

SOUTH GIPPSLAND SHIRE COUNCIL

Council Agenda

Ordinary Meeting of Council
24 October 2018

Ordinary Meeting No. 428
Council Chambers, Leongatha
Commencing at 2pm



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.

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.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Ordinary Meeting No. 428 of the
South Gippsland Shire Council will be held on 24 October 2018
in the Council Chambers, Leongatha commencing at 2pm

TABLE OF CONTENTS

1. PRELIMINARY MATTERS	5
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	5
1.2. WELCOME	5
1.3. OPENING PRAYER.....	5
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS	5
1.5. APOLOGIES	6
1.6. CONFIRMATION OF MINUTES.....	6
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS.....	7
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF	8
2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY	9
2.1. PLANNING SCHEME AMENDMENT C117 PROCEDURAL AMENDMENT – LITTLE COMMERCIAL STREET KORUMBURRA.....	9
3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES.....	13
3.1. STRATEGY REVIEW: DRAFT COMMUNITY STRENGTHENING STRATEGY 2018 - 2022	13
4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT	22
4.1. TANDERRA PARK, MEENIYAN - REQUEST FOR COUNCIL TO MAINTAIN PARK ASSETS.....	22
4.2. ENDORSEMENT: MUNICIPAL EMERGENCY MANAGEMENT PLAN 2018 - 2021	33
4.3. PETITION RESPONSE: IMPROVING STANDARDS OF LOCAL GRAVEL ROADS.....	35
5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE.....	39
5.1. 2017/18 ANNUAL REPORT	39
6. OTHER COUNCIL REPORTS.....	42
7. NOTICES OF MOTION AND/OR RESCISSION.....	42
7.1. NOTICE OF MOTION 722 - COUNCILLOR CODE OF CONDUCT - STATE AND FEDERAL GOVERNMENT CANDIDACY GUIDELINES.....	42
7.2. NOTICE OF MOTION 723 - QUESTION TIME AT COUNCIL MEETINGS.....	45

8. PROCEDURAL REPORTS	47
8.1. ASSEMBLY OF COUNCILLORS 22 AUGUST TO 21 SEPTEMBER 2018....	47
8.2. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 25 AUGUST 2018 TO 21 SEPTEMBER 2018	55
9. COUNCILLOR REPORTS	59
9.1. REQUESTS FOR LEAVE OF ABSENCE	59
9.2. COUNCILLOR UPDATES	59
9.3. COMMITTEE UPDATES	60
9.3.1. AUDIT COMMITTEE MEETING - 10 SEPTEMBER 2018	60
10. URGENT OR OTHER BUSINESS	63
11. PUBLIC QUESTIONS.....	64
11.1. PETITIONS AND JOINT LETTERS	64
11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE	65
11.3. SUBMITTED PUBLIC QUESTIONS.....	66
12. CLOSED SESSION	67
13. MEETING CLOSED	68



Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME

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

1.3. 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

1.4. 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.

1.5. APOLOGIES

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 427, held on 26 September 2018 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS 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 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) 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 Council Business Department at South Gippsland Shire Council).
- 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 – October 2012*.

1.8. DECLARATION OF CONFLICTS 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 the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY

2.1. PLANNING SCHEME AMENDMENT C117 PROCEDURAL AMENDMENT – LITTLE COMMERCIAL STREET KORUMBURRA

Development Services Directorate

EXECUTIVE SUMMARY

Planning Scheme Amendment C117 rezones land from the Public Use Zone to the Commercial 1 Zone at the site of the proposed supermarket development at the corner of Commercial Street and King Street Korumburra. The amendment also removes a redundant Public Acquisition Overlay (PAO) from the same land. The subject land is shown in **Figure 1** below and in the official amendment maps in **Attachment [2.1.1]**.

The Amendment has been exhibited to the relevant Ministers and no submissions were received. It is recommended that Amendment C117 be adopted and submitted to the Minister for Planning for approval.

RECOMMENDATION

That Council:

- 1. Adopts South Gippsland Planning Scheme Amendment C117 in accordance with the documents provided in Attachment [2.1.1].**
- 2. Requests the Minister for Planning to approve South Gippsland Planning Scheme Amendment C117.**

REPORT

The development of a new supermarket in Korumburra has been a long term objective of Council and is broadly supported by the local community.

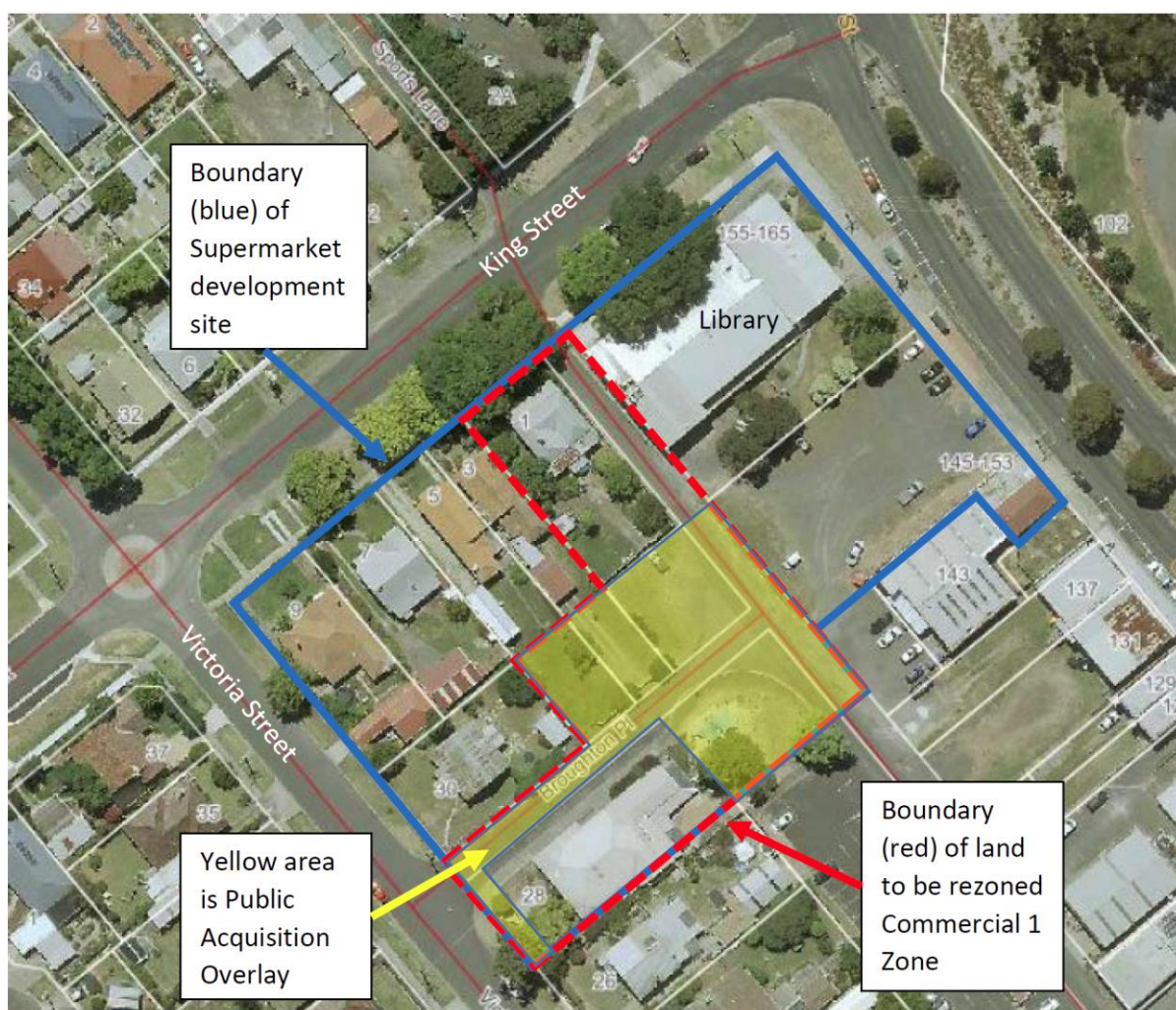
Following community consultation, the planning permit for the development of the new supermarket was issued by Council on 12 December 2017. The planning permit includes all of the land proposed to be rezoned by Amendment C117. The subject land is displayed in **Figure 1** below.

State Government guidelines regarding the application of land zonings requires that only public land be included in the Public Use Zone (PUZ). The guidelines also recommend that where public land is proposed to be sold to the private sector (Council resolved on 22 November 2017 to sell the subject land by private treaty), the land should be rezoned to the most appropriate alternative zone (typically the same zone as the adjoining land) prior to its

sale. Amendment C117 is consistent with these recommendations and will rezone the subject land from a mix of the Public Use Zone 3 (Health), 6 (Local Government) and 7 (other public uses) to the Commercial 1 Zone, which is the adjoining zone.

