

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

27 March 2019

**Ordinary Meeting No. 432**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**



# 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.***

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**PRESENT**

COUNCILLORS:	<p>Cr Don Hill, Mayor                  Cr Alyson Skinner, Deputy Mayor                  Cr Lorraine Brunt                  Cr Ray Argento                  Cr Rosemary Cousin                  Cr Andrew McEwen                  Cr Jeremy Rich                  Cr James Fawcett</p>
COUNCILLORS NOT PRESENT:	<p>Cr Aaron Brown with leave of absence granted at Ordinary Council Meeting 27 February 2019.</p>
OFFICERS:	<p>Tim Tamlin, Chief Executive Officer                  Faith Page, Director Corporate and Community Services                  Anthony Seabrook, Director Infrastructure Services                  Bryan Sword, Director Development Services                  Rick Rutjens, Manager Executive Support and Community Information                  June Ernst, Coordinator Council Business                  Jodi Cumming, Corporate and Council Business Officer</p>

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Ordinary Meeting No. 432  
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**Tim Tamlin**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

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

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

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

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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

**MOVED:** Cr McEwen

**SECONDED:** Cr Skinner

**THAT STANDING ORDERS BE SUSPENDED IN ORDER FOR THE MAYOR TO MAKE A STATEMENT ON BEHALF OF COUNCIL TO CONVEY CONDOLSCENCES AND SYMPATHY TO THE FAMILIES AND COMMUNITY AFFECTED BY THE TRAGEDY IN CHRISTCHURCH. THE MAYOR WILL WRITE TO THE MAYOR OF CHRISTCHURCH CITY OF COUNCIL TO EXTEND THESE CONDOLENCES.**

**CARRIED UNANIMOUSLY**

**MOVED:** Cr McEwen

**SECONDED:** Cr Skinner

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

#### **1.5. APOLOGIES**

**Cr Aaron Brown with leave of absence granted at Ordinary Council Meeting 27 February 2019.**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 431, held on 27 February 2019 in the Council Chambers, Leongatha be confirmed.

**Cr Brunt moved the Motion with a change.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Fawcett

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

- 1. SPECIAL MEETING OF COUNCIL, HELD ON 20 MARCH 2019 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED; AND**
- 2. ORDINARY MEETING NO. 431, HELD ON 27 FEBRUARY 2019 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED.**

**CARRIED UNANIMOUSLY**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

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

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

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

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

**Councillor Fawcett declared an indirect interest – Close Association and Indirect Financial Interest in Agenda Closed ITEM 14.1 LEGAL ADVICE as matters relate to clients of his firm.**

## 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. NIL**

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

#### **3.1. DRAFT STRATEGY: SOUTH GIPPSLAND ROAD SAFETY STRATEGY 2019 - 2023**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

Road safety is crucial to the economic and social fabric of this Shire. Many Council departments and teams work to ensure that our roads and associated infrastructure are constructed and maintained in line with appropriate guidelines, and to the best standards that Council's budget allows. In addition to this infrastructure work, Council actively encourages safe use of roads in our Shire through:

- Road safety awareness projects;
- L2P program; and
- Event management processes.

However, South Gippsland Shire Council does not have an endorsed Road Safety Strategy. Council developed a draft Strategy in 2008 but this was not formally endorsed.

In 2017 Council received a grant of \$25,000 from the Transport Accident Commission (TAC) to develop a Road Safety Strategy for the period 2019-2023.

##### **RECOMMENDATION**

That Council adopts the Draft South Gippsland Shire Council Road Safety Strategy 2019-2023 (the Strategy) (Attachment [3.1.1]).

**MOVED:** Cr Skinner

**SECONDED:** Cr McEwen

**THAT COUNCIL ADOPTS THE DRAFT SOUTH GIPPSLAND SHIRE COUNCIL ROAD SAFETY STRATEGY 2019-2023 (REFER ATTACHMENT [3.1.1]).**

**CARRIED UNANIMOUSLY**

[Link to Next Agenda Item.](#)

## REPORT

The long term vision of South Gippsland Shire Council is to achieve the Towards Zero target of zero deaths and serious injury crashes on our roads. To do this we recognise that we need to do more than just carry out traditional road safety engineering activities. The Strategy recommends that Council:

1. Embrace the Safe System approach, act as an exemplar and encourage others to do the same. This includes actions to:
  - a. Make the roads, paths, tracks and other transport infrastructure a safe as possible;
  - b. Encourage people to travel at safe speeds;
  - c. Encourage safe travel behaviour to minimise the risk to one's self and to others; and
  - d. Promote the use of vehicles that are safer for drivers, passengers and other people.
2. Support Active Transport such as walking and cycling, recognising how important this is for a healthy sustainable community and that pedestrians and cyclists are particularly vulnerable.
3. Engage with road safety partners, so that together we can achieve more than if we act in isolation.
4. Engage with the community so that the community can influence and contribute to road safety initiatives and use our transport system in a manner that is safer for everybody.

### ***Key Elements of the proposed the Strategy Actions***

Council will:

1. Embrace the Safe System approach, act as an exemplar and encourage others to do the same. This means that we will integrate the Safe System principles into our way of working, including the way that we plan, design, deliver, maintain and operate our road network. We will also build the Safe System capabilities of our staff, including following best safety practices when driving for work.
2. Address the most severe risk locations and risk factors on our roads. Road safety risks on Council-managed roads will be investigated through regular planned inspections, through inspections prompted by community feedback and in response to crashes and crash history.

3. Promote the use of safe vehicles. Modern vehicles with best in class safety features are much safer for drivers, passengers and other people. Council will continue to operate a fleet of vehicles with a 5 star ANCAP rating and will continue to promote such vehicles through road safety programs such as L2P. Other programs will also encourage the safe operation of vehicles, such as the Heavy Vehicle Rollover Program.
4. Encourage people to travel at safe speeds. Working with VicRoads we will continue to support the development of speed management policies that are effective at reducing risks and are consistent across the Shire. We will work with the Police and the community to address locations where speeding is perceived to be an issue and support initiatives that improve compliance with speed limits.
5. Engage with the community to encourage and support safer behaviours. There will be an emphasis on communicating with young drivers and older drivers to help build and maintain their competence and confidence on the roads. Opportunities will be identified and exploited to raise awareness and encourage appropriate behaviours relating to driver distraction and sharing the road with other vehicles, particularly large vehicles and cyclists. Opportunities will be explored to help raise the awareness of the hazards created by wildlife on our rural roads.

Engagement will be two-way, and the community will be able to contribute their ideas and views through various forums and communication channels such as the Council website and community forums.

6. Reduce risks for Active Transport users, recognising how important this is for a healthy sustainable community and that pedestrians and cyclists are particularly vulnerable. This will be achieved through developing a Walkability Strategy, work with schools to support and promote walking and cycling and ensure that pedestrian and cyclist safety is considered in all future planning programs.
7. Engage with road safety partners to deliver the best possible safety solutions on both our local roads and arterial roads and freeways. Safety is a network wide and multi-faceted issue and, in keeping with the Safe System principle of 'shared responsibility', it is critical that we work hand in hand with safety partners such as VicRoads and Victoria Police. Additionally, we will seek Federal and State Government funding where appropriate.

Following a Confidential Strategic Briefing 20 February 2019, Council had the opportunity to provide feedback Council on the Strategy (**Attachment [3.1.1]**)

which aims to support safer use of the local road network by all types of users.

This report recommends that Council adopt the Strategy.

## **CONSULTATION**

To understand the road safety issues in the South Gippsland Shire, Council looked at the engineering data collected for crashes that have occurred on our roads and sought feedback from the community to get the perspective of road users.

### **1. Road safety concerns highlighted by historical crash data trends**

By looking at crash data over the past five years, we can build a picture of the type of crashes that are happening, when and where they are happening, and the conditions at the time. This helps us to understand the factors involved in crashes and what actions might be taken to improve safety.

### **2. Feedback received by Road Users regarding road safety concerns**

When developing the Strategy, the Community Strengthening team sought feedback through many channels including: online public survey, community forums and consultation with many interest groups, social media and other regular communication channels. Council received over 400 surveys alone through the online public survey. This information supplements our engineering data and gives us an insight into road safety issues that matter to the community.

Council's Road Safety Partnership Committee contributed to the development of the Draft Strategy, which includes representatives from: Victoria Police, VicRoads, cycling clubs, heavy vehicle transport industry and emergency rescue arm of the CFA.

An internal working party was also established to ensure that the draft strategy was relevant to Council's needs and that initiatives are within Council's capacity to deliver. The working party included staff from Infrastructure Planning, Infrastructure Delivery, Communications and Community Strengthening.

### ***Key Findings***

Most respondents use the car as a primary mode of transport:

1. Fatal and serious injuries are declining;

2. Crash 'hotspots' are Leongatha, Mirboo North, Korumburra and Foster;
3. There is an issue of run-off road crashes on high speed roads;
4. Young adults are the most prominent demographic for Fatal and Severe Injury (FSI) crashes on our roads; and
5. All alcohol related crashes showed a decreasing trend.

## **RESOURCES**

This Strategy is designed to be implemented within current allocations. It is anticipated that Council will be able to access external grants from authorities such as VicRoads and the Transport Accident Commission to advance specific initiatives within the Strategy, and the Strategy specifically notes that some developments will be contingent on receipt of external funds.

## **RISKS**

This Strategy must be achievable and not raise community expectations of improvements to road systems that is beyond the reasonable capacity of Council. The Strategy also needs to ensure that the needs of all legitimate road users are considered. Council has undertaken broad consultation with the community, key road user groups and within Council with staff responsible for maintaining the local road system to ensure that the Strategy is achievable and practical.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Draft Road Safety Strategy - 2019 - 2023 March 2019 **[3.1.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Community Strengthening Strategy

**Legislative Provisions**

Gippsland Freight Strategy 2013

Operational Responsibilities for Public Roads Code of Practice 2004

Road Management (General) Regulations 2016

Road Management (Works and Infrastructure) Regulations 2015

Road Management Act 2004

Road Management Regulations 2005 (ss.301 and 304)

Road Safety (General) Regulations 2009

Road Safety (Traffic Management) Regulations 2009

Road Safety Act 1986

Road Safety Road Rules 2009

South East Australian Transport Strategy (SEATS) 2016

### **3.2. NEW POLICY: C73 PORT WELSHPOOL AND DISTRICT MARITIME MUSEUM AND COLLECTION POLICY**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This reports seeks to adopt the *Port Welshpool and District Maritime Museum and Collection Policy (C73)* (the Policy) (**Attachment [3.2.1]**) and seek funding of \$15,000 to assist Council and the Committee with initial management, recording and rationalisation of its existing Collection.

#### **RECOMMENDATION**

That Council:

1. Adopts the Draft C73 Port Welshpool and District Maritime Museum and Collection Policy 2019 (Attachment [3.2.1]) and
2. Allocates \$15,000 to assist Council and the Committee with initial management, recording and rationalisation of the existing Collection.

**Councillor Argento moved to Defer the Motion.**

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL AGENDA ITEM 3.2 NEW POLICY: C73 PORT WELSHPOOL AND DISTRICT MARITIME MUSEUM AND COLLECTION POLICY BE DEFERRED TO COUNCIL MEETING 29 MAY 2019 IN ORDER TO PROVIDE TIME TO REVIEW AND CLARIFY ADDITIONAL INFORMATION IN THE POLICY.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The current Port Welshpool and District Maritime Museum Committee (the Committee) has been collecting items for some decades based on the Committee's interpretation of its role and the role of the Museum, without the direction of a specific collection policy.

Staff provided a briefing to Councillors on 5 September 2018 and 6 March 2019 on the need for a formal Policy to guide the collection and retention of items for the Port Welshpool and District Maritime Museum. At the time of that briefing Council was investigating the viability of the building that houses the collection and which is integral to the collection.

The draft Policy has been further refined to incorporate feedback received from Councillors and changes recommended by Museums Victoria on collection practice.

Quotes have now been received indicating that the essential works for ongoing use, including repairing the flooring and eradication of termites, will be approximately \$45,000. Council has not made an allocation for this purpose. The works are not urgent but are essential within 18 months if the building is to be used for housing the collection into the future. It needs to be noted that the building is old and when works commence to repair the flooring further issues may be uncovered and the works on the floor may create other structural issues that require a further investment to rectify.

Council was also assisting the current Port Welshpool and District Maritime Museum Section 86 Special Committee to develop a Strategic Plan (the Plan) including a focus on natural and industrial maritime history. This Plan has been completed but indicates that Council will need to be involved in a range of support roles in order to enable the Museum to operate effectively over the longer term.

