

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

22 August 2018

**Ordinary Meeting No. 426**  
**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.***

### Privacy

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A copy of this policy is located on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

## PRESENT

COUNCILLORS:

<p>Cr Lorraine Brunt, Mayor                  Cr Aaron Brown, Deputy Mayor                  Cr Ray Argento                  Cr Don Hill                  Cr Maxine Kiel                  Cr Andrew McEwen                  Cr Jeremy Rich                  Cr Alyson Skinner                  Cr Meg Edwards</p>
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COUNCILLORS  
NOT PRESENT:

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OFFICERS:

<p>Tim Tamlin, Chief Executive Officer                  Faith Page, Director Corporate and Community Services                  Anthony Seabrook, Director Infrastructure Services                  Bryan Sword, Acting Director Development Services                  Rick Rutjens, Manager Executive Support and Community Information                  June Ernst, Coordinator Council Business                  Natasha Berry, Corporate and Council Business Officer                  Jodi Cumming, Corporate and Council Business Officer</p>
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## **SOUTH GIPPSLAND SHIRE COUNCIL**

Ordinary Meeting No. 426  
Wednesday 22 August 2018  
Council Chambers, Leongatha  
Commenced at 2pm

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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.

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

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

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

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

## **1.5. APOLOGIES**

**Nil**

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 425, held on 25 July 2018 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Edwards

**SECONDED:** Cr Rich

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 425, HELD ON 25 JULY 2018 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*.

**Nil**

## **1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF**

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

**Chief Executive Officer declared a direct conflict of interest on Agenda Item 5.2 NEW POLICY C71 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY as it relates to the employment and performance management of the Chief Executive Officer.**

**An Officer declared an indirect conflict of interest as they are a party to the matter for consideration in Closed Session report Item 14.1 a matter which the Council or Special Committee considers would prejudice the Council or any person.**

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

### **2.1. JOINT GRANT APPLICATION - GREAT SOUTHERN RAIL TRAIL EXTENSION - WELSHPOOL TO ALBERTON PROJECT - LATROBE VALLEY COMMUNITY FACILITY FUND**

Infrastructure Directorate

#### **EXECUTIVE SUMMARY**

The Victorian Government established the *Latrobe Valley Community Facility Fund* to support projects that will improve the amenity and liveability of the Latrobe Valley. In particular, projects designed to attract people and jobs, and to improve the life of community members will be well regarded. Baw Baw Shire Council, City of Latrobe, and Wellington Shire Council are eligible to apply, including South Gippsland Shire Council.

Wellington Shire Council recently submitted an Expression of Interest (EOI) to the Latrobe Valley Authority's *Latrobe Valley Community Facility Fund* and Regional Development Victoria's *Regional Jobs Infrastructure Fund* for the Great Southern Rail Trail (GSRT) Extension - Welshpool to Alberton Project. An 8.2km section of the project is in South Gippsland Shire (from Welshpool to the municipal boundary east of Hedley), therefore, this is a joint project between Wellington and South Gippsland Shire Councils.

Wellington Shire Council has now been invited to formally submit an application to the *Latrobe Valley Community Facility Fund* for the GSRT Extension - Welshpool to Alberton Project.

#### **RECOMMENDATION**

That Council:

1. Supports Wellington Shire Council's application to the Latrobe Valley Community Facility Fund for the Great Southern Rail Trail Extension – Welshpool to Alberton Project for \$1M.
2. Notes that there is an allocation of \$631,000 in the proposed 2019/20 Capital Works Program to cover Council's contribution to the Great Southern Rail Trail Extension - Welshpool to Alberton Project.
3. Notes that Wellington Shire Council will manage the project in consultation with South Gippsland Shire Council.