Most of the subject land is owned by Council however the rear sections of 3 King Street and 5 King Street are in the PUZ and already owned by the supermarket development company. The presence of the PUZ on these privately owned lots is an historic anomaly that will be corrected by Amendment C117.

Figure 1 - Subject land detailing Amendment C117 changes



In addition to rezoning the subject land, Amendment C117 also proposes to remove the Public Acquisition Overlay (PAO) Schedule 1 'Road widening and acquisition' from the land. The PAO was applied in the 1970s to facilitate the development of Council car parking. Some of the PAO land has been acquired by Council and some remains in private ownership. Council's approval of the planning permit for the supermarket is a clear statement that Council does not intend to purchase the PAO land affected by the amendment. Accordingly, the

PAO is redundant and can be removed. It is noted that the supermarket development has sufficient car parking to meet its requirements.

CONSULTATION

An exemption was requested from the Minister for Planning regarding notice requirements. The Amendment was exempt from notice to adjoining landowners and occupiers. The reason for this request was that Council and the supermarket development company own all of the subject land and the adjoining landowners were notified of the supermarket development proposal prior to the issue of the planning permit. While five objections were received, none of the objections discussed issues surrounding the zoning of the land or the presence of the PAO. The objectors concerns were considered in the assessment of the planning permit application.

Extensive consultation was undertaken as part of the development of the Korumburra Town Centre Framework Plan (2013) which identified the preferred location for a new supermarket. Public exhibition took place as part of Amendments C71 and C93 to the South Gippsland Planning Scheme. Amendment C71 implemented the Framework Plan into the South Gippsland Planning Scheme at Clause 21.15. Amendment C93 rezoned 155-165 Commercial Street (Korumburra library) from Public Use Zone to Business 1 Zone (now Commercial 1 Zone).

RESOURCES

No additional resources are required to adopt Amendment C117.

RISKS

There are no risks associated with the rezoning of the subject land or the removal of the PAO.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Planning Scheme Amendment C117 - Korumburra Supermarket Development **[2.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Korumburra Town Centre Framework Plan (2013)

South Gippsland Planning Scheme

Legislative Provisions

Planning and Environment Act 1987

3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS & CULTURE AND DELIVER EQUITABLE OUTCOMES

3.1. STRATEGY REVIEW: DRAFT COMMUNITY STRENGTHENING STRATEGY 2018 - 2022

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Council has a responsibility to support its community to be resilient and harmonious. One major way that Council can deliver practical outcomes in this area is to strengthen a community's capacity to support itself. This work is primarily seen as Community Strengthening.

Council has developed a draft Community Strengthening Strategy for 2018-2022 (Draft Strategy) (**Attachment [3.1.1]**) focusing on assisting the community sector to remain effective and sustainable as a practical and effective way of supporting broad community resilience.

RECOMMENDATION

That Council adopts the Draft Community Strengthening Strategy 2018-2022 (Attachment [3.1.1]) and publishes it on Council's website.

REPORT

Community strengthening strategies are inherent in most of Council's operations, which are aimed at improving or maintaining the living standards and viability of the South Gippsland communities. As such, all Council departments are involved in some way in strengthening the South Gippsland communities.

Council has recognised this key function in the Revised 2017-2021 Council Plan and 2018/19 Annual Budget in a number of direct ways, which include:

Objective 2: Build Strong Partnerships, Strengthen Arts & Culture and Deliver Equitable Outcomes.

- Strategy 2.1: Update and implement strategies for Community Strengthening and Engagement.
- Strategy 2.1.1: Where appropriate support community groups to achieve projects of which they have ownership and want to progress.
- Strategy 2.1.2: Investigate Opportunities to consider a model for community self determination to facilitate working in partnership with the community.

- Strategy 2.2.1: Review the Recreation Strategy.
- Strategy 2.3: Update and continue to implement the Blueprint for Social Community Infrastructure.
- Strategy 2.7: Develop and Implement a Youth Strategy.

This also occurs through the allocation of \$300,000 per annum for community grants and the allocation of approximately \$200,000 per annum to support major external grants for community (mostly recreation related) infrastructure.

Council has developed a range of other strategies that require a well-functioning community sector for effective implementation, which include the *Arts, Culture and Creative Industry Strategy* and the *Active Ageing Strategy*.

Community Strengthening Strategy relationship to Community Engagement

Community Strengthening is about Council assisting the community sector to be effective and independent in their own operations. Council is not the only agency working in this space, but few others have such a broad canvas with which to work. Council provides grants and direct officer advice and planning assistance to a range of groups such as; playgroups, progress/community development associations, sporting clubs, service clubs, Men's sheds, community houses, community gardens, arts groups, theatre groups, senior citizens clubs, and community safety groups.

Community Engagement is about how well Council explains what it is doing for the community and how well it collaborates with the Community to develop solutions to issues. This process also provides the wider community with the opportunity to provide advice to Council on current and emerging needs.

The two processes are often intertwined.

Beneficiaries of Community Strengthening Actions

The primary beneficiaries of Council action to support stronger communities are the individual communities served by specific community groups. For example, the assistance provided to the Mirboo North Italian Festa organising committee when planning the expansion of this event, and then with key resources to support delivery the event, has supported increased volunteer participation and enabled the event to grow from under 1,000 participants prior to the 2015 expansion to now bring up to 12,000 people into the community for the event.

Every successful community project benefits the wider South Gippsland community by increasing the range of activities or facilities available to the

community and by providing evidence to other current and potential volunteers that local effort can receive tangible rewards.

Council as an entity also benefits as the number and range of community members taking a responsible leadership roles within specific projects develop stronger working relationships with Council staff. This creates the opportunity for this influential section of the community to develop a clearer understanding of the roles Council can play directly and where Council faces limitations financially and in terms of authority.

Even the business community is often a direct beneficiary of community groups successfully implementing a new project through the potential to supply goods and services to the local groups, and with potential for direct sales to visitors when major events bring visitors into South Gippsland.

Key Themes Proposed in the Revised Community Strengthening Strategy

The Draft Community Strengthening Strategy 2018-2022 focuses on five main themes of activity:

1. Collaboration

Increasingly community groups need to collaborate with like bodies within South Gippsland and, at times, with regional and state-wide associations. This need now often extends to working across interest sectors, for example with sporting and arts bodies needing to work with progress associations and traders groups to achieve local outcomes. This Draft Strategy directs Council support in this area through:

- Facilitation of special interest and place-based support networks
- Provision of newsletters/online information
- Community plan development and review
- Connection with the indigenous community
- South Gippsland Halls Network

2. Sustainability of the community sector

Community Groups list organisational sustainability, particularly with recruiting new volunteers and maintaining current volunteers, as the major concerns they have. Council's Draft Strategy directs support in this area through:

- Training in leadership, governance, and organisational development as well as direct advice to individual groups
- Communication and promotion skills development
- Connection to other organisations that share a common need
- Liaison with other groups who might have people willing to volunteer, for example, job network agencies, youth networks, older residents and new settler networks
- Assistance to groups with development of business / feasibility and organisational plans

3. Supporting the community sector to access funds and professional assistance

Community groups raise the major portion of the funds they need themselves through operational activities, fund raising drives and accessing funds in grants and sponsorships independently. However, groups consistently seek Council's assistance in augmenting their funds for new projects and upgrading their facilities or activity range. Key Council activity in providing this assistance includes:

- Provision of community grants
- Advice on other funding opportunities available
- Liaison with groups on major infrastructure funding applications
- Development of a South Gippsland Grant Givers alliance
- Facilitating opportunities for other funding groups to meet with local organisations
- Linking volunteer champions with groups who need some professional and experienced guidance

4. Community Events and Projects Planning

Community events have the capacity to activate local communities, create economic activity, and engage people in a community who might not otherwise be part of the civic sector. Major new projects being undertaken by an individual community group can have similar valuable impacts. However, these activities take significant time in the planning phase to be successful. This Draft Strategy recognises the value of this work and includes:

- Directly assisting groups with planning advice and support
- Establishing and facilitating a Community Event Coordinators network
- Access to community grants for events and for feasibility studies for major projects

5. A whole-of-Council approach to strengthening the Community sector

Many arms of Council play a direct role in enabling community groups to thrive. This Draft Strategy commits Council to supporting a collaborative approach to this work, and many other departments of Council being involved at various stages with direct liaison with community organisations.

