewed project is not successful.

CONCLUSION

The Community Capital Works Allocation project provides the community with the opportunity to be actively involved in Council's decision making in an appropriate way for the work that needs to be completed.

RECOMMENDATION

That Council:

1. Re-shape and re-name the Community Budgeting project to the Community Capital Works Allocation project.
2. Use online engagement tools and town meetings to determine the communities' priority projects.
3. Consider the priority projects identified by the Community Capital Works Allocation process for inclusion in the 2017/18 Capital Works program.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. **RE-SHAPE AND RE-NAME THE COMMUNITY BUDGETING PROJECT TO THE COMMUNITY CAPITAL WORKS ALLOCATION PROJECT.**
2. **USE ONLINE ENGAGEMENT TOOLS AND TOWN MEETINGS TO DETERMINE THE COMMUNITIES' PRIORITY PROJECTS.**
3. **CONSIDER THE PRIORITY PROJECTS IDENTIFIED BY THE COMMUNITY CAPITAL WORKS ALLOCATION PROCESS FOR INCLUSION IN THE 2017/18 CAPITAL WORKS PROGRAM.**

Cr Fawcett left the Council Meeting at 4.45pm and returned at 4.47pm.

CARRIED UNANIMOUSLY

The Mayor adjourned the Council Meeting for 5 minutes.

The Council Meeting resumed at 5.08pm.

**E.9 SOUTH GIPPSLAND SHIRE COUNCIL COMMUNITY SATISFACTION
SURVEY RESULTS 2016**

Corporate and Community Services

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

This report presents the results of the South Gippsland Shire Council Community Satisfaction Survey results for 2016 (2016 Survey) (Appendix 1) to Council. The presentation of this report meets the requirements of a 2013-2017 Council Plan indicator to publish the results by 30 June annually.

The results for various performance areas will be reported in Council's Local Government Performance Reporting Framework (LGPRF) for 2015/16. These will be included in the 2015/16 Annual Report and on the State Government's 'My Council' website.

Document/s pertaining to this Council Report

- **Appendix 1** - Local Government Community Satisfaction Survey - South Gippsland Shire Council - 2016 Research Report

A copy of **Appendix 1 - Local Government Community Satisfaction Survey** 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 6,
- Local Government (Planning and Reporting) Regulations 2015.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council - Council Plan 2013 - 2017
- South Gippsland Shire Council - Annual Budget 2015/16

COUNCIL PLAN

Outcome:	4.0	A Leading Organisation
Objective:	4.2	Pursue best practice in organisational development and operations of the organisation
Strategy:	4.2.3	We will make informed decisions and provide

opportunities for the community to participate in the decision making process

CONSULTATION

The 2016 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the Department of Environment, Land, Water and Planning on behalf of Victorian councils.

The 2016 survey was conducted as a representative random probability survey of residents aged 18+ years in South Gippsland Shire in late February and early March 2016. Four hundred residents were interviewed by telephone.

Council was provided an opportunity to include additional survey questions. Council opted to add a question asking participants to specify roads of concern where they had provided a response of Very Poor/Poor/Average to the condition of sealed local roads. This has been an area of community concern for many years. The results provide Council with details of the local Council roads and State's VicRoads' roads that are considered of most concern.

Council has been provided with a briefing of the results of the 2016 Survey on 15 June 2016.

REPORT

Background

Annual Local Government Community Satisfaction Surveys are coordinated by Local Government Victoria (LGV) on behalf of local councils.

The surveys assess the performance of councils across a range of measures and seek insight into ways councils can provide improved or more effective service delivery. The survey provides councils with a means to fulfil some of their statutory reporting requirements. These results also act as a feedback mechanism to LGV.

This Council's results are compared against the State-wide average and the large rural councils. Councils in this group consist of Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Horsham, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, South Gippsland, Southern Grampians, Surf Coast, Swan Hill, Wangaratta and Wellington.

Discussion

1. Overall Summary of Results

Performance on all core measures is relatively stable in 2015 compared to past years, moving only a few points in either direction. Council's performance

on all core measures remains lower than the Large Rural group and the State-wide average.

The Large Rural group and the State-wide average both reduced slightly in most performance areas compared to 2015.

Of the core measures, Council continues to perform best in the area of 'Customer Service'. Fifty-three per cent of participants indicated they, or a member of their household, had been in contact with Council in the past 12 months. This is a reduction of four points from 2015. Men, and people aged 50-64, were more satisfied with Council's Customer Service, while women, and people aged 35-49, were least satisfied with this service.

Higher results in 2016 were received for 'Community Decisions', 'Sealed Local Roads' and 'Advocacy'. Lower results were for 'Overall Performance' and 'Community Consultation'.

In 2016, Men and the 35-49 year age bracket are the most favourably disposed towards Council. Women and the 50-64 year age bracket remain the least favourably disposed towards Council.

A summary table of results:

Performance Measures	South Gippsland 2016	vs South Gippsland 2015	Highest score	Lowest score
Overall Performance	47	2 point lower	35-49 year olds	Women and 50-64 year olds
Community Consultation	47	2 points lower	35-49 year olds	18-34 year olds
Advocacy	47	2 points higher	18-34 year olds	50-64 year olds
Making Community Decisions	47	3 points higher	18-34 and 35-49 year olds	65+ year olds
Sealed Local Roads	30	3 points higher	65+ year olds	18-34 year olds
Customer Service	65	Equal	Men	35-49 year olds
Overall Council Direction	43	1 point lower	35-49 year olds	50-64 year olds

2. Respondents Indications of 'Best Thing About Council'.

Residents point to parks and gardens (7%), Councillors (6%) and Customer Service (5%) as the best aspects of Council.

3. Respondents Indications where 'Council most needs to improve'.

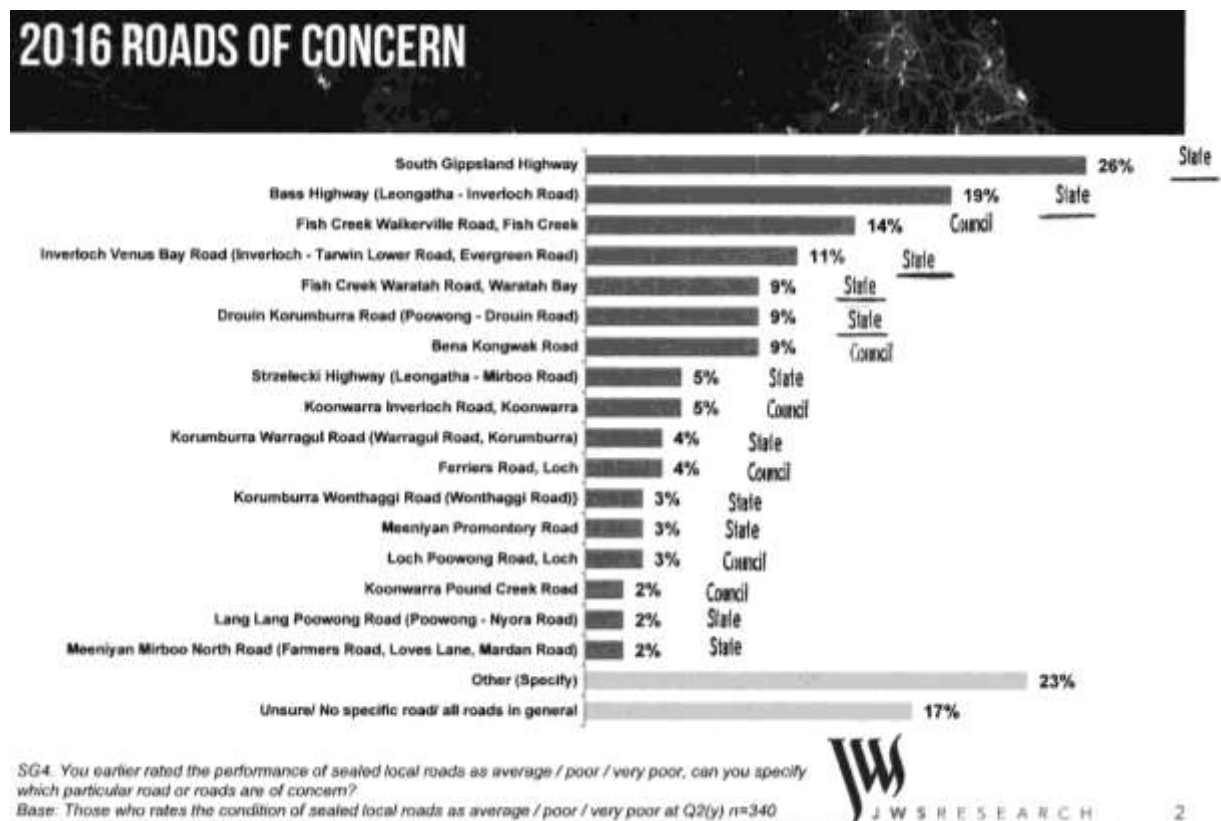
Residents are most likely to cite sealed road maintenance (30%), community consultation (17%) and expensive rates (11%) as the key areas for improvement.

4. Sealed Roads of Concern

'Sealed Local Roads' continues to be the most problematic area, despite improving by three points. Council included an optional additional question in the 2016 Survey that asked participants who scored the original 'Sealed Local Roads' question as average, poor or very poor:

"You earlier rated the performance of sealed local roads as average / poor / very poor, can you specify which particular road or roads are of concern?"

Eleven of the 18 roads most cited are State Government roads managed by VicRoads. The top two most cited roads are State Highways. The summary of results is included in the table below. Roads cited in the 'Other' category consist of State Government roads known by other names and various local roads across the Shire.



These results provide Council with beneficial information to advocate to the State Government for improvements to State-managed roads. They also allow Council to focus maintenance works on local roads that are of most concern to residents.

5. Summary Results for Key Core Performance Measures

Outlined in the table below is a summary of results for the 2016 survey comparing Council's performance against the results it received in 2013 - 2016 against the Large Rural Shires Average and State-wide Average for 2016.

Performance Measures	SGSC 2013	SGSC 2014	SGSC 2015	SGSC 2016	Large Rural Shires Average 2016	State-wide Average 2016
Overall Performance	48	49	49	47	54	59
Community Consultation	54	52	49	47	52	54
Advocacy	51	49	45	47	50	53
Making Community Decisions	n/a	n/a	44	47	50	54
Sealed Local Roads	n/a	n/a	27	30	44	54
Customer Service	68	63	65	65	67	69
Overall Council Direction	42	42	44	43	48	51

The following demographic information can be noted in relation to the key core performance measures:

1. Overall Performance: at an Index Score (IS) of 47 for 2016 South Gippsland Shire (SGSC), reduced slightly by two points compared to 2015. This score has not moved by more than a point or two in the last five years. SGSC was rated below the State-wide average of 59 and the average Large Rural Shires group of 54. Please also note the average ratings from the results of this indicator.
 - a. Highest: amongst residents aged 35-49 year olds (52) and men (49).
 - b. Lowest: amongst residents aged 50-64 (45) and women (45).
2. Community Consultation and Engagement: at an IS of 47 SGSC for 2016 saw a decrease of two points from 49 in 2015. This index has trended down each year since 2012. It remains below the State Average