4. Provides staff resources within funding allocated in the total project cost in supporting Wellington Shire Council with the management of the project if approved through the Latrobe Valley Community Facility Fund.
5. Allocates approximately \$16,400 per annum towards the ongoing maintenance of the Great Southern Rail Trail Extension - Welshpool to Alberton Project.
6. Notes that an Expression of Interest has been submitted to Regional Development Victoria by Wellington Shire Council for a \$500,000 grant however, to date it has not been invited to the application stage.
7. Together with Wellington Shire Council, increases its advocacy activity for the remaining \$500,000 that is being currently sought from Regional Development Victoria.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **SUPPORTS WELLINGTON SHIRE COUNCIL'S APPLICATION TO THE LATROBE VALLEY COMMUNITY FACILITY FUND FOR THE GREAT SOUTHERN RAIL TRAIL EXTENSION – WELSHPOOL TO ALBERTON PROJECT FOR \$1M.**
2. **NOTES THAT THERE IS AN ALLOCATION OF \$631,000 IN THE PROPOSED 2019/20 CAPITAL WORKS PROGRAM TO COVER COUNCIL'S CONTRIBUTION TO THE GREAT SOUTHERN RAIL TRAIL EXTENSION - WELSHPOOL TO ALBERTON PROJECT.**
3. **NOTES THAT WELLINGTON SHIRE COUNCIL WILL MANAGE THE PROJECT IN CONSULTATION WITH SOUTH GIPPSLAND SHIRE COUNCIL.**
4. **PROVIDES STAFF RESOURCES WITHIN FUNDING ALLOCATED IN THE TOTAL PROJECT COST IN SUPPORTING WELLINGTON SHIRE COUNCIL WITH THE MANAGEMENT OF THE PROJECT IF APPROVED THROUGH THE LATROBE VALLEY COMMUNITY FACILITY FUND.**
5. **ALLOCATES UP TO \$16,400 PER ANNUM TOWARDS THE ONGOING MAINTENANCE OF THE GREAT SOUTHERN RAIL TRAIL EXTENSION - WELSHPOOL TO ALBERTON PROJECT.**
6. **NOTES THAT AN EXPRESSION OF INTEREST HAS BEEN SUBMITTED TO REGIONAL DEVELOPMENT VICTORIA BY WELLINGTON SHIRE COUNCIL FOR A \$500,000 GRANT HOWEVER, TO DATE IT HAS NOT BEEN INVITED TO THE APPLICATION STAGE.**
7. **TOGETHER WITH WELLINGTON SHIRE COUNCIL, INCREASES ITS ADVOCACY ACTIVITY FOR THE REMAINING \$500,000 THAT IS BEING CURRENTLY SOUGHT FROM REGIONAL DEVELOPMENT VICTORIA.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

The *Latrobe Valley Community Facility Fund* has been established to support community projects that will improve the amenity and liveability of the Latrobe Valley for amounts of up to \$1M. The *Latrobe Valley Community Facility Fund* is administered by the Latrobe Valley Authority (LVA). The aim is to facilitate and support great initiatives and projects that will help to make the Latrobe Valley a great place to live and work, and to improve the health and wellbeing of those who live there.

Supported projects will need to demonstrate improvements to productivity, enhance the long term competitiveness of the Latrobe Valley, and create conditions that will attract businesses and visitors to the area. The funding will support the Latrobe Valley region to build strong and resilient communities by investing in community-led initiatives and partnerships. For the purposes of the *Latrobe Valley Community Facility Fund*, the Latrobe Valley includes the area covered by Latrobe City, Baw Baw, and Wellington Shire Councils.

Applicants will be expected to make a financial contribution or source third party funding for the project.

Wellington Shire Council submitted an EOI to the *Latrobe Valley Community Facility Fund* for the GSRT Extension - Welshpool to Alberton Project in April 2018 as discussed at the Strategic Briefing to Council on 1 August 2018. On Wednesday 25 July 2018, the LVA formally invited Wellington Shire Council to apply for funding for the project.