Main Changes in Direction from the 2008 Strategy

This Draft Strategy accepts that the South Gippsland community sector is already strong and that the South Gippsland community has a wide range of resources internally, in both skilled community members and locally accessible funds and equipment. The Strategy also recognised that local communities are the best placed to recognise areas of localised need and opportunity.

The 2008 Community Strengthening Strategy had a much stronger emphasis on Council assessing areas of need in the community and directing resources to those areas. The previous Strategy also had a more significant focus on prioritising works/projects that would attract state or federal government funds.

Whilst Council will continue to provide support to obtain external funding, the revised Draft Strategy focuses more effort into supporting the community sector to develop local projects they identify as high priority with Council funds and officer time even if there is no specific external funding currently identified.

This Draft Strategy in conjunction with the Revised Council Plan also focuses more directly on building the decision making capability of local communities and exploring models of self-determination in communities.

This Draft Strategy notes the high level granting capacity from South Gippsland philanthropic groups such as:

- The Community Banks (Toora, Foster, Mirboo North)
- Community Foundations (Mirboo North and District, Leongatha)
- The Leongatha RSL

- Korrungal Women's Club
- Commercial entities that provide community grants (e.g. Michael's IGA, Bald Hills Windfarm)
- Private and generally anonymous donations from local residents made via accountants and legal firms

Evaluation Challenges

Undertaking an accurate evaluation of the impact of community development work where Council has little or no direct control over the actions of the recipients of services and support is challenging. Further research is needed to develop robust measures over the period of this Strategy.

A key requirement in evaluating change will be the development of baseline data. This will allow changes to be measured in areas where Council is committing effort and where it would be expected that Council's role is significant enough to be a key influencer of change.

The baseline data will in some circumstances require selection of sample groups currently working with Council and groups with little known direct engagement with Council.

Further development of the base line data and structured questions will be established during the first six months of this Strategy by the Community Strengthening team, in partnership with:

- Other Council departments (Social Planning officer, Economic Development team)
- Other similar councils
- Community agencies (e.g.: Community Houses)

It is anticipated that the measures Council uses will be transferable to other support groups, and provide guidance for local community groups when assessing how to most effectively invest their resources and volunteer time.

Place-making Opportunities

Most of the actions listed in the Draft Strategy can be employed directly to support increased place-making initiatives in South Gippsland's larger communities and rural districts. This is most clearly seen in the areas of:

- Community Planning
- Locality-based special interest networks

- Community leadership skills development based on implementation of specific projects
- Establishing a Grant Givers Alliance as most other grant givers based in South Gippsland have a specific geographic locality/suite of towns and districts within their catchment
- Event planning advice and support, particularly where Council support can encourage event organisers to engage with a wide range of commercial and not for profit groups to collaborate in running an event

Significant opportunities exist through implementation of the actions in this Draft Strategy to assist communities and interest groups to develop more effective methods of online communication and information sharing which in turn creates more opportunity for new activity to be sustainable and thrive.

CONSULTATION

Continuous consultation on how Council can support community groups to be more effective is undertaken with the community sector via:

- The South Gippsland Towns and Districts Associations Network
- Community Engagement Conference
- Special interest shire-wide networks including the Halls Network, Men's Sheds cluster, Community Planning network, South Gippsland community houses,
- The not for profit groups that are included in the South Gippsland Arts Network
- Specific town-based community plan working groups
- Korumburra Round Table
- Direct liaison with a wide range of community organisations that seek assistance with organisational and event planning and assistance with identifying funding sources.

Regular internal consultation on this matter is undertaken with other Council teams and officers. This is done through the Community Directions Internal Reference Network and direct liaison with the:

- Recreation Officer
- Economic and Development team

- Emergency Management team
- Regulatory Teams which can impact on community group activity, including Local Laws and Environmental Health

The development of the draft Strategy has included extensive discussion directly with Councillors via

- A workshop held on 2 May 2018.
- Further discussions to seek clarification from Councilors on 9 May 2018.
- A further briefing on 13 June 2018. The version of the Strategy presented and discussed during this briefing included all input to the draft Strategy received from Councillors at the 2 May 2018 workshop and 9 May 2018 discussions.
- An additional briefing on 19 September 2018 on the revised draft Strategy also incorporated consideration of the impact of the Strategy over time.

RESOURCES

The proposed Draft Strategy can be implemented within current budget allocations.

RISKS

The Revised 2017-2021 Council Plan commits to revising the Community Strengthening Strategy.

The requests from the community sector for support exceed the support available. A revised Strategy is needed to manage and prioritise Council's resources whilst also effectively and equitably supporting the range of community sectors across the Shire.

Council's ability to harness local grant funds and external funds on behalf of the local community sector will be enhanced if a clear strategy for use of these funds is available to share with other bodies.

No new risks have been identified.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Community Strengthening Strategy 2018-2022 - Draft **[3.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Arts, Culture and Creative Industry Strategy

Community Strengthening Strategy

4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT

4.1. TANDERRA PARK, MEENIYAN - REQUEST FOR COUNCIL TO MAINTAIN PARK ASSETS

Infrastructure Directorate

EXECUTIVE SUMMARY

The Meeniyen Progress Association (the Association) has approached Council requesting that the responsibility for the full maintenance responsibilities for Tanderra Park, Meeniyen be transferred to Council. This includes the gardens and grounds, pathways, rotunda, electric barbeque, barbeque shelter, tables, seating, foot bridge culvert and rockwalls, non-commemorative plaques, bollards and drinking fountain. The community garden assets are not included in the request as these are managed and maintained by the community.

In a letter to Council received in July 2018, the Association has advised that its members are aging and are no longer physically able to attend to cleaning, painting, and general maintenance of Tanderra Park. It has also advised that the Association has limited funds and is not in a position to fund the ongoing costs of painting, cleaning, and maintenance required to keep Tanderra Park in an appropriate condition for park users to enjoy.

Information is provided on the current service levels (and associated costs) provided by Council's Parks & Gardens team for mowing and maintaining the gardens and grounds of Tanderra Park. It also includes the proposed service levels and associated costs to Council if it were to assume responsibility for the maintenance and renewal of the Tanderra Park assets and additional grounds and garden maintenance for Council's consideration.

RECOMMENDATION

That Council:

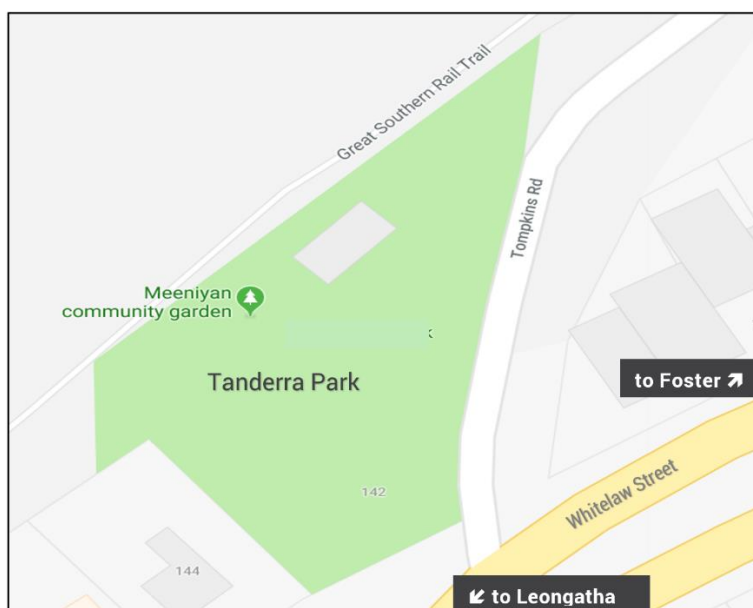
- 1. Assume responsibility for the maintenance and renewal of Tanderra Park, Meeniyen grounds, gardens, and park assets including the rotunda, rotunda furniture (seating and table), barbeque shelter, electric barbeque, picnic tables and seating, footbridge culvert and rock walls, bollards, drinking fountain, non-commemorative plaques, and pathways excluding:**
 - a. Community gardens, community garden shelters, community garden paths, and the "John van Wamel" commemorative plaque located in the community garden grounds.**

- b. **Commemorative plaques, as these are the responsibility of the organisation or the direct family to which the plaque is dedicated including:**
 - i) **100 years Meeniyen Red Cross plaque dated May 2014 – (responsibility of the Meeniyen Returned Services League).**
 - ii) **“WJ Moloney” 21st Battalion AIF plaque (responsibility of the family).**
 - iii) **Meeniyen Returned Services League (RSL) 60th Anniversary of Victory in Pacific 15 August 2005 plaque (responsibility of the Meeniyen RSL).**
2. **Increase the annual maintenance budget by \$11,000 and capital renewal budget by \$67,765 (Table 3 – Renewal Costs).**
3. **Writes to the Meeniyen Progress Association and thanks its members for their invaluable contribution and efforts to date in maintaining Tanderra Park, Meeniyen.**

REPORT

Tanderra Park is located on the corner of Whitelaw Street and Tompkins Road, Meeniyen and abuts the Great Southern Rail Trail. The land is owned by the Department of Environment Land Water and Planning (DELWP) and the Meeniyen Progress Association (Association) is the Committee of Management over the land.