-
- of 54 and Large Rural Shires group of 52. Please also note the average ratings from the results of this indicator.
- a. Highest: residents aged 35-49 (52) and Strzelecki Ward (50).
 - b. Lowest: amongst residents aged 18-34 (42) and Tarwin Valley Ward (44).
3. Advocacy/Lobbying: at an IS of 47 saw an increase of two points from 45 in 2015. It was rated below the State-wide average of 53 and the average Large Rural Shires group of 50. Please also note the average ratings from the results of this indicator.
- a. Highest: amongst residents aged 18-34 (53 - an increase of five points from 48 in 2015) and Coastal Promontory Ward (50 - an increase from 41 in 2015) and Men (50 - an increase from 45 in 2015).
 - b. Lowest: amongst residents aged 50-64 (43) and Women (45).
4. Customer Service: at an IS of 65, SGSC remained the same as 2015, rating below the State Average of 69 and the Large Rural Shires group average of 69 (an increase from 67 in 2015). Please also note the average ratings from the results of this indicator.
- a. Highest: amongst residents aged 50-64 (68 - an increase from 59 in 2015) and Men 69. Highest amongst Tarwin Lower Ward (67).
 - b. Lowest: amongst residents aged 35-49 (61 - down from 68 in 2015) and Women (62).
5. Overall Council Direction: at an IS of 43, is a one point decrease from the 2015 result. It remains rated below the State Average of 51 and Large Rural Shires group average of 48. (Both State and Large Rural group are slightly lower than 2015). Please also note the average ratings from the results of this indicator.
- a. Highest: amongst residents aged 35-49 (47) and 18-34 (46 - a decrease from 2015) and Men (46).
 - b. Lowest: amongst residents aged 50-64 (36 - a decrease of three points from 2015) and Women (40).
6. Performance on the condition of 'Sealed Local Roads' remains the lowest of any core measure with an index score of 30; however it has increased by three points from 2015. This remains significantly below the State-wide average score of 54 and the Large Rural council index of 44. Please also note the average ratings from the results of this indicator.
-

- a. Highest amongst residents aged 65+ (36 - an increase from 2015), Men (35 - an increase from 2015) and Coastal Promontory Ward (31 - an increase on 2015).
 - b. Lowest amongst residents aged 18-34 (16 - a decrease from 2015) and Women (23).
7. The index score on 'Decisions Made in the Best Interest of the Community' was 47; a three point increase on 2015. The State-wide average is 54, and the Large Rural council index is 50. Please also note the average ratings from the results of this indicator.
 - a. Highest amongst residents aged 18-34 (51 - an increase of from 2015) and residents aged 35-49 (51 - an increase from 2015). Both of these demographics were one point higher than the Large Rural group.
 - b. Lowest amongst residents aged 65+ (44) and residents aged 50-64 (46 - an increase from 39 in 2015).

Proposal

It is proposed that Council note the 2016 Survey results for the core performance measures, the open verbatim responses and the findings of the additional sealed road condition question.

These results will be used internally to inform the LGPRF report, Council's Annual Report, the 2017-2021 Council Plan, educative material for the community, future community engagement activities and other plans and strategies of Council, as relevant.

FINANCIAL CONSIDERATIONS

Provision for Council's participation in the Community Satisfaction Survey is included in current and forward budgets.

RISKS

It is important for Council to understand the diverse needs and views of the community to deliver improved services. The survey results are a beneficial source of feedback outlining areas where Council can improve to better meet its service objectives and manage its risks.

Ongoing below average levels of community satisfaction with Council's performance or understanding of Council's improvement initiatives will hamper Council and community efforts to work effectively together to achieve common objectives.

CONCLUSION

The results from the 2016 survey indicate the community's satisfaction with Council's performance against the survey's core performance measures has remained fairly stable, however they continue to be below the average of the Large Rural council group and the State-wide council average.

RECOMMENDATION

That Council:

1. Note the results of the South Gippsland Shire Council in the 2016 Community Satisfaction Survey (Appendix 1); and
2. Include the relevant results in the South Gippsland Shire Council 2015/16 Annual Report.

MOVED: Cr Fawcett

SECONDED: Cr Davies

THAT COUNCIL:

1. **NOTE THE RESULTS OF THE SOUTH GIPPSLAND SHIRE COUNCIL IN THE 2016 COMMUNITY SATISFACTION SURVEY (APPENDIX 1); AND**
2. **INCLUDE THE RELEVANT RESULTS IN THE SOUTH GIPPSLAND SHIRE COUNCIL 2015/16 ANNUAL REPORT.**

CARRIED

For: Crs Fawcett, Harding, Brunt, Newton, Davies, Hutchinson-Brooks, Hill and Kennedy.

Against: Cr McEwen

E.10 REVIEW OF COMMUNITY GRANTS PROGRAM FOR 2016/17

Corporate and Community Service Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The purpose of this report is to recommend the adoption of the revised Community Grants Program Policy which is due for review in accordance with Council's Corporate Policy Review Timetable.

The 2016/17 Community Grants Program will open 1 July 2016 and will be managed within the framework of this revised policy.

Document/s pertaining to this Council Report

- **Attachment 1** - Community Grants Program Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

- Local Government Act 1989, Sections 3C, 3D and 3E
- Local Government (Improved Governance) Act 2015

The Australian Institute of Grants Management (AIGM) – Best Practice network for government and local government grants managers and grant makers.

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- Council Policy - Community Grants Program Policy
- Council Plan and Long Term Financial Plan

COUNCIL PLAN

Outcome	2.0	Closely Connected Communities.
Objectives	2.1	Engage and work collaboratively with our community.
Strategy No:	2.1.3	We aim to minimise barriers and find way to support our volunteers, community groups and committees to provide services beyond those that Council, by itself, can provide.

CONSULTATION

Consultation was provided through the following activities:

- An opportunity was provided for previous applicants to provide feedback on the Community Grants process;
- An internal review was completed; and
- A Council Briefing was conducted on 18 May 2016.

REPORT

Background

The Community Grants Program provides the opportunity for organisations across the Shire to access funding support for a wide range of projects and purposes.

Council strives to facilitate, plan and provide programs, services and opportunities that strengthen its communities. The Community Grants Program is one of the most immediate ways Council seeks to practically support a range of community-driven initiatives across the Shire.

Discussion

Introduction of the Quick Response Grants category

At the February Council Meeting, the Councillor Discretionary Fund Program formally ceased as a result of new legislation under the Local Government (Improved Governance) Act 2015, No 53/2015. It was resolved by Council that:

2. *Revoke the C13 - Councillor Discretionary Fund Policy as directed by amendments made to the Local Government (Improved Governance) Act 2015; and*
3. *Consider the objectives of the Councillor Discretionary Fund Program during the review of the 2016/2017 Community Grants Program.*

The Councillor Discretionary Fund program provided Council the opportunity to assist community groups and/or individuals with minor funding allocations, within a short time frame and in accordance with the guidelines developed for this purpose.

To ensure that this objective continues to be met it is recommended that Quick Response Grants be introduced as part of the 2016/17 Community Grants Program.

The program will allow for grants up to \$1,000 from eligible applicants in any one financial year. Applications will be assessed monthly with a total of

\$30,000 (or \$2,500 per month) allocated from the 2016/17 Community Grants budget of \$300,000.

The process for accessing and approving applications will follow the same format as the Small Emergency Grants Program:

- Applications will be received and collated by Officers up to the 16th day of each month;
- An Assessment Panel will undertake an assessment and review of applications against the selection criteria and make recommendations to the Chief Executive Officer by the last day of the month;
- The assessment outcome approved by the CEO will be provided to Council through Councillor Infosum, with an opportunity for comment;
- Applicants will be notified of the outcome by the 15th day of the following month; and
- A report will be represented to Council noting the recommendations twice per year.

No other changes are proposed to the Community Grants Program Policy.

Proposal

To adopt the recommended changes to the Community Grants Program Policy to ensure that the Community Grants Program continues to meet the objective of the program.

FINANCIAL CONSIDERATIONS

The budget allocated to the 2016/17 Community Grants program will be adopted at the 22 June 2016 Council Meeting. It is anticipated that this figure will remain at \$300,000. No additional funding is being sought to introduce the Quick Response Grants.

RISKS

Reviewing the Policy provides for sound governance of the Community Grants Program as it strengthens legislative compliance, ensures the appropriate and effective use of Council funds, assists to avoid potential conflicts of interest and facilitates openness, transparency and accountability.

CONCLUSION

The Community Grants Policy has been reviewed with the objective of ensuring that funds allocated through the Community Grants Program is aligned with the needs and direction of the Community and Council.

RECOMMENDATION

That Council:

1. Adopt the revised Community Grants Policy C47 contained in Attachment 1; and
2. Open the 2016/17 Community Grants Program on 1 July 2016.

MOVED: Cr Davies

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **ADOPT THE REVISED COMMUNITY GRANTS POLICY C47
CONTAINED IN ATTACHMENT 1; AND**
2. **OPEN THE 2016/17 COMMUNITY GRANTS PROGRAM ON 1 JULY
2016.**

CARRIED UNANIMOUSLY

Attachment 1 Community Grants Policy



South Gippsland Shire Council

COMMUNITY GRANTS PROGRAM POLICY

Policy Number	C47	Directorate	Corporate and Community Services
Council Meeting Agenda Item No.	June 2016	Department	Community Services
Council Meeting Adoption Date	June 2016		
Revision Date	June 2017	Primary Author	Coordinator Grants / Emergency Management
		Secondary Author	

POLICY OBJECTIVE

Council strives to facilitate, plan and provide programs, services and opportunities that strengthen its communities. One of the most immediate ways Council seeks to do this is through its annual Community Grants Program, making funds available for a broad range of community initiatives across the municipality.

Funding will contribute to obtaining the outcomes of Council's strategic goals as outlined in the Council Plan.

LEGISLATIVE PROVISIONS

Local Government Act 1989 Sections 3C, 3D and 3E

DEFINITIONS

Guidelines – is a supporting document that outlines the eligibility criteria and requirements for applicants and details the processes for administering and allocating funds.

Beneficial Project/Activities – elements of beneficial projects/activities are likely to give rise to sustainable outcomes for the community of South Gippsland Shire, be consistent with Council's broader strategic aspirations, and minimise the relationship of dependence on Council.

POLICY STATEMENT

Council may at its discretion, and in accordance with this Policy and the Guidelines, provide financial support to eligible community groups to strengthen South Gippsland communities. The direction of support will be to enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community. This program is secular and apolitical. The program funds specific initiatives, activities, events and programs.

The Community Grants program will provide:

- Grants for a range of initiatives that support the achievement of the strategic goals and outcomes of the Council Plan and enhance the quality of life, heritage, recreation and cultural opportunities of the broader South Gippsland community.



COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

- b) A program that is flexible and responsive to the needs of the community.
- c) A program that minimises the administrative burden on volunteers without undermining good governance and asset management principles.
- d) Further opportunities to volunteer groups and organisations, which would otherwise have limited access to funds to expand or maintain community engagement within the community.
- e) Support to community groups to increase self reliance without encouraging a relationship of dependence.

The Community Grants program will not fund:

- a) Applications for programs or initiatives where Council considers the purpose of the program or initiative, or activities within it, is to advance the organisation's religious beliefs or political positions, irrespective of what those beliefs or positions might be. However, religious or politically affiliated groups may apply for grants for programs or initiatives that comply with this policy.
- b) Commercial enterprises
- c) Applications by individuals other than where the individual is authorised to apply on behalf of a community group or organisation
- d) Applications for activities or programs that are not based within the South Gippsland Shire or cannot demonstrate that they service a significant number of residents of the South Gippsland Shire

Through the Community Grants Program:

Funding will be available under the following categories as determined in the guidelines:

- Quick Response Grants
- Small Emergency Grants
- Minor Projects and Equipment;
- Events, Celebrations and Festivals;
- Planning and Development Studies; and
- Major Projects.

The approval of funding allocations remains with Council. Council may, however, from time to time delegate this responsibility, either indefinitely or temporarily, to the Chief Executive Officer or his/her delegate. Such delegations are subject to any terms and conditions that the Council deems appropriate.

All applications are still subject to further evaluation by the Community Grants Program Assessment Panel and Council.

At the conclusion of the assessment of applications, a Council Report will be provided listing all successful and unsuccessful applications which will be made public after adoption by Council.



RISK ASSESSMENT

This policy

- Will provide transparency, openness and accessibility in respect of grant allocation and ensure best use of limited funds for community strengthening activity.
- Addresses the risk of Council assuming the responsibility for ongoing asset maintenance by requiring community groups to obtain evidence of approval from relevant authorities and/or land owners, and where appropriate, insurance and OHS policies and implementation.

