

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council  
26 February 2020

**Ordinary Meeting No. 442**  
**Council Chambers, Leongatha**  
**Commenced at 2:00 pm**



# minutes



*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

ADMINISTRATORS:	Julie Eisenbise, Administrator Chair Christian Zahra, Administrator Deputy Chair Rick Brown, Administrator
NOT PRESENT:	-
OFFICERS:	Bryan Sword, Acting Chief Executive Officer Anthony Seabrook, Director Infrastructure Services Paul Stampton, Acting Director Development Services Faith Page, Director Corporate Services Rick Rutjens, Manager Executive Support and Community Information June Ernst, Coordinator Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

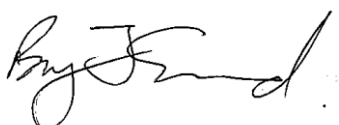
## SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No.442  
Wednesday 26 February 2020  
Council Chambers, Leongatha  
Commenced at 2:00pm

### TABLE OF CONTENTS

<b>1. PRELIMINARY MATTERS .....</b>	<b>6</b>
1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER.....	6
1.2. WELCOME.....	6
1.3. OPENING PRAYER.....	6
1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS.....	6
1.5. APOLOGIES.....	7
1.6. CONFIRMATION OF MINUTES .....	7
1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS.....	8
1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF .....	9
<b>2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY.....</b>	<b>10</b>
2.1. PLANNING SCHEME AMENDMENT C115 - MIRBOO NORTH TOWN CENTRE - ADOPTION .....	10
2.2. PLANNING SCHEME AMENDMENT C116 LAND SUBJECT TO INUNDATION OVERLAY - ADOPTION .....	17
<b>3. OBJECTIVE 2 - BUILD STRONG PARTNERSHIPS, STRENGTHEN ARTS &amp; CULTURE AND DELIVER EQUITABLE OUTCOMES .....</b>	<b>22</b>
3.1. COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM.....	22
<b>4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT .....</b>	<b>29</b>
4.1. GRANT APPLICATION - FOSTER SHOWGROUNDS OVAL IRRIGATION PROJECT (SPORT & RECREATION VICTORIA) .....	29
<b>5. OBJECTIVE 4 - ENHANCE ORGANISATIONAL DEVELOPMENT AND IMPLEMENT GOVERNANCE BEST PRACTICE .....</b>	<b>34</b>
5.1. NEW RATING CATEGORIES - EXTRACTIVE INDUSTRIES RATE DIFFERENTIAL CATEGORY - INFRASTRUCTURE AND UTILITIES.....	34
5.2. POLICY REVIEW: RATES AND CHARGES HARDSHIP POLICY (C53) .....	39
5.3. POLICY REVIEW: DEBT RECOVERY ON UNPAID RATES AND CHARGES POLICY (C15).....	44
5.4. AUDIT COMMITTEE MEETING - 10 DECEMBER 2019.....	46
<b>6. OTHER COUNCIL REPORTS.....</b>	<b>48</b>
6.1. NIL .....	48
<b>7. NOTICES OF MOTION AND/OR RESCISSION.....</b>	<b>48</b>
7.1. NIL .....	48
<b>8. PROCEDURAL REPORTS .....</b>	<b>49</b>
8.1. ORGANISATIONAL PERFORMANCE REPORT - 1 JULY 2019 TO 30 DECEMBER 2019 .....	49

8.2.	ASSEMBLY OF COUNCILLORS - 22 NOVEMBER TO 21 JANUARY 2020 ..	53
8.3.	DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 16 NOVEMBER 2019 TO 15 JANUARY 2020 .....	62
8.4.	INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987 .....	65
<b>9.</b>	<b>ADMINISTRATOR REPORTS .....</b>	<b>68</b>
9.1.	REQUESTS FOR LEAVE OF ABSENCE .....	68
9.2.	ADMINISTRATORS UPDATES .....	68
9.3.	COMMITTEE UPDATES .....	68
<b>10.</b>	<b>URGENT OR OTHER BUSINESS .....</b>	<b>69</b>
<b>11.</b>	<b>PUBLIC QUESTIONS .....</b>	<b>71</b>
11.1.	PETITIONS AND JOINT LETTERS .....	71
11.2.	ANSWERS TO PREVIOUS QUESTIONS ON NOTICE .....	72
11.3.	SUBMITTED PUBLIC QUESTIONS .....	74
<b>12.</b>	<b>CLOSED SESSION .....</b>	<b>78</b>
<b>13.</b>	<b>MEETING CLOSED .....</b>	<b>79</b>



**Bryan Sword**  
**Acting 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, present and emerging, their Spirits and Ancestors.

## **1.5. APOLOGIES**

**Nil**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Ordinary Meeting No. 441 held on 18 December 2019 in the Council Chambers, Leongatha; and
2. Special Meeting of Council held on the 5 February 2020, 11am in the Council Chamber be confirmed.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

### **THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL:**

1. **ORDINARY MEETING NO. 441 HELD ON 18 DECEMBER 2019 IN THE COUNCIL CHAMBERS, LEONGATHA; AND**
2. **SPECIAL MEETING OF COUNCIL HELD ON THE 5 FEBRUARY 2020, 11AM IN THE COUNCIL CHAMBER BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

### 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR ADMINISTRATORS

Any interest that an Administrator 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 an Administrator 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 Administrator 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.

Administrators should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Administrators 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 – October 2012*.

**Nil**



### **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*.

**Nil**

## **2. OBJECTIVE 1 - STRENGTHEN ECONOMIC GROWTH AND PROSPERITY**

### **2.1. PLANNING SCHEME AMENDMENT C115 - MIRBOO NORTH TOWN CENTRE - ADOPTION**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The Mirboo North Structure Plan Refresh project updates the 2004 Mirboo North Structure Plan. The project resulted in an updated framework to guide future land use and development. Its town centre recommendations seek to ensure orderly development as the town changes and grows.

South Gippsland Planning Scheme Amendment C115 (Amendment C115) proposes to implement the town centre related recommendations of the adopted Mirboo North Structure Plan Refresh (2017) into the planning scheme. An Independent Planning Panel considered unresolved submissions received during exhibition of the Amendment. The Panel recommended that the Amendment be adopted as exhibited subject to some changes, notably that the current zoning remains in place.

This Council Report recommends Council adopt Amendment C115 according to the Panel's recommendations and to submit the Amendment with these changes to the Minister of Planning for approval.

#### **RECOMMENDATION**

That Council:

1. Adopts the South Gippsland Planning Scheme Amendment C115 Mirboo North Town Centre as exhibited and amended (refer to Attachments [2.1.1], to [2.1.8] generally in accordance with Planning Panel's recommendations (refer to Attachment [2.1.9]); and
2. Submits the Adopted South Gippsland Planning Scheme Amendment C115 Mirboo North Town Centre to the Minister for Planning for Approval.

**MOVED:** Administrator Brown  
**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. ADOPTS THE SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C115 MIRBOO NORTH TOWN CENTRE AS EXHIBITED AND AMENDED (REFER TO ATTACHMENTS [2.1.1], TO [2.1.8] GENERALLY IN ACCORDANCE WITH PLANNING PANEL'S RECOMMENDATIONS (REFER TO ATTACHMENT [2.1.9]); AND**
- 2. SUBMITS THE ADOPTED SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C115 MIRBOO NORTH TOWN CENTRE TO THE MINISTER FOR PLANNING FOR APPROVAL.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Amendment C115 proposes to implement the town centre related recommendations of the Mirboo North Structure Plan Refresh (2017) which was adopted by Council at its 24 May 2017 Ordinary Meeting of Council.

Mirboo North Structure Plan Refresh (2017) was prepared in 2016 and 2017 with public consultation undertaken in 2016. The project updates the 2004 Mirboo North Structure Plan.

The 2004 Mirboo North Structure Plan aimed to guide future land use and development for the 15 years between 2004 and 2019. However, since the 2004 Structure Plan was prepared, there have been changes to planning controls and State Government requirements that mean the existing plan needed to be 'refreshed'.

The Mirboo North Structure Plan Refresh project resulted in an updated framework to guide future land use and development. Its town centre recommendations seek to ensure orderly development as the town centre changes and grows.

Amendment C115 seeks to implement the recommendations of the Mirboo North Structure Plan Refresh (2017) (refer to 2020 updated version at **Attachment [2.1.1]**) by:

- Updating local policy for Mirboo North at Clauses 21.15-3 and 21.16 (refer to **Attachment [2.1.2]** and **Attachment [2.1.3]**);
- Rezoning 4-6 Peters Street and 39-41 Giles Street, Mirboo North from the Mixed Use Zone to the Commercial 1 Zone (no longer proposed);
- Inserting a new Schedule 13 to Clause 43.02 Design and Development Overlay (DDO13) to apply to the Mirboo North town centre (refer to **Attachment [2.1.4]** for the schedule and **Attachment [2.1.5]** for the mapping); and
- Amending Design and Development Overlay Schedule 2 (DDO2) to improve its usability and implement the town centre recommendations (refer to **Attachment [2.1.6]**).

The Amendment was publicly exhibited from 9 May to 11 June 2019. The Amendment was discussed at the 28 August 2019 Ordinary Council Meeting where Council resolved to refer unresolved submissions received during the exhibition to an Independent Planning Panel. This Council Report discussed the eight submissions received.

The main issue raised by unresolved submissions was the proposed rezoning of two properties from Mixed Use Zone to Commercial 1 Zone. The Panel hearing and the Panel's recommendations focused on the merits of the proposed rezoning.

Submissions by the Department of Transport and Country Fire Authority (CFA) also proposed changes to the exhibited provisions. The Panel supported Council's response to these submissions, and this is reflected in its recommendations.

In its report (refer to **Attachment [2.1.9]**), the Panel recommended that the Amendment be adopted as exhibited, subject to the following changes:

- Amend Schedule 13 to Clause 43.02 Design and Development Overlay, dot point 4 under Item 2.0 Buildings and Works to refer to the 'relevant road authority' rather than 'public land manager' when referencing works over a road as requested by Department of Transport;
- Add the following in Clause 21.15-3 to note the town's bushfire risk: *'It is also important that growth ensures adequate protection from and management of bushfire hazards.'* in response to CFA's submission;
- Review the presentation of the Mirboo North Framework Plan to improve its legibility;
- Abandon the proposed rezoning of 4-6 Peters Street and 39-41 Giles Street, Mirboo North to the Commercial 1 Zone; and
- Delete any references to the proposed rezoning of 4-6 Peters Street and 39-41 Giles Street, Mirboo North in:
  - Clause 21.15-3 (Mirboo North);
  - The reference document Mirboo North Structure Plan Refresh (2017); and
  - The proposed Schedule 13 to the Design and Development Overlay.

