

SOUTH GIPPSLAND SHIRE COUNCIL

# S223 Hearing of Council

Open hearing of submissions as prescribed under the  
Local Government Act 1989, Section 223 in respect of the  
Proposed 2019/20 Annual Budget and  
Proposed Revised 2017-2021 Council Plan

## MINUTES

**22 May 2019**

**RSL, Leongatha**

**Commenced at 10.45am**



*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](http://www.southgippsland.vic.gov.au).

**PRESENT**

COUNCILLORS:	Cr Don Hill, Mayor Cr Alyson Skinner, Deputy Mayor Cr Ray Argento Cr Aaron Brown Cr Steve Finlay Cr Frank Hirst Cr Rosemary Cousin
COUNCILLORS NOT PRESENT:	Cr Andrew McEwen
OFFICERS:	Faith Page, Director Corporate and Community Services Bryan Sword, Director Development Services Anthony Seabrook, Director Infrastructure June Ernst, Coordinator Council Business Jodi Cumming, Corporate and Council Business Officer

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Special Committee of Council  
Wednesday 22 May 2019  
RSL, Leongatha  
commenced at 10.45am

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**Tim Tamlin**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

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. REQUESTS FOR LEAVE OF ABSENCE**

**Nil**

### **1.6. APOLOGIES**

**Cr McEwen with leave of absence granted at Ordinary Meeting of Council  
27 March 2019.**

## 1.7. 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 (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](http://www.legislation.vic.gov.au).

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from 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*.

**Nil**

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

**Nil**



## **2. COUNCIL REPORTS**

### **2.1. S223 SUBMISSION - PROPOSED 2019/20 ANNUAL BUDGET AND REVISED COUNCIL PLAN 2017 - 2021 - OPEN HEARING**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

At the Special Meeting of Council on 20 March 2019, Council endorsed the Proposed 2019/20 Annual Budget (Proposed Budget) and the Revised Council Plan 2017-2021 (Revised Council Plan), and invited submissions from the public under s.223 of the Local Government Act 1989.

Twenty five submissions were received, with eleven submitters requesting to speak at this Open Hearing. The attachment contains the nine submissions that will be heard at 10.45am on 22 May 2019 (**Attachment [2.1.1]**).

This Special Meeting is a formal 'Hearing of Submissions'. The purpose of this Special Meeting is for Council to hear from speakers in support of their written submissions (**Attachment [2.1.1]**). Ten minutes have been allocated for each presenter. This includes time for the presentation and clarifying questions from Councillors.

Council has resolved to consider and determine all the submissions received at a Special Meeting of Council scheduled at 11.00am on Wednesday 29 May 2019.

#### **RECOMMENDATION**

That Council hear the following submissions numbered (a) to (i) as prescribed under the Local Government Act 1989, Section 223 in respect of the Proposed 2019/20 Annual Budget and Revised Council Plan 2017 -2021:

- a. Tony Walker (Prom Coast Climate Action Group) - Climate Emergency Response Proposal – Council Plan submission;
- b. Dr Moragh Mackay (Energy Innovation Cooperative Limited) - Energy Innovation Cooperative Partnership Proposal – Council Plan and Budget Submission;
- c. Craig Kenny and Anne Lewis - Community Engagement Opportunities – Council Plan and Budget Submission – Various Activities;
- d. John McCombe and/or Lindsay Love - Rate Reduction and Growth for Reduced Rates – Council Plan and Budget Submissions;

- e. Shirley Cowling (Jumbunna Public Hall Committee) - Sealing Jumbunna Public Hall Car Park – Budget Submission;
- f. Charles Price - Bair Street Redevelopment – Budget Submission;
- g. Paul Katsieris Origami (Walkerville Ratepayers and Residents Association) Walkerville Pathway, Road and Drainage Upgrades – Budget Submission;
- h. Ron Barnacle (Loch Community Development Association) - List of works that should commence ahead of any planned streetscape works in Loch – Budget Submission;
- i. Fred Weight – 24 hour boat launching facilities at ‘The Landing’ Stockyard Creek – Budget Submission;
- j. Ralph Gallagher Various Topics on Proposed Budget 2019/20 – Budget Submission; and
- k. Sharon Turton - Sealing Clancys Road, Korumburra and Gravel to Seal Program Funding – Budget Submission.