IMPLEMENTATION STATEMENT

- Community groups wishing to apply for funding through the Community Grants Program need to comply with this policy's requirements and supporting Guidelines.
- Council will allocate funds annually through the Budget process to support the Community Grants Program.
- Council will endeavour to arrange for the education of Councillors and relevant staff of their responsibilities, for the allocation of the Community Grants.
- Advertise the Community Grants Program and provide application forms, comprehensive guidelines and explanatory information on the Council website and means identified in the Community and Consultation Strategy Tool Kit.
- The promotion, assistance and administration provided by Council's Grants/Emergency Management Unit including community consultations.

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

COUNCIL POLICY

E.11 GENERAL REVALUATION 2016

Corporate and Community Service Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

In accordance with the provisions of the Valuation of Land Act 1960 (as amended), a General Valuation of all rateable properties in the Shire of South Gippsland is required every two years.

The General Valuation has now been completed. Council is required to formally adopt the Valuation.

Document/s pertaining to this Council Report

- **Attachment 1** - The Valuer's Declaration
- **Attachment 2** - Report of General Valuation

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Valuation of Land Act 1960, (as amended)

COUNCIL PLAN

Outcome	5.0	A Leading Organisation
Objective:	5.2	Systems and Process
Strategy:	5.2.3	Financial Management

REPORT

Background

In accordance with the provisions of Section 11 of the Valuation of Land Act 1960 (as amended), a General Valuation of all rateable properties in the Shire of South Gippsland is required every 2 years.

Council formally resolved to undertake the re-valuation at the Ordinary Council Meeting held on 25 February 2015.

The General Valuation of all rateable properties in the Shire has now been completed by Council's in-house valuation team under the supervision of Council's Valuer and is required to be formally adopted by Council.

Discussion

The 2016 General Valuation is based on levels of value as at 1 January 2016 (previously 1 January 2014). The valuation reflects changes in the relativity of the real estate market during the past two years.

The Site Value (SV), Capital Improved Value (CIV) and Net Annual Value (NAV) totals for rateable properties and non-rateable leviable properties is required for reporting purposes. There are a total of 19,793 assessments. The table below shows the change in value between the 2 levels at rollover.

Rateable and Non Rateable Leviable Assessments

Level of Value	Site Value	Capital Improved Value	Net Annual Value
2014 level of value	\$4,231,662,000	\$7,403,171,000	\$386,049,700
2016 level of value	\$4,376,390,368	\$7,683,185,000	\$406,439,300

The table below shows the Capital Improved Value of rateable assessments only at rollover. There are 19,385 rateable assessments.

Rateable Assessments

Level of Value	Capital Improved Value
2014 level of value	\$7,297,840,000
2016 level of value	\$7,574,063,000

The Capital Improved Value of total rateable properties has increased by \$276,223,000 or 3.78% from 2014 Levels.

The current trend in valuation relativity from the 2016 levels indicates little change generally, with modest gains/reductions in some areas as well as a few notable exceptions. It should be noted that the commentary is not a differential rating category analysis.

Residential Properties

The residential increase across all residential Australian Valuation Property Classification categories was 3.86%.

A general increase in value was noted in townships towards the western end of the Shire, increasing as the distance to metropolitan Melbourne decreases and conversely a softening of values at the eastern end of the Shire. Some towns experienced a variation to the general trend. Venus Bay decreased by 4% and Mirboo North increased by 6.7%.

Residential Units

Throughout the municipality residential units have generally increased in line with other residential properties. Increases have varied with the more mature unit market of Leongatha increasing by 0.89% and the expanding Foster unit market increasing by 11.44%, Korumburra posted a positive gain of 4.36%, with an average increase of 6.5% for all other areas.

Coastal Towns

Land values have softened in many coastal townships; however the added value of improvements has generally increased creating varied results in overall CIV valuations. Some towns have increased in CIV, such as Sandy Point with a 6.6% increase, whilst Venus Bay and the Prom View Estate decreased by 4% and 3.6% respectively. Walkerville North and South indicate moderate increases.

Premium Coastal Properties

Premium coastal lifestyle properties reflect a modest increase overall of 3.3%. This is generally consistent with the moderate trends in the coastal townships excluding the main holiday tourist areas.

Commercial Property

Overall commercial properties have increased in SV and CIV since the 2014 revaluation, however to a lesser extent than residential. The largest commercial market of Leongatha reflects little change with Korumburra commercial increasing overall by 1.2% and Foster increasing by 2.24%. An average decrease was reflected in Meeniyan commercial of 6%. Demand for commercial properties with secure leases remains strong, however high vacancy rates has put downward pressure on rental returns. Secondary or low profile locations continue to struggle to attract long term tenants.

Industrial Property

The all-inclusive industrial statistic indicates a minor decrease in value overall, however this is skewed by specialised industrial properties such as

wind farms and quarries which are depreciating assets due to obsolescence, reducing resources and limited permitted life spans.

The balance or non-specialized industrial market reflects an overall positive increase of 4.19%. Major industrial markets of Leongatha and Korumburra have experienced an increase in CIV of 4.8% and 5.4% respectively. Demand for both vacant and improved industrial property in these areas remains consistent. Foster industrial reflects a moderate increase of 1.6%.

Rural Property

The demand for larger high quality dairy property was strong despite the dry conditions and more recently volatile farm gate prices. Whilst demand for premium undulating grazing land has remained steady, the steeper more remote land experienced decreased demand.

The majority of properties less than 50 ha with existing dwellings have increased in value by varying degrees. Again the residential content of these properties generally reflects a higher value gain the closer in proximity they are to the urban centres of Melbourne and the Latrobe Valley. These properties have skewed the overall statistical increase of the rural category upwards.

The well-established farming districts have generally experienced a slight increase in CIV levels since the 2014 revaluation. The premium areas of Leongatha and Korumburra rural have remained steady. Among the other better performers were Meeniyah rural and the Dumbalk/Mardan/Nerrena rural areas at 12.3% and 7.7% which appear to come of a low base in 2014. All other rural areas reflected positive increases of between 0.4% and 5.4%. Again these increases are skewed by increases to smaller rural properties with substantive residential improvements.

FINANCIAL CONSIDERATIONS

The costs associated with undertaking the revaluation are contained within the 2014/15 and 2015/16 budgets.

RISKS

This report complies with the statutory process pursuant to the Valuation of Land Act 1960 (as amended).

CONCLUSION

The General Valuation of the municipality has been completed in accordance with Council's statutory obligations and Council is now required to formally adopt the valuation.

RECOMMENDATION

That Council:

1. Receive and adopt the 2016 General Valuation (Attachment 2); and
2. Submit a copy of the valuation return to the Valuer General seeking certification as to its general trueness and correctness.

MOVED: Cr Hutchinson-Brooks

SECONDED: Cr Kennedy

THAT COUNCIL:

1. **RECEIVE AND ADOPT THE 2016 GENERAL VALUATION (ATTACHMENT 2); AND**
2. **SUBMIT A COPY OF THE VALUATION RETURN TO THE VALUER GENERAL SEEKING CERTIFICATION AS TO ITS GENERAL TRUENESS AND CORRECTNESS.**

MOVED: Cr Kennedy

THAT THE MOTION BE NOW PUT.

CARRIED UNANIMOUSLY

Attachment 1 The Valuer's Declaration

State of Victoria

Statutory Declaration

I, Andrew Graeme Begg
[full name]
of [REDACTED]
[address]
Valuer, do solemnly and sincerely declare that:-
[occupation]

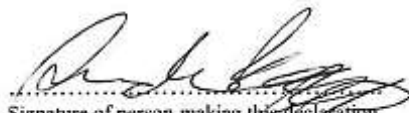
I make this declaration to return a General Valuation made pursuant to the Provisions of section 11 of the Valuation of Land Act 1960.

The 2016 General Valuation of all rateable properties in the Shire of South Gippsland has been made by me or under my immediate personal supervision, and is impartial and true to the best of my judgement.

The General Valuation comprises 19,793 rateable and non rateable leviable properties summarised in the 'Report of General Valuation Under Section 7AA(1)' of the Valuation of Land Act 1960, submitted as Stage 5 of the General Valuation as required by Valuation Best Practice, and recorded in Council's Valuation data base as the final and complete valuation for the Municipality of South Gippsland as at level of value date January 1, 2016.

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at LEONGATHA VIC
this 12 day of MAY 2016


Signature of person making this declaration
[to be signed in front of an authorised witness]

Before me,

Signature of Authorised Witness

LORELLE LOGAN JP
88 BRIDGE STREET,
KORUMBURRA 3950
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 12425

The authorised witness must print or stamp his or her name, address and title under section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (as of 1 January 2010), (previously Evidence Act 1958), (eg. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

Attachment 2 Report of General Valuation

Valuation of Land Act 1960

REPORT OF GENERAL VALUATION UNDER SECTION 7AA(1)

Valuation summary

Area	Date valuation was returned to rating authority— 30 Jun 2016	Date of previous valuation returned to rating authority— 30 Jun 2014	Name of rating authority— South Gippsland Shire Council	Basis of rating— CIV		
	Level of value date— 01 Jan 2016	Level of value date of previous valuation— 01 Jan 2014				
	Residential	Commercial	Industrial	Rural	Non-rateable leviable	Total
Number of assessments with buildings	13447	713	320	2677	375	17532
Number of assessments without buildings	1526	32	46	624	33	2261
Total Net Annual Value	\$211,984,700	\$20,383,550	\$34,020,100	\$133,114,500	\$6,936,450	\$406,439,300
Total Site Value	\$2,012,288,368	\$118,651,000	\$74,468,000	\$2,104,318,000	\$66,665,000	\$4,376,390,368
Total Capital Improved Value	\$4,239,694,000	\$292,380,000	\$378,699,000	\$2,662,290,000	\$109,122,000	\$7,683,185,000

Summary of previous valuation details as amended to the end of the rating year immediately preceding the current valuation

	Residential	Commercial	Industrial	Rural	Non Rateable leviable	Total
Number of assessments with buildings	13447	713	320	2677	375	17532
Number of assessments without buildings	1526	32	46	624	33	2261
Total Net Annual Value	\$203,804,400	\$20,643,350	\$27,238,300	\$127,686,700	\$6,696,950	\$386,049,700
Total Site Value	\$1,932,986,000	\$112,714,000	\$68,023,000	\$2,054,127,000	\$63,812,000	\$4,231,662,000
Total Capital Improved Value	\$4,076,088,000	\$288,707,000	\$381,711,000	\$2,553,334,000	\$105,331,000	\$7,403,171,000

General comments

(1) List and comment on the percentage change between this valuation and the previous valuation for each of the following land classifications:

- Residential 3.86%
- Commercial 1.94%
- Industrial -0.53%
- rural production. 4.09%

Detailed comments to above

Residential Properties

The residential market has experienced moderate growth with average increase in CIV of 3.74%. A general increase in value was noted in townships towards the eastern end of the shire, increasing as the distance to metropolitan Melbourne decreases and conversely a softening of values at the western end of the shire. Exceptions to the rule include Venus Bay reducing by 4% and Mirboo North with a 6.7% increase. The coastal Townships reflected movement similar to the average at 3.74%.

Residential Units

Throughout the municipality residential units have generally increased in line with other residential properties at 3.77%. Increases have varied with the more mature unit market of Leongatha increasing by 0.89% and the expanding Foster unit market increasing by 11.44%, Korumburra posted a positive gain of 4.36%, with an average increase of 6.5% for all other areas.

Coastal Towns

Land values have softened in many coastal townships; however the added value of improvements has generally increased creating varied results in overall CIV valuations. Some towns have increased in CIV, such as Sandy Point with a 6.6% increase, whilst Venus Bay and the Prom View Estate decreased by 4% and 3.6% respectively. Walkerville North and South indicate moderate increases.