Figure 1 – Locality Map of Tanderra Park, Meeniyen



The Meeniyen Progress Association (Association) has requested Council assumes responsibility for the maintenance of the park grounds, gardens, and assets in Tanderra Park, Meeniyen.

The Association has advised that it is no longer in a position to fund the ongoing costs of maintaining the park, nor are its aging members able to physically attend to grounds and garden maintenance, cleaning, painting, and general maintenance of the park assets.

Table 1 below lists the park assets that will become Council's responsibility should it agree to take on maintenance and renewal responsibilities.

Table 1 – Tanderra Park Assets

Park Asset	Quantity
Rotunda	1
Fixed bench seating for 12 - 16 people in rotunda	1
Fixed seat for 2 people in rotunda	1
Wooden table in rotunda (unfixed)	1
Barbeque shelter	1
Electric barbeque	1
Plaque – “Meeniyen The Turning Point” fixed on BBQ shelter	1
Plaque – “Moonlight” designed by Phillip Johnstone	1
Park tables each with seating for 8 - 12 people (fixed)	2
Steel bollards	12
Drinking fountain	1
Paths – decomposed granite paths with brick edging (<i>excluding paths in the community gardens area</i>)	333 square metres
Footbridge underground culvert – walkway to community gardens	1
Footbridge rock wall – walkway to community gardens	2

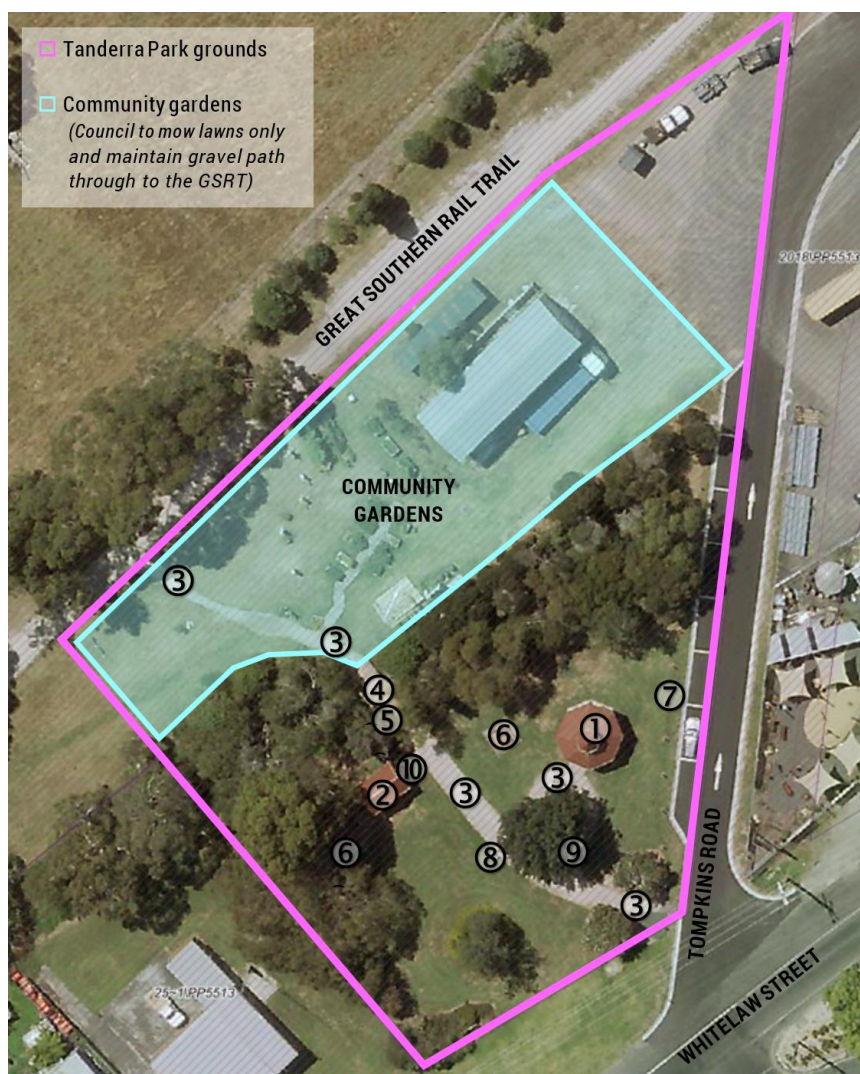
Below is a list of the assets for which Council will not be responsible if it were to assume responsibility for the maintenance of Tanderra Park:

- Community gardens and structures – *responsibility of the community.*
- Community garden paths – *responsibility of the community.*
- Commemorative plaques:
 - in memory of “John van Wamel” located in the community gardens
– *responsibility of the family of John van Wamel.*


- in memory of “WJ Moloney” 21st Battalion AIF – *responsibility of the family of WJ Moloney.*
- 100 years Meeniyah Red Cross dated May 2014 – *responsibility of the Meeniyah Returned Services League (RSL).*
- Meeniyah RSL 60th Anniversary of Victory in Pacific 15 August 2005 plaque – *responsibility of the Meeniyah RSL.*

The location of the park assets are included in **Figure 2** below. Photographs of the park assets are included in **Figure 3 - 14** at the end of this report.

Figure 2 – Aerial Map Tanderra Park Assets




① Rotunda (includes all fixed seating & table)	⑥ Picnic table and seats x 2
② BBQ shelter and electric BBQ	⑦ Bollards
③ Paths and brick edging*	⑧ Drinking fountain
④ Culvert (footbridge to community gardens)	⑨ Plaque “Moonlight”
⑤ Rockwalls (footbridge to community gardens)	⑩ Plaque on BBQ shelter

* Although it is noted that the community is responsible for the maintenance and renewal of the community gardens area (shown bordered  in **Figure 2** above), including community garden structures, and paths to the community garden beds, it is proposed that Council maintain the gravel path through to the GSRT.

Current Service Levels

Gardens & Grounds Maintenance

Council's Parks and Gardens team already mows the lawn at a cost of \$2,000 per annum which includes mowing the area of the community gardens (shown bordered  in **Figure 2** above). The team also carries out basic garden maintenance at a cost of \$500 per annum, however, this does not include the community gardens as this is the responsibility of the community.

At a recent on-site meeting, the Association advised Council that the community gardens and paths, and the community garden structures located at the back of the park are maintained, and will continue to be maintained by the community.

Proposed Service Levels

Rotunda, Barbeque Shelter, and Electric Barbeque

- **Maintenance:** Based on maintenance of Council's existing rotundas for the past seven years, the maintenance cost for the rotunda, barbeque shelter, and barbeque (not including cleaning) would be in the order of \$1,000 per annum.
- **Operating:** Based on cleaning of Council's existing barbeques twice weekly, the cleaning costs for the barbeque will be in the order of \$4,015 per annum.
- **Renewal:** The renewal cost for the rotunda and the barbeque shelter will be in the order of \$20,000. The life cycle for each of these assets is expected to be twenty years, however, due to the condition of the current assets, renewal works may be required in the financial year 2028/29.

The renewal cost for the electric barbeque would be in the order of \$14,800. The life cycle for electric barbeques is expected to be ten years, however, due to the condition of the current asset, renewal works may need to take place in the financial year 2023/24.

Park Furniture (Seats, Tables, Drinking Fountain, Plaques, and Bollards)

- **Maintenance:** Based on maintenance costs of other similar existing assets across the Shire, the maintenance cost for these assets are in the order of \$500. This would include painting and minor repairs to the park furniture (tables, seats, drinking fountain, 12 bollards, 2 plaques etc.)
- **Renewal:** The renewal cost for this group of assets will be in the order of \$17,500. The life cycles for these assets are expected to be 15 years for each, other than the drinking fountain which has an expected life of 20 years. Due to the condition of the current assets, renewal works may need to take place in the financial year 2023/24 for the seating, tables and drinking fountain, and the financial year 2033/34 for the bollards.

Underground Culvert & Gravel Path Through to Rail Trail

- **Maintenance:** The cost to maintain the walkway, rockwalls, and underground culvert has been included in the maintenance costs of the grounds.
- **Renewal:** The renewal cost for the culvert and rockwalls will be in the order of \$7,000. The life cycle for this asset is expected to be 100 years, however, due to the rock edging that forms the footbridge, the renewal works may be required in the financial year 2038/39.