### **GSRT Extension - Welshpool to Alberton Project**

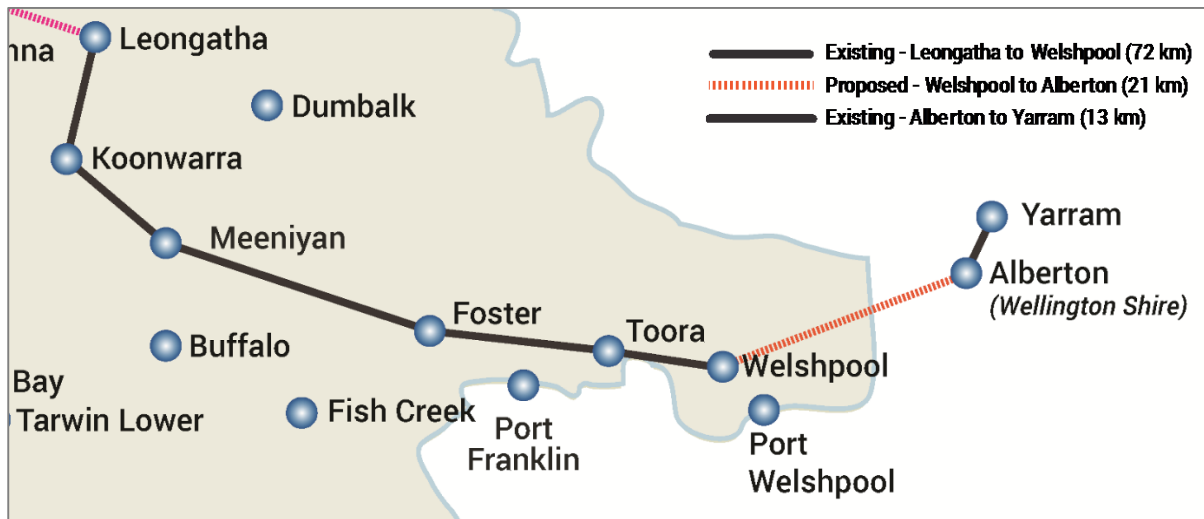
GSRT Extension Project is a 2018/19 Priority Project of South Gippsland Shire Council which was endorsed at the Ordinary Meeting of Council 27 June 2018 and comprises of three sections which are at various stages of development:

- Welshpool to Alberton (Wellington Shire Council)
- Leongatha to Korumburra
- Korumburra to west of Nyora

GSRT Extension - Welshpool to Alberton Project is a combined project between South Gippsland Shire Council and Wellington Shire Council that aims to complete the 21km “missing link” along the trail between South Gippsland and Wellington. There is 72km of existing rail trail connecting Leongatha at the western end with Welshpool in the east and is suitable for cyclists, walkers, and horses. The 21km proposed section between Welshpool to Alberton consists of approximately 12.7km in Wellington Shire Council and 8.2km in South

Gippsland Shire Council. The 13km Alberton to Yarram section already exists. The existing GSRT from Leongatha to Welshpool follows the former rail line which existed from Port Albert to Dandenong. A map is included in **Figure 1**.

**Figure 1 – GSRT Welshpool to Alberton “Missing Link”**



The GSRT Extension - Welshpool to Alberton Project is the next step in the fruition of the GSRT Extension Project to develop a nationally iconic 188km rail trail from Clyde in the City of Casey to Yarram in the Wellington Shire.

The Wellington Shire Council formally endorsed an application to the LVA *Latrobe Valley Community Facility Fund* and Regional Development Victoria (RDV) *Regional Jobs Infrastructure Fund* for the project. An Expression of Interest (EOI) has been submitted to both funding bodies. The EOI for the *Latrobe Valley Community Facility Fund* has now been invited to the application stage for funding of \$1M. The EOI with RDV for a request of \$500,000 is still being considered.

The total cost of the GSRT Extension - Welshpool to Alberton Project is approximately \$3.622M.

## CONSULTATION

The completion of the rail trail is a combined project between South Gippsland Shire Council and Wellington Shire Council in consultation with the Department of Environment, Land, Water and Planning (DELWP) and the GSRT Committee of Management. Consultation will continue with the GSRT Committee of Management regarding ongoing maintenance of the GSRT including the proposed Welshpool to Alberton extension.