More work needs to be undertaken within Council and with the Museum Committee on how to implement the Plan and effectively manage the Collection over time. This work includes finalising the documentation and valuing of the current collection and assessing which items do not fit the Collection criteria. It is estimated that the cost to engage suitably qualified personnel to undertake this work in partnership with the current volunteer committee would be \$15,000.

Adoption of the Policy also provides direction to Council if it was deemed in the future to be no longer required by Council or an unreasonable burden on Council. The de-accessioning provisions provide clear guidance about disposal of individual items and for the whole collection if necessary.

## **CONSULTATION**

The Policy was developed by the Curatorial Officer at Coal Creek Community Park and Museum, with direct input from the Committee. The Policy was then provided to the Committee for further consideration in April 2018. This was followed by discussion with Community Strengthening staff at meetings in May and June 2018.

Further refinement has been undertaken in recent weeks by Council Officers in light of recent changes in advice from Museums Victoria and Aboriginal Affairs Victoria and museum collection practice. Council have briefed twice on the policy.

## **RESOURCES**

The management of the collection is currently the responsibility of the Port Welshpool and District Maritime Museum Committee. However, the Committee has identified that support from Council is required to manage the collection. Council does not currently have capacity to provide the specific assistance required. An allocation of up to \$15,000 in the 2018/19 to engage suitably qualified personnel for 150 hours (with works to be completed by the end of 30 June 2019). This is to assess and provide direction on the collection and is deemed necessary. This allocation of \$15,000 is currently unfunded. Community Strengthening and Finance teams will liaise to consider what options are available to fund this activity.

An associated but separate resourcing matter exists with the building currently housing the collection needing structural repairs of initially \$45,000. Staff note that often old buildings of the nature of the current Museum building require significantly more investment than is apparent when any works are undertaken. A further briefing will be provided to Council later in this year when a more detailed assessment of possible consequences of the initial repairs has been undertaken.

Some external grant funds might be available but it is difficult to obtain such funds for repairs and maintenance unless this can be packaged with works that will improve or extend the service.

## **RISKS**

The Museum Committee may not be able to effectively manage the recording and management of the items currently held, including de-accessioning of items not deemed relevant after adoption of this Policy. Council may need to provide extra resources to assist the Committee with these processes.

The current Committee may object to the final version of this Policy as it tightens the criteria of the Collection to align more closely with the Maritime collection theme. It is possible that some members of the committee may

resign due to this issue as some wish the collection to be more broadly focused on general community history.

Council may decide that the repairs to the building are not a reasonable investment and as a result the collection would need to be relocated to other Council managed premises or disposed of in accordance with the draft Policy.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

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

1. C73 Port Welshpool and District Maritime Museum Collection Policy - 2019 draft [3.2.1]

#### **REFERENCE DOCUMENTS**

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

##### **Council Policy**

*Arts and Culture Policy*

*Arts and Artefacts Collection Policy*

*Coal Creek Community Park and Museum Collection Policy*

*South Gippsland Arts, Culture and Creative Industry Strategy*

##### **Legislative Provisions**

Aboriginal Heritage Act 2006

Historic Shipwrecks Act 1976

Local Government Act 1989

Museum Act 1983

Public Records Act 1973

Commonwealth Copyright Act 1976

Victorian Information Privacy Act 2000

Code of Ethics for Museums (ICOM 2006)

Crown Land (Reserves) Act 1978

Heritage Act 1995

Code of Ethics for Art, History and Science Museums (MA 1999)

Firearms and Victorian Museums (MAVIC)

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

### **4.1. GREAT SOUTHERN RAIL TRAIL - ONGOING COMMITTEE OF MANAGEMENT ARRANGEMENTS**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

Council received correspondence from the Department of Environment Land Water and Planning (DELWP) on the 6 December 2018 (**Attachment [4.1.1]**) formally requesting Council to be appointed as the Committee of Management (CoM) for the existing Great Southern Rail Trail (GSRT) and proposed extension.

In response to DELWP's request, the financial impacts and maintenance costs of taking on these responsibilities for the section currently in use between Leongatha and Welshpool, the proposed future section between Welshpool and Hedley, and the VicTrack corridor from Leongatha to the Shire border west of Nyora are also included for discussion (**Attachment [4.1.2]**).

#### **RECOMMENDATION**

That Council:

1. Advises Department of Environment Land Water and Planning that Council accepts the request to become the Committee of Management of the Great Southern Rail Trail from Leongatha to Welshpool once the term of the current Committee of Management expires;
2. Advises Department of Environment Land Water and Planning that Council accepts the request to become the Committee of Management of the Great Southern Rail Trail from Welshpool to Hedley (Shire boundary) should the extension be developed;
3. Continues to work with Wellington Shire Council to formalise an appropriate management model for the Great Southern Rail Trail in consultation with Department of Environment Land Water and Planning; and
4. **Adjusts Council's Long Term Financial Plan as part of the 2019/20 Annual Budget to include the maintenance costs for the full length of the Great Southern Rail Trail from Hedley to the Shire border west of Nyora as detailed in Attachment [4.1.2].**

**Councillor Argento moved the Motion with a change.**

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. ADVISES DEPARTMENT OF ENVIRONMENT LAND WATER AND PLANNING THAT COUNCIL ACCEPTS THE REQUEST TO BECOME THE COMMITTEE OF MANAGEMENT OF THE GREAT SOUTHERN RAIL TRAIL FROM LEONGATHA TO WELSHPOOL ONCE THE TERM OF THE CURRENT COMMITTEE OF MANAGEMENT EXPIRES OR EARLIER IF NEGOTIATED WITH THE CURRENT COMMITTEE OF MANAGEMENT;**
- 2. ADVISES DEPARTMENT OF ENVIRONMENT LAND WATER AND PLANNING THAT COUNCIL ACCEPTS THE REQUEST TO BECOME THE COMMITTEE OF MANAGEMENT OF THE GREAT SOUTHERN RAIL TRAIL FROM WELSHPOOL TO HEDLEY (SHIRE BOUNDARY) SHOULD THE EXTENSION BE DEVELOPED;**
- 3. CONTINUES TO WORK WITH WELLINGTON SHIRE COUNCIL TO FORMALISE AN APPROPRIATE MANAGEMENT MODEL FOR THE GREAT SOUTHERN RAIL TRAIL IN CONSULTATION WITH DEPARTMENT OF ENVIRONMENT LAND WATER AND PLANNING; AND**
- 4. ADJUSTS COUNCIL'S LONG TERM FINANCIAL PLAN AS PART OF THE 2019/20 ANNUAL BUDGET TO INCLUDE THE MAINTENANCE COSTS FOR THE FULL LENGTH OF THE GREAT SOUTHERN RAIL TRAIL FROM HEDLEY TO THE SHIRE BORDER WEST OF NYORA AS DETAILED IN ATTACHMENT [4.1.2].**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

### **Great Southern Rail Trail (GSRT) Extension Project**

At the Ordinary Meeting of Council 27 June 2018, Council endorsed the extension of the Great Southern Rail Trail (GSRT) as a Priority Project acknowledging that the GSRT has the potential to become an iconic tourism and community asset by being the longest rail trail in Australia (168 km) should it be fully developed from Yarram to Clyde and generate significant direct and indirect economic benefits to the region.

The GSRT extension project comprises three sections being:

- Welshpool to Alberton link
- Leongatha to Korumburra
- Korumburra to the Shire border west of Nyora

Each section is at various stages of development with funding currently being sought for the Welshpool to Alberton link (see below for details).

The Leongatha to Korumburra and Korumburra to west of Nyora sections are currently being developed with consultants recently engaged for the development of the Cost Benefit Analysis and Economic Impact Study, which are required in order to seek external funding. The Infrastructure Assessment will be managed in-house by the Council's Infrastructure Delivery department.

Council is also in the final stages of entering into a lease with VicTrack for the rail corridor. This will mean that Council will be responsible for the maintenance of the entire VicTrack section of rail corridor from Leongatha to the Shire boundary west of Nyora.

Once adequate planning has been undertaken and the securing of the lease has been finalised, Council will actively seek external funding as opportunities arise for the Leongatha to Korumburra section. Future funding will be also sought for Korumburra to Nyora and eventually to Clyde in consultation with Cardinia Shire Council and the City of Casey.

### **GSRT CoM**

The current GSRT CoM was appointed by DELWP in September 2017 after the previous CoM resigned. The GSRT CoM has the responsibility for the protection, maintenance, and improvement of this asset with some financial assistance from Council. The GSRT CoM consists of a number of community volunteers.

The current budget for the maintenance of the GSRT comprises an annual allocation from Council (\$63,000 for 2018/19) plus revenue from land leases along the trail. DELWP also provides the GSRT CoM with a small budget for blackberry spraying. It is understood that the GSRT CoM receives income of approximately \$40,000 - \$45,000 per annum from leases along the trail.

DELWP approached Council in January 2017 in relation to the previous GSRT CoM's wishes for Council to take on all future and ongoing maintenance of the GSRT. The previous GSRT CoM advised that the scale of the GSRT and the ongoing management were beyond the capacity of a volunteer committee to manage. Council considered the recommendation but decided to allow DELWP to call for new nominations from the public to see if there was any interest from the community to form a new CoM. This led to the appointment of the current committee.

The current GSRT CoM is responsible for the developed rail trail between Leongatha and Welshpool. On 22 August 2018, Council endorsed its support for Wellington Shire Council's application for \$1M to the Latrobe Valley Community Facility Fund for the GSRT Extension – Welshpool to Alberton project and allocated \$631,000. Council also agreed to allocate an additional \$16,400 per annum towards the ongoing maintenance if and when the extension is completed. Wellington Shire Council has also submitted an application to the Australian Government's Building Better Regions Fund for the project. Both applications are currently pending.

The report to Council on 22 August 2018 noted that South Gippsland Shire Council and Wellington Shire Council, together with DELWP, would work with the current GSRT CoM to ensure that most appropriate arrangements are in place for the maintenance of the rail trail.

### **Considerations for Management and Maintenance of the GSRT**

#### **1. Leongatha to Hedley**

This corridor is Crown land temporarily reserved for public purposes (rail trail). The developed section of the GSRT between Leongatha and Welshpool is managed by a volunteer committee which was appointed by DELWP for a three-year term. This term expires on 24 September 2020.

The corridor for the proposed extension from Welshpool to Alberton is managed by DELWP. However, once the extension commences, a CoM will be appointed by DELWP.

As per the letter in **Attachment [4.1.1]**, DELWP is formally requesting Council to be appointed as the CoM for the Leongatha to Hedley section within the South Gippsland Shire as DELWP believes Council is best placed to manage

that section of the reserve and similarly Wellington Shire Council being the CoM for the section from Hedley to Yarram.

As the rail trail will potentially extend to Yarram, South Gippsland Shire Council (SGSC) is currently liaising with Wellington Shire Council (WSC) to develop the best management model.

If SGSC and WSC become the CoM for their respective sections, it would be sensible for SGSC to manage the maintenance of both sections with Wellington Shire Council providing funding on a pro-rata basis given the majority of the trail (75 km out of the approximately 100 km long trail) is located within the South Gippsland Shire. This approach would ensure that the overall trail is managed to a consistent standard. It also is proposed that the maintenance be outsourced under a contract managed by SGSC.

If Council agrees to become the CoM, it is considered that a significant increase in funding would be required to maintain the trail to a reasonable standard. Financial impacts for the management / maintenance of this section are included in **Attachment [4.1.2]**.

## **2. Leongatha to Shire Border West of Nyora**

Council is currently awaiting lease documentation for this section from VicTrack which will then be presented to Council for consideration.

Once this section is developed, significant funding and resources will also be required for ongoing maintenance of this section (**Attachment [4.1.2]**). Similar to the DELWP section, it is envisaged that maintenance of this section would be externally contracted and managed by SGSC.

As the trail extends into Cardinia Shire Council and the City of Casey, appropriate management / maintenance arrangements will be considered as the project progresses.

## **3. Summary**

In summary, additional funding will be required (on top of the already allocated \$65,500 for the Leongatha to Welshpool section) from 2019/20 for the management / maintenance of the already completed sections of the rail trail and as further sections are developed. The funds required includes the cost of staff resources, income received from adjoining leases/licenses, and ad hoc DELWP funding for weed management. A more detailed breakdown is provided in **Attachment [4.1.2]**.

## CONSULTATION

At the Strategic Briefing on 18 April 2017, the previous GSRT CoM requested Council consider taking over the management of the GSRT. The CoM stated it was likely to resign at the end of its term (being June 2017) and felt that the management of the GSRT was beyond the capacity of a group of volunteers.

The process of appointing a replacement committee was undertaken by DELWP, which resulted in a new committee of seven volunteers being formed.