The renewal cost for the gravel path with brick edging will be in the order of \$8,465. The life cycle for such an asset is 20 years, and with the condition of the current assets, renewal works may be required in the financial year 2038/39.

Additional maintenance of the gardens and grounds (excluding the community gardens)

- **Maintenance:** Based on maintenance costs of other similar grounds and gardens across the Shire, maintenance cost for this group of assets would be in the order of \$7,000. This figure includes the current service level cost of \$2,500 plus an additional \$4,500 to meet the proposed service level. The new service level would include mulching, pruning, replanting, litter, tree works, plantings along the creek, paths with brick edging, walkway underground culvert and rockwalls, and the gravel path from the walkway through to the Great Southern Rail Trail. Council would attend to these maintenance requirements on a six-week cycle.

Please note: Path maintenance does not include the paths in the community gardens leading to the garden beds as this is the responsibility of the community. Refer to **Figure 2**

- **Operating:** Based on operating costs of other similar reserves the cost for water and electricity will be in the order of \$1,050 per annum.

RESOURCES

Table 1 below presents the current service level annual costs being incurred by Council for this site and the anticipated additional annual costs for the proposed increase in service levels for Tanderra Park.

Table 1 – Maintenance Costs

FUNCTION	FREQUENCY	DESCRIPTION	CURRENT COST	EXTRA COST	EST. TOTAL
Gardens / grounds maintenance (includes paths)	1 x 6 weeks	Mulching, pruning, replanting, litter, path maintenance and brick edging, tree works, plantings along creek	\$500	\$4,500	\$5,000
Lawn mowing	1 x weekly	Council's Parks & Gardens team (includes community gardens area)	\$2,000		\$2,000
BBQ cleaning	2 x weekly	Council's Public Amenities team		\$4,015	\$4,015
Park furniture (seats, tables, drinking fountain, plaques, and bollards)	as required	Painting, cleaning, minor repairs		\$500	\$500
Rotunda & barbeque shelter	as required	General maintenance		\$1,000	\$1,000
Water costs	Annual estimate	Based on Dumbalk Memorial Park		\$240	\$240
Electricity costs	Annual estimate	Based on Dumbalk Memorial Park		\$810	\$810
TOTAL ANNUAL MAINTENANCE COST			\$2,500	\$11,065	\$13,565

Table 2 below presents the asset lifecycles, anticipated renewal year, and estimated cost to renew the asset based on 2018/19 figures. Consumer Price Index (CPI) will be applied to the below figures when added to the Long Term Financial Plan (LTFP) as per our standard accounting practice.

Table 2 – Renewal Costs

ASSET	LIFECYCLE	ANTICIPATED RENEWAL FINANCIAL YEAR	EST. TOTAL (in 2018/19 \$ values)
Rotunda and barbeque shelter	20 years	2028/29	\$20,000
Electric barbeque	10 years	2023/24	\$14,800
Drinking fountain	20 years	2023/24	\$3,000
Seating & tables	15 years	2023/24	\$10,000
Bollards	15 years	2033/34	\$4,500
Underground culvert with rock wall	100 years	2038/39	\$7,000
Gravel path with brick edging (includes path through to the GSRT)	20 years	2038/39	\$8,465
TOTAL RENEWAL COST			\$67,765

CONSULTATION

Council's Coordinator Buildings, Coordinator Parks & Gardens, and Executive Assistant - Infrastructure met representatives of the Meeniyen Progress Association on Friday 24 August 2018 onsite at Tanderra Park in Meeniyen. The purpose of the meeting was to document and photograph the park assets that the Association wants Council to maintain. Photographs of the park assets are included at the end of this report in **Figures 3 - 14**.

Council has also been in discussion with DELWP (land owner) who is supportive of Council assuming management over Tanderra Park, Meeniyen.

RISKS

If Council was to assume responsibility for the maintenance and renewal of the park assets, other committees and associations may also request Council to be responsible for the maintenance and renewals of other parks across the Shire. If this were the case, Council would need to increase the budget for this additional service level.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Correspondence Meeniyen Progress Association July 2018 **[4.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget 2018/19

Internal documents (not on web)

Asset Management Plan - Buildings

Asset Management Plan - Parks and Gardens

Legislative Provisions

Local Government Act 1989

Figures 3 to 14 - Photographs of Tanderra Park Assets

The circled numbers corresponds with the asset referenced in **Figure 2**.

Figure 3 – Rotunda



Figure 4 – Fixed seating in Rotunda



Figure 5 – Seating in Rotunda



Figure 6 – Wooden table in Rotunda



Figure 7 – BBQ shelter & electric BBQ



Figure 8 – Paths including brick edging



Figure 9 – Culvert & rockwalls (footbridge)



Figure 10 – Picnic tables & seating x 2



Figure 11 – Bollards x 12



Figure 12 – Drinking fountain



Figure 13 – Plaque “Moonlight”



Figure 14 - Plaque on BBQ shelter



4.2. ENDORSEMENT: MUNICIPAL EMERGENCY MANAGEMENT PLAN 2018 - 2021

Infrastructure Directorate

EXECUTIVE SUMMARY

The Emergency Management Act 1986 (Part 4) specifies the responsibilities of municipal councils in connection with emergency management. These responsibilities include the preparation and maintenance of a Municipal Emergency Management Plan (the Plan). The Plan is a multi-agency plan managed by the municipal council.

Councils are required to establish a multi-agency Municipal Emergency Management Planning Committee (MEMPC). The function of this committee is to prepare a Municipal Emergency Management Plan for consideration by the municipal council.

The Plan was formally adopted by MEMPC on 28 August 2018.

RECOMMENDATION

That Council adopts the South Gippsland Municipal Emergency Management Plan 2018-2021 (Attachment [4.2.1]).

REPORT

Background

The Emergency Management Manual of Victoria (EMMV) is the policy document that supports the Emergency Management Acts 1986 and 2013.

The Plan has been developed in collaboration with all emergency services and organisations represented on the South Gippsland MEMPC. The Plan details the agreed arrangements for the prevention, response and the recovery from a range of emergencies that could potentially occur in the Shire.

Discussion

Under the Emergency Management Act 1986, the plan is to be audited by the Director, Victoria State Emergency Service (SES) at least once every three years. The current MEMP was audited on 20 July 2018 and approved on 14 August 2018.

Proposal

That Council formally endorse the South Gippsland Municipal Emergency Management Plan 2018-2021 (**Attachment [4.2.1]**).

CONSULTATION

A three-year Plan for South Gippsland has been developed in collaboration with a range of local and regional emergency management services and organisations that sit on the Municipal Emergency Management Planning Committee (MEMPC).

RESOURCES

The cost of developing the Plan is met within the current operational budget for Emergency Management.

RISKS

The aim of the Plan is to identify potential risks to the community, work with the community to mitigate those risks where possible and plan to safely manage a response when an emergency occurs. In developing the Plan, the MEMPC has undertaken a robust risk management process which is documented within the Plan.

Endorsing the Plan will formalise a collaborative multi-agency response and recovery to emergencies in the Shire and will ensure the MEMPC complies with the requirements of the EMMV and the MEMPC audit process.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. South Gippsland Municipal Emergency Management Plan 2018 - 2021
[4.2.1]

REFERENCE DOCUMENTS

Legislative Provisions

Emergency Management Acts 1986 & 2013

Emergency Management Manual Victoria Part 6

4.3. PETITION RESPONSE: IMPROVING STANDARDS OF LOCAL GRAVEL ROADS

Infrastructure Directorate

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council 26 September 2018, a petition was received containing 25 signatures regarding improving the standards to local gravel roads. Council resolved to receive and note the petition, and that the petition lay on the table until the matter is considered at the Ordinary Meeting of Council 24 October 2018.

Included in the revised Council Plan 2017-2021 is a Major Initiative item in Year 2 (2018/19) specifically for Council to undertake a service level review on gravel roads and roadside maintenance.

RECOMMENDATION

That Council:

- 1. Receives a report at the Ordinary Meeting of Council 19 December 2018 on the proposed Gravel Roads Review Project Plan that addresses both the petition and the 2018/19 Annual Plan item (raised as part of the 2018/19 budget submissions) to undertake a service level review on gravel roads and roadside maintenance including:**
 - a. Development of a program to seal the top priority rural gravel roads over the next ten to twenty years;**
 - b. Advocate to VicRoads to lower the speed limit of various roads to 80kph or lower, across the region; and**
 - c. Investigate how levels of service can be improved on unsealed roads.**
- 2. Considers an additional allocation of funds in the 2019/20 Annual Budget in-line with the recommendations of the service level review on gravel roads.**
- 3. Writes to the lead petitioner with the outcome of this resolution.**

REPORT

At the Ordinary Meeting of Council 26 September 2018, a petition was received with 25 signatures (22 signatories were South Gippsland residents and three signatories were from the neighbouring Bass Coast Shire). The petition requests Council commits to improving standards of local gravel roads.