The EOI for the GSRT Extension - Welshpool to Alberton Project was submitted to both the LVA and RDV funding bodies by the Wellington Shire Council as

discussed at a recent Strategy Briefing on 1 August 2018 on the GSRT Extension Project (2018/19 Priority Project).

Consultation will commence with adjoining land owners in the coming months.

## RESOURCES

Council's contribution of \$631,000 for the GSRT Extension - Welshpool to Alberton Project has already been allocated through the proposed 2019/20 Capital Works Program. The funding breakdown for this project is as follows:

<b>Estimated Total Cost:</b>	<b>\$3.622M</b>
LVA Latrobe Valley Community Facility Fund	\$1M
RDV Regional Infrastructure Jobs Fund (pending)	\$500,000
South Gippsland Shire Council Contribution	\$631,000
Wellington Shire Council Contribution	\$1.491M

To date, the EOI to RDV has not been invited to submit an application. Should the *Latrobe Valley Community Facility Fund* be approved and an application to RDV not be invited to progress, there would be an income shortfall of \$500,000. This may require both Wellington Shire Council and South Gippsland Shire Council to allocate additional funds to meet the shortfall which would be pro rata based on the scope of works within each municipality. Any additional contribution by South Gippsland Shire Council has not been allowed for in future budgets.

## Maintenance

RDV has queried both Wellington Shire Council and South Gippsland Shire Council about the ongoing maintenance of the proposed extension, as well as the current management arrangements for the sections already developed (Leongatha to Welshpool).

Advice was provided by both Wellington Shire Council and South Gippsland Shire Council that funding will be allocated based on pro rata of distance within each municipality to cover maintenance costs. Ideally the funds would be provided to the GSRT Committee of Management to manage the maintenance for the new section as this is the current arrangement for the Leongatha to Welshpool section where South Gippsland Shire Council provides an annual allocation of approximately \$60,000 to the GSRT Committee of Management.

However, due to the current condition of rail trail sections requiring additional maintenance than is currently provided, it has been determined that \$2,000 is required per kilometre to maintain the 8.2km section of the Welshpool to Alberton extension that falls in the South Gippsland Shire. Therefore, it is

recommended that Council allocates \$16,400 towards the maintenance of the 8.2km of the GSRT Extension - Welshpool to Alberton Project.

South Gippsland Shire Council and Wellington Shire Council together with the DELWP will work with the GSRT Committee of Management to ensure the most appropriate arrangements are in place for the maintenance of the trail.

<b>Estimated Maintenance Cost:</b> GSRT Extension – Welshpool to Alberton Project (8.2km in the South Gippsland Shire)	<b>\$16,400</b>
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## RISKS

If Council does not support Wellington Shire Council's application, Council will miss an opportunity to obtain external funds to assist with the development of this important tourism product.

There is a risk that there will be an income shortfall of \$500,000 to the overall project if the application to the *Latrobe Valley Community Facility Fund* is approved and funding is not approved by RDV.

## 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)

Community Capital Works Allocation Process

Council Plan 2017-2021

Long Term Financial Plan

Paths and Trails Strategy

2018/19 Priority Projects

### Legislative Provisions

Local Government Act 1989

## **2.2. GRANT APPLICATION - SOUTH GIPPSLAND SPECIALTY FOOD LOGISTICS PROJECT - FOOD SOURCE VICTORIA PROGRAM - REGIONAL DEVELOPMENT VICTORIA**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Regional Development Victoria's Food Source Victoria (FSV) "Planning Grants" program supports farmers, growers, processors, and manufacturers to work together to grow their businesses. This may involve other supply chain partners in developing ideas about how to add value to agricultural produce sourced from regional Victoria.

In April 2018, Council submitted an Expression of Interest (EOI) to the FSV Planning Grant category for the South Gippsland Specialty Food Logistics Project (SGFLP) which Council has now been invited to formally apply for funding.

### **RECOMMENDATION**

That Council:

1. Applies for funding to Regional Development Victoria's – Food Source Victoria (Planning Grant) program for the South Gippsland Specialty Food Logistics Project for \$30,000.
2. Notes that Council's contribution for the South Gippsland Specialty Food Logistics Project of \$15,000 is available in the 2018/19 Annual Budget.
3. Provides staff resources within funding allocated in the total project costs for management of the projects if approved by Regional Development Victoria in the 2018/19 financial year.