Changes to Amendment C115 also need to be reflected in the Amendment's Instruction Sheet and Explanatory Report. The Instruction Sheet lists the changes being made to the South Gippsland Planning Scheme. The Explanatory Report explains the reasoning behind the Amendment. Both of these documents have been updated in line with the changes made in **Attachments [2.1.1], [2.1.2], [2.1.3], [2.1.4], [2.1.5] and [2.1.6]** and are proposed for adoption and submitted to the Minister for Planning for approval:

- **Attachment [2.1.7]** – Amendment C115 Instruction Sheet - Post Panel Update
- **Attachment [2.1.8]** – Amendment C115 Explanatory Report - Post Panel Update

### **Proposed Rezoning**

The proposed rezoning in Peters Street and Giles Street was intended to provide for the town's future commercial expansion by protecting the properties from residential development. Rezoning would safeguard land adjacent to the existing small supermarket for possible future expansion. Rezoning from Mixed Use Zone to Commercial 1 Zone would prevent new dwellings being established on the land without the requirement for a planning permit. The proposal sought to prevent further residential development inhibiting commercial expansion, particularly if a larger supermarket becomes viable in Mirboo North.

The Panel did not consider the proposed rezoning was appropriate for the following reasons:

- The suitability of the site for its intended purpose and the ability for it to be properly connected to the existing town centre have not been adequately assessed;
- The supply and demand analysis in the Mirboo North Structure Plan – Economic Inputs (2016) report does not provide adequate justification for the need to rezone more land to Commercial 1 at this time; and
- Rezoning of the land would effectively sterilise the use of the land in the medium to long term, and that this is not a fair outcome for the current owner.

Despite good reasons to pursue the rezoning of the land for long-term community benefit, it is considered practical (given the Panel's conclusions on the matter) to recommend retaining the existing land zoning. The following is a brief discussion setting out reasons for and against rezoning the land.

### **Reasons to Pursue Rezoning**

While the current Mixed Use zoning would allow for commercial expansion at present, these sites are already under threat of being lost to residential development. This is evident from the existing subdivision application for one of the sites which would provide for four dwellings to be subsequently established without the need for a planning permit.

A key reason these properties were identified for rezoning is because this is a key site in close proximity to the existing supermarket with relatively safe access available for the existing supermarket's future expansion.

While in theory the rezoning would not necessarily 'sterilise the use of the land' (the Commercial 1 Zone provides for a wide range of uses including residential use with a planning permit), in practice it is unlikely Council would support residential development of the land, which is the intention of one of the current landowners. Land ownership and development intentions change over time and while a strong case cannot presently be made that more Commercial 1 zoned

land is required now, if more Commercial land is required in 15 years, the loss of this site to residential development will likely be considered an unfortunate outcome.

If the land is developed for residential use, it is still possible that it could be purchased and redeveloped for a commercial use in the future however this option is likely to be cost prohibitive.

### **Reasons to Abandon Rezoning**

While Council could set-aside the Panel's concerns and pursue rezoning in full or in part, this would be difficult to justify given it does not take on board the public input that has been provided and the recommendations of the independent review process. Panel pointed out that the argument to rezone additional commercial land is relatively weak. As such, this argument may be difficult to strengthen given the amount of existing commercial land in the town centre and its capacity to accommodate additional growth.

Pursuing the rezoning may also require further work at additional cost (e.g. providing more detailed justification of the area for rezoning and consideration of the design response needed to address land slope). The result may be that even with additional work that the Minister for Planning may not support the Amendment. For these reasons, it is recommended that Council adopt the Amendment generally in line with Panel's recommendations.

### **Mapping**

The Panel recommended reviewing the presentation of the updated Mirboo North Framework Plan. The Panel's concerns related to the display of existing controls which are only shown on the map for reference purposes only. It is possible that this information will be removed from Framework Plans as part of the upcoming review of the Planning Policy Framework (PPF). It is recommended the framework plan remain unchanged and the Panel's recommendation be separately considered in the PPF review.

### **CONSULTATION**

Eight submissions were received during exhibition of the Amendment. Three were objections to the rezoning of two properties to Commercial 1 Zone. One submitter requested to be heard at the Planning Panel hearing held on 29 October 2019.

### **RESOURCES**

The financial implications for Council directly related to the adoption of Amendment C115 are limited to administrative fees.

### **RISKS**

There is no risk to Council in adopting Amendment C115 in the immediate term. Over time there may be an increased risk regarding restricting opportunities for town centre commercial expansion.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Amendment C115 Mirboo North Structure Plan Refresh - Post Panel Update - February 2020 [2.1.1 - 14 pages]
2. Amendment C115 Clause 21.15 Local Areas - Post Panel Update [2.1.2 - 52 pages]
3. Amendment C115 Clause 21.16 Reference Documents - Post Panel Update [2.1.3 - 2 pages]
4. Amendment C115 Design and Development Overlay Schedule 13 (DD013) Mirboo North Town Centre - Post Panel Update [2.1.4 - 3 pages]
5. Amendment C115 DD013 Mirboo North Town Centre - Mapping - Post Panel Update [2.1.5 - 1 page]
6. Amendment C115 Design and Development Overlay Schedule 2 (DD02) Mirboo North Industrial Area - Post Panel Update [2.1.6 - 3 pages]
7. Amendment C115 Instruction Sheet - Post Panel Update [2.1.7 - 1 page]
8. Amendment C115 Explanatory Report - Post Panel Update [2.1.8 - 8 pages]
9. South Gippsland Planning Scheme Amendment C115 Panel Report November 2019 [2.1.9 - 23 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Mirboo North Structure Plan Refresh (2017)  
South Gippsland Planning Scheme

### **Legislative Provisions**

Planning and Environment Act 1987



## **2.2. PLANNING SCHEME AMENDMENT C116 LAND SUBJECT TO INUNDATION OVERLAY - ADOPTION**

Development Services Directorate

### **EXECUTIVE SUMMARY**

South Gippsland Planning Scheme Amendment C116 (Amendment C116) proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors. The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora.

The LSIO is a planning scheme overlay control that seeks to ensure that land subject to flood inundation is developed in a way that minimises the risk to life and damage to property. State Planning Policy requires planning schemes to be kept up to date with the latest available flood mapping.

During exhibition a total of 16 responses were received, three of which were withdrawn. The remaining thirteen were objections from landowners regarding the Muddy Creek LSIO. Unresolved submissions were referred to an Independent Planning Panel.

The Panel recommended that the Amendment be adopted as exhibited subject to minor mapping changes. It is recommended that Council adopt Amendment C116 according to the Panel's recommendations and to submit the Amendment with these changes to the Minister of Planning for approval.

### **RECOMMENDATION**

That Council:

1. Adopts the South Gippsland Planning Scheme Amendment C116 Land Subject to Inundation Overlay (LSIO) and zone correction mapping as exhibited and amended in accordance with the mapping changes detailed in Attachment [2.2.1] - South Gippsland Planning Scheme Amendment C116 - Planning Panel Report; and
2. Submits the Adopted South Gippsland Planning Scheme Amendment C116 to the Minister for Planning for Approval.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. ADOPTS THE SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C116 LAND SUBJECT TO INUNDATION OVERLAY (LSIO) AND ZONE CORRECTION MAPPING AS EXHIBITED AND AMENDED IN ACCORDANCE WITH THE MAPPING CHANGES DETAILED IN ATTACHMENT [2.2.1] - SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C116 - PLANNING PANEL REPORT; AND**
- 2. SUBMITS THE ADOPTED SOUTH GIPPSLAND PLANNING SCHEME AMENDMENT C116 TO THE MINISTER FOR PLANNING FOR APPROVAL.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Amendment C116 to the South Gippsland Planning Scheme was discussed in detail at the 28 March 2018 and 24 July 2019 Ordinary Council Meetings, which can be viewed on Council's webpage.

The amendment proposes to update the existing LSIO. The LSIO is a planning scheme overlay control that seeks to ensure that land subject to flood inundation is developed in a way that minimises the risk to life and damage to property. State Planning Policy requires planning schemes to be kept up to date with the latest available flood mapping.

Amendment C116 proposes to update the existing Land Subject to Inundation Overlay (LSIO) controls in the South Gippsland Planning Scheme and correct zone mapping errors of a clerical nature. The Amendment updates flood mapping data from Melbourne Water (MW) and West Gippsland Catchment Management Authority (WGCMA). The existing LSIO Schedule, which sets out the planning permit requirements and exemptions, is not changed by Amendment C116.

The LSIO is proposed to be applied to the Lang Lang River, Little Lang Lang River and their tributaries and a section of Muddy Creek on the western urban edge of Toora. The Amendment also proposes to correct zone mapping errors on 80 parcels by rezoning private freehold land adjoining waterways from the Public Conservation and Resource Zone and Public Park and Recreation Zone to Farming Zone or Township Zone. Refer to **Attachment [2.2.2]**.

In response to exhibition, a total of 16 submissions were received, three of which were withdrawn and the remaining thirteen were objections from landowners regarding the Muddy Creek LSIO. Four submitters were heard at the Panel hearing on 29 October 2019.

All unresolved submissions were from landowners in the Muddy Creek LSIO area. A summary of the main concerns raised are:

- The impact on land values, land sales and insurance.
- The maintenance of Muddy Creek. Whose responsibility is it and if it was maintained better would an LSIO be necessary.
- The culverts and infrastructure on Victoria Street and on the South Gippsland Highway need to be larger.
- Council will be liable if the area floods.
- Council should provide compensation to landowners.
- The LSIO is not necessary, inappropriate and incorrectly assessed.

The Panel found that the introduction of the LSIO is required by Victorian Government policy and is appropriate and that the exhibition of the Amendment and information to affect property owners was satisfactory. It noted that land values, land sales and insurance premiums are not relevant planning considerations.

The Panel recommended that Amendment C116 be adopted as exhibited subject to minor mapping changes (refer to **Attachment [2.2.1]**). These changes consist of:

- LSIO changes proposed by MW at 160 Treadwell Road, Poowong North
- LSIO changes proposed by WGCMA at 26A Foster Road and 23 Victoria Street, Toora
- Zoning changes proposed by Council to correct amendment mapping errors.

Pages 2-7 of **Attachment [2.2.2]** shows the proposed changes to maps with reference to the exhibited mapping.