With the proposed new extension from Welshpool to Alberton, the current CoM has informed both DELWP and Council that it no longer has the capacity to effectively manage the GSRT from Leongatha to Yarram.

As a result, DELWP presented a briefing to Council on 5 September 2018 recommending that Council give consideration to becoming the CoM.

The section of the GSRT from Leongatha to Yarram is Crown Land and spans two municipalities (SGSC and WSC). Given that funding is currently being jointly sought by both SGSC and WSC for the missing link between Welshpool and Alberton, discussions have been ongoing between SGSC and WSC officers to determine the most appropriate and cost effective arrangements for the ongoing management of the trail.

Correspondence was received from DELWP on 6 December 2018 formally requesting Council become the CoM for the GSRT (**Attachment [4.1.1]**).

The considerations in Council becoming the CoM of the GSRT were presented to Council at a Strategic Briefing on Wednesday 13 February 2019.

## RESOURCES

### 1. Leongatha to Hedley

Council currently contributes approximately \$65,000 per annum to the GSRT CoM to manage the section between Leongatha and Welshpool. Council has already approved an additional allocation of \$16,400 to the CoM once the extension from Welshpool to Alberton is completed. Funding from WSC has also been allocated towards the maintenance of the proposed new extension.

A report entitled "GSRT – Maintenance Service Level Manual, Rail Trail and Bridge Infrastructure" was commissioned in January 2012 by consultant engineer, Gary Harle. That report developed an estimate for the ongoing maintenance of the completed trail from Leongatha to Welshpool, which also took into consideration volunteer labour being provided by the committee. The estimates have been further refined and adjusted to accommodate the full length from Leongatha to Hedley.

The current estimate for the total maintenance of the rail trail from Leongatha to Hedley following the above input and taking into account income received from leases/licences and ad hoc DELWP funding is \$235,750 in 2020/21 with an increase of 2.5 per cent per annum thereafter – refer to **Attachment [4.1.2]**.

## **2. Leongatha to shire border west of Nyora**

Based on the input above, to maintain the GSRT from Leongatha to the west of Nyora to the Shire boundary has been estimated at approximately \$31,519 in 2021/22 and increased by 2.5 per cent per annum. This assumes that the first section to be developed will be Leongatha to Korumburra. The amount increases to \$113,140 in 2024/25 when it is assumed that the Korumburra to the Shire border west of Nyora section is completed. It should be noted that the figures for Leongatha to the Shire border do not take into account potential income revenue – refer to **Attachment [4.1.2]**.

An Infrastructure Assessment is about to be undertaken for this section to assist with determining the construction costs as well as an ongoing maintenance and management model. Once completed, the report will provide further clarification for ongoing funds required.

## **3. Entire GSRT from Hedley to Shire border west of Nyora**

The figures above for both sections do not take into account resources required to manage the GSRT, in particular a maintenance contract which would take in the WSC section of the rail trail. It is considered that a Band 6 staff member would be required commencing in January 2020 at 0.6 EFT for the first three years and then increasing to 1.0 EFT thereafter as the Leongatha to Nyora section opens up.

The estimate for the overall net increase in costs for the management and maintenance of the rail trail from Leongatha to Hedley is \$173,064 in 2020/21 with an increase of 2.5 per cent per annum thereafter. This overall net figure increases to \$350,549 in 2024/25 once sections from Leongatha to the Shire border west of Nyora are completed.

This figure takes into account the funds already allocated for the contribution to the current CoM for the maintenance between Leongatha and Welshpool and also rental income and DELWP weed management funding – refer to **Attachment [4.1.2]**.

## **4. Other Potential Options**

The figures provided in **Attachment [4.1.2]** do not take into account the potential income that could be sourced from the GSRT. Options could be explored once Council become the CoM. Any income generated would reduce the expenditure for the management of the GSRT.

## **RISKS**

There is a risk that should Council not become the CoM for the Leongatha to Welshpool section of the GSRT and the proposed section from Welshpool to Hedley, should the extension be developed, the standard of the GSRT will be jeopardised. This could adversely affect its economic benefit to the region.

There is also potential that future funding opportunities for the extension of the GSRT from Leongatha to Nyora (and beyond to Clyde) will be at risk if Council is unable to demonstrate its commitment to the effective management of the GSRT.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Correspondence from DELWP **[4.1.1]**
2. GSRT Future Management Arrangements - Inc / Exp Over 15 Years (Estimate) **[4.1.2]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

### **Legislative Provisions**

Local Government Act 1989

#### **4.2. BUDGET ALLOCATION - ACQUISITION OF FORMER GOVERNMENT ROAD - PART POUND ROAD, FOSTER**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

Following Council's resolution at its Ordinary Meeting of Council 27 April 2016, it is requested that Council approve the budget allocation of \$62,000 to acquire part of a former Government road reserve and allocate \$200,000 of income for the possible sale of Council's land at Pound Road, Foster once the former road reserve is consolidated into Council's title.

The sale of the land will be subject to the successful completion of the statutory process in accordance with ss.189 and 223 of the Local Government Act 1989.

##### **RECOMMENDATION**

That Council:

1. Allocates \$62,000 in the 2018/19 budget for the acquisition of TP965130Q being part former government road situated at Pound Road, Foster; and
2. Allocates \$200,000 income in the 2019/20 budget for the possible future sale of its consolidated land at Pound Road, Foster.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

##### **THAT COUNCIL:**

1. **ALLOCATES \$62,000 IN THE 2018/19 BUDGET FOR THE ACQUISITION OF TP965130Q BEING PART FORMER GOVERNMENT ROAD SITUATED AT POUND ROAD, FOSTER; AND**
2. **ALLOCATES \$200,000 INCOME IN THE 2019/20 BUDGET FOR THE POSSIBLE FUTURE SALE OF ITS CONSOLIDATED LAND AT POUND ROAD, FOSTER.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

As part of the Strategic Land Review in 2015, a parcel of Council owned land was identified as surplus on the corner of Pound Road and South Gippsland Highway, Foster. The land was surrounded by a very wide strip of unused Government road that abuts Pound Road, which is fenced into the Council land.

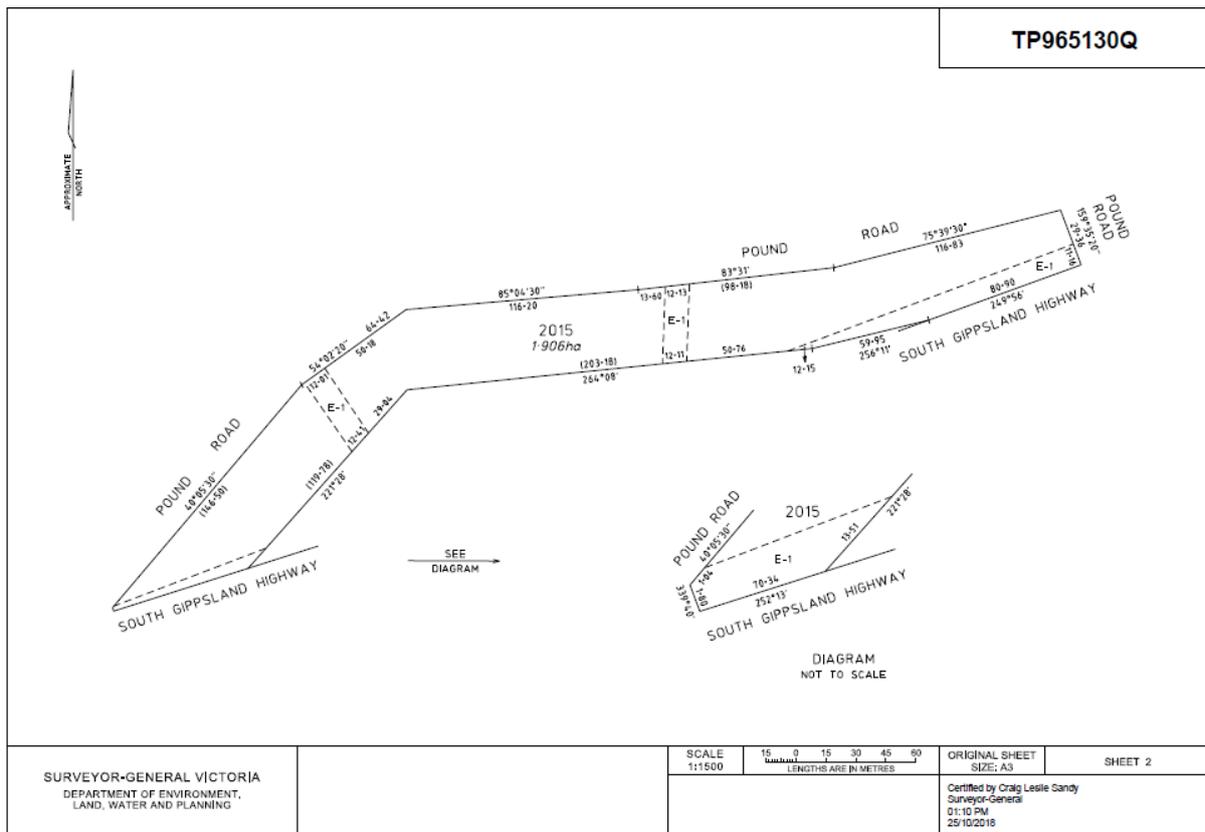
Council received a report at the Ordinary Meeting of Council 27 April 2016 to discontinue the Government road and commence negotiations with the Department of Environment Land Water and Planning (DELWP) to acquire the land from the road with a view to consolidate the land to Council's title, and possibly sell the entire fenced land approximately 3 hectares – refer to **Figure 1** and **Figure 2** below. Council resolved to proceed with this direction. A copy of the Council Minutes are included in **Attachment [4.2.1]**.

Since 2016, Council has discontinued the road and made an application for DELWP to commence the process for Council to acquire the land from the road. Officers have received documentation for the land from DELWP with the cost being \$61,323.07 that requires execution and a corresponding budget allocation.

Figure 1.



Figure 2.



The possible income for the sale of the site is approximately \$200,000 as assessed by Council’s Valuers. It is proposed the income could be realised in the 2019/20 Annual Budget subject to successfully completing the statutory process for the sale of Council land once the land from the road and Council’s currently owned land are consolidated.

The Planning Department has been consulted and a permit could be obtained for a dwelling.

**RESOURCES**

Council will need to increase the budget by the acquisition amount of \$62,000 this financial year but will have the possible income of \$200,000 in the 2019/20 financial year.

**STAFF DISCLOSURE**

Nil

**ATTACHMENTS**

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

1. Ordinary Council Minutes 27 April 2016 - Discontinuance of Part Pound Road Foster [4.2.1]

**REFERENCE DOCUMENTS**

**Council Policy**

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

Council Land Ownership Policy (C34)

**Legislative Provisions**

Local Government Act 1989

#### **4.3. ENDORSE NEW ROAD NAME - UNNAMED ROAD OFF FOSTER MT BEST ROAD, MOUNT BEST**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

Council is proposing to name an unnamed road off Foster Mt Best Road in Mount Best. The location and extent of the road proposed to be named is detailed in **Figure 1** of this report.

The Foster and District Historical Society and Mt Best Community Hall Association Inc. were consulted regarding a name and have proposed three names – "**Stagecoach**", "**Cobb and Co**" or "**Coach House**".

This naming will provide a unique name and rural road numbering for this section of road. Public safety is paramount. Roads need to be officially named and registered with the Office of Geographic Names to ensure emergency services can locate them.

Affected land owners were consulted via a poll to gauge the level of support for the proposed names with the majority in favour of "**Stagecoach**".

It is recommended Council considers the poll responses and determines the new road name as outlined in the recommendation.