**MOVED:** Cr Rich

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

- 1. APPLIES FOR FUNDING TO REGIONAL DEVELOPMENT VICTORIA'S – FOOD SOURCE VICTORIA (PLANNING GRANT) PROGRAM FOR THE SOUTH GIPPSLAND SPECIALTY FOOD LOGISTICS PROJECT FOR \$30,000.**
- 2. NOTES THAT COUNCIL'S CONTRIBUTION FOR THE SOUTH GIPPSLAND SPECIALTY FOOD LOGISTICS PROJECT OF \$15,000 IS AVAILABLE IN THE 2018/19 ANNUAL BUDGET.**
- 3. PROVIDES STAFF RESOURCES WITHIN FUNDING ALLOCATED IN THE TOTAL PROJECT COSTS FOR MANAGEMENT OF THE PROJECTS IF APPROVED BY REGIONAL DEVELOPMENT VICTORIA IN THE 2018/19 FINANCIAL YEAR.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Regional Development Victoria's (RDV) Food Source Victoria (FSV) program is designed to support activities that add value to agricultural produce sourced from regional Victoria. The objective is to build stronger agri-food businesses and regional communities through value adding to agricultural production in Victoria that will result in:

- New, ongoing jobs, particularly in regional Victoria.
- Growth in Victoria's agricultural, food and related industries.
- Farmers, growers, processors, and manufacturers working together and supply chain partners driving innovation and efficiencies.
- Greater skills, knowledge and confidence of workers to respond to growing global demand for premium products.
- Increased Victorian agri-food exports.

There are three FSV grant programs being the Scholarships for Individuals, Planning Grants, and Growth Grants<sup>1</sup>. Council has been invited to apply for funding under the FSV "Planning Grant" program for the SGFLP.

Planning Grants enable partners along the agri-food supply chain to engage independent, skilled advisers to test the feasibility of ideas, explore growth opportunities and develop a Growth Plan with clear actions.

Planning Grant funding will be provided on a co-contribution basis, with applicants contributing at least one third of the total project cost (that is, a 2:1 funding ratio). The total funding amount available is uncapped.

### **South Gippsland Food Logistics Program**

South Gippsland has a strong agricultural sector with the dairy industry contributing to the overwhelming share of economic output and employment in the Shire. South Gippsland is becoming recognised as a key food growing region within Australia and is now experiencing significant growth in specialty food growing which is contributing to diversifying the agricultural base and development of the visitor economy.

The SGFLP will identify gaps in the specialty food industry and allow Council to support growth in the industry by taking a targeted approach to investment attraction. This approach will result in increased ability to attract new residents.

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<sup>1</sup> **Food Source Victoria** - <http://agriculture.vic.gov.au/agriculture/food-and-fibre-industries/food-source-victoria>

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SGFLP will deliver practical solutions with specific and measurable benefits to support this growing industry. By taking a coordinated and strategic approach to food production and distribution, this project will build the capacity and efficiencies of growers/suppliers and provide solutions to industry needs including warehousing, specialty transport, and developing new markets.

SGFLP addresses a key gap of disconnection among smaller food businesses and groups. Currently there is no over-arching industry body or formal support mechanism to provide guidance for businesses to reach new markets. SGFLP will contribute to capability building amongst these businesses and enhance their capacity to grow.

SGFLP will also encourage the collaboration of existing networks across the region such as the East Gippsland Food Cluster and other existing local food networks.

Council's Economic Development and Tourism Strategy is committed to achieving ongoing connection and collaboration within the specialty food growing sector. A key component of this would be to develop a sustainable distribution and logistics model and identify specific areas for Council to provide support. The project specifically fits within the Strategy's 2018/19 Action Plan – Item 1.3 Southern Gippsland Food Futures Program, which seeks to facilitate and deliver programs which assist existing and potential food networks.