The Panel in its report suggested that WGCMA and Council work in partnership with the affected landowners to prepare a Waterway Management Plan (WMP) for this section of Muddy Creek. Discussions around developing a WMP have already commenced between WGCMA and Council. These discussions can occur without delaying or affecting the adoption of Amendment C116.

## **CONSULTATION**

Amendment C116 was exhibited for eight weeks, concluding on 8 February 2019. The deadline for submissions was extended at the request of residents to accommodate a town meeting held on 14 February 2019.

Further details of the submissions received for Amendment C116 and the Panel's response to each of the submissions can be found in the 24 July 2019 Ordinary Meeting of Council Report **Attachment [2.2.3]** and in the Panel Report **Attachment [2.2.2]**.

## **RESOURCES**

There are no financial implications for Council directly related to the adoption of Amendment C116 LSIO.

## **RISKS**

There is no risk to Council in adopting Amendment C116. Application of the LSIO is based on the best available information and has been supported by the Panel.

Applying the LSIO allows Council, Melbourne Water and the WGCMA to appropriately consider risk to people and property when planning permit

applications are being considered in the LSI0. Applying the best available science mitigates Council risk of future liability.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. South Gippsland Planning Scheme Amendment C116 Approved Maps [2.2.1 - 19 pages]
2. South Gippsland Planning Scheme Amendment C116 - Panel Report - [2.2.2 - 35 pages]
3. Council Minutes - Ordinary Meeting of Council 436 - 24 July 2019 - Land Subject to Inundation Overlay Submissions [2.2.3 - 11 pages]

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

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. COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

A Commission of Inquiry was established by the Minister for Local Government in May 2019 to consider matters impacting on the good governance of South Gippsland Shire Council. This commission reported to The Minister in June 2019, and recommended a number of actions be undertaken including:

*Recommendation 3*

*During the period of administration, the Council:*

*Develops and delivers an extensive community leadership development programme that:*

- I. Encourages widespread participation in community and civic life in the municipality;*
- II. Supports the development of community leadership skills; and*
- III. Supports and improvement in the relationship between the Council and its community.*

This report seeks to address and implement the Minister's recommendation.

##### **RECOMMENDATION**

That Council:

1. Adopts and commences implementation of the Community Leadership Development Program detailed in Attachment [3.1.1]);
2. Allocates a total \$253,700 to be shared over the next two calendar years to support this Program;
3. Investigates and seeks grant funding opportunities where appropriate to support the implementation of the Community Leadership Development program; and
4. Receives updates on the progress of the Community Leadership Development Program every six months.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. ADOPTS AND COMMENCES IMPLEMENTATION OF THE COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM DETAILED IN ATTACHMENT [3.1.1]);**
- 2. ALLOCATES A TOTAL \$253,700 TO BE SHARED OVER THE NEXT TWO CALENDAR YEARS TO SUPPORT THIS PROGRAM;**
- 3. INVESTIGATES AND SEEKS GRANT FUNDING OPPORTUNITIES WHERE APPROPRIATE TO SUPPORT THE IMPLEMENTATION OF THE COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM; AND**
- 4. RECEIVES UPDATES ON THE PROGRESS OF THE COMMUNITY LEADERSHIP DEVELOPMENT PROGRAM EVERY SIX MONTHS.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **BACKGROUND**

The Commission of Inquiry was established by the Minister for Local Government in May 2019 to consider matters impacting on the good governance of South Gippsland Shire Council. This Commission recommended that Council provide an extensive Community Leadership program to encourage participation in civic life, development of leadership skills and that can improve the relationship between Council and its community.

Council recognises that supporting the civic sector to be more effective and partner where appropriate with Council is a highly effective way of developing a clear understanding of how Local Government operates and where it can support community vibrancy and resilience.

South Gippsland Shire Council is seeking to educate and support community members who wish to participate in their community as well-developed leaders. At this time the opportunities for these people to enhance existing skills or learn new skills in this field are very limited and often requires local people to travel to other regions and the metropolitan area to take up learning opportunities.

## **REPORT**

South Gippsland Shire includes a large number of individuals who have ongoing community leadership responsibilities as members of the management/governing committees of the approximately 450 incorporated community organisations located in South Gippsland. Council can support these individuals and the broader community by providing a local opportunity for leadership development. Council can also directly support the development of a greater level of understanding of the complexity of South Gippsland by bringing people from across the shire to learn together, and by locating training activities in a range of locations/towns.

A further benefit for the community will be the inclusion in the overall program of sessions that help people understand the different functions and services provided by the three levels of government in Victoria - Federal, State and Local - and by doing so encourage community members to engage productively and thoughtfully with the democratic processes that will be available to elect a new Council in coming years.

To achieve this goal, Council plans to implement a comprehensive and accessible program of leadership development activities over the next two years consisting of six separate but complementary elements which are outlined below.



**Program Summary**

<b>Element</b>	<b>Description</b>	<b>Anticipate d Participan ts</b>	<b>Current plan/strateg y alignment</b>	<b>Cost per year</b>
<b>1. Community Leadership intensive course</b>	A comprehensive nine-session leadership skills program spread over nine months facilitated by an experienced community leadership training body	20	Council Plan 2017-21	\$48,000
<b>2. Youth Leadership (Lead for Impact - L4i)</b>	A Youth Leadership program run in conjunction with the South Gippsland Secondary College community and incorporating young adults up to 21 years old and provided by an experienced Youth leadership training organisation. This program will include opportunities for the participants to collaborate with participants in the Community leadership Intensive course and for graduates from this program to participate in the Community Leaders Network.	70	SG Youth Strategy 2019-23	\$28,000
<b>3. Community Leaders Network (including Volunteer Champions)</b>	Establishment and facilitation of a Community Leaders Network, with initial participants coming from the 2019 Changemakers	26 (year 1)	SG Community Strengthening Strategy 2018-22	Minimal budget required - peer support focus

Element	Description	Anticipate d Participan ts	Current plan/strateg y alignment	Cost per year
	program and South Gippsland alumni of the Gippsland Community Leadership Program (GCLP). This program will commence in April 2020. The graduates from the initial Community Leadership intensive course and Individual Leadership Grant recipients will be invited to join this network in 2021.			\$2,000 for venues/ forum expense
<b>4. Individual Leadership Grants</b>	Provision of 8 x \$2500 grants to assist emerging community leaders to access external leadership development programs such as Gippsland Leadership Program and Community Directors training.	8		\$20,000

This comprehensive program will need a new provision of a 0.4 EFT commitment (\$44,000) and a broad communications plan. The Youth Leadership element can be implemented by existing staff allocation for Youth Development and the overall program can will offset costs by \$20,000 per year from existing allocations.

Anticipated participation in first year of the program is 124, with potential for over 200 participants during the two years of this program.

Council will continue to provide a range of other skills training for volunteers (such as CPR, web page development, financial management, project planning) and will continue to convene a range of special interest and geographic networks, including the Town and Districts Associations Network, Community Hall Committees Network, South Gippsland Men's Shed groups Community

Event Managers Network, District Clusters and proposed South Gippsland Grant Givers group (to be established in 2020).

The Detailed Program for each element is provided in **Attachment [3.1.1]**.

The 2020 program of District Cluster meetings is provided in **Attachment [3.1.2]**.

### **Implementation Timetable**

Specific elements in this program can commence in April 2020, with Information sessions on the Community leadership program to commence in late March. Community members interested in participating will be selected through an Expression of Interest process. In April, Council will establish an independent panel of experienced community leaders to assess the applications. Participation in the Community Leaders Network will be offered to community members who have completed previous leadership development activities.

The table below provides anticipated commencement dates for the four elements of the program in the first year of delivery.

<b>Element</b>	<b>EOI open</b>	<b>Activities commence</b>	<b>Element completed</b>
1. Community Leadership Intensive Course	April 2020	June 2020	December 2020
2. Youth Leadership	April 2020	June 2020	October 2020
3. Community Leaders Network	N/A	April 2020	ongoing
4. Individual Leadership Grants	July 2020	N/A	ongoing

### **CONSULTATION**

The proposed program is informed by the work the Community Strengthening team has undertaken with a broad spectrum of community groups, by feedback provided through the 2019 "Changemakers" leadership project, networks convened by this team and direct requests for advice made by the sector over the last few years on skills development needed by community volunteers. Staff from a range of Council teams have been consulted and two Community Strengthening team members attended a recent Women in Local Government forum to inform development of this proposal. Council staff have also had direct contact with Brimbank, Wyndham and Corangamite Councils to consider the community leadership programs being implemented in these municipalities.

### **RESOURCES**

Implementation of this complete program will require an allocation of an additional \$253,700 over two calendar years 2020 and 2021. A detailed

breakdown of the costs of each element of the program is shown in the Cost Summary in **Attachment [3.1.3]**.

## **RISKS**

The development of a comprehensive community leadership program might be considered a low priority by some members of the community, despite the findings of the Commission of Inquiry. The development of a strong and respectful relationship with the broad community is a high priority for Council, and strengthening community leadership is likely to have significant benefits to the community. These could include improved social resilience, stronger economic development, improved problem solving and skill base, and better governance of community organisations. In addition, supporting the current and potential community leaders of South Gippsland to enhance their skills will have a direct positive impact on the ability of the broader South Gippsland community to assist the civic sector to flourish and be independent.

Research on effective leadership development has been estimated the return on investment can be over 250% with some studies showing a benefit/cost ratio of between 3.8 and 9.6 (Mahone, 2000). Provision for evaluation of the community leadership program has been included in the proposal and will help quantify the value of the program.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Detailed Program [3.1.1 - 16 pages]
2. District Cluster Meetings - 2020 [3.1.2 - 1 page]
3. Budget Summary [3.1.3 - 2 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Council Plan 2017-2021

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

##### **4.1. GRANT APPLICATION - FOSTER SHOWGROUNDS OVAL IRRIGATION PROJECT (SPORT & RECREATION VICTORIA)**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council on 14 December 2016, Council allocated \$400,000 to implement recycled water infrastructure for the Foster Showgrounds as part of the Community Capital Works Allocation project process. Council worked in partnership with South Gippsland Water to deliver piped recycled water to the showgrounds for irrigation. The next stage of this project, the Foster Showgrounds Oval Irrigation and Resurfacing project, involves installing sub-surface irrigation and resurfacing works on the main oval at Foster Showgrounds at a total project cost of \$300,000 which is yet to be funded.

On the 12 November 2019, the Victoria Government opened applications to Sport and Recreation Victoria's new \$22M Local Sports Infrastructure Fund (LSIF) with a funding ratio of \$2:\$1.