##### **RECOMMENDATION**

That Council:

1. Considers the results of the poll noting that all votes returned were in favour of 'Stagecoach';
2. Determines the unnamed road traversing in a southerly direction for approximately 300 metres off Foster Mt Best Road, Mount Best be named as 'Stagecoach Track' and renumbers all affected properties accordingly;
3. Forwards the proposed new road name to Geographic Names Victoria for final consideration and approval; and
4. Subject to Geographic Names Victoria's approval of the proposed new name, places a notice in local newspapers and advises abutting land owners, local organisations, and local stakeholders of the new road name.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. CONSIDERS THE RESULTS OF THE POLL NOTING THAT ALL VOTES RETURNED WERE IN FAVOUR OF 'STAGECOACH';**
- 2. DETERMINES THE UNNAMED ROAD TRAVERSING IN A SOUTHERLY DIRECTION FOR APPROXIMATELY 300 METRES OFF FOSTER MT BEST ROAD, MOUNT BEST BE NAMED AS 'STAGECOACH TRACK' AND RENUMBERS ALL AFFECTED PROPERTIES ACCORDINGLY;**
- 3. FORWARDS THE PROPOSED NEW ROAD NAME TO GEOGRAPHIC NAMES VICTORIA FOR FINAL CONSIDERATION AND APPROVAL; AND**
- 4. SUBJECT TO GEOGRAPHIC NAMES VICTORIA'S APPROVAL OF THE PROPOSED NEW NAME, PLACES A NOTICE IN LOCAL NEWSPAPERS AND ADVISES ABUTTING LAND OWNERS, LOCAL ORGANISATIONS, AND LOCAL STAKEHOLDERS OF THE NEW ROAD NAME.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

### Background

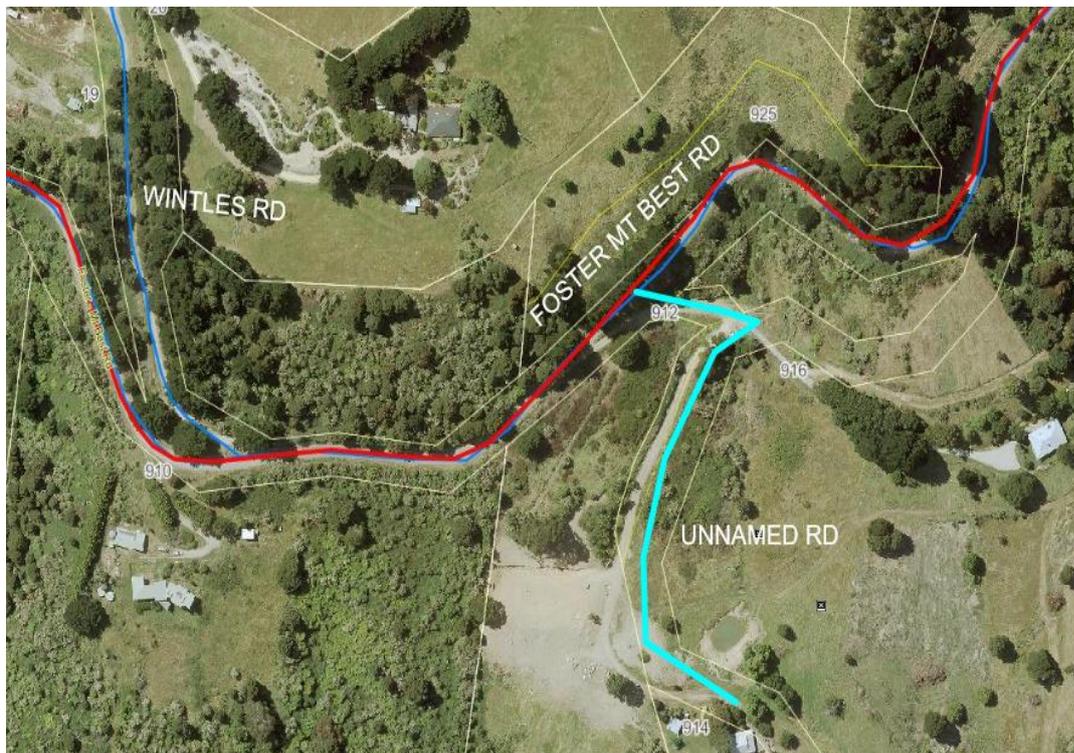
Council has received a request from property owners along this unnamed road to officially have it named. A name of **'Southern Ridge'** had been submitted by the immediate community affected by this proposal, however, under the Geographic Names Victoria (GNV) Guidelines, this name is non-compliant as detailed in the consultation of this report.

As a result of 'Southern' being non-compliant, Council contacted the Foster and District Historical Society and the Mt Best Community Hall Association Inc. requesting proposed names for this unnamed road. The three names put forward – "Stagecoach", "Cobb and Co" or "Coach House" – have a history associated with the road and area. A letter from the Mt Best Community Hall Association Inc. detailing proposed names for consideration is available in **Attachment [4.3.1]**.

This naming will provide a unique name and rural road numbering for this section of road. Public safety is paramount. Roads need to be officially named and registered with the Office of Geographic Names to ensure emergency services can locate them.

This unnamed road traverses in a southerly direction for approximately 300 metres (shown as  in **Figure 1**, below).

**Figure 1 – Locality Map - Unnamed Road off Foster Mt Best Road, Mount Best**



## VICNAMES Compliance Check

Compliance with the Naming Rules for Places in Victoria - Roads, Features, and Places 2016 a VICNAMES 30 kilometre duplicate<sup>1</sup> or similar sounding/spelling name search was carried out on the suggested names – refer to **Table 1** below:

This proposal complies with the [Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016](#).

**Table 1 - VICNAMES 30km Compliance Check**

PROPOSED ROAD NAMES	ROAD TYPE	ORIGIN OF ROAD NAME
<b>SOUTHERN RIDGE</b>		The land was known as Southern Ridge and the mountain range is also called Southern Ridge.
<b>STAGECOACH</b>	TRACK	This road was once a through road, and the old house located on this road was at one stage a stop for the Cobb & Co stagecoach route.
<b>COBB &amp; CO</b>	TRACK	As above.
<b>COACH HOUSE</b>	TRACK	As above.
VICNAMES COMPLIANCE CHECK	CONFORMS	VICNAMES 30km duplicate <sup>1</sup> or similar sounding/spelling name search was carried out on the suggested names
<b>SOUTHERN RIDGE</b>	X	Three duplications or similar sounding names where found for the proposed name – ‘Stronach Rd, ‘Great Southern Rail Trail’ & ‘Southern Ridge’.
<b>STAGECOACH</b>	✓	No duplications or similar sounding names where found for the proposed name
<b>COBB &amp; CO</b>	✓	No duplications or similar sounding names where found for the proposed name
<b>COACH HOUSE</b>	✓	No duplications or similar sounding names where found for the proposed name

## CONSULTATION

Consultative actions are carried out for the naming and renaming of all roads, primarily in consideration of the significance and potential effects of a proposal. The views of potentially affected property owners and occupiers must be sought and considered in line with GNV - *Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities 2016*.

<sup>1</sup> Duplicates are considered to be two (or more) names within close proximity, or names that are identical or have similar spelling or pronunciation.

## First Round Consultation – Geographic Names Victoria ‘In Principle’ Support September 2018

The name of ‘Southern Ridge’ as proposed by the immediate community was forwarded to GNV to gain ‘in principle’ support after a VICNAMES compliance check found duplications or similar sounding names for the proposed name.

The Registrar has provided the following response:

*‘The Registrar is unable to provide ‘in principle’ support for the proposed road name as it does not comply with the Naming Rules for Places in Victoria 2016, as it contains a directional reference within the name and therefore contravenes Principle (K) Directional names to be avoided.*

*The reasoning as to naming this section of road is supported, however a unique name that is not in use within a 30km (defaulting/prescribed radius) for the subject road, would be the best correct course of action to take’.*

The ‘in principle’ support form and reply from GNV are available in **Attachment [4.3.2]**.

## Second Round Consultation – Immediate / Wider Community (Voting Poll) – Closed 13 December 2018

Voting polls can be used to gain an indication of community support or opposition to a naming/renaming proposal. They should be used with the immediate community if affected by an address change, noting that the majority of votes returned will be the preferred name subject to Council’s approval and Geographic Names Victoria approval.

Council sent out a poll to three abutting land owners of this unnamed road to gain an indication of community support for one of the three names proposed. All votes returned to Council have indicated ‘**Stagecoach**’ as the preferred road name. The outcome of the consultation is noted in **Table 2** below and copies of the poll results are available in **Attachment [4.3.3]**.

**Table 2 – Voting Poll Results (Attachment [4.4.3])**

	Sent out	Returned	In favour	Object
<b>Abutting land owners</b>	3	2	2	0
<b>Proposed Names</b>	<b>In Favour</b>		<b>Majority Votes</b>	
<b>STAGECOACH</b>	2		✓	
<b>COBB &amp; CO</b>	0		X	
<b>COACH HOUSE</b>	0		X	

## **Internet and Public Notice – Building Awareness**

A public notice was placed in the local newspapers, on Council's Facebook page, and on Council's website under naming roads, places, and features – current projects on 20 November 2018.

Members of the public were asked to provide feedback on the proposal and Council called for consent from the family or requested family contact details from the community seeking permission to use the proposed names.

On conclusion of the public notice process, no submissions or family contact information has been received to the notice. The public notice is available in **Attachment [4.3.4]**.

This proposal conforms to the principles and requirements of the [Naming rules for places in Victoria, Statutory Requirements for Naming Roads, Features and Localities – 2016](#).

## **RESOURCES**

The only future cost to Council will be for the erection of a new sign at a cost of approximately \$150, and this can be accommodated in Council's signage budget.

## **RISKS**

Council's risk is minimal as the methodology for the road naming has followed the *Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads, Features and Localities 2016*.

Naming this section of road with a unique road name and applying standardised addressing will ensure each property is uniquely identified in the Victorian Government's spatial databases.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Correspondence - Mt Best Community Hall Association - Name Proposals **[4.3.1]**
2. In Principle Support Request Form 2017 (redacted) **[4.3.2]**
3. SUBMISSIONS - Round 2 Consultation – Voting Poll Results Redacted **[4.3.3]**
4. Public Notice Sentinel Times - 20 November 2018 **[4.3.4]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Road Naming Procedure

### **Legislative Provisions**

Geographic Place Names Act 1998

Local Government Act 1989

Naming Rules for Places in Victoria - Statutory Requirements for Naming Roads,  
Features and Localities - 2016

Road Management Act 2004

#### **4.4. STRATEGY REVISION - SOCIAL COMMUNITY INFRASTRUCTURE BLUEPRINT 2014 - 2029 (REVISED MARCH 2019)**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

The Social Community Infrastructure Blueprint 2014-2029 (2014 Blueprint) was adopted by Council at the Ordinary Meeting of Council 24 September 2014. The 2014 Blueprint sets guiding principles together with infrastructure standards and triggers, and a series of actions to guide Council and the community in making informed decisions regarding community infrastructure over the fifteen year period of 2014 to 2029.

The revised 2014 Blueprint (Revised Blueprint) has updated demographic data and the population forecasts from the 2016 Census data. On review, the 2016 Census, population forecasts are in line with the stated forecasts in the original 2014 Blueprint which were based on the 2011 Census data.

This report provides commentary on the progress of the nineteen *Community Facility Actions*, and discusses the revisions, such as amended demographic data and inclusion of new projects.

##### **RECOMMENDATION**

That Council:

1. Adopts the Social Community Infrastructure Blueprint 2014-2029 (revised March 2019) – refer to Attachment [4.4.1];
2. Publishes the Social Community Infrastructure Blueprint 2014-2029 (revised March 2019) on Council’s website; and
3. Reviews the Blueprint in-line with the adoption of the Annual Budget.

**MOVED:** Cr McEwen

**SECONDED:** Cr Cousin

**THAT COUNCIL:**

1. **ADOPTS THE SOCIAL COMMUNITY INFRASTRUCTURE BLUEPRINT 2014-2029 (REVISED MARCH 2019) – REFER TO ATTACHMENT [4.4.1];**
2. **PUBLISHES THE SOCIAL COMMUNITY INFRASTRUCTURE BLUEPRINT 2014-2029 (REVISED MARCH 2019) ON COUNCIL’S WEBSITE; AND**
3. **REVIEWS THE BLUEPRINT IN-LINE WITH THE ADOPTION OF THE ANNUAL BUDGET.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

At a Strategic Briefing of Council held on 6 June 2018, Councillors were briefed on the progress of the nineteen *Community Facility Actions* and the revisions such as amended demographic data, updated population forecasts, and inclusion of new projects.

In 2014, Council engaged consultant, Andrew Nixon - Land Use Management, to develop a blueprint to assist Council and the community to plan for and manage social community infrastructure, optimising utilisation of facilities, and reflecting future growth of the Shire. The Social Community Infrastructure Blueprint 2014-2029 (2014 Blueprint) was prepared and adopted by Council at the Ordinary Meeting of Council 24 September 2014.

The 2014 Blueprint sets guiding principles together with infrastructure standards and triggers, and a series of actions to guide Council and the community in making informed decisions regarding community infrastructure over the fifteen year period of 2014 to 2029.

The 2014 Blueprint is the culmination of an extensive review of community and Council documentation resulting in the development of the *Strategy and Audit for Social Community Infrastructure 2014-2029* which underpins the final strategic 2014 Blueprint.

### **Social Community Infrastructure Blueprint 2014-2029 Revision**

The 2014 Blueprint has been reviewed and the Revised Blueprint is included in **Attachment [4.4.1]** for adoption. A 'text only' tracked version of the Revised Blueprint has been included in **Attachment [4.4.2]** so changes can be easily seen between the two revisions.