The project would also assist by identifying other challenges faced by the sector that are preventing their capacity to expand.

New businesses that are establishing or relocating to the area will be able to link with the structures and processes created through SGFLP. This, in turn, will increase their viability and assist with new resident attraction.

## **CONSULTATION**

As this industry grows, there is an increasing need to support small to medium local food growers and suppliers to move their produce from farm gate to markets. This was highlighted in a recent study coordinated by local food network *Grow Lightly* and funded by Gardiner Foundation. This study identified a lack of resources relating to food distribution capabilities for small to medium specialty food growers and outlets.

Participating food growers/suppliers in the study highlighted the increasing demand for locally grown produce, however acknowledged that there was a lack of opportunity for sale beyond the farm-gate. Many of these growers/suppliers are micro-businesses who recognise the need to collaborate to focus on food

distribution systems across South Gippsland to increase their viability and attract more growers to the region.

## RESOURCES

Council's contribution of \$15,000 from Economic Development and Tourism is available in the 2018/19 Budget. The funding breakdown for this project is as follows:

<b>Estimated Total Cost:</b>	<b>\$45,000</b>
FSV Planning Grant program	\$30,000
Council Contribution	\$15,000

## RISKS

If Council does not support this project, Council will miss an opportunity to obtain external funds to assist in supporting farmers, growers, processors, and manufacturers to work together to grow their businesses.

## 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)

Revised Council Plan 2017 - 2021

Economic Development and Tourism Strategy

## **2.3. SOUTH GIPPSLAND ADVOCACY FRAMEWORK**

Development Services Directorate

### **EXECUTIVE SUMMARY**

A draft South Gippsland Advocacy Framework (**Attachment [2.3.1]**) document has been developed to guide Council's advocacy on Priority Projects, Significant Roads Projects and Government policy issues affecting Local Government.

The Framework is designed to be updated annually as projects are completed and new priorities are developed. It is requested that the Advocacy Framework be received by Council so that it can be promoted in the public realm.

### **RECOMMENDATION**

That Council receives the South Gippsland Advocacy Framework (Attachment [2.3.1]).

**MOVED:** Cr Skinner

**SECONDED:** Cr Brunt

**THAT COUNCIL RECEIVES THE SOUTH GIPPSLAND ADVOCACY FRAMEWORK (ATTACHMENT [2.3.1]).**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

Council has had a strong advocacy program for priority infrastructure projects which has been very successful over recent years. This has included projects such as the Karmai Centre at Korumburra, Leongatha Heavy Vehicle Alternate Route and reconstruction of the Port Welshpool Long Jetty.

An Advocacy Framework document has been developed so that Council can take a more structured, pro-active and coordinated approach to secure funding for its Priority Projects and Significant Roads Projects, listed below.

### ***Priority Projects for Advocating***

- Leongatha Revitalisation Project
- Great Southern Rail Trail – Welshpool to Alberton Link
- Mirboo North Pool Refurbishment

### ***Significant Road Projects***

- Bair Street, Leongatha
- Ruby-Arawata Road Bridge, Ruby
- North Poowong Road, Poowong
- Simons Lane, Leongatha
- Hughes Street, Leongatha
- Coal Creek – South Gippsland Highway bends Korumburra
- South Gippsland Highway, Foster to Welshpool
- Bass Highway, Leongatha to Inverloch

The Framework clarifies roles and responsibilities to assist with more successful outcomes. It will also guide Council's advocacy to other levels of government regarding policy impacting Local Government.

The Framework outlines a process for ongoing implementation, refinement and review of Council's annual Priority Projects to ensure that a consistent and strategic approach is undertaken each year.

An outline of the process and an annual action plan is provided in the Framework to support and guide the advocacy process. This will ensure that

internal systems and resources align with Council's objectives, community and regional needs.

The Framework will be measured against key criteria including: achievement of priorities, communication of key messages to target audience, development of relationships and community feedback.

### **CONSULTATION**

The Framework identifies key partnerships and stakeholders that will be critical during the advocacy process.