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Premium coastal lifestyle properties reflect a modest increase overall of 3.3%. This is generally consistent with the moderate trends in the coastal townships excluding the main holiday tourist areas.

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Overall commercial properties have increased in SV and CIV since the 2014 revaluation, however to a lesser extent than residential. The largest commercial market of Leongatha reflects little change with Korumburra commercial increasing overall by 1.2% and Foster increasing by 2.24%. An average decrease was reflected in Meeniyan commercial of 6%. Demand for commercial properties with secure leases remains strong, however high vacancy rates has put downward pressure on rental returns. Secondary or low profile locations continue to struggle to attract long term tenants.

Industrial Property

The all-inclusive industrial statistic indicates a minor decrease in value overall, however this is skewed by specialised industrial properties such as wind farms and quarries which are depreciating assets due to obsolescence, reducing resources and limited permitted life spans.

The balance or non-specialized industrial market reflects an overall positive increase of 4.19 %. Major industrial markets of Leongatha and Korumburra have experienced an increase in CIV of 4.8% and 5.4% respectively. Demand for both vacant and Improved industrial property in these areas remains consistent. Foster industrial reflects a moderate increase of 1.6%.

Rural Property

The demand for larger high quality dairy property was strong despite the dry conditions and more recently volatile farm gate prices. Whilst demand for premium undulating grazing land has remained steady, the steeper more remote land experienced decreased demand.

The majority of sub 50 ha properties with existing dwellings have increased in value by varying degrees. Again the residential content these properties generally reflects a higher value gain the closer in proximity to the urban centres of Melbourne and the Latrobe Valley. These properties have skewed the overall statistical increase of the rural category upwards.

The well-established farming districts have generally experienced a slight increase in CIV levels since 2014 revaluation. The premium areas of Leongatha and Korumburra rural have remained steady. Among the other better performers were Meeniyan rural and the Dumbalk / Mardan / Nerrena rural areas at 12.3% and 7.7% which appear to come off a low base in 2014. All other rural areas reflected positive increases of between 0.4% and 5.4%. Again these increases are skewed up by increases to smaller rural properties with substantive residential improvements.

- (2) Specify the impact of any amendments to planning schemes, local laws, etc. on the valuation.

The planning schemes and local laws have been taken into consideration in determining the current revaluation.

- (3) Comment on development in the area of the rating authority, recent trends, geographical, social and other factors influencing general levels of valuation of properties in the area of the rating authority.

Residential development in the larger towns remains stable with land supply increasing as stages of existing estates are completed. More residential land has been rezoned in Korumburra with applications for rezoning in Leongatha. Increasing values are noted in all residential classes of property within the closest proximity to Melbourne and the Latrobe Valley. Commercial vacancies are higher than they have been historically. Demand for Industrial property has remained consistent and remains predominantly from the owner occupier market. Highly improved dairy property has attracted international and domestic demand with a generally consistent beef property market.

Signed:



Name and title: Andrew Begg

Certified Practising Valuer

Date: 12 May 2016

E.12 MUNICIPAL EARLY YEARS PLAN 2016 - 2021

Corporate and Community Services Directorate

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Municipal Early Years Plan - Children and Families - A Plan for the Future in South Gippsland 2016-2021, outlines Council's direction to work in partnership with community, local agencies, State and Federal Government and children and families to improve education and wellbeing outcomes for children aged 0 - 8 in South Gippsland.

This report recommends that Council adopt the Children and Families - A Plan for the Future in South Gippsland 2016-2021

Document/s pertaining to this Council Report

- **Appendix 1** - Municipal Early Years Plan - Children and Families - A Plan for the Future in South Gippsland 2016-2021

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

- United Nations Convention on the Rights of the Child 1986
- Children's Services Act 1996
- Children's Services Regulations 2009
- Child Wellbeing and Safety Act 2005
- Children, Youth and Families Act 2009
- Public Health and Wellbeing Act 2008 (No Jab No Play)
- Partnership Early Childhood Agreement for Children in Out of Home Care 2014
- National Quality Framework for Early Education and Care
- Social Services Legislation Amendment (No Jab No Pay) Bill 2015

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

- South Gippsland Shire Council Municipal Early Years Plan 2012-2016

- Early Childhood Services Building Assets Policy Framework 2013
- Blueprint for Social and Community Infrastructure 2014-2029
- Municipal Public Health and Wellbeing Plan 2013-2017

COUNCIL PLAN

Outcome:	2.0	Closely Connected Communities
Objective:	2.1	Engage and work collaboratively with our community
Strategy:	2.1.1	We will develop an integrated approach to planning with the community incorporating budgeting/funding strategies and project development.

CONSULTATION

Children and families - A Plan for the Future in South Gippsland 2016-2021 (the Plan) was developed following surveys, and interviews conducted with children and families of South Gippsland.

A broad reference group including service providers, representatives from the Department of Education and Training, Department of Health and Human Services, Council staff and Cr Mohya Davies was convened.

Workshops were held to analyse data and identify priorities for the plan. The draft document was returned to the reference group for review and relevance for local action and service provision.

REPORT

Background

The Plan has been developed with consideration of the needs and expectations of the broader community. It aims to guide best practice within Children and Family Services at South Gippsland for both Council and key stakeholders.

The plan focuses on partnerships between local agencies, levels of government, children and families, and the wider community to improve outcomes for children aged 0 - 8 years in South Gippsland.

It is supported by a shared vision between agencies working with children and families in South Gippsland. The strategic direction of this plan will be incorporated into detailed implementation plans and service plans across a range of service providers and planners resulting in a collective impact approach.

Discussion

The Plan will guide the delivery of children and family services in South Gippsland Shire over the next five years.

The Plan articulates Council's roles in service and infrastructure provision, planning, advocacy and community capacity building for children aged 0-8 years and their families.

Through community consultation the Plan brings together the aspirations and needs of the community and strategic actions to achieve positive outcomes for children which will have long term benefits for the citizens of the Shire.

Key Principles and Priorities

Five key principles were developed in consultation with the community and experts in early childhood, and by researching strategic plans and legislation along with local, State and National data:

- Child friendly spaces and places;
- Children and families connected with the community for whole of life;
- Children and families are healthy, well and safe;
- Equal access and inclusion to services for children and families; and
- Collaborative partnerships that support children and families.

An implementation plan contains a range of actions aimed at achieving the objectives of the Plan. The actions have been prioritised and will be implemented over the life of the Plan.

Proposal

That Council adopt the Municipal Early Years Plan - Children and Families - A Plan for the Future in South Gippsland 2016-2021.

FINANCIAL CONSIDERATIONS

Many of the actions within the Plan reflect activities that are being undertaken during the delivery of current Early Years' services and can be achieved within existing budget allocations.

Any actions arising from the implementation of the Plan that may incur an additional cost will be presented to Council for consideration on an individual basis as part of the Annual Planning process.

RISKS

Risks may include increased community expectations for Council to fund new infrastructure or upgrades. The document clearly articulates the financial

constraints that Council is experiencing and the need for managing any future planning in line with annual budgeting.

CONCLUSION

The Children and Families Plan - A Plan for the future in South Gippsland 2016-2021 will guide the delivery of children and family services in South Gippsland Shire over the next five years.

The Plan brings together the aspirations and needs of the community and strategic actions to achieve positive outcomes for children that will have long term benefits for South Gippsland.

RECOMMENDATION

That Council adopt the Municipal Early Years Plan - Children and Families - A Plan for the Future in South Gippsland 2016-2021 (Appendix 1).

MOVED: Cr Davies

SECONDED: Cr Hill

THAT THE RECOMMENDATIONS IN ITEM E.12, E.13 AND E.14 BE ADOPTED.

CARRIED UNANIMOUSLY

Cr Hutchinson-Brooks left the Council Meeting at 5.27pm and did not return to the Meeting.

E.13 PROPOSED AMENDMENTS TO THE CONSTITUTION OF DESTINATION GIPPSLAND LTD

Chief Executive Office

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

In May 2008, the Constitution of Destination Gippsland Ltd was agreed to and signed off by the Company Director and Company Secretary. It was then revised in March 2011 and the Board now seek endorsement of further amendments to take effect 11 May 2016 which support good governance practices.

Rather than asking members to attend a Special General Meeting to vote on these amendments, the Board proposes that they be voted on by Special Circular Resolution. As a member organisation Council is requested to review the amendments and confirm their approval or otherwise.

It is recommended Council endorse the amendments.

Document/s pertaining to this Council Report

- **Attachment 1** - Constitution of Destination Gippsland Ltd, revised 28 March 2011, and with amendments proposed 11 May 2016

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Economic Development & Tourism Strategy 2015-2020

COUNCIL PLAN

Outcome:	1.0	A Prosperous Shire
Objective:	1.1	Work with the business community to support existing businesses, diversify employment opportunities and attract new businesses.
Strategy:	1.1.4	We will promote and encourage tourism through development support.

CONSULTATION

The proposed amendments have been developed and discussed by the full Board of Directors including the GLGN representative, South Gippsland Shire Council CEO Tim Tamlin.

REPORT

Background

Destination Gippsland Ltd (a public company limited by guarantee), is seeking support to update the company constitution. The original constitution was prepared in 2008 prior to the appointment of a Board of Management. It was a document that served its original purpose and was last updated in March 2011. Following the most recent scheduled review, the Board has proposed a number of changes which support good governance practices.

Discussion

For consideration, the proposed amendments are explained below:

- Clause 2.1: Increase the minimum number of Directors from two to seven.

The Board has always functioned with seven Directors who individually assume certain responsibilities in chairing or being members of committees. It is considered that the company needs at least seven Directors to function in accordance with its charter. The existing Constitution gives the Board power to appoint a Director to fill a casual vacancy if their numbers fall below two. The amendment will allow the Board to fill casual vacancies if the number falls below seven without the need to hold a special general meeting of members.

- Clause 5.4: If it is accepted that the company needs seven Directors, it is reasonable that the number for quorum should be increased to a majority of Directors (i.e.: four).
- Clause 2.13: Directors are entitled to claim expenses which include a per kilometre allowance for car travel. This cost is potentially significant in the event that Directors wish to claim car mileage. In order to simplify claims and quantify in advance the company's liability the Board recommends that an annual expense allowance of \$1,500 be paid to cover out-of-pocket expenses.
- Clause 2.20: Add the words "up to" when describing the term of Directors. This allows the Board to fill a casual vacancy which occurs mid-term and still retain the requirement for at least two Directors to retire each year. Otherwise, Directors filling a casual vacancy would automatically be elected for three years and in the event that changes to clause 2.1 are agreed such election would not need to be ratified by the members.
- Clause 2.21: Delete the requirement for a Director to retire after three three-year terms. This was considered to be a restriction on the ability of the Board to adequately fill its numbers. It does not cater for a Director who is performing well and is capable of continuing to serve. It is

considered to be a restriction on the potential of the Board to maintain the quality of its Directors and perform at its best.

NB: Clauses 2.19, 2.20 and 2.21 have been renumbered

- Clause 11: This adds a clause to cover the company's responsibility to produce annual accounts and distribute them to members. It is merely for clarification as the Corporations Law specifies this requirement for a public company.
- Clause 12: This adds a clause which requires an annual audit. It is also inserted for the sake of clarification, as the Corporations Law already requires public companies to conduct an annual audit.

Proposal

That the amended version of the Constitution of Destination Gippsland Ltd (as at 11 May 2016) and signed by the secretary, be adopted in place of the previous Constitution adopted on 28 March 2011.

CONCLUSION

By approving the proposed amendments, Council will be supporting the ongoing development of good governance practices for the Board of Destination Gippsland Ltd.

RECOMMENDATION

That Council endorse the proposed amendments to the constitution of Destination Gippsland Ltd (Attachment 1).

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 133.