After consultation with relevant community groups and Sport and Recreation Victoria, an application was submitted to this program for the Foster Showgrounds Oval Irrigation and Resurfacing project for a grant of \$200,000.

If Council is successful in securing \$200,000 under this program, a further \$100,000 is required (total project cost \$300,000) with the Foster Showgrounds Committee of Management contributing \$20,000 towards this project. Therefore, it is recommended that Council allocates \$80,000 from the 2020/21 Community Infrastructure Projects budget towards the Foster Showgrounds Oval Irrigation and Resurfacing project.

##### **RECOMMENDATION**

That Council:

1. Notes the application submitted for \$200,000 under the Victorian Government's Local Sports Infrastructure Fund – Community Facilities stream for the Foster Showgrounds Oval Irrigation and Resurfacing project;
2. Allocates \$80,000 from the 2020/21 Community Infrastructure Projects budget towards the Foster Showgrounds Oval Irrigation and Resurfacing project; and

3. Notes the community contribution of \$20,000 from the Foster Showgrounds Committee of Management towards the Foster Showgrounds Oval Irrigation and Resurfacing Project.

**MOVED:** Administrator Brown  
**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

1. **NOTES THE APPLICATION SUBMITTED FOR \$200,000 UNDER THE VICTORIAN GOVERNMENT'S LOCAL SPORTS INFRASTRUCTURE FUND – COMMUNITY FACILITIES STREAM FOR THE FOSTER SHOWGROUNDS OVAL IRRIGATION AND RESURFACING PROJECT;**
2. **ALLOCATES \$80,000 FROM THE 2020/21 COMMUNITY INFRASTRUCTURE PROJECTS BUDGET TOWARDS THE FOSTER SHOWGROUNDS OVAL IRRIGATION AND RESURFACING PROJECT; AND**
3. **NOTES THE COMMUNITY CONTRIBUTION OF \$20,000 FROM THE FOSTER SHOWGROUNDS COMMITTEE OF MANAGEMENT TOWARDS THE FOSTER SHOWGROUNDS OVAL IRRIGATION AND RESURFACING PROJECT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

In addition to the Great Southern Rail Trail Extension (Korumburra to Nyora) project, the Foster Showgrounds Oval Irrigation and Resurfacing project was internally assessed as eligible for the 2020/21 LSIF– Community Facilities stream.

The project scope is to utilise the recycled water from the waste water treatment plant which is now available at the Foster Showgrounds with the installation of an automatic irrigation system for the oval. The project will also include appropriate drainage, levelling, and resurfacing of the oval.

The benefits that this project will bring to the community are noted below:

- An unlimited supply of affordable recycled water for use on the Foster oval and recreation reserve which is a Council-owned asset.
- A saving of \$5,000 to \$10,000 per year in water costs for maintaining the ground for community use such as football (pre-season and season), markets (with the Rotary train), and Agricultural Show with equestrian events.
- Foster is the only Council-owned ground that has to support this range of events in the dry summer months from December to April. The quality of the surface is important for the safety of the equestrian riders and horses, as well as the footballers in pre-season training, practise matches, and the early rounds of the season. Resurfacing works will improve the safety and longevity of the playing surface at the Foster Showgrounds.
- Both Meeniyan and Toora ovals are very well maintained through recycled water from their local treatment plants.

### **Sport and Recreation Victoria (SRV) Local Sports Infrastructure Fund (LSIF)**

The objective of the LSIF is that strong, active, and healthy communities need high-quality, accessible, well-designed, and managed infrastructure to conduct sport and active recreation activities. Developing infrastructure that supports participation by underrepresented groups to improve wellbeing of disadvantaged Victorians and local economic activity is a priority for the Victorian Government.

The program has five streams with two being:

- Community Facilities – supports the development of new, or redevelopment of existing community sport and active recreation infrastructure ensuring all infrastructure is high quality and accessible to all. Funding of up to \$250,000 is available through this stream (\$2:\$1 funding ratio).

- Strategic Facilities – supports the development and upgrade of significant sport and active recreation infrastructure with a demonstrated strategic catchment beyond a local community. Funding of up to \$800,000 is available through this stream (\$1:\$1 funding ratio). It is noted that Council endorsed an application to the LSIF for the Great Southern Rail Trail (GSRT) Extension (Korumburra to Nyora) for \$800,000 at the Ordinary Meeting of Council on 18 December 2019.

Applications to the LSIF closed on 14 February 2020 with outcomes anticipated in May/June 2020.

## **CONSULTATION**

In 2015, Council resolved to allocate \$400,000 to each of Foster, Korumburra, Mirboo North, and Venus Bay (\$1.6M in total) for capital works projects to be determined by the community through a participatory budgeting process – the Community Capital Works Allocation project. External consultation for Foster was held across two stages including an online forum held in September 2016 and community workshops held in October 2016 to determine the Foster community's preferred project. At the Ordinary Meeting of Council on 14 December 2016, Council allocated \$400,000 to implement recycled water infrastructure for the Foster Showgrounds.

Council worked in partnership with South Gippsland Water to deliver piped recycled water to the main oval for irrigation which was completed in May 2019. This project completes the works so that water can be irrigated automatically and the playing surface of the oval can be re-instated.

The Foster Showgrounds Committee and the Foster Football Netball Club (major user) have been consulted throughout all the stages of this project.

Sport and Recreation Victoria has been consulted on this project.

## **RESOURCES**

If Council is successful in securing \$200,000 under the 2020/21 LSIF – Community Facilities stream, an additional \$100,000 is required to fully fund the project. The Foster Showgrounds has contributed \$20,000 towards the project which leaves a shortfall of \$80,000. Funding of \$204,000 is available through Council's Long Term Financial Plan for Community Infrastructure projects which will cover Council's recommended contribution of \$80,000 for the Foster Showgrounds Oval Irrigation and Resurfacing project.

The breakdown of funding for this project is in **Table 1**.



**Table 1 – Breakdown of Project Funding**

Estimated Total Project Cost	\$300,000
LSIF - Community Facilities stream (\$2:\$1)	\$200,000
Recommended Council Contribution	\$80,000
Community Contribution (Foster Showgrounds CoM)	\$20,000

If this project is successful, it is estimated that the annual water saving costs for maintaining the ground for community use would be in the vicinity of \$5,000 to \$10,000.

**RISKS**

It should be noted that this project will not proceed if Council is unsuccessful with securing the grant funding.

**STAFF DISCLOSURE**

Nil

**REFERENCE DOCUMENTS****Council Policy**

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

Annual Budget 2019/20

Blueprint for Social and Community Infrastructure 2014-2029

Procurement Policy (C32)

**Legislative Provisions**

Local Government Act 1989

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

### **5.1. NEW RATING CATEGORIES - EXTRACTIVE INDUSTRIES RATE DIFFERENTIAL CATEGORY - INFRASTRUCTURE AND UTILITIES**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

At the 24 July 2019 Ordinary Council Meeting – Council resolved in part:

*“That Council:*

6. *“Requests the acting Chief Executive Officer to prepare a further report to council on the extractive industries and infrastructure and utilities rating categories, prior to 31 March 2020.”*

This report addresses the Council resolution of 24 July 2019 and recommends that Council, in the absence of a clear objective or justification for retaining the Extractive Industries and Infrastructure and Utilities as separate rating categories, consolidates these into the Industrial Rating Category.

#### **RECOMMENDATION**

That Council, in the absence of a clear objective or justification for retaining the Extractive Industries and Infrastructure and Utilities as separate rating categories, consolidates these into the Industrial Rating Category.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL, IN THE ABSENCE OF A CLEAR OBJECTIVE OR  
JUSTIFICATION FOR RETAINING THE EXTRACTIVE INDUSTRIES AND  
INFRASTRUCTURE AND UTILITIES AS SEPARATE RATING CATEGORIES,  
CONSOLIDATES THESE INTO THE INDUSTRIAL RATING CATEGORY.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **BACKGROUND**

Council established a Rating Strategy Review Committee (RSRC) in 2017/18 to review the Rating Strategy for the 2018-2022 period.

The RSRC presented its report to Council on 21 February 2018 and a separate report was presented by members of the committee that did not support the committee's position referred to as the "Minority Report".

The Rating Strategy was adopted on 27 June 2019 with no changes to the existing strategy.

Between August and December 2018, Council held a number of workshops to review the Rating Strategy resulting in a proposed strategy that introduced three new rating categories;

- a. Extractive Industries (separated out from Industrial);
- b. Infrastructure and Utilities (separated out from Industrial); and
- c. Vacant Rural Land (separated out from Vacant Land).

Council's Rating Strategy was advertised from 26 March 2019 seeking submissions through the S.223 public consultation process and submissions were heard 29 May 2019.

A submission received from the Korumburra Business Association in part questioned the reasoning behind the Extractive Industries and Infrastructure and Utilities categories. A motion to remove the categories from the Rating Strategy was lost and in response a motion to, "Calls [sic] for a report to the 26 June 2019 Ordinary Council Meeting to consider applying a different differential to the extractive industries category, including reasons why a differential change would be required" was carried.

At the 26 June 2019 Council Meeting it was recommended, "That Council consolidate the newly created rating categories, "Extractive Industries" and "Infrastructure and Utilities" back into the Industrial category." An alternate motion moved and carried that the report be noted but that Council, "Determines the 2019-2022 Rating Strategy at the 24 July 2019 ordinary meeting of council for adoption."

At the 24 July 2019 Council Meeting, the Administrators moved in part, "Requests the acting Chief Executive Officer to prepare a further report to council on the extractive industries and infrastructure and utilities rating categories, prior to 31 March 2020."

## **REPORT**

Currently, the two new categories, Extractive Industries and Infrastructure and Utilities have been derived completely from properties within the Industrial rating category. Further, the new categories have the same differential rate applied as the Industrial category which has no impact on the overall Rating Strategy except to isolate certain properties to a new category. The question therefore follows, are the two new categories required?

In 2012, Parliament passed the Local Government Amendment Act 2012 which introduced section 161(2A) & 161(2B) which required Councils to have regard to any Ministerial guidelines made in respect to:

- The objectives of differential rating;
- Suitable uses of differential rating powers; and
- The types or classes of land that are appropriate for differential rating.

Ministerial guidelines for differential rating were gazetted on 26 April 2013 with the, "aim to promote good practice and greater consistency in the application of differential rating in Victoria."

The Ministerial Guidelines specify that a council should have regard to the strategic objectives set out in the Council Plan to ensure its objectives for differential rates accords with the strategic objectives.

The objective currently provided for each of the two new rating categories is the same objective as that used by all rating categories being; "The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the;

- Construction and maintenance of infrastructure assets;
- Development and provision of health and community services; and
- Provision of economic development and general support services."