### **2016 Census Data**

The Revised Blueprint has updated demographic data and the population forecasts from the 2016 Census data. On review, the 2016 Census population forecasts are in line with the stated forecasts in the original 2014 Blueprint which were based on the 2011 Census data.

### **2014 Blueprint Community Facility Actions**

A number of projects in the 2014 Blueprint have been completed and noted in **Table 1** below. There are also additional focus areas which require inclusion such as the Early Years Services Infrastructure Strategy and in particular the Corner Inlet and Western End (Loch, Poowong, and Nyora) Early Years Services Infrastructure reviews.

The progress of each of the nineteen *Community Facility Actions* in the 2014 Blueprint is documented in **Table 1** below. The actions have been grouped according to their allocated timeframe; short term (0-5 years), medium term (5-10 years), long term (10-15 years), and ongoing.

**Table 1 – Community Facility Actions Progress Update**

#	ACTION	STATUS / COMMENT
<b>Short Term 0 – 5 Years</b>		
1	In collaboration with the community, review underutilised facilities to optimise use to a smaller number of strategically located multipurpose facilities. This may include a reassessment of some facilities, redevelopment of others, and change of use for some community facilities.	This is a continual process with facilities being identified for optimisation as the need arises. The amalgamation of early year's services in Korumburra into the Karmai Community Children's Centre is a successful outcome.
2	Investigate staffing of future multipurpose community centres by: <ul style="list-style-type: none"> <li>Identifying a lead agency such as a neighbourhood house, library, or Visitor Information Centre and incorporate Council customer service into the model.</li> <li>Consider the location of commercial activities on site and a range of government and non-government services should also be considered.</li> </ul>	This is an ongoing process as projects are investigated. Karmai Community Children's Centre Inc. is an effective outcome of this action being the amalgamation of two organisations; Birralee Childcare Centre and Korumburra Kindergarten. The Korumburra and Leongatha Community Hubs are being investigated (refer to action 11 under "Medium Term").
3	Provide spaces for the delivery of youth programs and services within future multipurpose community facilities.	This remains an ongoing action, however it has to date been limited to skate parks.

**Table 1 – Community Facility Actions Progress Update**

#	ACTION	STATUS / COMMENT
4	Prioritise and implement paths and cycle paths as identified in community plans and the SGSC Paths and Trails Strategy 2010 and include in the Capital Works 15 yr. budget.	This is an ongoing action. The Paths and Trails Strategy was adopted at the 30 May 2018 Ordinary Council Meeting. Outcomes are the completed Great Southern Rail Trail (GSRT) works and advocacy for future stages, as well as the Jumbunna Road, Korumburra shared path scheduled for completion in the 2018/19 financial year.
5	Investigate the need for additional indoor leisure facilities in particular to service the Mirboo North catchment.	Community discussion has occurred as part of the consultation for the pool redevelopment to recommend a range of sites to consider. Consensus wasn't sought during this process so this action is to be explored further.
6	Investigate the expansion of Mirboo North Kindergarten with inclusion of Maternal and Child Health services and follow on impact on the Mirboo North Library.	This has been highlighted as part of the Early Years Infrastructure Review with further community consultation required.
9	Develop a Shire wide Recreation Reserve Infrastructure Plan, addressing community expectations for reserve improvement and equity.	Will commence in 2018/19.
10	Complete the GSRT linkages at the Black Spur.	Complete.
<b>Medium Term 5 – 10 Years</b>		
11	Develop two strategically located community hubs in Leongatha and Korumburra that are well connected to public transport (where available), pedestrian and cycle links, commercial, retail and community activity centres.	Underway. The Korumburra Hub is in design phase and is expected to be delivered in 2020. Initial internal planning has commenced on the Leongatha Hub.

**Table 1 – Community Facility Actions Progress Update**

#	ACTION	STATUS / COMMENT
12	Plan for new recreation multipurpose facilities in Leongatha South (north of Simons Lane) using a predetermined % completion (50%) of sub division target as a trigger for budgeting, design, and implementation.	Negotiations with the developer to progress this subdivision are underway.
13	Plan to upgrade or extend the existing and available library floor space for current population needs in Foster. Investigate new static libraries in growth towns and as demanded by the community and growth within multipurpose facilities.	Requirements for the upgrade of the Foster Library are yet to be determined in collaboration with the West Gippsland Regional Library Corporation (WGRLC). Planning for new libraries has commenced in Korumburra and Leongatha as part of the Hub projects. The design of the Korumburra Hub has commenced.
14	Plan for infrastructure in the coastal towns.	Actions are ongoing. Completed projects are: upgrades to toilet facilities at Sandy Point, Waratah Bay, and Tarwin Lower, as well as a shared path along the foreshore at Port Welshpool.
15	Initiate planning for the expansion or upgrade of multipurpose facilities in the smaller towns using a range of triggers and standards.	Actions are ongoing. Karmai Community Children's Centre is a completed project. The Korumburra and Leongatha Hubs are in the design and investigation stages. A similar approach is being taken to that which was used for the Baromi Centre in Mirboo North to enable a wider range of community groups to use the facilities.

**Table 1 – Community Facility Actions Progress Update**

#	ACTION	STATUS / COMMENT
<b>Long Term 10 – 15 Years</b>		
16	Seek external funding for future multipurpose facilities including developer contributions, community contributions, facility rationalisation, voluntary community management agreements, commercial arrangements and government grants.	Actions are ongoing. An outcome is the Karmai Community Children's Centre project where both State, Federal, and community funding was secured.
17	Continue the GSRT from Welshpool to Yarram.	The project has been advanced due to current government grant funding. The budget has been allocated in 2019/20 and the project will be delivered collaboratively with Wellington Shire Council.
18	Investigate the extension of the Rail Trail from Nyora to Anderson.	Currently in discussions with Bass Coast Shire Council who has indicated interest in the project. The opportunity has arisen since 2014 to investigate extension of the Rail Trail from Leongatha to Nyora and considerable initial investigation work has commenced on this project.
19	Investigate the need for a community hub in Nyora when population triggers are activated.	Yet to be commenced.

**Table 1 – Community Facility Actions Progress Update**

#	ACTION	STATUS / COMMENT
<b>Ongoing</b>		
7	Continue to gather community facility information data and build community connections through networks with the aim of sharing information, resources, and equipment.	This is continually being undertaken by Council's Community Strengthening and Children and Family Services teams as well as our Recreation Officer. The Karmai Community Children's Centre is an outcome of sharing resources and equipment. The proposed Korumburra Hub will also achieve this with multiple community organisations utilising common facilities and resources.
8	Liaise with non-Council community facility owners and managers through specific networks seeking agreement to promote access to the wider community and promote shared access to these facilities networks.	This is continually being undertaken by Council's Community Strengthening and Children and Family Services teams as well as our Recreation Officer who are in close contact with the non-Council community facility owners and managers.

### **Future Direction**

A full review of the Blueprint in conjunction with the *Strategy and Audit for Social Community Infrastructure 2014-2029* is likely to be required in three years' time. This recalibration of Council priorities and options will require a budget allocation estimated at \$100,000. Short, medium, and long term actions can be updated, community profiles revisited, and new requirements prioritised. It is recommended that this review examine how projects are initiated and analysed for their strategic merit, alignment with the Council Plan, and with social infrastructure principles.

### **CONSULTATION**

Consultation throughout the review process of the 2014 Blueprint has consisted of internal consultation with Community Strengthening, Infrastructure Delivery (Engineering), Infrastructure Planning (Assets), Planning, and Children & Family Services.

The Community Strengthening team is continually communicating with community groups throughout the Shire regarding their infrastructure needs.

The Recreation officer and Coordinator Major Projects & Emergency Management are in regular consultation with sporting and recreation groups, including recreation reserve committees and sport peak bodies, to consider infrastructure needs for this sector.

## RESOURCES

The *Community Facility Actions* within the 2014 Blueprint are reviewed annually as part of Council's forward *15-year Capital Works Program* budgeting process and when potential grant funding opportunities become available. Where budget allows, projects will be incorporated into the forward *15-year Capital Works Program* and Council's *Long Term Financial Plan*.

Council will continue to investigate a range of funding options for future multipurpose facilities, including developer contributions, community contributions of a negotiated pre-set percentage, realisation of existing assets, government grants partnerships with both government and non-government organisations, and by providing income generating spaces within multipurpose facilities (eg. a café or gym).

Reviewing the *Community Facility Actions* and updating 2016 Census demographic data ensures that social infrastructure projects are being investigated appropriately for potential inclusion in the future *15-year Capital Works Program* in accordance with the timeframes and responsibilities recommended in Section 8 of the 2014 Blueprint (**Table 1** above).

## RISKS

By continually reviewing and updating the Blueprint and by aligning it with population growth forecasts and community needs, Council can ensure that adequate infrastructure is being planned for and provided to meet community demands.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Social Community Infrastructure Blueprint 2018-2033 - Revised February 2019 (DRAFT) **[4.4.1]**
2. Social Community Infrastructure Blueprint 2014-2029 (Revised March 2019) - TEXT ONLY / TRACKED **[4.4.2]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

15-year Capital Works Program

Long Term Financial Plan

Social Community Infrastructure Blueprint 2014-2029 (revised March 2019)

Strategy and Audit for Social Community Infrastructure 2014-2029

### **Legislative Provisions**

Local Government Act 1989

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

### **5.1. POLICY REVIEW: C51 COUNCILLOR SUPPORT AND EXPENDITURE REVIEW**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council is provided with a revised *Policy C51 Councillor Support and Expenditure – March 2019* (Revised Policy C51) (**Attachment [5.1.1]**) to consider and determine. It has been revised to provide greater clarity for Councillors and the community on reimbursements that may be claimed by Councillors for Council related business.

#### **RECOMMENDATION**

That Council:

1. Adopts Policy C51 Councillor Support and Expenditure – March 2019 (Attachment [5.1.1]); and
2. Publish the revised Policy C51 Councillor Support and Expenditure – March 2019 (Attachment [5.1.1]) on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

#### **THAT COUNCIL:**

1. **ADOPTS POLICY C51 COUNCILLOR SUPPORT AND EXPENDITURE – MARCH 2019 (ATTACHMENT [5.1.1]); AND**
2. **PUBLISH THE REVISED POLICY C51 COUNCILLOR SUPPORT AND EXPENDITURE – MARCH 2019 (ATTACHMENT [5.1.1]) ON COUNCIL'S WEBSITE [WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The Local Government Act 1989 (Act) outlines in s.75 the requirement for Councillors to establish that expenses claimed are for reasonable bona fide expenses that are necessary or appropriate for the purpose of achieving the objectives of the Council. Section 75 states:

*"S. 75 Reimbursement of expenses of Councillors*

*(1) A Council must reimburse a Councillor for expenses if the Councillor –*

*(a) applies in writing to the Council for reimbursement of expenses; and*

*(b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.*

*(2) In this section, duties as a Councillor means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies."*

The State Government acknowledges the value and significance of the role of local government Councillors. The Victorian Government's position paper *'Recognition and Support – The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources – April 2008,* (Policy Statement) states:

*"The Government views Councillor allowances not as a form of salary but as some recognition of the contributions made by those elected to voluntary, part time roles in the community."*

The State Government has supported this statement by outlining a minimum 'toolkit' of resources required for Councillors and making each Council responsible for developing their own policies that define an appropriate and reasonable level of provision beyond the minimum and ensuring it is clearly stated, fully transparent and acceptable to the local community.

Policy C51 sets out the minimum toolkit and additional provisions deemed appropriate by Council. These provisions are in addition to the Mayor and Council allowances.

The review of Policy C51- has been undertaken in response to concerns raised by the Municipal Monitor, that aspects of the Internal Auditor's report, *'Internal Audit - Councillor Expenditure and Code of Conduct Internal Audit – June 2017'* (Audit Report) contained in **Confidential Attachment [15.1.1]**, had not been

adequately addressed in *Policy C51 Councillor Support and Expenditure – April 2018* (Policy C51). Aspects brought to Council's attention, included:

1. Travel reimbursements;
2. Timeliness in submitting reimbursement claims; and
3. Reasonable timeframes and treatments of older claims.

Specific aspects highlighted to be reconsidered by Council included:

1. There is a lack of clear guidance regarding vehicle reimbursements claims, including journey origination and travel reimbursement rates and clear separation of personal travel from the component that is Council related.
2. The quarterly Councillor Expenditure Reports are able to present a true and fair indication of expenditure of all Councillors due to the wide allowance of time available for Councillors to submit their reimbursement claims.
3. The adopted April 2018 version of the policy is inadequate in reflecting the audit recommendations regarding reasonable time frames and the treatment of older claims. This also presents concerns to Council's finance department in terms of budget management.