Attachment 1
Proposed Amended Constitution Destination Gippsland Ltd

Constitution of DESTINATION GIPPSLAND LTD

A.C.N. 131 138 184

Revised 28 March 2011, and with amendments proposed 11 May 2016

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Copy of ASIC Certificate of Registration as a Company

Certificate of Registration of a Company

This is to certify that

DESTINATION GIPPSLAND LTD

Australian Company Number 131 138 184

is a registered company under the Corporations Act 2001 and
is taken to be registered in Victoria.

The company is **limited by guarantee**.

The company is a **public** company.

The day of commencement of registration is
the sixteenth day of May 2008.

Issued by the
Australian Securities and Investments Commission
on this sixteenth day of May, 2008.



Anthony Michael D'Aloisio
Chairman



CERTIFICATE

DESTINATION GIPPSLAND LTD

A.C.N. 131 138 184

CONSTITUTION

1. Preliminary

1.1. The Company is a public company limited by guarantee. Each Member undertakes to contribute \$10.00 (Ten Dollars) to the property of the Company if the Company is wound up at a time when that person is a Member, or within one year of the time that the person ceased to be a Member, for payment of the debts and liabilities of the Company contracted before that person ceased to be a Member, payment of costs charges and expenses of winding up the Company, and adjustment of the rights of contributories among themselves.

1.2. The objects of the Company are: *to provide leadership and to work in partnership with the tourism industry in Gippsland to drive the development of tourism infrastructure, tourism product, and marketing.*

1.3. The Company must not make any distribution to any Members, whether by way of dividend, surplus on winding up or otherwise. This Clause does not prevent the payment in good faith by the Company of reasonable remuneration to any Member for goods or services supplied by that Member to the Company in the ordinary course of business, the payment of interest at a reasonable rate on money borrowed by the Company from any Member, the payment of reasonable rent for premises leased to the Company by any Member, or the payment of any other reasonable amount of a similar character to those described in this Clause.

1.4. The replaceable rules in the Corporations Act do not apply to the Company.

1.5. In this Constitution:

"Alternate Director" means a person for the time being holding office as an alternate director of the Company under Clause 2.9.

"Business Day" means a day except a Saturday, Sunday or public holiday in the jurisdiction under the Corporations Act which the Company is taken to be registered.

"Cessation Event" means:

- (a) if a Member is an individual, death or bankruptcy of that Member, or that Member becoming of unsound mind or becoming a person whose property is liable to be dealt with under a law about mental health; or
- (b) if a Member is a body corporate, the deregistration of that Member.

"Corporations Act" means the Corporations Act, 2001 (Commonwealth), as modified or re-enacted from time to time, and where appropriate, includes any regulations issued under it.

"Directors" means the directors of the Company for the time being.

"Expulsion Event" means, in respect of a Member:

- (a) the Member has wilfully refused or neglected to comply with the provisions of this Constitution;
- (b) the conduct of the Member, in the opinion of the Directors, is unbecoming of the Member or prejudicial to the interests or reputation of the Company; or
- (c) the Member is, or any step is taken for the Member to become, an externally administered body corporate (whether or not the Member is a body corporate).

"Legal Costs" of a person means legal costs incurred by that person in defending an action for a Liability of that person.

"Liability" of a person means any liability incurred by that person as an officer of the Company or a subsidiary of the Company.

"Member" means a person who is a member of the Company.

"Personal Representative" means the legal personal representative, executor, or administrator of the estate of a deceased person.

"Register" means the register of Members kept under the Corporations Act and, where appropriate, includes any branch register.

"Relevant Officer" means a person who is, or has been, an officer of the Company (including a Director or Secretary) or an officer of a subsidiary of the Company.

"Secretary" means a company secretary of the Company for the time being.

1.6. In this Constitution:

- (a) a reference to a meeting of Members includes a meeting of any class of Members;
- (b) a Member is taken to be present at a meeting of Members if the Member is present in person or by proxy, attorney or representative; and
- (c) a reference to a notice or document in writing includes a notice or document given by fax or another form of written communication.

1.7. In this Constitution, unless the context indicates a contrary intention, words importing the singular include the plural (and vice versa), words indicating a gender include every other gender, and the word **"person"** includes a corporation.

1.8. Unless the context indicates a contrary intention, an expression in a provision of this Constitution that deals with a matter dealt with by a provision of the Corporations Act has the same meaning as in that provision of the Corporations Act and an expression in a provision of this Constitution that is defined in section 9 of the Corporations Act has the same meaning as in that section.

2. Directors

2.1. The Company must have not less than 7 Directors. The Company in general meeting may by ordinary resolution alter the maximum or minimum number of Directors provided that the minimum is not less than 7.

2.2. If the number of Directors is below the minimum fixed by this Constitution, the Directors must not act except:

- (a) in emergencies;
- (b) for appointing one or more directors in order to make up a quorum for a meeting of Directors; or
- (c) to call and arrange to hold a meeting of Members.

2.3. The Company in general meeting may by ordinary resolution appoint any person as a Director, in accordance with the provisions of this Constitution.

2.4. A Director need not be a Member.

2.5. A Director may resign from office by giving the Company notice in writing.

2.6. Subject to the Corporations Act, the Company in general meeting may by ordinary resolution remove any Director, and if thought fit, appoint another person in place of that Director.

- 2.7.** A Director ceases to be a Director if:
- (a) the Director becomes of unsound mind or a person whose property is liable to be dealt with under a law about mental health;
 - (b) the Director resigns or is removed under this Constitution;
 - (c) the Director becomes an insolvent under administration; or
 - (d) the Corporations Act so provides.
- 2.8.** With the approval of a majority of the other Directors, a Director may appoint a person as an alternate director of that Director for any period. An Alternate Director need not be a Member.
- 2.9.** The appointing Director may terminate the appointment of his Alternate Director at any time. A notice of appointment, or termination of appointment, of an Alternate Director is effective only if the notice is in writing, the notice is signed by the Director who appointed that Alternate Director, and the Company is given a copy of the notice.
- 2.10.** If the Director who appointed an Alternate Director is not present at a meeting of Directors, that Alternate Director may, subject to this Constitution and the Corporations Act, exercise all powers (except the power under Clause 2.8) that the appointing Director may exercise. However, an Alternate Director cannot exercise any powers of his appointing Director if that appointing Director ceases to be a Director.
- 2.11.** Subject to Clause 2.13, the Company is not required to pay any remuneration to an Alternate Director.
- 2.12.** The Company must not pay any fees to a Director for performing that person's duties and responsibilities as a Director. The Company must not pay any amount to a Director unless that payment has been approved by the Directors.
- 2.13.** The Company must pay all reasonable travelling, accommodation and other expenses that a Director or Alternate Director properly incurs in attending meetings of Directors or any meetings of committees of Directors, in attending any meetings of Members, and in connection with the business of the Company. The board may agree to pay an annual allowance to cover these expenses.
- 2.14.** A Director may:
- (a) hold an office or place of profit (except as auditor) in the Company, on any terms as the Directors resolve (subject to Clause 2.12);
 - (b) hold an office or otherwise be interested in any related body corporate of the Company or other body corporate in which the Company is interested; or
 - (c) act, or the Director's firm may act, in any capacity for the Company (except as auditor) or any related body corporate of the Company or other body corporate in which the Company is interested,
- and retain the benefits of doing so if the Director discloses in accordance with the Corporations Act the interest giving rise to those benefits.
- 2.15.** Subject to the Corporations Act, if a Director discloses the interest of the Director in accordance with the Corporations Act, the Director may:
- (a) contract or make an arrangement with the Company, or a related body corporate of the Company or a body corporate in which the Company is interested, in any matter in any capacity;
 - (b) be counted in a quorum for a meeting of Directors considering that contract or arrangement, and vote on whether the Company enters into the contract or arrangement, and on any matter that relates to the contract or arrangement;

- (c) sign on behalf of the Company, or witness the fixing of the common seal of the Company (if any) to, any document in respect of the contract or arrangement; and
- (d) retain the benefits under the contract or arrangement.

- 2.16.** The Directors may make interim Director appointments if the number of Directors falls below the threshold set out in clause 2.1. The interim appointments may be made by calling for nominations and following the process in clause 2.17 and 2.18 (modified as necessary to give efficacy to this clause) must be ratified by an ordinary resolution at the next meeting of Members. If the appointment is ratified at the general meeting, then that Director serves for the remainder of the term of the replaced Director.
- 2.17.** Appointment of Directors are to be made following a public call for nominations, with nominations to be made no later than 21 days before the next meeting of Members ("closing date"). The Directors must advertise the call for nomination no later than 28 days before the closing date. All nominations must be accompanied by a resume of the nominee including details of referees.
- 2.18.** A sub-committee of 3 people, selected by the Chairman, will review nomination applications, including making all necessary enquiries and then make a recommendation to the Directors and the meeting of Members.
- 2.19.** The nomination for Director may be accepted by an ordinary resolution at the meeting of Members.
- 2.20.** Directors are appointed for terms of up to 3-years (effective from the date of the meeting of Members at which they were elected). Such terms are to be recommended by the board.
- 2.21.** At least two Directors must retire (and can stand for re-election) each year.

3. Officers

- 3.1.** The Directors may appoint one or more of themselves to the office of managing director, for any period and on any terms the Directors resolve (subject to Clause 2.13). Subject to any agreement between the Company and a managing director, the Directors may remove or dismiss a Director from the office of managing director at any time, with or without cause. The Directors may revoke or vary the appointment of a Director to the office of managing director or any power delegated to a managing director. A person ceases to hold the office of managing director if the person ceases to be a Director.
- 3.2.** The Directors may delegate any of their powers (including the power to delegate) to a managing director. A managing director must exercise the powers delegated to him or her in accordance with any directions of the Directors. The exercise of a power by a managing director is as effective as if the Directors exercised the power.
- 3.3.** The Directors may appoint one or more Secretaries, for any period and on any terms (including as to remuneration) the Directors resolve. Subject to any agreement between the Company and a Secretary, the Directors may remove or dismiss a Secretary at any time, with or without cause. The Directors may revoke or vary the appointment of a Secretary.
- 3.4.** To the extent permitted by law, the Company may (by agreement or deed) indemnify each Relevant Officer against a Liability of that person and Legal Costs of that person. To the extent permitted by law, the Company may also make a payment (whether by way of advance, loan or otherwise) to a Relevant Officer in respect of Legal Costs of that person.
- 3.5.** To the extent permitted by law, the Company may pay, or agree to pay, a premium for a contract insuring a Relevant Officer against a Liability of that person and Legal Costs of that person.

4. Powers of the company and directors

- 4.1. The Company may exercise in any manner permitted by the Corporations Act any power which a public company limited by guarantee may exercise under the Corporations Act. The business of the Company is managed by or under the direction of the Directors. The Directors may exercise all the powers of the Company except any powers that the Corporations Act or this Constitution requires the Company to exercise in general meeting.
- 4.2. If the Company has a common seal, the Company may execute a document if that seal is fixed to the document and the fixing of that seal is witnessed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.3. The Company may execute a document without a common seal if the document is signed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.4. The Company may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with Clauses 4.2 or 4.3.
- 4.5. The Directors may resolve, generally or in a particular case, that any signature on certificates of Membership of the Company may be affixed by mechanical or other means.
- 4.6. Negotiable instruments may be signed, drawn, accepted, endorsed, or otherwise executed by or on behalf of the Company in the manner and by the persons as the Directors resolve.
- 4.7. The Directors may delegate any of their powers (including this power to delegate) to a committee of Directors, a Director, an employee of the Company, or any other person. The Directors may revoke or vary any power so delegated. A committee or delegate must exercise the powers delegated in accordance with any directions of the Directors. The exercise of a power by the committee or delegate is as effective as if the Directors exercised the power. Clauses 4.9 to 5.6 apply with the necessary changes to meetings of a committee of Directors.
- 4.8. The Directors may appoint any person to be attorney or agent of the Company for any purpose, for any period and on any terms (including as to remuneration) the Directors resolve. The Directors may delegate any of their powers (including the power to delegate) to an attorney or agent. The Directors may revoke or vary that appointment or any power delegated to an attorney or agent.
- 4.9. Any act done by a person as a Director or Secretary is effective even if the appointment of that person, or the continuance of that appointment, is invalid because the Company or that person did not comply with this Constitution or any provision of the Corporations Act. This Clause does not deal with the question whether an effective act by a person binds the Company in its dealings with other people or makes the Company liable to another person.