It could be argued that there is a loose nexus between the objective described for the differential rate and Council's strategic objectives.

The Guidelines state it is not appropriate to utilise differential rating powers to prevent, mitigate, or discourage legitimate land uses. This includes the use of differential rate powers to:

- Lessen the impact of externalities arising from the type of business conducted on the land;
- Fund actions intended to ameliorate the externalities arising from such business on the land; or

- Fund expenditure relation to a special benefit yet to be realised on the land subject to a proposed differential rate.

Under this section, it could not be argued that the reason for the new differential rate should be used as a source of funds to fix roads that might be damaged as a result of additional heavy transport using the existing road infrastructure.

The Ministerial Guidelines lists types and classes of land appropriate for differential rating into three categories

- Those that are appropriate;
- Those that require careful consideration; and
- Those that are not appropriate.

The use of an Extractive Industries differential specifically falls into the category of those that require careful consideration and is silent on the category of Infrastructure and Utilities as a differential.

“The use of a differential rate applicable to very few property assessments in a municipality should be considered with caution, particularly in relation to setting of higher differential rates, and have regard to the impact on the land subject to the proposed rate and the consequential impact upon the broader municipality through consideration of equity. This is especially so in the case of differential rates applied to narrowly or specifically defined activities or land use types.” The new categories of Extractive Industries and Infrastructure and Utilities contain 12 and 112 properties respectively.

## **CONSULTATION**

Council were consulted at a Confidential Briefing Session on 5 February 2020

## **RESOURCES**

Retaining the rating categories of Extractive Industries and Infrastructure and Utilities separate from the Industrial category creates an administrative burden, however, does not deliver any associated benefits due to retaining the same differential rate.

## **RISKS**

The key risk is that existing rating strategies may not be supported by clear objectives or justification.

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget and Long-Term Financial Plan

Council Plan 2017-2021

Rating Strategy

### **Legislative Provisions**

Local Government Act 1989

Valuation of Land Act 1960

Ministerial Guidelines on Differential Rating (2013)

## **5.2. POLICY REVIEW: RATES AND CHARGES HARDSHIP POLICY (C53)**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council's Rates and Charges Hardship Policy (C53) (the Policy) (**Attachment [5.2.1]**) has been amended following a review in line with the Council resolution on 24 July 2019 in part "that Council completes a review of the Rates and Charges Hardship Policy (C53) which includes benchmarking against other Victorian Councils, by 30 June 2020". This report outlines the changes for the current Policy.

### **RECOMMENDATION**

That Council:

1. Notes that the Policy has been benchmarked against the corresponding policy of 14 other councils;
2. Notes that the Policy is considered consistent with industry practice, associated legislation and Municipal Association of Victoria guidelines; and
3. Adopts the amended Rates and Charges Hardship and Debt Recovery Policy (C53) (Attachment [5.2.1]).

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

### **THAT COUNCIL:**

1. **NOTES THAT THE RATES AND CHARGES HARDSHIP POLICY (C53) HAS BEEN BENCHMARKED AGAINST THE CORRESPONDING POLICY OF 14 OTHER COUNCILS;**
2. **NOTES THAT THE RATES AND CHARGES HARDSHIP POLICY IS CONSIDERED CONSISTENT WITH INDUSTRY PRACTICE, ASSOCIATED LEGISLATION AND MUNICIPAL ASSOCIATION OF VICTORIA GUIDELINES; AND**
3. **ADOPTS THE AMENDED RATES AND CHARGES HARDSHIP AND DEBT RECOVERY POLICY (C53) (ATTACHMENT [5.2.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The Rates and Charges Hardship Policy (C53) in **Attachment [5.2.1]** was developed in 2013 to formalise processes to provide relief to individual rate payers experiencing financial hardship and requesting assistance.

The Policy was subsequently reviewed and adopted on 26 May 2016. The current review was due in May 2019 but was deferred by Council until 2020.

Interest charges were amended in the Local Government Act in 2013 to only allow backdating to when a particular payment falls due. Previously the interest owing was calculated back to the day that the original rate was formally raised by Council.

Council introduced a nine-instalment payment option for ratepayers in 2015/16 (nine monthly instalments) as part of the Policy review at the time to assist ratepayers by providing more flexibility in their payment options.

A consequence of a more lenient Policy and legislative change, arrears are higher than they were historically but collection rate appears consistent with other councils sampled. It is important to note that Council has to balance between fairness to all ratepayers in terms of payments and meeting its legislative obligations to collect rates.

The interest on outstanding rates and charges is calculated at the rate fixed under Section 2 of the Penalty Interest Rates Act 1983. The interest rate is currently in-line with the State Government set 10 per cent per annum and is a penalty interest.

### **Review – Operational effectiveness**

A review of the existing Policy has found it to be consistent with industry practice and recommends minor revisions.

The Policy allows for informal and formal assistance for dealing with hardship and assistance to pay.

Officers have the ability to enter into payment arrangements and waive small amounts of interest and legal costs to assist ratepayers and reduce the outstanding debt.

Rates staff work with ratepayers to assist them with formal and informal arrangements to assist with their current circumstances.

A review of the Policy has been conducted in line with the Council resolution on 24 July 2019 in part “that Council completes a review of the Rates and Charges Hardship Policy (C53) which includes benchmarking against other Victorian Councils, by 30 June 2020”.

The objective of this hardship Policy is to help ratepayers with a short term solution to give them time to get their affairs in order. Where an agreement is



unable to be made due to the value of the debt and ability to pay, ratepayers are referred to a financial counsellor to confidentially discuss and make arrangements to suit their personal circumstances.

The Policy seeks to treat everyone equally and individuals work out their own long term solution, possibly with the support of an independent financial counselling and support service.

The current Policy provides administrative flexibility to enable officers to provide flexible arrangements to ratepayers for repayment of debt that can stand up to audit scrutiny.

Discretionary limits in the Policy for officers to inhibit or write off interest without the ratepayer requiring financial counselling helps Council retrieve rates in using a small short term incentive to help the ratepayer with cash flow. This is often coupled with an agreed payment arrangement and helps ratepayers move forward rather than falling into a hardship situation. Interest is usually only withheld on amounts paid during the arrangement. Any amounts not paid during this time or in the case of default, normal statutory interest will apply. Arrangements made during this process are similar to those made during the debt collection process.

A benchmarking exercise was undertaken against 14 other councils. Advice provided by the Municipal Association of Victoria was considered along with a submission made by a South Gippsland resident.

The policies are shaped by the legislation and some are broadly consistent. The aim of the policy review is to achieve a clear and easy application that does not require subjective judgement-making by Council or its officers.

In summary the following are offered by the range of councils benchmarked:

<b>Payment Arrangements</b>	All
<b>Deferment</b>	All
<b>Waiver of Rates</b>	Majority do not. Some do in exceptional circumstances.
<b>Waiver or inhibiting of interest</b>	All
<b>Waiver of legal costs</b>	All
<b>Penalty interest</b>	Most
<b>Financial Counselling required</b>	Some

None of the above offer a permanent rate reduction. The legislation considers that the hardship is only a short term assistance mechanism to allow the ratepayer to come up with a more permanent solution to paying their rates.

A copy of the Policy is included in **[Attachment 5.2.1]**.

### **Recommended changes**

Minor changes are recommended to the existing policy. Changes are largely wording updates to add clarity.

A summary of the recommended changes are listed below:

- Title change for authorising officer to align with current organisation structure.
- Clarity in Policy statement regarding the non-waiving of rates.
- Clarity in consideration of applications for deferral and waiver as it pertains to interest and legal costs.
- Update to officer interest waiver amounts.
- Only to include principal place of residence including a farm with principle place of residence in line with the Municipal Association Victoria (MAV) guidelines.
- Promote the availability of the C53 Policy so ratepayers are more aware that it is available.

### **CONSULTATION**

The current Policy was benchmarked against the policies of a range of other councils and the MAV guidelines.

### **RESOURCES**

There are no additional resources required to implement changes to the policy.

### **RISKS**

Any major changes to the Policy may have financial impacts which would need to be considered as part of the proposed change.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. C53 Rates and Charges Hardship Policy - February 2020 [5.2.1 - 4 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

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

Debt Recovery on Unpaid Rates Policy (C15)

### **Legislative Provisions**

Local Government Act 1989

### **5.3. POLICY REVIEW: DEBT RECOVERY ON UNPAID RATES AND CHARGES POLICY (C15)**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council's Debt Recovery on Unpaid Rates and Charges (C15) (the Policy) (**Attachment [5.3.1]**) has been amended following a review. The policy was reviewed in conjunction with the Rates and Charges Hardship and Debt Recovery Policy (C53) and recommends changes to clearly and simply articulate the process and timeframes.

#### **RECOMMENDATION**

That Council adopts the amended Debt Recovery on Unpaid Rates and Charges (C15) (Attachment [5.3.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL ADOPTS THE AMENDED DEBT RECOVERY ON UNPAID RATES AND CHARGES POLICY (C15) (ATTACHMENT [5.3.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The Debt Recovery for Unpaid Rates Policy (C15) in **Attachment [5.3.1]** was developed in 2013 to formalise the processes for providing rate relief to individual rate payers experiencing financial hardship and needing assistance to ensure the recovery of unpaid rates.

The Policy has been subsequently reviewed. The review was due in May 2019 but was deferred by Council until 2020.

The Policy provides the steps and the general statutory obligations of the Local Government Act 1989 in relation to property debt recovery.

The Policy is used in conjunction with the Rates and Charges Hardship and Debt Recovery Policy (C53).

Changes have resulted in a streamlined policy that clearly articulates the process followed and clarifies timeframes.

## **CONSULTATION**

There was no consultation as this is a procedural Policy.

## **RESOURCES**

The recommended changes will not require any additional resourcing.

## **RISKS**

Any major changes to the Policy could have financial impacts which would need to be considered as part of the proposed change.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. C15 Debt Recovery on Unpaid Rates and Charges Policy - February 2020  
[5.3.1 - 3 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

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

Rates and Charges Hardship and Debt Recovery Policy (C53)

### **Legislative Provisions**

Local Government Act 1989

#### **5.4. AUDIT COMMITTEE MEETING - 10 DECEMBER 2019**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

The minutes of the Audit Committee Meeting held on 10 December 2019 (**Attachment [5.4.1]**) are provided to be noted by Council.

##### **RECOMMENDATION**

That Council notes the Audit Committee Minutes – 10 December 2019 (Attachment [5.4.1]).