A copy of the petition is available in **Confidential Attachment [15.1.1]**. The petition prayer is available in **Figure 1** below.

Figure 15 – Petition Prayer

Petition Prayer	
That council commits to improving standard of local gravel roads by:	
1.	Improve their performance and compliance with the Shire's own standards as outline in the "Gravel Road Maintenance Operation Procedure" in the shire.
2.	To support the Council Plan's service level review of gravel roads and roadside maintenance, test assumptions and report the findings to Council with the review to include:
a.	Investigate how levels of service can be improved on unsealed roads.
3.	To allocate sufficient funds in 2019-20 for an additional cycle of gravel road maintenance that has proven in the past to reduce current road maintenance requests by 80%+.
4.	To reduce the customer dissatisfaction for local gravel roads from the current 55% to 30% in the condition of gravel roads in the Shire in the next two years.

The revised Council Plan 2017-2021 includes the following objective, 3. *"Improve South Gippsland's Built Assets & Value our Natural Environment"* and in order to achieve this objective are the inclusion of annual initiatives for delivery. Year 2 of the Council Plan (2018/19 financial year) includes one major initiative and two initiatives specific to roads.

The major initiative for delivery this year is noted below:

- **Major Initiative:** *"Complete a service level review of gravel roads and roadside maintenance, test assumptions and report the findings to Council with the review to include:*
 - *Development of a program to seal the top priority rural gravel roads over the next ten to twenty years;*
 - *Advocate to VicRoads to lower the speed limit of various roads to 80kph or lower, across the region;*
 - *Investigate how levels of service can be improved on unsealed roads."*

Response to Petition Prayer

A Gravel Roads Review Project will be undertaken to address the maintenance, renewal, and upgrade methodology to be applied to gravel roads and roadside maintenance. The key items to be addressed in the review include:

- Current practices and techniques

- Methodology for testing materials
- Optimal inspection cycles and processes
- Criticality methodology
- Renewal and Upgrade methodology
- Gravel to Seal program selection
- Skill and resource review
- Budget review
- Service levels review

CONSULTATION

Councillors and the community will be updated on the progression of the three 2018/19 Annual Plan initiatives for roads in the Quarterly Performance Report.

The Gravel Roads Review Project Plan will be presented to Council in December 2018, providing key milestones and objectives of the project.

RESOURCES

Annually, Council's expenditure on gravel road maintenance is in the vicinity of \$5.3M.

STAFF DISCLOSURE

Nil

CONFIDENTIAL ATTACHMENTS

Confidential Attachment [15.1.1] – Petition: Improving Standards to Local Gravel Roads - 26 September 2018 – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989. The Chief Executive Officer designates this Agenda item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

The item is deemed confidential to protect the privacy and personal details of the petition signatories.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget 2018/19

Annual Plan 2018/19

Council Plan 2017-2021 (revised)

Road Management Plan

Internal Document (not available on the Councils website)

Asset Management Plan - Road Infrastructure

Legislative Provisions

Local Government Act 1989

Road Management Act 2004

5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE

5.1. 2017/18 ANNUAL REPORT

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

Section 131(6) of the Local Government Act 1989 (Act) requires Council to submit an Annual Report to the Minister for Local Government by 30 September each year. It contains a Report of Operations, an audited Performance Statement and the Financial Statements and is based on the 2017/18 financial year.

The Performance Statement and Financial Statements have been audited by the Victorian Auditor General's Office (VAGO) and were submitted to Council for endorsement on 26 September 2018. The endorsed Annual Report was provided to the Minister by 30 September 2018. Once submitted, a period of public inspection is required prior to final adoption by Council.

The 2017/18 Annual Report in (**Attachment [5.1.1]**) has been advertised through a public notice and was made available for public inspection for a two-week period, from 2 October 2018.

It is recommended that Council adopt this 2017/18 Annual Report. Once adopted it will be published on Council's website.

RECOMMENDATION

That Council:

- 1. Adopts the 2017/18 Annual Report including the audited Performance and Financial Statements contained in Attachment [5.1.1]; and**
- 2. Publishes the 2017/18 Annual Report (Attachment [5.1.1]) on Council's website and makes printed copies available at local libraries and at Council's Customer Service Centre.**

REPORT

Section 131 of the LG Act requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The Annual Report begins with a snapshot of Council's highlights and achievements against each Strategic Objective in the 2017-2021 Council Plan, with the intention of engaging readers. It also captures outcomes delivered in

2017/18 in response to requests derived from community engagement activities over the past few years.

This is followed by four main sections:

- Overview
- Reporting (against Council Plan and Strategic Objectives)
- Governance
- Performance (Audited Performance Statement Indicators and Financial Statement)

The Report of Operations section is structured according to the 2017/18 Better Practice Guide – Report of Operations set by Local Government Victoria (LGV). These guidelines set the context of the report and prescribe the performance data requirements for all Victorian councils.

Council's Local Government Performance Reporting Framework (LGPRF) indicators and results are presented under each Strategic Objective in *Section 2 – Reporting*, under the heading '*Service Performance Indicators*' (refer to **Attachment [5.1.1]**). These indicators are compared against the previous three-year results. Some indicators are also included in the Performance Statement and are audited by VAGO.

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

The LGPRF indicators will be published on the 'Know Your Council' website as at 30 November 2018.

CONSULTATION

The Report of Operations, the Performance Statement and Financial Statements were endorsed by the Audit Committee on 10 September 2018.

The draft 2017/18 Annual Report - Report of Operations and unaudited Financial Statements and Performance Statements were presented to Council on 26 September 2018. These were endorsed by Council and two Councillors signed and approved the report.

VAGO provided an 'Independent Auditors' Report' for certification and approval of the Performance Statement and Financial Statements, which have been combined into the 2017/18 Annual Report for final certification purposes in accordance with the Act.

The final Annual Report has been advertised for a two-week period prior to its presentation to Council for formal adoption.

RESOURCES

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

RISKS

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

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. 2017/18 Annual Report [5.1.1]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget 2017/18

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives

Council Plan 2017-2021

Legislative Provisions

Local Government Act 1989, s. 131, 132, 133 and 134 relating to the Annual Report

Local Government (Planning and Reporting) 2017/18, June 2018

Local Government Better Practice Guide 2017/18 – Report of Operations, June 2018

Local Government Better Practice Guide 2017/18 – Performance Reporting Framework Indicator Workbook, May 2018

6. OTHER COUNCIL REPORTS

7. NOTICES OF MOTION AND/OR RESCISSION

7.1. NOTICE OF MOTION 722 - COUNCILLOR CODE OF CONDUCT - STATE AND FEDERAL GOVERNMENT CANDIDACY GUIDELINES

PURPOSE

To improve the transparency and governance processes of the shire by amending the councillor code of conduct document to include advice regarding councillors running for state or federal parliament.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 24 October 2018.

That Council:

- 1. Undertake a review of the Councillor Code of Conduct so the policy can be amended in accordance with section 76C of the Local Government Act 1989 and reconsidered at a Special Meeting of Council within one month of the review being completed, to incorporate State and Federal Candidacy Guidelines along the lines of the Municipal Association of Victoria Guidelines:**

State and Federal Candidacy Guidelines

- a. A councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then advise all councillors.**
- b. A councillor who is a Prospective Candidate, should declare his/her intended candidacy at a meeting of the council as soon as practicable after notifying the CEO pursuant to Guideline 1.**
- c. A councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), should apply for leave of absence from the council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election.**

During this period, a councillor who is on a leave of absence should not attend meetings of the council or otherwise act as a councillor.

- d. Any councillor / staff relationship protocol which the council has in place in respect of the caretaker period prior to a council election, should be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting for the election.**
 - e. A council, upon receiving an application for a leave of absence from a councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should approve that application.**
 - f. A councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between his/her role as a state or federal election candidate and role as a councillor when making public comment.**
 - g. A councillor who is a Prospective Candidate or a Nominated Candidate, should not use council resources, including council equipment and facilities in relation to his/her candidacy.**
 - h. A councillor who is a Prospective Candidate or a Nominated Candidate, should not use council activities, including committee meetings and council-related external activities in relation to his/her candidacy.**
 - i. As a proposed candidate but not yet a nominated candidate, after point 1 has been enacted, the councillor (other than the council meeting referred to in point 2) should not mention their candidature at public meetings in which they are performing their role as a councillor.**
- 2. Adopt and abide by these guidelines until the amended Councillor Code of Conduct is reconsidered at a Special Meeting of Council or until the conclusion of the upcoming 2018 State Government election.**

BACKGROUND

Candidature of Councillors State or Federal Elections

The perception of the politicisation of local government resulting from councillors running for office in state or federal parliament remains a contentious issue in Victoria.

Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the Local Government Act 1989 (the Act) including principles of councillor conduct set out in section 76B of the Act.

These principles of conduct require councillors to act honestly and to exercise reasonable care and diligence in performing the role of a councillor. They also provide that it is an offence if a councillor makes improper use of his/her position or of information acquired because of his/her position to, inter alia, gain or attempt to gain, directly or indirectly, an advantage for him/herself or for any other person.

The Commonwealth Electoral Amendment (Members of Local Government Bodies) Act 2003 provides that any state legislation that discriminates against a councillor on the ground that the councillor has been, or is to be, nominated or declared as a candidate for the House of Representatives or the Senate has no effect.

The commonwealth and state constitutions disqualify a person from holding office who is profiting from the crown or the state.

It may be prudent for a councillor/council to seek legal advice in relation to these issues.

The MAV recommends that councils, at a minimum, adopt the following Guidelines as part of their Councillor Code of Conduct developed under section 76C of the Act or to supplement that Code.

The distinction between Prospective Candidate and Nominated Candidate

This policy draws a distinction between Prospective Candidates and Nominated Candidates because, as with council elections, candidates for state and federal elections only become actual nominated candidates a few weeks prior to the relevant election date. Accordingly, this policy recommends different treatment for Prospective Candidates and Nominated Candidates on the basis that some requirements are recommended as appropriate for Nominated Candidates during a formal election period which are not considered to be necessary prior to the formal election period.

REFERENCE DOCUMENTS

External Document

Municipal Association of Victoria (MAV) State and Federal Candidacy Guidelines

7.2. NOTICE OF MOTION 723 - QUESTION TIME AT COUNCIL MEETINGS

PURPOSE

To improve the transparency and governance processes of the shire by allowing questions to be asked at Council meetings.

MOTION

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 24 October 2018.

The Council:

- 1. Review and amend the appropriate policies that currently define how questions may be asked at Council meetings to include the following:**
 - a. Public Question Time. Members of the public in addition to supplying questions in writing and in advance for responses to a particular council meeting to be made, may ask questions in the open council meeting with or without notice. If the questions have not been supplied prior to meeting the questions may be taken on notice if not able to be answered properly on the day. For questions supplied in advance as per the current policy, the member of the public can ask the question live in person on the day of the council meeting.**
 - b. Councillors may ask questions in the Public Question Time section on behalf of a ratepayer concern-such question to be notified to the Mayor no later than 12 noon on the day of the council meeting.**
 - c. The Mayor is to determine if the question is to be permitted to be asked in the council meeting.**
- 2. Bring the amended policy documents to the council meeting on 28 November 2018.**

BACKGROUND

The current policy has not resulted in improved governance or transparency. Members of the public are confused by the process and council has received less and less questions since this new policy was implemented compared to previous times.

Members of the press and/or public have not been able to ask questions that have occurred as a result of the meeting on the day to clarify some particular matter.

Whilst some questions and questioners might be considered by some to be troublesome this is just something democracies must tolerate if they are to allow the necessary open and transparent governance processes to succeed.

Councillors being able to ask questions of the council is an important governance mechanism in our Westminster style democratic system. Having less questions limits scrutiny. It is not transparent to be the judge and jury over what questions can be asked and accountability is limited.

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Public Participation in Meetings with Council Policy (2016)

8. PROCEDURAL REPORTS

8.1. ASSEMBLY OF COUNCILLORS 22 AUGUST TO 21 SEPTEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported 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 between 22 August and 21 September 2018.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 22 August 2018	
Ordinary Council Agenda Topics Discussion 22 August 2018	<p>Councillors Attending: Councillors Argento, Kiel, McEwen, Brunt, Skinner, Edwards, Rich and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 22 August 2018.</p>
Public Presentations	Nil Presentations booked by the community.
Ordinary Council Agenda Topics Discussion 22 August 2018	<p>Councillors Attending: Councillors Argento, Kiel, McEwen, Brunt, Skinner, Edwards, Rich, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 22 August 2018.</p>
Executive Update	<p>Councillors Attending: Councillors Argento, Kiel, McEwen, Brunt, Skinner, Edwards, Rich, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Councillor timetable for 29 August 2018 • Agnes Falls Lookout Project (viewing platform) • Fees/ Charges – Food Act registration
Wednesday 29 August 2018	
Rating Strategy 2019 - 2022	<p>Councillors Attending: Councillors McEwen, Brunt, Edwards, Brown, Hill, Skinner, Rich and Argento.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors commenced the process of developing a Rating Strategy 2019 – 2022.</p>

Meeting Title	Details
Wednesday 29 August 2018	
Executive Update	<p>Councillors Attending: Councillors McEwen, Argento, Brunt, Edwards, Brown, Hill, Skinner and Rich.</p> <p>Conflict of Interest: Councillor Jeremy Rich declared a direct conflict of interest in respect of Walkerville Retarding Basin matter as he is a Director of Ansevata Nominees a subject party to the matter. Cr Rich left the assembly when the matter was discussed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Council Plan/ Community Engagement • Coastal Councils Conference • Rural Councils Victoria • Walkerville Retarding Basin
Wednesday 5 September 2018	
Social Disadvantage in South Gippsland	<p>Councillors Attending: Councillors Argento, McEwen, Brown, Brunt and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered a profile of social disadvantage in South Gippsland and recommendations for action in the Council Plan.</p>
Cat Curfew and Dog Leash Order – Review of Survey Questions	<p>Councillors Attending: Councillors Argento, McEwen, Brown, Brunt and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered a Cat Curfew and Dog Leash Order surveys that would be used to support the public consultation process.</p>

Meeting Title	Details
Wednesday 5 September 2018	
Executive Update	<p>Councillors Attending: Councillors Argento, McEwen, Brown, Brunt and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Municipal Association Victoria (MAV) State Motions Frankston City Council • Councillor vehicle log books • Korumburra Railway Station Precinct Project
New Policy: Port Welshpool Maritime Museum Collection Policy	<p>Councillors Attending: Councillors Argento, McEwen, Brown, Brunt and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered a new policy for the Port Welshpool Maritime Museum Collection to manage its extensive collection and artefacts.</p>
Review Draft Annual Report 2017/18	<p>Councillors Attending: Councillors Argento, McEwen, Brown, Brunt and Edwards.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the 2017/18 Annual Report prior to approving in principle at Ordinary Council Meeting 26 September 2018.</p>
Leongatha Collaboration and Leadership – Expression of Interest	<p>Councillors Attending: Councillors McEwen, Argento, Edwards, Brown, Brunt and Hill.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the outcomes of community consultation on establishing a new community collaboration and leadership structure within the Leongatha community.</p>

Meeting Title	Details
Wednesday 5 September 2018	
Korumburra Supermarket Development	<p>Councillors Attending: Councillors Argento, McEwen, Brunt, Hill, Edwards, and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered an update from Michael Lorenz, developer of the Korumburra supermarket project.</p>
Great Southern Rail Trail Extension - Management Arrangements	<p>Councillors Attending: Councillors Argento, McEwen, Brunt, Hill, Edwards, and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered an external briefing from the Department of Environment, Land, Water and Planning (DELWP) which is the land owner of the Great Southern Rail Trail (GSRT) and responsible for appointing the Committee of Management who currently manage the existing GSRT network from Leongatha to Welshpool.</p>
Leongatha Collaboration and Leadership – Expression of Interest <i>Briefing continued from earlier session.</i>	<p>Councillors Attending: Councillors Argento, McEwen, Brunt, Hill, Edwards and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the outcomes of community consultation on establishing a new community collaboration and leadership structure within the Leongatha community.</p>
Planning Briefing	<p>Councillors Attending: Councillors Argento, McEwen, Brunt, Hill, Edwards and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered:</p> <ul style="list-style-type: none"> • Korumburra Supermarket Development • Strategic Planning Project list • Planning Applications of interest • Decisions for June 2018 • VCAT decisions