5. Meetings of directors

- 5.1. The Directors may pass a resolution without a meeting of the Directors being held if a document containing the resolution is sent to all Directors and a majority of the Directors entitled to vote on the resolution sign that document containing a statement that they are in favour of the resolution set out in the document. Separate copies of that document may be used for signing by Directors if the wording of the resolution and the statement is identical in each copy.
- 5.2. The Directors may meet, adjourn, and otherwise regulate their meetings as they think fit. A meeting of Directors may be held using any technology consented to by a majority of the Directors. A Director may only withdraw that consent within a reasonable period of time before the meeting. Any Director may call a meeting of Directors at any time. On request of any Director, a Secretary of the Company must call a meeting of the Directors.

- 5.3.** Reasonable notice of a meeting of Directors must be given to each Director and Alternate Director.
- 5.4.** A quorum for a meeting of Directors must be present at all times during the meeting. Subject to the Corporations Act, a quorum for a meeting of Directors is, if the Directors have fixed a number for the quorum, that number of Directors, and in any other case, 4 Directors entitled to vote on a resolution that may be proposed at that meeting. In determining whether a quorum for a meeting of Directors is present:
- (a) where a Director has appointed an Alternate Director, that Alternate Director is counted if the appointing Director is not present;
 - (b) where a person is present as Director and an Alternate Director for another Director, that person is counted separately provided that there is at least one other Director or Alternate Director present; and
 - (c) where a person is present as an Alternate Director for more than one Director, that person is counted separately for each appointment provided that there is at least one other Director or Alternate Director present.
- 5.5.** If there are not enough persons to form a quorum for a meeting of Directors, one or more of the Directors (including those who have an interest in a matter being considered at that meeting) may call a general meeting and the general meeting may pass a resolution to deal with the matter.
- 5.6.** The Directors may appoint a Director to the office of chairperson of Directors for any period they resolve, or if no period is specified, until that person ceases to be a Director. The Directors may remove a Director from the office of chairperson of Directors at any time.
- 5.7.** The chairperson of Directors must (if present within 5 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Directors. If there is no chairperson of Directors, or the chairperson of Directors is not present within 5 minutes after the time appointed for the holding of a meeting of Directors or is present within that time but is not willing to chair all or part of that meeting, then the Directors present must elect one of themselves to chair all or part of the meeting of Directors.
- 5.8.** A resolution of Directors is passed if more votes are cast in favour of the resolution than against it. Subject to Clause 2.16 and this Clause, each Director has one vote on a matter arising at a meeting of the Directors. In determining the number of votes a Director has on a matter arising at a meeting of Directors:
- (a) where a person is present as Director and an Alternate Director for another Director, that person has one vote as a Director and, subject to Clause 2.11, one vote as an Alternate Director; and
 - (b) where a person is present as an Alternate Director for more than one Director, that person has, subject to Clause 2.11, one vote for each appointment.
- 5.9.** Subject to the Corporations Act, in case of an equality of votes on a resolution at a meeting of Directors, the chairperson of that meeting has a casting vote on that resolution in addition to any vote the chairperson has in his capacity as a Director in respect of that resolution.

6. Meetings of members

- 6.1.** While the Company has only one Member, the Company may pass a resolution by that Member signing a record in writing of that resolution.
- 6.2.** Subject to the Corporations Act, the Directors may call a meeting of Members. The Directors must call and arrange to hold a general meeting on the request of Members, and the Members may call and arrange to hold a general meeting, as provided by the Corporations Act.

- 6.3.** The Company must hold an annual general meeting if required by, and in accordance with, the Corporations Act.
- 6.4.** Subject to the Corporations Act, the Company must give not less than 21 days notice of a meeting of Members. The Company may call an annual general meeting on shorter notice if all Members entitled to attend and vote at the annual general meeting agree beforehand. The Company may call a general meeting (not being an annual general meeting) on shorter notice if Members with at least 95% of the votes that may be cast at the meeting agree beforehand.
- 6.5.** Notice of a meeting of Members must be given to each Member, each Director, each Alternate Director, and any auditor of the Company.
- 6.6.** A notice of a meeting of Members must:
- (a) set out the place, date and time for the meeting (and if the meeting is to be held in 2 or more places, the technology that will be used to facilitate this);
 - (b) state the general nature of the business of the meeting; and
 - (c) set out or include any other information or documents specified by the Corporations Act.
- 6.7.** Subject to the Corporations Act, anything done (including the passing of a resolution) at a meeting of Members is not invalid if either or both:
- (a) a person does not receive notice of the meeting; or
 - (b) the Company accidentally does not give notice of the meeting to a person.
- 6.8.** A meeting of Members may be held in 2 or more places linked together by any technology that gives the Members as a whole in those places a reasonable opportunity to participate in proceedings, enables the chairperson to be aware of proceedings in each place, and enables the Members in each place to vote on a show of hands and on a poll.
- 6.9.** Each Member and any auditor of the Company is entitled to attend any meetings of Members. Subject to this Constitution, each Director is entitled to attend and speak at all meetings of Members.
- 6.10.** A quorum for a meeting of Members must be present at all times during the meeting. A quorum for a meeting of Members is 2 Members (or in the case of 1 Member, that member only) entitled to vote at that meeting. In determining whether a quorum for a meeting of Members is present:
- (a) where more than one proxy, attorney, or representative of a Member is present, only one of those persons is counted;
 - (b) where a person is present as a Member and as a proxy, attorney or representative of another Member, that person is counted separately for each appointment provided that there is at least one other Member present; and
 - (c) where a person is present as a proxy, attorney or representative for more than one Member, that person is counted separately for each appointment provided that there is at least one other Member present.
- 6.11.** If a quorum is not present within 15 minutes after the time appointed for a meeting of Members:
- (a) if the meeting was called by the Directors at the request of Members or was called by the Members, the meeting is dissolved; and
 - (b) any other meeting is adjourned to the date, time, and place as the Directors may by notice to the Members appoint, or failing any appointment, to the same day in the next week at the same time and place as the meeting adjourned.

- 6.12.** If a quorum is not present within 15 minutes after the time appointed for an adjourned meeting of Members, the meeting is dissolved.
- 6.13.** The chairperson of Directors must (if present within 15 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Members. If at a meeting of Members, there is no chairperson of Directors, or the chairperson of Directors is not present within 15 minutes after the time appointed for the holding of a meeting of Members, or is present within that time but is not willing to chair all or part of that meeting, the Members present must elect another person present and willing to act to chair all or part of that meeting.
- 6.14.** Subject to the Corporations Act, the chairperson of a meeting of Members is responsible for the general conduct of that meeting and for the procedures to be adopted at that meeting.
- 6.15.** Subject to the Corporations Act, a resolution is passed if more votes are cast in favour of the resolution by Members entitled to vote on the resolution than against the resolution. Unless a poll is requested in accordance with Clauses 6.17 and 6.18, a resolution put to the vote at a meeting of Members must be decided on a show of hands.
- 6.16.** A declaration by the chairperson of a meeting of Members that a resolution on a show of hands is passed, passed by a particular majority, or not passed, and a record of that declaration in the minutes of the meeting, is sufficient evidence of that fact, unless proved incorrect.
- 6.17.** A poll may be demanded on any resolution at a meeting of Members. A poll may be demanded by at least 5 Members present and entitled to vote on that resolution, one or more Members present, and who are together entitled to at least 5% of the votes that may be cast on that resolution on a poll, or the chairperson of that meeting. A poll may be demanded before a vote on that resolution is taken, or before or immediately after the results of the vote on that resolution on a show of hands are declared. A demand for a poll may be withdrawn.
- 6.18.** A poll demanded on a resolution at a meeting of Members for the election of a chairperson of that meeting or the adjournment of that meeting must be taken immediately. A poll demanded on any other resolution must be taken in the manner and at the time and place the chairperson directs. The result of a poll demanded on a resolution of a meeting of Members is a resolution of that meeting. A demand for a poll on a resolution of a meeting of Members does not prevent the continuance of that meeting or that meeting dealing with any other business.
- 6.19.** Subject to the Corporations Act, the chairperson may adjourn a meeting of Members to any day, time, and place, and must adjourn a meeting of Members if the Members present with a majority of votes that may be cast at that meeting agree or direct the chairperson to do so. The chairperson may adjourn that meeting to any day, time, and place. The Company is only required to give notice of a meeting of Members resumed from an adjourned meeting if the period of adjournment exceeds 21 days. Only business left unfinished is to be transacted at a meeting of Members resumed after an adjournment.
- 6.20.** Subject to the Corporations Act, the Directors may at any time postpone or cancel a meeting of Members by giving notice not less than 5 Business Days before the time at which the meeting was to be held to each person who is, at the date of the notice a Member, a Director or Alternate Director, or auditor of the Company. A general meeting called by the Directors at the request of Members or called by the Members must not be cancelled by the Directors without the consent of the Members who requested or called the meeting.
- 6.21.** Subject to this Constitution and any rights or restrictions attached to a class of Membership, at a meeting of Members, every Member present has one vote on a show of hands and on a poll.
- 6.22.** In the case of an equality of votes on a resolution at a meeting of Members, the chairperson of that meeting does not have a casting vote on that resolution either on a show of hands or on a poll.

- 6.23.** A Member present at a meeting of Members is not entitled to vote on any resolution if any fees or any other amount due and payable by that Member to the Company under this Constitution have not been paid, or where that vote is prohibited by the Corporations Act or an order of a court of competent jurisdiction. The Company must disregard any vote on a resolution purported to be cast by a Member present at a meeting of Members where that person is not entitled to vote on that resolution.
- 6.24.** The authority of a proxy or attorney for a Member to speak or vote at a meeting of Members is suspended while the Member is present in person at that meeting.
- 6.25.** An objection to the qualification of any person to vote at a meeting of Members may only be made at that meeting (or any resumed meeting if that meeting is adjourned), to the chairperson of that meeting. Any objection must be decided by the chairperson of the meeting of Members, whose decision, made in good faith, is final and conclusive.
- 6.26.** A Member, who is entitled to attend and cast a vote at a meeting of Members, may vote on a show of hands and on a poll:
- (a) in person or, if the Member is a body corporate, by its representative appointed in accordance with the Corporations Act; or
 - (b) by not more than one proxy or by not more than one attorney.
- 6.27.** A proxy, attorney, or representative of a Member need not be a Member. A Member may appoint a proxy, attorney, or representative for all or any number of meetings of Members, or a particular meeting of Members.
- 6.28.** An instrument appointing an attorney or representative must be in a form as the Directors may prescribe or accept. An instrument appointing a proxy is valid if it is signed by the Member making the appointment and contains the name and address of that Member, the name of the Company, the name of the proxy or the name of the office of the proxy, and the meetings of Members at which the proxy may be used. The chairperson of a meeting of Members may determine that an instrument appointing a proxy is valid even if it contains only some of this information.
- 6.29.** Subject to the Corporations Act, the decision of the chairperson of a meeting of Members as to the validity of an instrument appointing a proxy, attorney or representative is final and conclusive.
- 6.30.** If the name of the proxy or the name of the office of the proxy in a proxy form of a Member is not filled in, the proxy of that Member is the person specified by the Company in the form of proxy in the case the Member does not choose, or if no person is so specified, the chairperson of that meeting.
- 6.31.** A Member may specify the manner in which a proxy or attorney is to vote on a particular resolution at a meeting of Members. The appointment of a proxy or attorney by a Member may specify the proportion or number of the Member's votes that the proxy or attorney may exercise.
- 6.32.** Unless otherwise provided in the Corporations Act or in the appointment, a proxy or attorney may demand or join in demanding a poll on any resolution at a meeting of Members on which the proxy or attorney may vote.
- 6.33.** An appointment of proxy or attorney for a meeting of Members is effective only if the Company receives the appointment (and any authority under which the appointment was signed or a certified copy of the authority) before the time scheduled for commencement of that meeting (or any adjournment of that meeting).
- 6.34.** Unless the Company has received notice in writing of the matter before the time scheduled for the commencement of a meeting of Members, a vote cast at that meeting by a person appointed by a Member as a proxy, attorney or representative is, subject to this Constitution, valid even if, before the person votes there is a Transmission Event in respect of that Member, that Member revokes the appointment of that person or that Member revokes the authority under which the person was appointed by a third party.