### ***Summary of Revisions***

Revised Policy C51 in (**Attachment [5.1.1]**) has been amended to address the concerns raised. It has been reformatted to separate the policy 'Principles' from the 'Guidelines' outlining the level of support and 'Procedures' outlining the requirements for processing claims.

The 'Purpose' and 'Scope', and 'Principles' have been refined and reworded to fit within the new format, while retaining the essence of the previously adopted Policy C51.

An amendment has been made to guideline 4.1(8) regarding printing practices, requiring Councillors to be mindful of Council's Sustainability Strategy principles and to keep costs and printing to a minimum.

The guideline 4.3(1) associated with 'Travel Reimbursement of Private Vehicle Usage and Public Transport Costs' has been amended significantly to provide greater clarity regarding primary and secondary purposes of travel and the business of Council that is reasonable to be claimed.

Procedures 5.1(1) and 5.1(3) under 'Claims for Reimbursements' have been amended. These clauses address the timeliness of submitting reimbursements claims and also for the Mayor and Deputy Mayor to consider

extenuating circumstances for late claims or where there may not be a clear alignment of a claim to Council related purposes.

### **CONSULTATION**

The Executive Leadership Team has reviewed the Revised Policy C51, and Council considered the amendments at a Briefing Session on 6 March 2019.

Feedback from both groups has been used in finalising the Revised Policy C51.

### **RESOURCES**

Resources are allocated in annual budgets to cover the provision of support to Councillors in the performance of their civic functions.

### **RISKS**

The Municipal Monitor has been appointed by the Minister for Local Government to provide oversight of Council's governance.

Council is encouraged to address the governance concerns raised by the Municipal Monitor. Failure to do so, may place the future of the current Council in jeopardy.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. C51 Councillor Support and Expenditure Policy - DRAFT **[5.1.1]**

### **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [15.1.1]** – Internal Audit – Councillor Expenditure and Code of Conduct Review June 2017 – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(d) - contractual matters and (h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

Council's contractual arrangements with the Internal Auditor require reports provided to the Audit Committee to remain confidential as they may contain information that may prejudice individuals and/or Council.

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Councillor Support and Expenditure Policy

### **Legislative Provisions**

Local Government Act 1989

### **Related Documents**

'Recognition and Support – The Victorian Government's Policy Statement on Local Government Mayoral and Councillor Allowances and Resources – April 2008

Information Guide - Mayor and Councillor Entitlements – Reimbursements of expenses and provision of resources and facilities support for Victorian Mayors and Councillors – November 2008.

## **6. OTHER COUNCIL REPORTS**

### **6.1. NIL**

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

### **7.1. NOTICE OF MOTION 724 - COUNCILLOR EXPENDITURE AND CODE OF CONDUCT REVIEW FINDINGS TO BE MADE PUBLIC**

#### **PURPOSE**

This motion is designed to assist the Council in fulfilling its Council Plan Commitment as documented in the Council Plan which reads as follows:

#### **“Council’s Commitment to the Community:**

- *Respect the trust placed in us by seeking to be as open and transparent in our decisions as the law allows, to help the community understand the decisions Council makes.”*

#### **MOTION**

I, Councillor James Fawcett, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 27 March 2019.

That Council request the Chief Executive Officer to provide a suitable summary document of the findings and recommendations of the *Councillor Expenditure and Code of Conduct Review* and make the summary document public.

**MOVED:** Cr Fawcett

**SECONDED:** Cr Brunt

**THAT COUNCIL REQUEST THE CHIEF EXECUTIVE OFFICER TO PROVIDE A SUITABLE SUMMARY DOCUMENT OF THE FINDINGS AND RECOMMENDATIONS OF THE *COUNCILLOR EXPENDITURE AND CODE OF CONDUCT REVIEW* AND MAKE THE SUMMARY DOCUMENT PUBLIC.**

**Councillor Argento moved an AMENDMENT to the Motion.**

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THE COUNCIL REQUESTS THE CHIEF EXECUTIVE OFFICER TO BRING A FUTURE REPORT ON CONFIDENTIAL DOCUMENTS TO COUNCIL THAT MAY BE RELEASED.**

**CARRIED**

**FOR:** Councillors McEwen, Rich, Cousin, Hill, Skinner, Argento

**AGAINST:** Councillors Brunt, Fawcett

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

**Councillor Brunt moved an AMENDMENT to the Motion.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Fawcett

**THAT COUNCIL REQUESTS THE CHIEF EXECUTIVE OFFICER TO BRING A FUTURE REPORT ON AND LIMITED TO COUNCILLOR CONDUCT AND MEDIATION DOCUMENTS THAT ARE RELEVANT TO COUNCIL CONDUCT MATTERS THAT SHOULD BE RELEASED IN THE BEST INTEREST OF THE COMMUNITY.**

**NOTE: The Mayor ruled that the AMENDMENT appeared to be out of order as it diminished the number of reports that could be presented to Council, but allowed the Motion to go to the vote.**

**LOST**

**FOR:** Councillors Brunt, Fawcett

**AGAINST:** Councillors McEwen, Rich, Cousin, Hill, Skinner, Argento

**The debate returned to the Motion before the Chair.**

**The Motion was CARRIED**

**FOR:** Councillors McEwen, Hill, Rich, Cousin, Skinner, Argento

**AGAINST:** Councillors Brunt, Fawcett

[Link to next Agenda Item.](#)

## **BACKGROUND**

Council is considering a review of Councillor Support and Expenditure Policy (C51) during this Council Meeting at Agenda Item 5.2. In the spirit of being open and transparent it will be beneficial to make public a high level summary of the findings and recommendations of the *Councillor Expenditure and Code of Conduct Review* as this will put into context for the community by it is being made public.

## **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

Councillor Support and Expenditure Policy (C51, April 2018)

## **7.2. NOTICE OF MOTION 725 - AUSTRALIAN COASTAL COUNCILS ASSOCIATION**

### **PURPOSE**

To formally endorse the March 2019 communique from the Australian Coastal Councils Association.

### **MOTION**

I, Councillor Alyson Skinner, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 27 March 2019.

That Council endorses the communique from the Australian Coastal Councils Association as described in the *Background* section of this Notice of Motion.

**MOVED:** Cr Skinner

**SECONDED:** Cr Rich

**THAT COUNCIL ENDORSES THE COMMUNIQUE FROM THE AUSTRALIAN COASTAL COUNCILS ASSOCIATION AS DESCRIBED IN THE *BACKGROUND* SECTION OF THIS NOTICE OF MOTION.**

**CARRIED UNANIMOUSLY**

**Councillor Fawcett left the Council Meeting at 3.15pm.**

**Councillor Brunt left the Council Meeting at 3.16pm, returned at 3.18pm.**

**Councillor Fawcett returned to the Council Meeting at 3.19pm.**

[Link to next Agenda Item.](#)

## **BACKGROUND**

### **2019 AUSTRALIAN COASTAL COUNCILS CONFERENCE THE PAVILION, KIAMA 6-8 March 2019 COMMUNIQUÉ**

#### **Preamble**

In January and February 2019, the Australian Coastal Councils Association Inc. conducted a survey of coastal councils to collect information on the major issues of current concern to councils in Australia's coastal areas. After considering the findings of the survey, which were presented to delegates attending the Australian Coastal Councils Conference at Kiama, NSW, from 6 to 8 March 2019, representatives of the coastal councils in attendance endorsed the need for five key policy initiatives, which are outlined in the following communiqué. The representatives also endorsed the need for effective actions to reduce greenhouse gas emissions.

#### **Communiqué**

We call on the Australian Government to adopt the following key policy initiatives with the aim of developing a coordinated national response to deal with coastal hazards including rising sea levels, more severe extreme weather events and widespread coastal erosion:

#### **1. Resources to Manage the Coast on behalf of all Australians**

Introduce a national funding formula to provide the resources necessary to manage and maintain the coast effectively on behalf of all Australians, including the funds needed to increase the adaptive capacity of councils to address climate impacts.

#### **2. Allocate Financial Assistance Grants to address coastal hazards**

Broaden the range of 'disabilities' listed under Financial Assistance Grants to include factors such as the vulnerability of coastal areas and communities to coastal hazards.

#### **3. Intergovernmental Agreement on the Coastal Zone**

Develop a co-ordinated national approach to coastal governance through an Intergovernmental Agreement on the Coastal Zone in cooperation with Australian, state, territory and local governments. This would clearly define the roles and responsibilities of each tier of government in relation to coastal zone management.

**4. National Coastal Policy**

Ensure that the Intergovernmental Agreement on the Coastal Zone forms the basis for a National Coastal Policy which outlines the principles, objectives and actions to be taken to address the challenges of integrated coastal zone management for Australia.

**5. Increase funding for Australian climate research programs**

Allocate increased levels of funding for Australia's climate science research programs conducted by CSIRO and other research bodies, including the restoration of funding for the National Climate Change Research Facility or establishment of a similar body and continuing support for CoastAdapt. This is essential to ensure appropriate guidance in relation to responding to coastal hazards is accessible to Australia's coastal councils so that coastal communities and assets are adequately prepared to address the adverse effects of climate change impacts.

The scale of dealing effectively with coastal hazards along Australia's vast coastline requires a national approach, national leadership and national funding. We therefore call on the Australian Government to play a lead role in addressing these challenges in consultation with local government authorities, which are knowledgeable in relation to these matters and connected to their communities.

**REFERENCE DOCUMENTS**

Nil

## 8. PROCEDURAL REPORTS

### 8.1. FINANCIAL PERFORMANCE REPORT - JULY 2018 TO FEBRUARY 2019

Corporate and Community Services Directorate

#### EXECUTIVE SUMMARY

This Financial Performance report provides an overview of Council's financial performance for the period July 2018 to February 2019, in summary:

- **Operating result:** \$14.96M surplus which is \$863,000 favourable when compared with the year-to-date budget projection of a \$14.10M surplus;
- **Capital works:** \$5.22M expenditure which is \$3.61M behind a year-to-date budget of \$8.83M;
- **Cash:** Projected 30 June \$13.49M, against the original budget of \$13.39M;
- **Underlying working capital ratio:** Projected 30 June 2019 of 159% compared to the original budget of 132%.

Section 138 of the Local Government Act 1989 (Quarterly statements) states that:

*"(1) At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public."*

#### RECOMMENDATION

That Council adopts the Financial Performance Report July 2018 to February 2019 (Attachment [8.1.1]).

**MOVED:** Cr McEwen

**SECONDED:** Cr Cousin

**THAT COUNCIL ADOPTS THE FINANCIAL PERFORMANCE REPORT JULY 2018 TO FEBRUARY 2019 (ATTACHMENT [8.1.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Council sets an Annual Budget within the framework of a 15 year Long Term Financial Plan (LTFP). Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets.

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

- Comparing year-to-date actual financial performance with the year-to-date budgets;
- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications against the originally adopted LTFP.

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

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

The reporting timelines include:

- **August Report** - identifies financial implications of previous year's financial results as well the budget impact of funding projects carried forward that were not completed by 30 June;
- **November Report** - identifies financial implications of any changes made to operational or capital budgets prior to the development of the annual budget for the following financial year;
- **February Report** - aligns with annual budget process; and
- **May Report** - provides Council with an anticipated financial outcome for year-end including identifying budgets being carried forward for projects that are not expected to be completed by 30 June.

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

## Discussion

Financial Performance Report July 2018 to February 2019 (**Attachment [8.1.1]**) contains detailed reporting on:

- **Executive Summary** - This section provides a high level overview of Budget and Actual Operating performance and Capital Work expenditure;
- **Financial Statements** as at 28 February 2019 - This section lists the three major financial statements: Income Statement, Balance Sheet and Cash Flow Statement;
- **Major Variation Explanations** - Material variation comments between year-to-date actual results and year-to-date budgeted results. Major variations are selected based on being greater than \$20,000 and 5% between the actual result and year-to-date budget at a Cost Centre level;
- **Annual Year-to-Date Financial Analysis** - This section analyses the implications of the year-to-date performance and the projected outcome for the financial year end; and
- **LTFP Analysis** - This section benchmarks and strategically analyses the financial impact of the projected financial results for the year against the adopted Annual Budget, LTFP and the Long Term Financial Strategies key performance indicators.

## RISKS

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

Council can not only assess year-to-date performance, but can also understand the annual and longer term financial implications.

## STAFF DISCLOSURE

Nil

## ATTACHMENTS

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

1. Financial Performance Report July 2018 - February 2019 **[8.1.1]**

## **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

### **Legislative Provisions**

Local Government Act 1989

## **8.2. ASSEMBLY OF COUNCILLORS - 22 JANUARY TO 21 FEBRUARY 2019**

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 January and 21 February 2019.