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL NOTES THE AUDIT COMMITTEE MINUTES – 10 DECEMBER 2019 (ATTACHMENT [5.4.1]).**

**CARRIED UNANIMOUSLY**

## **REPORT**

The matters considered by the Audit Committee at the 10 December 2019 meeting (**Attachment [5.4.1]**) are provided to be noted by Council.

## **RESOURCES**

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

## **RISKS**

A failure by Council to effectively monitor the activities and advice provided by the Audit Committee could lead to:

- Not effectively managing risks and compliance obligations under Council's Risk Management Framework;
- Increase the likelihood of adverse impacts to Council's operations; and
- Not achieving some strategic objectives set within the *Council Plan*.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Minutes - Audit Committee Meeting - 10 December 2019 [**5.4.1** - 6 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

### **Legislative Provisions**

Local Government Act 1989

## **6. OTHER COUNCIL REPORTS**

### **6.1. NIL**

## **7. NOTICES OF MOTION AND/OR RESCISSION**

### **7.1. NIL**



## **8. PROCEDURAL REPORTS**

### **8.1. ORGANISATIONAL PERFORMANCE REPORT - 1 JULY 2019 TO 30 DECEMBER 2019**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The Organisational Performance Report for the period July to December 2019 (refer to **Attachment [8.1.1]**) provides detailed reporting on Council's performance against the 2019/20 Annual Initiatives, Performance Indicators, Capital Works Program and Department Highlights.

The covering report outlines the key achievements, updates and events that occurred during this reporting period and highlights the progress against the Council Plan 2017-2021 and Annual Initiatives (Council Plan).

The Council Plan is reviewed annually and includes key Strategic Outcomes, Objectives and Initiatives. A series of indicators are allocated to the four Outcomes of the Council Plan and progress against these indicators and service performance measures are outlined within the report.

The alignment of the Council Plan, Organisational Performance Report and Council Agenda topics in Ordinary Meetings of Council all outline the various activities and initiatives that work towards achieving the Council Plan Strategic Outcomes and Strategies.

This Organisational Performance Report (**Attachment [8.1.1]**) will be presented to Council's Audit Committee on 10 March 2020.

#### **RECOMMENDATION**

That Council:

1. Receives and notes the Organisational Performance Report for the period July to December 2019 (Attachment [8.1.1]);
2. Publishes the Organisational Performance Report (Attachment [8.1.1]) to Council's website and distributes it to local libraries; and
3. Presents the Organisational Performance Report (Attachment [8.1.1]) to Council's Audit Committee in March 2020.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL:**

- 1. RECEIVES AND NOTES THE ORGANISATIONAL PERFORMANCE REPORT FOR THE PERIOD JULY TO DECEMBER 2019 (ATTACHMENT [8.1.1]);**
- 2. PUBLISHES THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [8.1.1]) TO COUNCIL'S WEBSITE AND DISTRIBUTES IT TO LOCAL LIBRARIES; AND**
- 3. PRESENTS THE ORGANISATIONAL PERFORMANCE REPORT (ATTACHMENT [8.1.1]) TO COUNCIL'S AUDIT COMMITTEE IN MARCH 2020.**

**CARRIED UNANIMOUSLY**

**[Link to the next Agenda Item.](#)**

## **REPORT**

### **Background**

The 2019/20 Annual Budget (inclusive of the Annual Initiatives) was adopted by Council on 24 July 2019. It sets the indicators and initiatives/activities which are reported in the Organisational Performance Report – July to December 2019 (**Attachment [8.1.1]**).

The 2017-2021 Council Plan adopted in July 2019 and reviewed annually, includes key Strategic Outcomes, Objectives and Strategies. A series of indicators are allocated to the four Outcomes and progress against these indicators is included in the Annual Plan 2019/20 Performance Update. These indicators have been reviewed annually and are also reflected in the 2019/20 Annual Budget.

### **Discussion**

This report provides an overview of the major activities undertaken by Council in the first half of the 2019/20 financial year (1 July 2019 to 31 December 2019). Where possible, comparisons of results have been made and reflected throughout the report.

Significant highlights during the period include:

- 100 per cent of the 27 Annual Plan initiatives for 2019/20 are on track or have been completed by December 2019.
- 72 per cent of the 163 Capital Works Program initiatives for 2019/20 have been completed or are on track as at December 2019.
- Progress on Council's Priority Projects for the Great Southern Rail Trail, Korumburra Community Hub and Streetscape, and the Leongatha Community Hub have progressed with funding applications submitted to State Government.
- 83 per cent of assessed applications submitted to the State and Federal governments for project funding, have been approved, totalling \$2.8M in funding as at 31 December 2019.
- 43 applications totalling \$145,565, have been approved for Council funding through the Community Grants Program.

### **CONSULTATION**

The Organisational Performance Report (**Attachment [8.1.1]**) will be presented to Council's Audit Committee in March 2020.

### **RESOURCES**

The 2019/20 Annual Initiatives and Capital Works Program are funded through the 2019/20 Annual Budget.

## **RISKS**

The Organisational Performance Report (**Attachment [8.1.1]**) mitigates the risk of annual initiatives and capital works activities not being monitored.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Organisational Performance Report – July to December 2019 [**8.1.1** - 46 pages]

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget Incorporating 15 Year Long Term Financial Plan and Annual Plan Initiatives  
Council Plan 2017-2021

### **Legislative Provisions**

Local Government Act 1989, ss.125, 127 and 223  
Local Government Act 1989, Environmental Upgrade Agreement, s.138  
Local Government Better Practice Guide 2016/17 – Performance Reporting Framework Indicator Workbook, Version 1, April 2017

## **8.2. ASSEMBLY OF COUNCILLORS - 22 NOVEMBER TO 21 JANUARY 2020**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council is committed to making relevant, timely and useful information available for members of the public with the aim of enhancing transparency. 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 November and 21 January 2020.

The matters summarised in this report satisfy Council's requirements under the *Local Government Act 1989*, s.80A(2):

*The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable—*

- a. reported at an ordinary meeting of the Council; and*
- b. incorporated in the minutes of that Council meeting.*

### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

**REPORT**

<b>Meeting Title</b>	<b>Details</b>
<b>Tuesday 26 November 2019</b>	
<b>Leongatha Community Hub</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update regarding Leongatha Community Hub planning.</p>
<b>Wednesday 27 November 2019</b>	
<b>CEO/ Administrator Session</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Priority project update</li> <li>• Bald Hills Wind Farm update</li> <li>• Ordinary Meeting Agenda Topic discussion</li> <li>• Gippsland Local Government Network (GLGN) meeting</li> </ul>
<b>Local Government Bill 2019</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators received an update on the progress of the Local Government Bill 2019 through Parliament.</p>
<b>Leongatha Gymnastics Club</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external briefing from the Leongatha Gymnastics Club on the project status.</p>
<b>Climate Emergency Response</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered information to understand current Climate Emergency Response actions undertaken within Local Government.</p>

Meeting Title	Details
<b>Wednesday 27 November 2019</b>	
<b>Clusters Program Implementation</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on the progress of current Cluster Programs within the Shire and proposals to establish new Clusters.</p>
<b>Community Leadership Education Program Training</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered information on the proposed implementation of a Community Leadership Development/Education Training Program for South Gippsland.</p>
<b>Local Government Victoria</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an external presentation delivered to Local Government Victoria (LGV) regarding Priority Projects for South Gippsland Shire. Administrators also provided LGV with an update on activities undertaken since their appointment by the Victorian Government.</p>
<b>Wednesday 4 December 2019</b>	
<b>Chief Executive Officer (CEO) Personnel Matters</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators reviewed the Acting CEO Key Performance Indicators.</p>
<b>Development Council Plan and Annual Plan Initiatives</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the Draft 2021-2024 Council Plan and Annual Initiatives.</p>

Meeting Title	Details
<b>Wednesday 4 December 2019</b>	
<b>Planning Briefing</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered Planning Items including:</p> <ul style="list-style-type: none"> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for October 2019</li> <li>• VCAT Decisions</li> <li>• Applications received October 2019</li> </ul>
<b>Visitor Information Centre, Coal Creek</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators were provided with a briefing on the Visitor Information Centre service level at Coal Creek.</p>
<b>Bio Link Project</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators received an external presentation from representatives from West Gippsland Catchment Management Authority and Latrobe City Council regarding a Bio Link Project. This project explores the feasibility and expected benefits for the protection and enhance important habitat corridors extending from the Strzelecki ranges to the Baw Baw Alpine ranges.</p>
<b>Economic Development Strategy</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the development of a 10 year South Gippsland Economic Development Strategy.</p>



Meeting Title	Details
<b>Wednesday 4 December 2019</b>	
<b>Tourism Advisory Committee</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the establishment of a Tourism Advisory Committee.</p>
<b>Tuesday 10 December 2019</b>	
<b>Australia Day Awards Review Committee (Advisory Committee)</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered 2020 Australia Day Award recipients.</p>
<b>Wednesday 11 December 2019</b>	
<b>Good Governance Framework</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the development of a Good Governance Framework ahead of Ordinary Meeting of Council 18 December 2019.</p>
<b>Local Procurement and Contract Management</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered what defines local procurement within the Shire and the strategies to achieve it.</p>
<b>Rates and Charges Hardship Policy</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators were briefed on the review of the the Rates and Charges Hardship Policy.</p>

Meeting Title	Details
<b>Wednesday 11 December 2019</b>	
<b>Debt recovery for unpaid rates Policy</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators received a briefing on the review of the Debt Recovery for Unpaid Rates Policy including benchmarking against other Victorian councils.</p>
<b>Ordinary Council Meeting Agenda 18 December 2019</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 18 December 2019.</p>
<b>Community Strengthening</b>  <b>Open Session</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on key community strengthening activities including:</p> <ul style="list-style-type: none"> <li>• South Gippsland Men's Sheds network</li> <li>• 'Made in South Gippsland' FReeZA youth events committee</li> </ul>
<b>Public Presentation</b> <b>Open Session</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p>
<p><b>The Administrators considered a presentation from:</b></p> <ul style="list-style-type: none"> <li>• Carolyn DeGaris, representing the Stony Creek Racecourse &amp; Recreation Reserve Committee of Management and Michelle Harris, representing the Project Consultant GippSport regarding Stony Creek Racecourse &amp; Recreation Reserve Master Plan.</li> <li>• Nadine Smith, representing the Korumburra Bena Football Netball Club and Michelle Harris, representing the Project Consultant GippSport regarding Korumburra Showgrounds Changeroom Business Case.</li> </ul>	