7. Members

- 7.1.** Any person is eligible to apply to become a Member. Each applicant to become a Member must sign and deliver to the Company an application in the form which the Directors determine and pay any initial fee which the Directors determine. The Directors determine whether an applicant may become a Member. The Directors are not required to give any reason for the rejection of any application to become a Member.
- 7.2.** If an application to become a Member is accepted, the Company must give written notice of the acceptance to the applicant and enter the applicant's name in the Register. If an application to become a Member is rejected, the Company must give written notice of the rejection to the applicant and refund in full the fee (if any) paid by the applicant.
- 7.3.** The rights of being a Member are not transferable whether by operation of law or otherwise.
- 7.4.** A person will cease to be a Member if the Member resigns in accordance with Clause 7.5, if the Member is expelled under Clause 7.6 or Clause 7.7 or if a Cessation Event occurs in respect of that Member. The estate of a deceased Member is not released from any liability in respect of that person being a Member.
- 7.5.** A Member may resign as a Member by giving the Company notice in writing. Unless the notice provides otherwise, a resignation by a Member takes effect immediately on the giving of that notice to the Company.
- 7.6.** Subject to Clause 7.8, the Directors may resolve to expel a Member if:
- (a) an Expulsion Event occurs in respect of the Member; and
 - (b) the Company gives that Member at least 10 Business Days notice in writing stating the Expulsion Event and that the Member is liable to be expelled, and informing the Member of its right under Clause 7.8.
- 7.7.** The Directors may resolve to expel a Member if the Member does not pay a fee payable by the Member pursuant to this Constitution within 20 Business Days after the due date for its payment.
- 7.8.** Before the passing of any resolution under Clause 7.6, a Member is entitled to give the Directors, either orally or in writing, any explanation or defence of the Expulsion Event the Member may think fit.
- 7.9.** Where a resolution is passed under Clause 7.6 or 7.7, the Company must give that Member notice in writing of the expulsion within 10 Business Days of the resolution.
- 7.10.** A Member may by notice in writing to the Company within 10 Business Days of receipt of the notice referred to in Clause 7.9 request that a resolution under Clause 7.6 be reviewed by the Company at the next general meeting. If such a request is made, the Directors must propose at the next general meeting of the Company that a resolution be moved to confirm the expulsion of the Member concerned.
- 7.11.** A resolution under Clause 7.6 takes effect:
- (a) if the Member gives a notice under Clause 7.10, the date (if any) the resolution is confirmed by a general meeting of the Company; or
 - (b) if the Member does not give a notice under Clause 7.10, the date of the resolution.
- 7.12.** A resolution under Clause 7.7 takes effect on the date of the resolution.
- 7.13.** The Directors may reinstate an expelled Member on any terms and at any time as the Directors resolve, including a requirement that all amounts due but unpaid by the expelled Member are paid.

- 7.14. Subject to the Corporations Act and the terms of a particular class of Membership, the Company may vary or cancel rights attached to being a Member of that class, or convert a Member from one class to another, by special resolution of the Company and either:

- (a) a special resolution passed at a meeting of the Members included in that class; or
- (b) the written consent of Members who are entitled to at least 75% of the votes that maybe cast in respect of Membership of that class.

The provisions in this Constitution concerning meetings of Members (with the necessary changes) apply to a meeting held under Clause 97.14 (a).

- 7.15. The Company may issue to each Member, free of charge, one certificate evidencing that person as a Member.
- 7.16. The Company may issue a replacement certificate of being a Member if the Company receives and cancels the existing certificate or the Company is satisfied that the existing certificate is lost or destroyed, and the Member pays any fee as the Directors resolve.

8. Fees

- 8.1. The Directors may require the payment of fees or levies by Members in the amounts and at the times as the Directors resolve. The Directors may make fees payable for one or more Members for different amounts and at different times, and subject to the terms of Membership payable by instalments. The Directors may revoke or postpone fees or extend the time for payment of fees.
- 8.2. The Company must give Members at least 10 Business Days notice of fees payable by Members. A notice of fees must be in writing and specify the amount of the fee, and the time and place of payment of the fee. A fee is not invalid if a Member does not receive notice of the fee.
- 8.3. A Member must pay to the Company the amount of each fee made on the Member at the times and places specified in the notice of the fee. If a fee is payable in one or more fixed amounts on one or more fixed dates, the Member must pay to the Company those amounts on those dates.
- 8.4. A Member must pay to the Company interest at the rate of 10% per annum on any amount referred to in Clause 8.3 which is not paid on or before the time appointed for its payment, from the time appointed for payment to the time of the actual payment, and expenses incurred by the Company because of the failure to pay or late payment of that amount. The Directors may waive payment of all or any part of an amount payable under this Clause 8.4.
- 8.5. The Company may recover an amount due and payable under Clauses 8.3 and 8.4 from a Member by commencing legal action against the Member for all or part of the amount due.
- 8.6. The debt due in respect of an amount payable under Clauses 8.3 and 8.4 is sufficiently proved by evidence that the name of the Member sued is entered in the Register and there is a record in the minute books of the Company of the resolution requiring payment of the fee or the fixed amount referred to in Clause 8.3.
- 8.7. The Company may accept from any Member all or any part of fees payable before that amount is due and payable. The Company may pay interest at any rate the Directors resolve on the amount paid before it is due and payable (from the date of payment until and including the date the amount becomes actually payable) and the Company may repay the amount so paid to that Member.

9. Notices and payments

- 9.1.** The Company may give notice to a Member in person, by sending it by post to the address of the Member in the Register or the alternative address (if any) nominated by that Member, or by sending it to the fax number or electronic address (if any) nominated by that Member.
- 9.2.** A notice of meeting sent by post to an address within Australia is taken to be given one Business Day after it is posted, or where to an address outside Australia, is taken to be given 5 Business Days after it is posted. Any other notice sent by post is taken to be given at the time of which the notice would be delivered in the ordinary course of post. A notice sent by fax is taken to be given on the Business Day it is sent, provided that the sender's transmission report shows that the whole notice was sent to the correct fax number.
- 9.3.** The giving of a notice by post is sufficiently proved by evidence that the notice was addressed to the correct address of the recipient and was placed in the post.
- 9.4.** The Directors may decide, generally or in a particular case, that a notice given by the Company be signed by mechanical or other means.
- 9.5.** The Company may pay a person entitled to an amount payable in respect of Membership by crediting an account nominated in writing by that person, by cheque made payable to bearer, to the person entitled to the amount or any other person the person entitled directs in writing, or by any other manner as the Directors resolve. The Company may post a cheque under this Clause to the address in the Register of the Member or to any other address which that person directs in writing.

10. Records

- 10.1.** The Company must keep minute books in which it records within one month:
- (a) proceedings and resolutions of meetings of Members;
 - (b) proceedings and resolutions of meetings of the Directors (including meetings of committees of Directors);
 - (c) resolutions passed by Members without a meeting; and
 - (d) resolutions passed by the Directors without a meeting.
- 10.2.** The Company must ensure that minutes of a meeting are signed within a reasonable time after the meeting by the chairperson of that meeting or the chairperson of the next meeting. The Company must ensure that minutes of the passing of a resolution without a meeting are signed by a Director within a reasonable time after that resolution is passed. A minute recorded and signed in accordance with this Clause is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.
- 10.3.** The Company must establish and administer the Register in accordance with the Corporations Act. The Company may establish and administer a branch register of Members in accordance with the Corporations Act. The Company must allow inspection of the Register only as required by the Corporations Act. Unless proved incorrect, the Register is sufficient evidence of the matters shown in the Register.
- 10.4.** The Company must keep the financial records required by the Corporations Act.
- 10.5.** Unless authorised by a resolution of Directors or the Corporations Act, a Member is not entitled to inspect the books of the Company.

11. Accounts

- 11.1. The Board shall cause proper accounting and other records to be kept and shall distribute copies of every profit and loss account and balance sheet (including every document required by law to be attached thereto) accompanied by a copy of the Auditors report as required by the Law to every member.
- 11.2. The Board shall cause to be made out and laid before each Annual General Meeting a balance sheet and profit and loss account made up to the end of the Company's financial year but in no case shall that date be more than five months before the date of the meeting.
- 11.3. The Board shall from time to time determine at what times and places and under what conditions or regulations the accounting and other records of the Company shall be open to the inspection of members provided that all members shall have reasonable opportunity to inspect those records.

12. Audit

A properly qualified Auditor or Auditors shall be appointed by the board and his or her duties will be regulated in accordance with the Law.

13. Winding up

- 13.1. On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 1.2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 1.3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
- 13.2. If the Members fail to make a determination under Clause 11.1 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscriber of the Company in the application for the registration of the Company, agree to the terms of this Constitution.

Name	Signature
------	-----------

(original signed by Glenn Patterson – copy overleaf)

Baw Baw Shire Council


DATE: 16th day of May 2008

Copy of original page 13 (previously Clause 115) as signed by Glenn Patterson

Winding up

115. On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
116. If the Members fail to make a determination under Clause 115 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscribers of the Company in the application for the registration of the Company, agree to the terms of this Constitution.

Name	<u>Glenn Patterson</u>	Signature	<u></u>
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Baw Baw Shire Council

DATE: 16th day of May 2008



Helen Rose
Company Secretary

E.14 POLICY REVIEW: C27 OCCUPATIONAL HEALTH AND SAFETY POLICY

Chief Executive Office

STAFF DISCLOSURE OF INTEREST

Nil

EXECUTIVE SUMMARY

The Occupational Health and Safety Policy has been revised, in accordance with Council's requirement to review policies at least once every three years.

As there has been little change in the occupational health and safety legislation or standards, the underpinning principles and approach of the policy remains unchanged. Minor changes have been made to make the policy more succinct and readable.

Document/s pertaining to this Council Report

- **Attachment 1** - C27 Occupational Health and Safety Policy

LEGISLATIVE / ACTION PLANS / STRATEGIES / POLICIES

Occupational Health and Safety Act 2004

INTERNAL POLICIES / STRATEGIES / DOCUMENTS

Occupational Health and Safety Strategy 2014-2017

COUNCIL PLAN

Outcome:	4	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.

CONSULTATION

The revised policy has been developed in consultation and with the endorsement of the Occupational Health and Safety Committee, Staff Consultative Committee and Executive Leadership Team.

REPORT

Background

In accordance with document review requirements the Occupational Health and Safety Policy was due to be revised by June 2016. There have been no substantial changes to the occupational health and safety legislation or best practice standards within Victorian since the last revision of this policy.

Discussion

The revised Occupational Health and Safety Policy differs from the June 2013 policy in that it gives a broad overview of how Council will comply with legislation. The June 2013 policy elaborated on how specific parts of the legislation are fulfilled, which are already covered in work practices and procedures.

The aim of these changes are to make the policy more accessible to the average person, while still ensuring that Council's position and approach is clearly evident.

FINANCIAL CONSIDERATIONS

The revised policy requires no changes to staffing or other budgets.

RISKS

The revised policy ensures that we minimise the financial, social and reputational risks associated with people on Council property or undertaking work on behalf of Council by implementing best practice occupational health and safety systems.

CONCLUSION

The revised policy will ensure that South Gippsland Shire Council continues to meet its legal and ethical obligations related to workplace health and safety.