The matters summarised in this report also 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:** Cr Argento

**SECONDED:** Cr Skinner

**THAT THE RECOMMENDATION IN AGENDA ITEMS 8.2, 8.3 AND 8.4 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Wednesday 6 February 2019</b>	
<b>Bald Hills Wind Farm</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Cousin, Brunt, Rich, Hill, Argento, Brown, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Cr Fawcett left the assembly with a conflict of duty and indirect financial conflict of interest as several of the complainants are clients of his accounting firm.</p> <p><b>Matters Considered:</b> Councillors considered an update of Bald Hills Wind Farm nuisance complaint.</p>
<b>Councillor Strategic Discussions</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Cousin, Brunt, Rich, Hill, Argento, Brown, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Health and Wellbeing Act</li> </ul>
<b>Wednesday 13 February 2019</b>	
<b>2nd Draft Budget including Annual Initiatives &amp; Capital Works Program</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner, Brown and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered preparation of 2019/20 Annual Budget, Annual Initiatives, Long Term Financial Plan (LTFP) and Capital Works.</p>

Meeting Title	Details
<b>Wednesday 13 February 2019</b>	
<b>Council Plan review and 2019/20 Annual Initiatives including Community Satisfaction Results</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner, Brown and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors continued the annual review of the 2017-21 Council Plan and development of 2019/20 Annual Initiatives.</p>
<b>Councillor Strategic Discussion</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner, Brown and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Mayor's Message</li> <li>• Venus Bay joint emergency exercise</li> <li>• Advancing the Coastal Route</li> <li>• Proposed Growth Strategy</li> <li>• Biosecurity Management of Pests and Weeds</li> </ul>
<b>Great Southern Rail Trail</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner, Brown and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered future management options for the Great Southern Rail Trail.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner, Brown and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Land Tenure - Sutherland Land, Welshpool</li> <li>• Bald Hills Wind Farm discussion</li> </ul>

Meeting Title	Details
<b>Wednesday 20 February 2019</b>	
<b>Venus Bay Activity Centre Concept Plan – Public Consultation Results</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Cousin, Rich, Hill, Argento, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Council considered community consultation activities that will inform the future development plan.</p>
<b>Draft South Gippsland Road Safety Strategy 2019 - 2023</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Cousin, Rich, Hill, Argento, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Council considered a draft Road Safety Strategy to support safer use of the local road network.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Leongatha Precinct Development</li> <li>• Planning application</li> <li>• Sport Arena Mirboo North</li> </ul>

Meeting Title	Details
<b>Wednesday 20 February 2019</b>	
<b>Councillor Strategic Discussion</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Cousin, Rich, Hill, Brown, Argento, McEwen and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Proposed Growth Strategy</li> <li>• Library Board Update</li> <li>• Korumburra Library site</li> <li>• Coastal Area community meetings</li> <li>• Recreational Vehicle Strategy</li> <li>• Municipal Association Victoria President Voting</li> </ul>
<b>Active Retirees Advisory Committee – Update to Council</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Cousin, Rich, Hill, Brown, Argento, McEwen and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Joan Turner, Chair of the Council’s Active Retiree Advisory Committee representing the Committee provided an annual report and presentation.</p>
<b>Community Strengthening Activities – Monthly Update</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered an update on the recent outcomes of Community Consultation Forums and Community Cluster networks. Council were also updated on the “It’s No Drama” project that supports people of all abilities to participate in live theatre over the last twelve months.</p>

Meeting Title	Details
<b>Wednesday 20 February 2019</b>	
<b>Public Presentation Sessions</b>	<b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner and McEwen.
<b>Open Session</b>	<b>Conflict of Interest:</b> Nil disclosed.
<p><b>A presentation was made to Council by the following community members:</b>  <b>Steven Rath</b>, local resident regarding ideas for his “War on Gippy Waste”.  <b>Ross Garner</b>, President of the Meeniyan Art Gallery, representing the Committee regarding progress and benefits of a Community Grant from Council to develop Meeniyan Art Gallery Plan.  <b>James Course</b>, applicant regarding a planning decision to not display a double sided major promotion sign in Korumburra.</p>	
<b>Wednesday 20 February 2019</b>	
<b>Telecommunications – Fixed Telephone Lines</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered current policy position in respect of standard infrastructure requirements that relate to telecommunications – fixed telephone lines.</p>
<b>Third Draft Budget including Annual Initiatives Discussion</b>	<p><b>Councillors Attending:</b> Councillors Fawcett, Brunt, Cousin, Rich, Hill, Argento, Skinner and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered preparation of 2019/20 Annual Budget, Annual Initiatives, Long Term Financial Plan (LTFP) and Capital Works.</p>

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

Public Participation in Meetings with Council Policy (C65)

**Legislative Provisions**

Local Government Act 1989

### **8.3. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO - 26 JANUARY 2019 TO 22 FEBRUARY 2019**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 23 February to 22 March 2019, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

#### **RECOMMENDATION**

That Council receives and notes this report.

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 68.**

[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, Section 107 (f) (iv) – the Common Seal of Council, states that ‘If the Chief Executive uses the Common Seal in a manner prescribed by sub-clause (c) then he/she must advise Council of such use on a regular basis.’ Council’s Instrument of Delegation to the CEO also delegates to the CEO the power to ‘use the Common Seal of Council subject to that use being reported to Council’.

In accordance with the Local Law and Instrument of Delegation, the following are presented to Council as documents sealed during the period from 23 February to 22 March 2019:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 50 H. Wallers Road, Dumbalk in relation to the subdivision of the land into two lots – Seal applied 14 February 2019.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 55 Alfred Crescent, Venus Bay in relation to the development of land with a dwelling and removal of vegetation – Seal applied 14 February 2019.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 220 Paterson Road, Yanakie in relation to the use and development of an existing outbuilding for group accommodation – Seal applied 14 February 2019.

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

1. Contracts awarded after a public tender process within the CEO’s delegation between 26 January and 22 February 2019 – Nil.
2. Contracts awarded after a public tender process under the Statutory threshold by staff other than the CEO between 26 January and 22 February 2019 – Nil.

3. Contract variations approved by the CEO between 26 January and 22 February 2019 – Nil.
4. Contract extensions approved by the CEO between 26 January and 22 February 2019 – 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, 28 June 2017

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

##### **Legislative Provisions**

Local Government Act 1989, ss.5 and 186

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

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

This report recommends that Council:

- Adopts an Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for a new employee; and
- Revokes the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* of an employee who has resigned.

##### **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 Instrument of Appointment and Authorisation (Instrument of Appointment and Authorisation) Council to Staff under the *Planning and Environment Act 1987* (Attachment [8.4.1]):
  - a. The member of Council staff referred to in the Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument;
  - b. The Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it; and
  - c. The Instrument of Appointment and Authorisation be sealed.
2. Revokes the Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* to David Simon.

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 68.**

[Link to next Agenda Item.](#)

## **REPORT**

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. Therefore it is important to ensure that formal Instruments of Appointment and Authorisation are updated to reflect changes in personnel. The employees identified in this report have recently either been appointed to (Peter Bergman) or resigned from (David Simon) the position of Statutory Planning Coordinator.

## **RISKS**

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

## **STAFF DISCLOSURE**

Nil

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

## **9. COUNCILLOR REPORTS**

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

**MOVED:** Cr McEwen

**THAT COUNCILLOR ANDREW MCEWEN BE GRANTED LEAVE OF ABSENCE IN MAY 2019 DEPENDENT ON AVAILABILITY DURING THIS PERIOD OF TIME.**

**CARRIED UNANIMOUSLY**

### **9.2. COUNCILLOR UPDATES**

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL MOVE TO THE NEXT ORDER OF BUSINESS TO CONSIDER AGENDA ITEM 9.3 COMMITTEE UPDATES.**

**FOR:** Councillors McEwen, Skinner, Argento, Hill, Rich

**ABSTAIN:** Councillors Cousin, Brunt, Fawcett

**NOTE: The Mayor stated that the Councillors may submit their COUNCILLOR UPDATES and reports in writing. The following Councillor Reports have been redacted by the Mayor under clause 106 of the Local Law No 3, 2010 (Meeting Procedure and Common Seal).**

**Councillor Fawcett - Councillor Update**

Councillor Report.

27/3/2019

I attended a public meeting in Keongatha on 14 March 2019.

[REDACTED]

Cllr Jim Fawcett  
*[Signature]*

## Councillor Brunt - Councillor Update

Councillor Reports 27-03-2019

Cr. BRUNT

It has been a privilege and a honour indeed to serve this council and I thank the residents and ratepayers for their ongoing support for 6yrs and a half years.

I have at times since forwarding my resignation been rather chuffed and overwhelmed by the support of our Community stalwarts.

I thankyou all for the emails, letters and phone calls that express you're appreciation of my dedicated service.

I wish to acknowledge the dedication of the staff and the CEO for a sterling job

In what could only be said to be difficult times.

Today the Community lose 2 of the best Councillors that have served the ratepayers over many years.

Today is my last Council meeting I will attend as a Councillor.

I am leaving proud of my achievements I have accomplished.

I advocated for the sewerage scheme of Poowong Loch and Nyora that has now been implemented and has improved the health and well being and the liveability in those town. The Poowong Swimming Pool was set for possible closure. Together with the Community we rallied together and funding was sought and was successful, 6yrs later the Pool is a great Community asset.

The Korumburra A&P Society grounds, what a marvellous transformation,

An now an asset the whole community of South Gippsland can be proud of.

A state of the art Children's Centre in Korumburra, new footpaths constructed as vital infrastructure.

My 12 months serving as Mayor was a rewarding but extremely difficult and challenging time.

██  
██

[REDACTED]

### 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 Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

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

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

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

### 2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

**MOVED:** Cr Fawcett

**Councillor Fawcett raised an Agenda Item of URGENT BUSINESS regarding the public meeting held on Thursday 14 March 2019 that Council would like to be made aware of. It was considered as URGENT BUSINESS as Councillor Fawcett would not be here after this meeting to be able to raise it.**

**The Mayor ruled the matter was not URGENT BUSINESS.**

**MOVED:** Cr Fawcett

**CR FAWCETT MOVED A MOTION OF DISSENT IN THE CHAIR'S RULING ON THE MATTER NOT BEING URGENT BUSINESS.**

**The Motion of dissent was LOST.**

**FOR:** Councillors Fawcett, Brunt

**AGAINST:** Councillors Rich, McEwen, Skinner, Argento, Cousin, Hill

**Councillor Fawcett requested a Leave of Absence from this point in time of the Council Meeting.**

**The Mayor would not allow the request of leave and moved to the next Agenda Item.**

## 11. PUBLIC QUESTIONS

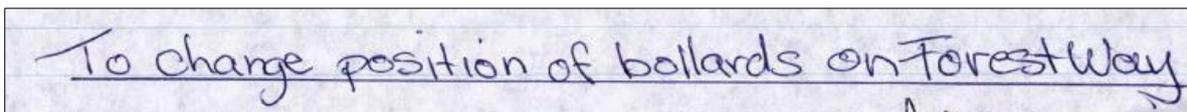
### 11.1. PETITIONS AND JOINT LETTERS

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

The lead petitioner or person organising the petition may in presenting the petition to a Councillor at a Public Presentation session speak briefly to its contents. At the following Ordinary Meeting of Council, a Councillor would accept the petition and introduce it to Council for formal noting and actioning by Council.

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

**Councillor Cousin presented a petition to Council (the prayer outlined below) on behalf of lead petitioner Trudy Shiels, on behalf of residents in Mirboo North effected by the position of the bollards on Forest Way. The petition contains approximately 25 signatures from the impacted residents.**



To change position of bollards on Forest Way

### RECOMMENDATION

That Council:

1. Receive and note the petition; and
2. The petition lay on the table until the next Ordinary Council Meeting to enable officers to prepare a report to Council.

**MOVED:** Cr Cousin

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **RECEIVE AND NOTE THE PETITION; AND**
2. **THE PETITION LAY ON THE TABLE UNTIL THE NEXT ORDINARY COUNCIL MEETING TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

**CARRIED UNANIMOUSLY**

## 11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

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

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

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

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.*

**The Chief Executive Officer addressed Council informing them that written questions had been received at Council and taken on notice in order for an Officer to respond. The questions and responses are included below from Mr Walter Birkenbeil.**

### Question 1

**How was the quarry at 175 Meikle Road Fish Creek recently granted an authority to recommence operations without access to the 1992 planning permit nor Administrative Appeals Tribunal ruling?**

The quarry was not granted an authority to recommence operations. The quarry has continued to operate since it obtained a planning permit. The land owner applied for a Certificate of Compliance to recognize existing use rights. Existing use rights can be established with proof of continuous use for a period of 15 years. The operator was able to demonstrate an existing use through their reporting obligations to the Victorian Government under their Work Authority administered by the Department of Jobs, Precincts and Regions.