Meeting Title	Details
<b>Wednesday 11 December 2019</b>	
<b>Ordinary Meeting Agenda Topic Discussion 18 December 2019</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 18 December 2019.
<b>Waste Management Services</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered an overview of current waste management services provided by Council or its contractors, that is in line with the South Gippsland Shire Council Waste Management Strategy 2016-2021.
<b>Wednesday 18 December 2019</b>	
<b>Ordinary Meeting Agenda Topic Discussion 18 December 2019</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting 18 December 2019.
<b>Public Presentation  Open Session</b>	<b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed
<b>The Administrators considered a presentation from:</b> <ul style="list-style-type: none"> <li>• Brad Snell regarding Agenda Item 4.8 General Local Law (Amendment 1 2019) – Consultation Update.</li> <li>• David Amor regarding Agenda Item 5.1 Development of South Gippsland Shire Council's Good Governance Framework and Agenda Item 5.2 Good Governance Framework – Policy Review: Public Participation in meetings with Council Policy (C65).</li> </ul>	

Meeting Title	Details
<b>Wednesday 18 December 2019</b>	
<b>Leongatha Hub Project</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered an update on Leongatha Hub.</p>
<b>Prom Country Tourism Committee</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators were briefed on the Prom Country Tourism Committee and its disbandment.</p>
<b>Ordinary Meeting Agenda Topic Discussion: 18 December 2019</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Ordinary Meeting of Council 18 December 2019.</p>
<b>Capital Works Program and Service Standards</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown, Christian Zahra</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered the Capital Works Program.</p>
<b>Wednesday 15 January 2020</b>	
<b>Draft 2020-2021 Annual Budget</b>	<p><b>Administrators Attending:</b> Julie Eisenbise, Rick Brown</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Considered:</b> The Administrators considered Draft 2020-2021 Budget and Capital Works Program.</p>

Meeting Title	Details
<b>Wednesday 22 January 2020</b>	
<b>Draft 2020-2021 Annual Budget</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered Draft 2020-2021 Budget and Capital Works Program.
<b>Early Years Infrastructure Review</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered Draft 2020-2021 Budget and Capital Works Program.
<b>Proposed Special Meeting Agenda Topic Discussion 5 February 2020</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> The Administrators considered and asked questions relating to Agenda items for the Special Meeting 5 February 2020.
<b>Executive Update</b>	<b>Administrators Attending:</b> Julie Eisenbise, Christian Zahra <b>Conflict of Interest:</b> Nil disclosed <b>Matters Considered:</b> <ul style="list-style-type: none"> <li>• Prom Country Regional Tourism (PCRT)</li> <li>• Domestic Animal Licenses</li> <li>• Planning Department matter</li> </ul>

## REFERENCE DOCUMENTS

### Council Policy

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

Public Participation in Meetings with Council Policy (C65)

### Legislative Provisions

Local Government Act 1989

Local Government (South Gippsland Shire Council) Act 2019

### **8.3. DOCUMENTS SEALED, AWARDED OR EXTENDED BY CEO - 16 NOVEMBER 2019 TO 15 JANUARY 2020**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report documents the following actions undertaken by the Acting Chief Executive Officer (CEO) which occurred during the period from 16 November 2019 to 15 January 2020. Council's adopted Procurement Policy and Instrument of Delegation to the Chief Executive Officer (CEO) requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- 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.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

**THAT COUNCIL RECEIVES AND NOTES THIS REPORT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## 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, clause 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 16 November 2019 to 15 January 2020.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 71 McIndoe Avenue Venus Bay in relation to developing the land with dwelling: Seal applied 20 November 2019.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 104 Inlet View Road Venus Bay in relation to developing the land with dwelling: Seal applied 22 November 2019.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 1 Link Road Venus Bay in relation to developing the land with dwelling and vegetation removal: Seal applied 22 November 2019.
4. Section 173 Agreement between South Gippsland Shire Council and the owner of 6 Merkani Avenue Venus Bay in relation to developing the land with dwelling and vegetation removal: Seal applied 24 December 2019.
5. Section 173 Agreement between South Gippsland Shire Council and the owner of 540 Port Franklin Road Port Franklin in relation to the subdivision of the land into two lots and amending current condition on permit. Seal applied 8 January 2020.
6. Instrument of Appointment and Authorisation to three Officers appointed under s.147(4) of the Planning and Environment Act 1987 – Seal applied 18 December 2019.
7. CON/236 for Provision of Bituminous Surfacing and Associated Services. Seal applied 22 November 2019.

8. CON/235 for the Leongatha and District Netball Association Courts Redevelopment. Seal applied 10 December 2019.
9. CON/231 for redevelopment of Mirboo North Swimming Pool. Seal applied 20 December 2019.

### **Contracts Awarded, Varied or Extended**

1. Contracts awarded after a public tender process within the CEO's delegation between 16 November 2019 to 15 January 2020:

Nil

1. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 16 November 2019 and 15 January 2020:

Nil

2. Contract variations approved by the CEO between 16 November 2019 and 15 January 2020:

Nil

3. Contract extensions approved by the CEO between 16 November 2019 and 15 January 2020:

Nil

### **STAFF DISCLOSURE**

Nil

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

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

Procurement Policy (C32)

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

#### **Legislative Provisions**

Local Government Act 1989, ss.5 and 186



#### **8.4. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

This report recommends that Council adopts the Instruments of Appointment and Authorisation (Instruments) under the *Planning and Environment Act 1987* (the Act) to new employees who have been appointed to positions within the Planning Department.

##### **RECOMMENDATION**

That Council:

1. Resolves that, in the exercise of the powers conferred by s.224 of the *Local Government Act 1989* and the other legislation referred to in the attached Instruments of Appointment and Authorisation (Instruments of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987 (Attachments [8.4.1], [8.4.2], [8.4.3]):
  - a. The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instrument;
  - b. The Instruments of Appointment and Authorisation come into force immediately when the common seal of Council is affixed to the instruments and remain in force until Council determines to vary it or it is revoked in accordance with Item 2 below; and
  - c. The Instruments of Appointment and Authorisation be sealed.

**MOVED:** Administrator Zahra  
**SECONDED:** Administrator Brown

**THAT COUNCIL:**

- 1. RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.224 OF THE *LOCAL GOVERNMENT ACT 1989* AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENTS OF APPOINTMENT AND AUTHORISATION (INSTRUMENTS OF APPOINTMENT AND AUTHORISATION) COUNCIL TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987 (ATTACHMENTS [8.4.1], [8.4.2], [8.4.3]):**
  - a. THE MEMBERS OF COUNCIL STAFF REFERRED TO IN THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE APPOINTED AND AUTHORISED AS SET OUT IN THE INSTRUMENT;**
  - b. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION COME INTO FORCE IMMEDIATELY WHEN THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENTS AND REMAIN IN FORCE UNTIL COUNCIL DETERMINES TO VARY IT OR IT IS REVOKED IN ACCORDANCE WITH ITEM 2 BELOW; AND**
  - c. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE SEALED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel. The employees identified in the attached Instruments have recently been recruited to positions within the Planning Department. These appointments fill existing vacancies.

## **RISKS**

Failure to adopt or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

*Attachments are available on Council's website:*

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

1. S11 A - Instrument of Appointment and Authorisation P& E Act - Eleni Courvisanos - 26 February 202 [8.4.1 - 1 page]
2. S11 A - Instrument of Appointment and Authorisation P& E Act Allisha Woodman - 26 February 2020 [8.4.2 - 1 page]
3. S11 A - Instrument of Appointment and Authorisation P& E Act Lana Flower - 26 February 2020 [8.4.3 - 1 page]

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

Planning and Environment Act 1987

## **9. ADMINISTRATOR REPORTS**

### **9.2. ADMINISTRATORS UPDATES**

Administrator Deputy Chair, Christian Zahra addressed Council by informing that he officially opened the annual Mirboo North Italian Festa. Administrator Zahra shared some of the highlights of this outstanding event, including:

- That the event was well attended by thousands and thousands of people.
- Wonderful community event celebrated by friends and families.
- The wonderful care and attention of street decorations by local traders that celebrated Italian culture.
- Recently awarded 'Event of Year' from the South Gippsland Shire Council.

Administrator Zahra extended thanks and congratulations on the outstanding work of the community and in particular the Mirboo North Italian Festa committee members including: Ms Rosie Romano, Ms Mary Smeriglio, Ms Paula Calafiore, Ms Nucia Tanguoso, Ms Lorella Calafiore and Ms Gina Carpinteri.

---

Administrator Chair, Julie Eisenbise addressed Council by providing a brief summary of meetings attended including:

- Loch Cluster Meeting,
- Leongatha Basketball Association meeting,
- Minister visits to 3 year old Kinder Centres in Leongatha and Korumburra,
- Rotary meeting in Foster,
- Gippsland Local Government Network (GLGN) meeting,
- Emergency Services meeting,
- Council Public Presentation sessions, the *Over 60's Cricket Club* initiatives and the *Toora Community Action Team* community plan presentation.

Administrator Eisenbise extended thanks and congratulations to the Acting Chief Executive Officer (CEO), Mr Bryan Sword for his outstanding work over the difficult time when Council came under Administration. This is Mr Sword's last Ordinary Council Meeting in the role of Acting CEO.

### **9.1. REQUESTS FOR LEAVE OF ABSENCE**

**MOVED:** Administrator Brown  
**SECONDED:** Administrator Eisenbise

**THAT LEAVE OF ABSENCE BE GRANTED FOR ADMINISTRATOR RICK BROWN FOR ORDINARY MEETING 25 MARCH 2020.**

**CARRIED UNANIMOUSLY**

### **9.3. COMMITTEE UPDATES**

**Nil**

## **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 Administrators 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 Administrator 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 Administrator....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 Administrators 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.

## **10.1. URGENT BUSINESS - PROM COUNTRY REGIONAL TOURISM**

### **RECOMMENDATION**

That Council:

1. Notes that the Prom Country Regional Tourism (PCRT) Executive Committee flagged its intention to cease to operate;
2. Notes that Council resolved at the Council Meeting on 18 December 2019 to receive a report at the 26 February Council Meeting 2020 which provides an update on PCRT;
3. Notes that the resolution of 18 December 2019 required Council officers to consult with Consumer Affairs Victoria and obtain independent advice;
4. Notes that Council officers have consulted with Consumer Affairs Victoria and obtained legal advice; and
5. Defers consideration of a further report on PCRT until these matters are concluded.