Meeting Title	Details
Wednesday 5 September 2018	
Economic Development and Tourism Steering Briefing	<p>Councillors Attending: Councillors Argento, McEwen, Brunt, Hill, Edwards and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors considered the following items:</p> <ul style="list-style-type: none"> • Small Business Festival – workshop discussion. • Dairy Industry Talks. • Flexible Local Transport Solutions Program. • Public Transport Consultation.
Wednesday 12 September 2018	
Rating Strategy 2019 - 2022	<p>Councillors Attending: Councillors Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors continued to review the Rating Strategy and at this session considered a number of financial models to assist with the review of the suitability and impact of changes.</p>
Council Plan Review and Annual Initiatives to Include Community Satisfaction Survey Feedback	<p>Councillors Attending: Councillors Argento, Skinner, Rich, McEwen, Brunt, Hill and Brown.</p> <p>Conflict of Interest: Nil disclosed.</p> <p>Matters Considered: Councillors commenced the first session of the annual review of the 2017-2021 Council Plan and development of the 2019-2020 Annual Initiatives.</p>

Meeting Title	Details
Wednesday 19 September 2018	
Ordinary Council Agenda Topics Discussion 26 September 2018	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed Matters Considered: Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 26 September 2018.
Recreational Vehicle (RV) and Camping Policy	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed. Matters Considered: Councillors considered a Draft South Gippsland Recreational Vehicle (RV) and Camping Position Paper 2018-2022 that will guide the future planning and decision making in South Gippsland.
Draft Community Strengthening Strategy 2018 - 2022	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed. Matters Considered: Councillors considered a draft Community Strengthening Strategy 2018 – 2022.
Community Strengthening Activities Update – Monthly Meetings Open Session	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed. Matters Considered: Councillors considered an update of current key community strengthening activities.

Meeting Title	Details
Wednesday 19 September 2018	
Public Presentation Session	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed.
Open Session	
Presentations were made to Council by the following community members: Susan Davies , representing the Energy Innovation Co-operative regarding Energy Innovation Co-operative: Community Owned Renewable Energy (CORE) Projects. Nigel Hutchinson-Brooks and John Kennedy representing Korumburra Gardens Business Park regarding the development of the Park.	
Executive Update	Councillors Attending: Councillors Argento, Brown, Brunt, Skinner, Edwards and Rich. Conflict of Interest: Nil disclosed. Matters Considered: <ul style="list-style-type: none">• West Gippsland Library Board meeting• Waste water regulations• Bass Coast Start Up project• Social Enterprise Session• Coastal Road Strategy

REFERENCE DOCUMENTS

Council Policy

Public Participation in Meetings with Council Policy (C65)

Legislative Provisions

Local Government Act 1989

8.2. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 25 AUGUST 2018 TO 21 SEPTEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 25 August to 21 September 2018, 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.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

Under the Local Government Act 1989 (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 25 August to 21 September 2018:

- 1 Quarry Lease between South Gippsland Shire Council and Goldsmith Quarries Pty Ltd in relation to Fish Creek Quarry, Lot 2 on PS 14439R, 150 Fish Creek Quarry Road, Fish Creek – Seal Applied 28 August 2018.
- 2 Section 173 Agreement between South Gippsland Shire Council and the owner of 25 Landscape Drive, Venus Bay in relation to the development of land with a dwelling – Seal Applied 11 September 2018.
- 3 Section 173 Agreement between South Gippsland Shire Council and the owner of 4 Pluto Drive, Venus Bay in relation to development of land with a dwelling – Seal Applied 20 September 2018.
- 4 Section 173 Agreement between South Gippsland Shire Council and the owner of 27 Webster Avenue, Venus Bay in relation to development of land with a dwelling and remove native vegetation – Seal Applied 20 September 2018.
- 5 Section 173 Agreement between South Gippsland Shire Council and the owner of 590 Garvies Road, Nerrena in relation to a two lot subdivision (house lot excision) – Seal Applied 20 September 2018.
- 6 Section 173 Agreement between South Gippsland Shire Council and the owner of 73 Pandora Avenue, Venus Bay in relation to development of land with a dwelling & carport and remove native vegetation – Seal Applied 20 September 2018.
- 7 Section 173 Agreement between South Gippsland Shire Council and the owner of 25 Outlook Drive, Venus Bay in relation to development of a single dwelling – Seal Applied 20 September 2018.

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.

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 during the period 25 August to 21 September 2018 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender.

1. Nil

Contracts awarded after a public tender process under the Statutory threshold by Staff other than the CEO

The CEO has, within his Instrument of sub-delegation by the CEO to Staff delegated the power to enter into contracts (inclusive of GST), to specific staff as outlined within Council's Procurement Manual.

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.

1. Nil

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.

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 25 August to 21 September 2018:

1. Nil

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.

The following contract extensions approved by the CEO during the period 25 August to 21 September 2018:

1. Nil

STAFF DISCLOSURE

Nil

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Local Law No. 3 2010, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy, 28 June 2017

Instrument of Delegation to the Chief Executive Officer, 22 February 2017

Legislative Provisions

Local Government Act 1989, ss.5 and 186

9. COUNCILLOR REPORTS

9.1. REQUESTS FOR LEAVE OF ABSENCE

9.2. COUNCILLOR UPDATES

9.3. COMMITTEE UPDATES

9.3.1. AUDIT COMMITTEE MEETING - 10 SEPTEMBER 2018

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

The Audit Committee was held on 10 September 2018 and a copy of the Committee's report (**Attachment [9.3.1.1]** – Minutes – Audit Committee – 10 September 2018) is provided for Council's information and noting.

RECOMMENDATION

That Council notes the Audit Committee Minutes – 10 September 2018 (Attachment [9.3.1.1]).

REPORT

The Audit Committee is an advisory committee whose role is to oversee and monitor Council's audit processes, including internal control activities. As of 10 September 2018, the Committee comprised three independent community members, one of whom was the Committee Chair, and two Councillors (the Mayor, Councillor Lorraine Brunt and Councillor Ray Argento). The Committee is independent from management and does not have any executive powers, management function or delegated financial responsibility.

Some of the matters considered by the Audit Committee at the 10 September 2018 meeting (**Attachment [9.3.1.1]**) included:

- Financial Performance Report (July 18 – August 18);
- 2017/18 Capital Works InfoSum Briefing dated 3 September 2018;
- Performance Report (non-financial);
- Local Government Performance Reporting Report;
- Strategic Risk Committee Minutes dated 31 July 2018;
- Quarterly Report from CEO regarding Strategic Risks in Corporate and Community Services Directorate;
- Business Continuity Report;
- Insurance Report;
- IT Penetration Test Report;

- Internal Audit Report;
- Payroll and HR Audit Report;
- Three-year Internal Audit Plan;
- Internal Auditor Independence Letter;
- Financial Management Letter;
- Draft VAGO Closing Report for Year End 30 June 2018;
- Draft Management Representation Letter for Year End 30 June 2018;
- Draft Annual Report 2017/18 (including LGPRF End of Year Results and Protected Disclosure Report);
- Legislative Compliance and Ethics Program;
- Regulatory Reports;
- Policy Review Schedule;
- Draft Audit Chair Report to Council;
- Audit Committee Meeting dates for 2019; and
- Independent Committee Membership – Recruitment for the Independent Member Vacancy.

The Committee also met in Committee to consider confidential matters.

CONSULTATION

The Audit Committee Report (**Attachment [9.3.1.1]**) have been reviewed by Coordinator Risk and Procurement, Manager Finance, Risk and Procurement and Director Corporate and Community Services prior to distribution.

RESOURCES

Budget allowances for Council's three Independent Audit Committee Members' attendance fees (including proposed fee increase) and an outsourced internal function are made within Council's current and forward budgets.

RISKS

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

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. Audit Committee Report **[9.3.1.1]**

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Council's Audit Committee Charter

Legislative Provisions

Local Government Act 1989

10. URGENT OR OTHER BUSINESS

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

1. Urgent Business

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

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Ordinary Meeting of Council or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 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 and coming event or the outcomes of a recent meeting with a Minister etc.

11. PUBLIC QUESTIONS

11.1. PETITIONS AND JOINT LETTERS

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 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 a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, 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.

11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.

Nil

11.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 23 May 2017.

12. 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, 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.

RECOMMENDATION

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

- 1. Closed ITEM 14.1 a matter which the Council considers would prejudice the Council, pursuant to section 89(2)(h) of the Local Government Act 1989;**
- 2. Closed ITEM 14.2 CONTRACTUAL MATTER pursuant to section 89(2)(d) of the Local Government Act 1989;**
- 3. Closed ITEM 14.3 PERSONNEL MATTER pursuant to section 89(2)(a) of the Local Government Act 1989; and**
- 4. Closed ITEM 14.4 PERSONNEL MATTER pursuant to section 89(2)(a) of the Local Government Act 1989.**

13. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 November 2018 commencing at 2pm in the Council Chambers, Leongatha.