**MOVED:** Cr Hirst

**SECONDED:** Cr Skinner

**THAT COUNCIL HEAR THE FOLLOWING SUBMISSIONS NUMBERED (A) TO (I) AS PRESCRIBED UNDER THE LOCAL GOVERNMENT ACT 1989, SECTION 223 IN RESPECT OF THE PROPOSED 2019/20 ANNUAL BUDGET AND REVISED COUNCIL PLAN 2017 -2021:**

- a. **TONY WALKER (PROM COAST CLIMATE ACTION GROUP) - CLIMATE EMERGENCY RESPONSE PROPOSAL – COUNCIL PLAN SUBMISSION;**
- b. **DR MORAGH MACKAY (ENERGY INNOVATION COOPERATIVE LIMITED) - ENERGY INNOVATION COOPERATIVE PARTNERSHIP PROPOSAL – COUNCIL PLAN AND BUDGET SUBMISSION;**
- c. **CRAIG KENNY AND ANNE LEWIS - COMMUNITY ENGAGEMENT OPPORTUNITIES – COUNCIL PLAN AND BUDGET SUBMISSION – VARIOUS ACTIVITIES;**
- d. **JOHN MCCOMBE AND/OR LINDSAY LOVE - RATE REDUCTION AND GROWTH FOR REDUCED RATES – COUNCIL PLAN AND BUDGET SUBMISSIONS;**

- e. **SHIRLEY COWLING (JUMBUNNA PUBLIC HALL COMMITTEE) - SEALING JUMBUNNA PUBLIC HALL CAR PARK – BUDGET SUBMISSION;**
- f. **CHARLES PRICE - BAIR STREET REDEVELOPMENT – BUDGET SUBMISSION;**
- g. **PAUL KATSIERIS ORIGAMI (WALKERVILLE RATEPAYERS AND RESIDENTS ASSOCIATION)WALKERVILLE PATHWAY, ROAD AND DRAINAGE UPGRADES – BUDGET SUBMISSION;**
- h. **RON BARNACLE (LOCH COMMUNITY DEVELOPMENT ASSOCIATION) - LIST OF WORKS THAT SHOULD COMMENCE AHEAD OF ANY PLANNED STREETScape WORKS IN LOCH – BUDGET SUBMISSION;**
- i. **FRED WEIGHT – 24 HOUR BOAT LAUNCHING FACILITIES AT ‘THE LANDING’ STOCKYARD CREEK – BUDGET SUBMISSION;**
- j. **RALPH GALLAGHER VARIOUS TOPICS ON PROPOSED BUDGET 2019/20 – BUDGET SUBMISSION; AND**
- k. **SHARON TURTON - SEALING CLANCYS ROAD, KORUMBURRA AND GRAVEL TO SEAL PROGRAM FUNDING – BUDGET SUBMISSION.**

**CARRIED UNANIMOUSLY**

## **REPORT**

### **Background**

The Proposed 2019/20 Annual Budget and Revised Council Plan 2017 -2021 were endorsed by Council on 20 March 2019.

A formal s.223 Public Engagement process has been undertaken. Submissions to the Proposed Budget and Revised Council Plan closed at 5.00pm on Friday 26 April 2019 with twenty five submissions received.

Thirteen submitters have indicated that they wish to speak to their submissions. These submitters are listed in the attached summary together with the time of their presentation and their submission (**Attachment [2.1.1]**). The presentations will provide Councillors with an opportunity to ask questions and seek further clarification from the submitters to inform their decisions.

Council will formalise its decision on the s.223 submissions at a Special Meeting of Council to be held on 29 May 2019 at 11.00am.

### **CONSULTATION**

Community feedback from a range of activities and surveys over the past few years has informed the development of the Revised Council Plan and Proposed Budget. In particular extensive responses to the revised Community Satisfaction Survey held in 2018, along with presentations made to Council by community members and ideas gathered through community network meetings and other engagement activities throughout the year were considered in shaping the directions and initiatives for 2019/20.

Council is required under s.125 and s.129 of the Local Government Act 1989 to undertake a formal s.223 Public Participation process to inform Proposed Budget prior to its adoption.

A formal consultation process commenced on Tuesday 26 March 2019 and concluded at 5.00pm on Friday 26 April 2019. The community was invited to make formal submissions on the Revised Council Plan and Proposed Budget. Submitters were asked to indicate if they wished to speak to their submissions. The Special Meeting is an Open Hearing provided for the eleven submitters who indicated they wanted to speak to Council in support of their submission.

### **RESOURCES**

Nil

## **RISKS**

Hearing from submitters that have indicated a desire to speak to their submission, is a legal requirement associated with the s.223 public engagement process. Considering and determining the outcome of submissions is a further legislated requirement under s.223.

A Special Meeting of Council has been scheduled on 29 May 2019 to complete the formal consultation and deliberation process. Adherence to these formal requirements has mitigated Council's risk of potentially making uninformed decisions, denying people natural justice to participate in decisions likely to affect them or breaching the Local Government Act 1989.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

1. S223 Submissions - Proposed Budget 2019/20 and Revised Council Plan - Open Hearing [2.1.1]

## **REFERENCE DOCUMENTS**

### **Council Policy**

*Documents are available on Council's website:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)  
Revised 2017-2021 Council Plan

## **LEGISLATIVE PROVISIONS**

Local Government Act 1989

### **3. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 29 May 2019 commencing at 2pm at the RSL, Leongatha.