**MOVED:** Administrator Zahra

**SECONDED:** Administrator Brown

### **THAT COUNCIL:**

1. **NOTES THAT THE PROM COUNTRY REGIONAL TOURISM (PCRT) EXECUTIVE COMMITTEE FLAGGED ITS INTENTION TO CEASE TO OPERATE;**
2. **NOTES THAT COUNCIL RESOLVED AT THE COUNCIL MEETING ON 18 DECEMBER 2019 TO RECEIVE A REPORT AT THE 26 FEBRUARY COUNCIL MEETING 2020 WHICH PROVIDES AN UPDATE ON PCRT;**
3. **NOTES THAT THE RESOLUTION OF 18 DECEMBER 2019 REQUIRED COUNCIL OFFICERS TO CONSULT WITH CONSUMER AFFAIRS VICTORIA AND OBTAIN INDEPENDENT ADVICE;**
4. **NOTES THAT COUNCIL OFFICERS HAVE CONSULTED WITH CONSUMER AFFAIRS VICTORIA AND OBTAINED LEGAL ADVICE; AND**
5. **DEFERS CONSIDERATION OF A FURTHER REPORT ON PCRT UNTIL THESE MATTERS ARE CONCLUDED.**

**CARRIED UNANIMOUSLY**

## **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 an Administrator. 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 an Administrator at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, an Administrator would accept the petition and introduce it to Council for formal noting and actioning by Council.

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

**Nil**

## 11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at the former Ordinary Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Mr Ralph Gallagher submitted questions at the Ordinary Council Meeting 18 December 2019. The questions were taken on notice and responses are now provided.**

### Question 1

**The new “public questions” rubric is restrictive rather than encouraging; what are the reasons for the inherent prohibitions and the urgency that requires such an out of the blue response?**

### Response

The decision to review Council policies is in response to the recommendations of the 'Report of the Commission of Inquiry into South Gippsland Shire Council 2019'. Included in the recommendations was:

- i. *Review and implement improved Council policies and procedures with a focus on Councillor Induction and training, Councillor Code of Conduct; and Meeting Procedures.*

Further detail about the changes to the policy is provided within the report considered at the December Ordinary Council Meeting. The revised policy still provides for community members to submit three questions up to and during the Ordinary Council Meeting.

### Question 2

**The statement of capital works reports a number of postponements, particularly those referred to in Items 1, 2 and 4 of the Notes on Page 6; what are the delay(s) in each case and what are the Shared Services arrangements in place?**

### Response

Items 1(Long Jetty Caravan Park Capital) and 2 (Yanakie Caravan Park Capital) are considered to be non-essential and not required for compliance reasons. These works have been deferred due to Council resolving to receive a report by May 2020 that considers its role in the direct management of Caravan Park operations.

With respect to Item 4 (Splash Hydrotherapy Pool and Gymnasium, Leongatha), the capital allocation is for design of the spectator area (seating) along the southern wall adjacent to the main pool. Construction is scheduled for 2021/22. To ensure



costings are accurate, the design work has been rescheduled to be completed in 2020/21.

The Shared Services project has received a grant from the State Government to develop the business case for this project. This is currently under development in conjunction with the Wellington, Bass Coast and East Gippsland Shires. The business case is focusing on back of office services. The business case is due to be presented to Local Government Victoria by the end of March 2020.

---

**Ms Cheryl Denman submitted questions at the Ordinary Council Meeting 18 December 2019. The questions were taken on notice and responses are now provided.**

**Question 1**

**Can council confirm that the reason PCRT did not “complete these tasks” for its members was solely due to the fact that the person in the Executive Role in charge of such tasks refused to hand over access codes for the website and other information with which to perform this role, and that this person is an employee of Council?**

**Question 2**

**Is PCRT a committee of Council or independent and what is Council’s relationship with PCRT and why is it stepping in to take over work the PCRT did when PCRT is an independent organisation not a Council Committee?**

**Responses to 1 & 2**

Prom Country Regional Tourism (PCRT) is not a Committee of Council, it is an Incorporated Body. Council completed tasks on behalf of PCRT due to its intention to cease operations and the subsequent resignation of the committee.

Council completed these tasks, such as printing guides and brochures to support the local tourism industry which is an important contributor to the South Gippsland economy.

### 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 9.00am on the Monday morning preceding the Ordinary Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Ordinary Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' during an Ordinary Council Meeting on the prescribed form. These questions will be taken on notice, included in the Minutes and responses provided at the next Ordinary Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Ordinary Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised.

Answers to questions from a member of the community who is present in the gallery will be read out at the Council Ordinary Meeting by the CEO or Mayor.

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 18 December 2019.*

**Mr Lloyd McKenzie submitted a written question and response has been provided in these Minutes.**

**Question 1**

**Please advise if the Council is currently working on or will consider any major spending on redevelopment of the Council offices and library building, or may look to include any such spending in Council forward budgets.**

**Response**

Yes, Council has identified the construction of a Leongatha Hub as a priority project for development. This was first adopted as a priority project at the 27 June 2018 Council Meeting. As a project for development it is in its preliminary planning stage. This project will include a new library facility. Council is investigating what other civic and/or community services should be included within the Leongatha Hub development.

---

**Mr Steve Finlay submitted written questions and response has been provided in these Minutes.**

**Question 1**

**How much money is currently allocated to Recreational Areas in the budget each year?**

**Response**

In 2019/20 annual budget, a total of \$315,000 is allocated to recreation reserve and rail trail maintenance and a further \$950,000 is allocated to the operation of swimming pools.

The amount of funding allocated in the Capital Works Program to recreation assets varies each year based on the lifecycle of each asset and the requirements for maintenance and/or renewal. Funding allocations will also vary depending on the number of projects that are successful in securing external grant funding. Over the past 10 years approximately \$10m has been invested in recreation infrastructure via the Capital Works Program.

**Question 2**

**Is the \$30 million included in this year's budget document, approved in July 2019, rather excessive especially when one considers that such strategy [Recreation Strategy] does not yet exist?**

**Response**

The Long Term Financial Plan (LTFP) identifies \$30M of expenditure in the Capital Works Program on recreation assets over an 11 year period from 2023/24. The LTFP provides forward estimates only.

This allocation aims to provide the financial capacity to implement a planned program for the renewal, replacement, and upgrade of important community recreation infrastructure

**Mr Gus Blaauw submitted written questions and responses has been provided in these Minutes.**

**Question 1**

**Can Council confirm that the Administrators approved in the 2019/20 budget (July 2019) an increase in the total spend in the 15 year capital works budget for the years 2019/20 to 2032/33 from \$292 Million to \$340 Million, an increase of \$48 Million?**

**Response**

The 15 year capital works budget that you refer to is Council's Long Term Financial Plan (LTFP). The LTFP is a forecast of future income and expenses. The LTFP does not commit Council to expenditure. Each year a new annual budget is adopted.

Yes the 15 year LTFP showed an increase in capital expenditure for the years 2019/20 to 2032/33 from \$292 Million to \$340 Million, an increase of \$48 Million. This included \$9.8M of carry forward capital works from 2018/19. The July 2019 LTFP was largely consistent with the draft 2019/20 annual budget papers exhibited by the previous Council.

**Question 2**

**Can Council confirm the Administrators approved in the 2019/20 budget (July 2019) C93120 Great Southern Rail Trail 2018/19 Actual \$162,585 and the Plans 2019/20 \$1,925,000, 2020/21 \$2,925,000, 2022/23 \$3,000,000?**

**Response**

Yes, the annual budget and LTFP included those expense items. The budget adopted by Administrators in July 2019 was consistent with the draft 2019/20 annual budget which was placed on public exhibition by the previous Council in March 2019.

As detailed in the previous response expenditure which is identified in future years, beyond the adopted annual budget, are forecasts.

**Question 3**

**Can Council detail Item C73680 Recreational Capital / Pending Recreational Strategy Development, in the 2019/20 budget (July 2019) The \$30,000,000 from 2023/24 to 2033/34?**

**Response**

The response to this question was also provided in a response to questions from Mr Steve Findlay above.

**Mr Lindsay Love submitted written questions and responses has been provided in these Minutes.**

**Question 1**

**New wording in Local Law Policy for asking questions at Council is discriminating against various people in the Shire as it states that questions “must” be submitted on the electronic format. This wording excludes older people who may not have ready access or skills to use a computer or others who may not have the economic means to own a computer. This process would appear to be in conflict with the Local Government Act as per CI 3D as below:-**

**And CI 3E This last clause means that Council needs to support the wider law including that of the Human Rights and Equal Opportunity Charter. We would argue that the inclusion of the word “must” into the Local law and instructions on submitting questions to Council is a breach of these requirements.**

**On that basis, will Council remove the word “must” from the instructions on submitting questions to Council?**

**Response**

The *Public Participation in Meetings with Council Policy C65* provides an overview of the ways in which the community can interact with Council at its Meetings. In particular reference is made at clause 4.2(3) – Public Questions in Council Meetings that ‘persons without access to a computer can contact Council Business Unit in advance if they wish to submit a hardcopy form’. Questions are also able to be submitted during the Council Ordinary Meeting.

**Question 2**

**On the basis that Council has thrice affirmed that the Bald Hills Wind Farm has caused a noise nuisance, has Council instructed their legal team for the June Supreme Court Case, to mount a vigorous and robust defence of the Council decisions?**

**Response**

As this is a matter before the courts it would be inappropriate and be potentially prejudicial to make public comment about this matter. Council will provide a public update at the appropriate time.

**Question 3**

**What protocols exist for ensuring that the CEO conveys details of all legal correspondence to Councillors?**

**Response**

Councillors and/or Administrators are briefed weekly and at other times as required on matters that need to be brought to their attention.

## **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. One (1) PROPOSED DEVELOPMENT pursuant to section 89(2)(e) PROPOSED DEVELOPMENTS; and
2. Two (2) CONTRACTUAL MATTERS pursuant to section 89(2)(d) CONTRACTUAL MATTERS of the Local Government Act 1989.

**MOVED:** Administrator Brown

**SECONDED:** Administrator Zahra

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

1. **ONE (1) PROPOSED DEVELOPMENT PURSUANT TO SECTION 89(2)(E) PROPOSED DEVELOPMENTS; AND**
2. **TWO (2) CONTRACTUAL MATTERS PURSUANT TO SECTION 89(2)(D) CONTRACTUAL MATTERS OF THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

**The Administrator Chair requested that the Council Chambers be cleared for consideration of the Confidential Closed Session of the Ordinary Council Meeting.**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 25 March 2020 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting closed at 2.42pm.**

**Confirmed this**

**25<sup>th</sup> day of March 2020.**

---

**Administrator Chair, Julie Eisenbise**