An existing use right is unable to be established if the following applies;

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal;
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.

At no point before or after the commencement of the 15 year period did a court or tribunal hold the use to be unlawful. The decision of the AATR in 1992 held it to be lawful. Should the operator seek to vary or change the nature of the existing use, a planning permit would be triggered and the application would be subject to public notification and advertising.

## **Question 2**

**What action(s) did Council take when the quarry's permit expired in 2002 including site rehabilitation?**

Council granted an extension to the permit on 12 August 2003. Council undertook investigations relevant to determining the appropriateness of the extension of time application.

## **Question 3**

**How has Council monitored the operations of the quarry since 2002?**

Council does not actively monitor the day-to-day operations of the quarry. Council is resourced to investigate and respond to complaints. Prior to recent concerns about the quarry operation changing hands, Council has not received complaints about the quarry operations since its original approvals. Many of the day to day operations fall under the jurisdiction of the Works Authority and under the remit of the Department of Jobs, Precincts and Regions.

### 11.3. SUBMITTED PUBLIC QUESTIONS

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

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

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

*Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.*

**The Chief Executive Officer addressed Council informing them that written questions were received at Council from Paul Norton.**

#### **Question 1**

**As myself I believe Council's Privacy Law is out of date. Can claims be made under existing Council Privacy Law?**

#### **Response**

The Attachment (2) to your question No. 2 refers to Council minutes dated 25 February 2015. In these minutes, the Information Privacy Policy (Including Website Privacy Statement) was adopted on the same date, 25 February 2015 with a review date of 25 February 2018.

This policy was reviewed prior to its expiry date, on 27 September 2017 and is current until September 2020. At no time was the Information Privacy Policy out of date and therefore any claims made against this policy are relevant. A copy of this policy is available on Council's website.

[http://www.southgippsland.vic.gov.au/downloads/file/129/c22\\_-\\_information\\_privacy\\_policy\\_2015pdf](http://www.southgippsland.vic.gov.au/downloads/file/129/c22_-_information_privacy_policy_2015pdf)

**Mr Gus Blaauw submitted questions at the meeting and read the questions. The questions were taken on notice and will be answered at the next Ordinary Council Meeting.**

**Question 1**

**Does Council agree that openness and transparency is far better used to serve all ratepayers and residents than to serve just one Councillor?**

**Question 2**

**Does Council agree that time and effort wasted on self-serving grandstanding, I see in this motion 724, is better directed to owning and correcting the real problems such as the disastrous 2019/20 budget?**

**Question 3**

**Does Council agree that this review pales into insignificance when compared to important matters such as the wiping out of the \$28 million reserves, new borrowings of \$3.6 million and an underlying Operating Loss of \$4.2 million, all art of a serious decline?**

## **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 Closed ITEM 14.1 LEGAL ADVICE pursuant to Local Government Act 1989, section 89(2)(f) a matter which the Council or Special Committee considers would prejudice the Council or any person.

**MOVED:** Cr Rich

**SECONDED:** Cr Argento

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF CLOSED ITEM 14.1 LEGAL ADVICE PURSUANT TO LOCAL GOVERNMENT ACT 1989, SECTION 89(2)(F) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

**CARRIED UNANIMOUSLY**

**The Mayor adjourned the Council Meeting at 3.43pm for 6 minutes to clear the Chambers prior to the Closed Session.**

**The Mayor resumed the Council Meeting at 3.49pm.**

**MOVED:** Cr Skinner

**SECONDED:** Cr Rich

**THAT COUNCIL MOVE TO GO BACK INTO OPEN COUNCIL.**

**CARRIED UNANIMOUSLY**

**NOTE: Charles Price submitted questions to Council that were worded as if they were seeking a public presentation. Mr Price has declared that these were questions to Council. The Council Meeting was re-opened to hear these questions.**

### **13. SUBMITTED PUBLIC QUESTIONS**

**Charles Price submitted questions to Council and read the questions. The questions were taken on notice and will be answered at the next Ordinary Council Meeting.**

#### **Question 1**

**Can the Council make the Hardship policy and wavering in relation to rates available to the rate payers, by placing a notice in the local papers and the local Council flyer?**

#### **Question 2**

**Make this Hardship policy available to the public?**

**The Mayor thanked Councillor Fawcett and Councillor Brunt for their service in the past and wished them well for their retirement from Local Government.**

**MOVED: Cr Skinner**

**SECONDED: Cr Rich**

**THAT COUNCIL CLOSE THE MEETING TO THE PUBLIC TO ALLOW FOR CONSIDERATION OF CLOSED ITEM 14.1 LEGAL ADVICE PURSUANT TO LOCAL GOVERNMENT ACT 1989, SECTION 89(2)(F) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

**CARRIED UNANIMOUSLY**

#### **14.1. PREJUDICIAL MATTER - BALD HILLS WIND FARM**

##### **RECOMMENDATION**

**THAT COUNCIL NOTES OPTION 2 – NUISANCE EXISTS BUT THE MATTER BETTER SETTLED PRIVATELY**

**A. THAT THE FOLLOWING PERSONS REPRESENTED BY DST LEGAL HAVE NOTIFIED COUNCIL OF THE EXISTENCE OF A NUISANCE CONTRARY TO THE PROVISIONS OF THE PUBLIC HEALTH AND WELLBEING ACT 2008 (THE ACT):**

- **JOHN ZAKULA OF 860 BUFFALO WARATAH ROAD, TARWIN LOWER;**
- **NOEL UREN OF 1550 BUFFALO WARATAH ROAD, TARWIN LOWER;**
- **DON JELBART OF 102 MCBURNIE AND BOAG ROAD, TARWIN LOWER;**
- **DON FAIRBROTHER OF KINGS FLAT, 1405 BUFFALO-WARATAH ROAD, TARWIN LOWER; AND**
- **SALLY JELBART OF 102 MCBURNIE AND BOAG ROAD, TARWIN LOWER**

**(COLLECTIVELY THE COMPLAINANTS), AS WELL AS;**

- **TIM LE ROY OF 1671 WALKERVILLE ROAD, TARWIN LOWER;**
- **ANDREE AND MICHAEL FOX OF 24 BENNETTS ROAD, BUFFALO;**
- **SASCHA FOX AND TRISTAN WILSON OF 930 BUFFALO-WARATAH ROAD, TARWIN LOWER; AND**
- **ANDREW KILSBY AND HIS SONS JOHN KILSBY AND STUART KILSBY OF 965 WALKERVILLE ROAD, TARWIN LOWER.**

**(COLLECTIVELY THE OTHER COMPLAINANTS).**

**B. THAT AN INVESTIGATION INTO THE ALLEGED NUISANCE WAS CARRIED OUT ON COUNCIL'S BEHALF BY JAMES C. SMITH & ASSOCIATES, THE RESULTS OF THAT INVESTIGATION BEING PRESENTED IN A REPORT COMPILED BY JAMES C. SMITH & ASSOCIATES (THE SMITH REPORT).**

**C. THAT THE SMITH REPORT CONCLUDED THAT THERE EXISTS A NUISANCE OF THE KIND ALLEGED BY THE COMPLAINANTS.**

- D. THE SUBMISSIONS MADE BY DST LEGAL AND ALLENS LINKLATERS (ON BEHALF OF BALD HILLS WIND FARM PTY LTD), AND THE EXTENSIVE EVIDENTIARY MATERIAL MADE AVAILABLE TO COUNCILLORS IN CONNECTION WITH THE MATTER.**
- E. THE OPINION PROVIDED TO COUNCIL BY PAUL CONNOR QC (THE QC OPINION), AND ADOPTING THE LEGAL TESTS SET OUT IN THE QC OPINION,**

**IT IS RESOLVED AS FOLLOWS:**

- 1. COUNCIL IS SATISFIED THAT THERE EXISTS A NUISANCE OF THE KIND ALLEGED BY THE COMPLAINANTS, FOR THE FOLLOWING REASONS:**
  - a. THE CREDIBLE AND CONSISTENT CHARACTER OF THE NOISE LOGS PROVIDED BY THE COMPLAINANTS AND/OR THE COMPLAINTS MADE BY THE COMPLAINANTS ABOUT SLEEP DISTURBANCE AND THE INJURY TO THEIR PERSONAL COMFORT;**
  - b. THE CONCLUSIONS OF THE SMITH REPORT; AND**
  - c. THE WEIGHT OF THE OTHER EVIDENCE PRESENTED TO COUNCILLORS SUGGESTS THE EXISTENCE OF A NUISANCE.**

**BUT NOTES THAT THE NUISANCE EXISTS ONLY INTERMITTENTLY.**

- 2. COUNCIL IS, FOR THE PURPOSES OF SECTION 62(3)(B) OF THE ACT, OF THE OPINION THAT THE MATTER IS BETTER SETTLED PRIVATELY BECAUSE THE NUISANCE IS MORE LIKELY TO BE ABATED IF:**
  - a. THE PARTIES ARE ABLE TO NEGOTIATE A MUTUALLY SATISFACTORY RESOLUTION; OR**
  - b. THE COMPLAINANTS INITIATE PROCEEDINGS OF THE KIND DESCRIBED IN PARAGRAPH 3 OF THIS RESOLUTION**

**AND BECAUSE OF THE DIFFICULTIES ASSOCIATED WITH EACH ACTION SPECIFIED IN SECTION 62(4) OF THE ACT (WHICH DIFFICULTIES ARE SET OUT IN THE QC OPINION).**

- 3. COUNCIL'S SOLICITORS WRITE TO DST LEGAL ADVISING OF THE FOLLOWING METHODS FOR SETTLING THE MATTER PRIVATELY:**
  - a. THE JOINT APPOINTMENT OF A MEDIATOR TO ASSIST THE PARTIES TO RESOLVE THE DISPUTE;**
  - b. THE COMMENCEMENT OF LEGAL PROCEEDINGS IN PRIVATE NUISANCE BY THE COMPLAINANTS;**

- c. **THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO SECTION 114 OF THE PLANNING AND ENVIRONMENT ACT 1987 BY THE COMPLAINANTS, CLAIMING THAT THE BALD HILLS WIND FARM IS NOT COMPLYING WITH THE ACOUSTIC CONDITIONS CONTAINED IN THE RELEVANT PLANNING PERMIT; AND/OR**
  - d. **THE COMMENCEMENT OF PROCEEDINGS PURSUANT TO SECTION 149B OF THE *PLANNING AND ENVIRONMENT ACT 1987* SEEKING A DECLARATION THAT THE BALD HILLS WIND FARM IS NOT COMPLYING WITH THE ACOUSTIC CONDITIONS CONTAINED IN THE RELEVANT PLANNING PERMIT.**
4. **BECAUSE OF DOUBTS AS TO THE SUFFICIENCY OF THE EVIDENCE AS TO WHETHER THERE EXISTS A NUISANCE IN RESPECT OF THE OTHER COMPLAINANTS, FURTHER LEGAL ADVICE BE PROVIDED TO COUNCIL AS TO THE STATUS OF THE COMPLAINTS MADE BY THE OTHER COMPLAINANTS AND SUCH ADVICE BE CONSIDERED AT THE NEXT ORDINARY MEETING OF COUNCIL.**
5. **THIS RESOLUTION AND THE QC OPINION (ATTACHMENT [14.1.1]) BE:**
  - a. **GIVEN TO DST LEGAL AND ALLENS LINKLATERS; AND**
  - b. **MADE PUBLIC, SUBJECT TO THE REDACTION OF THE COMPLAINANTS' NAMES AND THE NAMES OF ALL OTHER INDIVIDUALS WHO, FOR REASONS OF PRIVACY, SHOULD, IN THE OPINION OF THE CHIEF EXECUTIVE OFFICER, HAVE THEIR NAMES REDACTED.**
6. **THE COUNCIL REQUESTS THE CHIEF EXECUTIVE OFFICER TO PROVIDE A FUTURE REPORT ON CONFIDENTIAL DOCUMENTS THAT MAY BE RELEASED RELATING TO THE BALD HILLS WIND FARM MATTER.**

**The Motion was CARRIED.**

#### **ATTACHMENTS**

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

1. Attachment 14.1.1 ADVICE - Paul Connor Q. C. Barrister - Advice to Maddocks re BHWF Nuisance Notification **[14.1.1]**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 24 April 2019 commencing at 2pm in the Council Chambers, Leongatha.

**The Council Meeting closed at 5.02pm.**

**Confirmed this**

**24<sup>th</sup> day of April 2019.**



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**Mayor, Councillor Don Hill**