Councillors were consulted and provided feedback through Economic Development and Tourism Steering Committee meetings.

### **RESOURCES**

The implementation of the South Gippsland Advocacy Framework (**Attachment [2.3.1]**) will occur within existing resources.

### **RISKS**

The South Gippsland Advocacy Framework has a process of review, refinement and reporting to allow for continuous improvement and to minimise risk. The Framework fulfils an objective in the 2017-2021 Council Plan, Strategic Objective 1.2.

### **STAFF DISCLOSURE**

Nil

### **ATTACHMENTS**

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

1. South Gippsland Advocacy Framework - Draft **[2.3.1]**

### **REFERENCE DOCUMENTS**

#### **Council Policy**

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

Revised Council Plan 2017 - 2021

Economic Development and Tourism Strategy

#### **Legislative Provisions**

Local Government Act 1989, s.1(4)

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

#### **3.1. CORNER INLET EARLY YEARS INFRASTRUCTURE REVIEW**

Corporate and Community Services Directorate

##### **EXECUTIVE SUMMARY**

An initial stakeholder consultation meeting was held on 16 July 2018 to present the two options, to gain initial feedback and request direction for engagement of current and future users, as well as the general community. This meeting highlighted a changed political environment since previous 2015 review. Potential impact of Prom Coast Centres for Children Incorporated (PCCC) and the communities in general were also highlighted. A feasibility study, including funding for same has been requested.

##### **RECOMMENDATION**

That Council:

1. Commission an independent Feasibility Study, including a cost/benefit analysis of a proposal to establish two kindergartens and ancillary services hubs to be co-located with the Toora and Welshpool primary schools. The study should also assess the potential financial impact on Prom Coast Centres for Children as well as the ongoing financial operating viability of the two kindergarten service hubs; and
2. Endorses an amount of no more than \$30,000 for the purpose of executing this study from existing resources within the Community Services budget.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **COMMISSION AN INDEPENDENT FEASIBILITY STUDY, INCLUDING A COST/BENEFIT ANALYSIS OF A PROPOSAL TO ESTABLISH TWO KINDERGARTENS AND ANCILLARY SERVICES HUBS TO BE CO-LOCATED WITH THE TOORA AND WELSHPOOL PRIMARY SCHOOLS. THE STUDY SHOULD ALSO ASSESS THE POTENTIAL FINANCIAL IMPACT ON PROM COAST CENTRES FOR CHILDREN AS WELL AS THE ONGOING FINANCIAL OPERATING VIABILITY OF THE TWO KINDERGARTEN SERVICE HUBS; AND**
2. **ENDORSES AN AMOUNT OF NO MORE THAN \$30,000 FOR THE PURPOSE OF EXECUTING THIS STUDY FROM EXISTING RESOURCES WITHIN THE COMMUNITY SERVICES BUDGET.**

**CARRIED**

**FOR:** Councillors Argento, Rich, McEwen, Edwards, Skinner, Brown and Hill.

**AGAINST:** Councillors Kiel and Brunt.

[Link to next Agenda Item.](#)

## REPORT

At the 28 October 2015 Ordinary Meeting of Council, Council resolved to:

*“Investigate, in consultation with the community, the development of one integrated community hub to meet the service requirements of a 22 place kindergarten and ancillary services for Toora and Welshpool in the next 5 -10 years.”*

At the 2 May 2018 Council Briefing, Councillors demonstrated support to:

*“Develop a community engagement plan to investigate the preferred option for early years services in the Corner Inlet area, specifically Toora and Welshpool, and present to Council in 2018:*

- *Option 1 – Facility to be built at Toora Primary School*
- *Option 2 – Facility to be built at Foster.”*

Copies of these reports were provided to Councillors at the 1 August 2018 Council Briefing.

An initial stakeholder consultation meeting was held on 16 July 2018 to present the two options, to gain initial feedback and request direction for engagement of current and future users, as well as the general community.

An initial presentation highlighted past resolution and rationale for the two options. In particular following the resolution of Council on 26 August 2015, the current usage rates (13 children) and projected demographic data support one of these two options, and most strongly the Toora option.