RECOMMENDATION

That Council:

- 1. Adopt the revised C27 Occupational Health and Safety Policy in Attachment 1; and**
- 2. Publish the adopted C27 Occupational Health and Safety Policy on Council's website.**

NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 133.

Attachment 1 Occupational Health and Safety Policy



South Gippsland Shire Council

OCCUPATIONAL HEALTH AND SAFETY POLICY

Policy Number	C27	Directorate	Chief Executive Officer
Council Item No.	E10	Department	People and Culture
Council Adoption Date		Primary Author	Ian Mewburn
Revision Date		Secondary Author	Phil Dwyer

POLICY OBJECTIVE

The objective of this policy is to outline Council's approach to ensuring the health, safety and wellbeing of councillors, employees, contractors, volunteers and other people at council workplaces.

LEGISLATIVE PROVISIONS

- Occupational Health and Safety Act 2004; and
- Occupational Health and Safety Regulations 2007.

DEFINITIONS

N/A

POLICY STATEMENT

Council is committed to fulfilling its legal and ethical responsibility for the health, safety and wellbeing of councillors, employees, contractors, volunteers and other people at council workplaces.

Council will maintain an approach to OHS that is underpinned by the following principles:

- A primary focus on optimising the safety of Council work environments and actively working to reduce the severity and frequency of injuries and incidents;
- Close monitoring of Council's OHS legislative and policy compliance;
- Periodic review and improvement of Council's OHS practices and processes with a view to achieving best practice;
- Proactive management of OHS risks, acknowledging that Council's OHS activities are an important component of Council's Risk Management Framework.

Roles and responsibilities

In accordance with the Occupational Health and Safety Act 2004, Council enacts the following roles and responsibilities.

Occupational Health and Safety Policy

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COUNCIL POLICY

COUNCIL POLICY

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COUNCIL POLICY

Council

Council, as an employer, so far as is reasonably practicable, will:

- Provide and maintain a working environment that is safe and without risks to health;
- Provide and maintain plant or systems of work that are safe and without risks to health;
- Make arrangement to ensure the safety and the absence of risks to health in connection with the use, handling, storage and transport of plant or substances;
- Maintain workplaces under the Council's management and control, in a condition that is safe and without risks to health;
- Provide adequate facilities for the welfare of employees and volunteers at workplaces under Council's management and control;
- Provide employees and volunteers with information, instructions, training and supervision needed to enable them to perform their work in a way that is safe and without risks to health;
- Monitor the conditions at any workplace under its control, and provide information to employees and volunteers concerning health and safety at the workplace;
- Keep information and records relating to the health and safety of employees and volunteers; and
- Employ or engage persons who are suitably qualified in relation to OHS to provide advice to Council.

Managers

Managers (including the Chief Executive, Directors, Coordinators and Supervisors) who have, to any extent, the management or control over employees or workplaces, will ensure, so far as is reasonably practicable, that they comply with the same roles and responsibilities as the Council.

Employees and Volunteers

All employees and volunteers, while at work, must:

- Take reasonable care for their own health and safety;
- Take reasonable care for the health and safety of persons who may be affected by their acts or omissions within the workplace;
- Actively participate and cooperate in OHS activities including attending required training, understand their role as it relates to OHS and complying with all relevant OHS policies and procedures, including the identification and reporting of hazards and incidents within the workplace; and
- Not intentionally or recklessly interfere with or misuse anything provided at the workplace in the interests of health, safety or welfare.



Councillors

Councillors will ensure that an effective approach to OHS is in place and that the Council is effectively meeting its obligations under relevant legislation.

RISK ASSESSMENT

This policy minimises organisational risk by:

- Reducing risks to health and safety of all persons at council workplaces, which can lead to a reduction in the severity and frequency of injuries and incidents;
- Improving Councillor, employee, contractor, volunteer and Special Committee knowledge of and compliance with their OHS obligations and capacity to work within a safe environment;
- Improving the monitoring of Council's OHS legislative compliance and performance reducing the risk of non-compliance, prosecution and fines;
- Improving Council's Insurance and Return to Work performance and costs;
- Limiting disruption to Council's operations and services; and
- Protecting Council's organisational reputation.

IMPLEMENTATION STATEMENT

Council will implement this policy by:

- Developing, adopting, implementing and monitoring an annual OHS Management Plan;
- Providing relevant OHS training to Councillors, employees, contractors, volunteers and Special Committees;
- Establishing and monitoring OHS Key Performance Indicators (KPIs) to improve performance;
- Maintaining effective Safety Management Systems (including procedures); and
- Communicating this policy and related activities and updates through newsletters, e-mails and team meetings.

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

Gus Blaauw submitted two written questions and read them out to Council, they related to Council's accounting standards and the Council Budget.

The questions were taken on notice and will be responded to at the next appropriate Council Meeting.

G.2 ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Noted.

Paul Norton submitted written questions at Council Meeting 25 May 2016 and a response is now provided.

Question 1

What is the cost of each copy of 'Council Matters' and the cost of postage per copy?

Response

Council has not distributed a copy of Council Matters in the current financial year, this follows Australia's Post's recent increases to the cost of postage. South Gippsland Matters will no longer be sent in hard copy. Digital delivery options are currently being investigated to reduce costs while still keeping the community informed about Council's activities.

Question 2

In a previous 'Answer to questions' Council Minute 17 December 2014, reference is made to the 'Footpath Missing Link Program', the answer stated that it is

'proposed along the eastern side of Hasselt Street from Turner Street (McIndoe Park) all the way to Ogilvy Street. These works are proposed for the 2016/17 financial year in the Capital Works Program.'

In the current proposed Budget, it notes that the funds have been allocated for this project in line item 8849 – Footpath Extension Program', the total amount allocated is \$94,519 of this amount what is the cost of this 'Footpath Missing Link Program'?

Response

At the time of the Council meeting in December 2014, the footpath along Hassett Street Leongatha from Ogilvy Street to Jeffrey Street was included in the footpath extension program in the 2016/17 financial year of the forward capital works program. The purpose of this footpath extension is to provide a link to the Hassett Street Pre-School. However, it has subsequently been decided to construct the new path from Ogilvy Street to Turner Street to extend the link to McIndoe Park. The cost of this additional length resulted in the 2016/17 budget for the footpath extension program being exceeded hence the project was pushed forward and is now currently programmed for the 2017/18 financial year.

Meg Knight submitted written questions at Council Meeting 25 May 2016 and a response is now provided.

What is the contribution by the State Government to the South Gippsland Council for SES in 2016/17?

The State Government contribution to South Gippsland Shire Council for the SES in 2015/16 was \$25,706. Council matches the State Government contribution dollar for dollar, with a total contribution paid to the SES this year of \$51,412. We have not been advised, at this stage, of any increase by the State Government for the 2016/17 year.

VIC SES Unit	State Government contribution 2015/16	Council contribution 2015/16	Total contribution 2015/16
Foster	\$12,853	\$12,853	\$25,706
Leongatha	\$12,853	\$12,853	\$25,706

Is this part of the Council's 2016/17 budget?

Yes

Is Council meeting this amount on a \$ for \$ basis in the 2016/17 budget?

Yes

If not, what is the Council's contribution to SES for 2016/17?

N/A

Gus Blaauw submitted written questions at Council Meeting 25 May 2016 and a response is now provided.

Gus Blaauw addressed Council with a question relating to a request for 'The total amount for each General Ledger Account for the Proposed 2016-17 Income and Expense Statement'.

Response

Councillors were informed of Mr Blaauw's two requests through the S223 process for budget information at the General Ledger level and the response provided by officers to Mr Blaauw. A meeting was held between Mr Blaauw, the Director of Corporate and Community Services and the Finance Manager on 1 June 2016 to provide a breakdown of the Proposed Budget 2016/17 at Program level for employee costs, materials & services and other costs.

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 2015/16 COMMUNITY GRANTS ROUND 2 - ASSESSMENT

ITEM 2 MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON

ITEM 3 CONTRACTUAL MATTER

RECOMMENDATION

That Council close the meeting to the public to allow for consideration of:

1. Item 1 2015/16 COMMUNITY GRANTS ROUND 2 - ASSESSMENT pursuant to section 89(2)(h) containing matters which the Council considers would prejudice the Council or any person as provided for by the Local Government Act 1989.
2. Item 2 MATTER pursuant to section 89(2)(h) containing matters which the Council considers would prejudice the Council or any person as provided for by the Local Government Act 1989.
3. Item 3 CONTRACTUAL MATTER pursuant to section 89(2)(d) of the Local Government Act 1989.

MOVED: Cr Davies

SECONDED: Cr Kennedy

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR
CONSIDERATION OF:**

- 1. ITEM 1 2015/16 COMMUNITY GRANTS ROUND 2 - ASSESSMENT
PURSUANT TO SECTION 89(2)(H) CONTAINING MATTERS WHICH THE
COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY
PERSON AS PROVIDED FOR BY THE LOCAL GOVERNMENT ACT 1989.**
- 2. ITEM 2 MATTER PURSUANT TO SECTION 89(2)(H) CONTAINING
MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE
COUNCIL OR ANY PERSON AS PROVIDED FOR BY THE LOCAL
GOVERNMENT ACT 1989.**
- 3. ITEM 3 CONTRACTUAL MATTER PURSUANT TO SECTION 89(2)(D) OF
THE LOCAL GOVERNMENT ACT 1989.**

CARRIED UNANIMOUSLY

**ITEM 3 AWARD OF CONTRACT - ANNUAL SUPPLY OF PLANT AND
CARTAGE CONTRACTORS - RFT/105**

1. **AWARDING THE CONTRACT *ANNUAL SUPPLY OF PLANT HIRE
AND CARTAGE CONTRACTORS* TO A PANEL OF PREFERRED
SUPPLIERS FOR A ONE YEAR TERM COMMENCING 1 JULY 2016,
AS FOLLOWS:**
 - a. **HIWAY STABILIZERS AUSTRALIA**
 - b. **SURE CONSTRUCTIONS (VIC) PTY LTD**
 - c. **FULTON HOGAN INDUSTRIES PTY LTD**
 - d. **WHELAN'S GROUP INVESTMENTS PTY LTD**
 - e. **LUXTON PLANT PTY LTD**
 - f. **SR EXCAVATIONS PTY LTD**
 - g. **PORTER PLANT PTY LTD**
 - h. **SOUTH GIPPSLAND QUARRIES PTY LTD**
 - i. **COATES HIRE OPERATIONS PTY LTD**
 - j. **ADA CONSTRUCTION SERVICES PTY LTD**
 - k. **DAVID HARRIS EARTHMOVING PTY LTD**
 - l. **WILTRACK FAMILY TRUST**
 - m. **BEYER CONSTRUCTIONS PTY LTD**
 - n. **ALLENS CONTRACTING**
 - o. **ROSS CHAPMAN - JTB NOMINEES**
 - p. **DAVID ROUNDS BOBCAT HIRE**
 - q. **SHERRIN RENTAL PTY LTD**
 - r. **KND MAINTENANCE PTY LTD - AFT WILLIAMS FAMILY
TRUST**
 - s. **TG & DA WILLIAMS**
 - t. **BRENTON WILLIAMS (BJS EARTHMOVING)**
 - u. **FORRESTER & CO. PTY LTD**
 - v. **C & D EARTHWORKS PTY LTD**

- w. PAUL & TANYA EYGENRAAM (DEMERLO CONTRACTORS)**
- x. MM PAVING**
- y. DARREN HARRIS EXCAVATIONS PTY LTD**
- z. RUSSEL HINDS**
- aa. ACE EARTHWORKS PTY LTD**
- bb. COAST N COUNTRY EARTHMOVING**
- cc. DEAN GOW**
- dd. BROOKS HIRE SERVICE PTY LTD**

SECTION H - MEETING CLOSED

NEXT MEETING

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

The Meeting closed at 5.58pm.

CONFIRMED:.....

COUNCILLOR ROBERT NEWTON – MAYOR

Date:.....