PCCC committee members highlighted that it was PCCC’s strategic direction to maintain services at both Welshpool and Toora. This is also supported by both primary school principals. Without listing all points of discussion, some general themes were around: equity of access, the need to address social disadvantage, opportunity to improve range of services delivered in local towns, the potential negative impact on future primary school enrolments, and, potentially the viability and sustainability of the individual towns.

It was also noted that the option of co-location was not investigated in 2014/15, as this was not supported by the Department of Education and Training (DET) or the two school principals at the time. Co-location is now a preferred state platform for DET, and strongly supported in principle by both principals as well as PCCC.

The proposal of a feasibility study to explore the prospect of co-location on both sites was raised by members of the committee of management, and generally supported by all attendees.

The study would explore:

1. Ability of each primary school site to accommodate a kindergarten and ancillary services hub. The study will consider whether it could be accommodated by refurbishing existing buildings or whether a new construction would be required;
2. Synergies of service delivery between; primary schools, kindergartens, play groups, specialist service delivery, and other related community activities;
3. Cost/benefit analysis of one or two sites;
4. The financial viability of each potential service site; and
5. The potential impact on the viability of the total PCCC service.

### **CONSULTATION**

Initial consultation on 16 July 2018 was attended by: the South Gippsland Shire Council Director of Corporate and Community Services; Manager Community Services; six members of PCCC Committee of Management; two PCCC senior staff; primary school principals from Welshpool and Foster (Toora was a late apology); a representative from the Victorian Department of Education and Training; and two South Gippsland Shire Councillors.

### **RESOURCES**

The cost of the feasibility study will be funded from existing resources within the Community Services budget.

A proposal for co-location at both sites would have a capital implication. Current Capital budget in 2018/19 and 2019/20 is \$800,000. Building at both sites may require a significantly higher level of investment, should new buildings be required for this purpose. It is noted that DET currently has a capital budget stream for co-location, but also noted that only two projects were successful in 2017/18 for the whole of Victoria.

### **RISKS**

To not undertake this study is to risk exposure of community dissent for not fully investigating all options.

From an operational perspective, establishment of both sites may not be financially viable in each or both cases, and may potentially place the financial viability of PCCC at risk.

Eliminating one or both sites may also place PCCC at financial risk with the potential loss of Cluster Management funding.

Removal of a kindergarten services may jeopardise the future operation of the local primary schools and potentially the sustainability of a local community.

#### **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)*

Children and Families Plan 2016-2021

Council Plan 2017-2021

Early Childhood Services Building Assets Policy Framework

##### **Legislative Provisions**

Child Safe Standards 2016

Child Wellbeing & Safety Act 2005

Children's Services Act 1996

Children's Services Regulations 2009

Children, Youth and Families Act 2009

Local Government Act 1989

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

### **4.1. BAROMI PARK MASTERPLAN**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council allocated \$300,000 to improvements in Baromi Park, Mirboo North through the 2016 Community Capital Works Allocation process.

Extensive consultation has been undertaken with the community and a Masterplan has been developed. The Masterplan will guide the implementation of these improvements without compromising the essential purpose of the Park.

#### **RECOMMENDATION**

That Council:

1. Notes the Baromi Park Masterplan (Attachment [4.1.1]);
2. Seeks grant funds in partnership with the community to implement the Masterplan when such funding opportunities arise; and
3. Notes that applications have already been submitted for components of the Masterplan. The outcome of these applications is currently pending.

**MOVED:** Cr Kiel

**SECONDED:** Cr Edwards

#### **THAT COUNCIL:**

1. **NOTES THE BAROMI PARK MASTERPLAN (ATTACHMENT [4.1.1]);**
2. **SEEKS GRANT FUNDS IN PARTNERSHIP WITH THE COMMUNITY TO IMPLEMENT THE MASTERPLAN WHEN SUCH FUNDING OPPORTUNITIES ARISE; AND**
3. **NOTES THAT APPLICATIONS HAVE ALREADY BEEN SUBMITTED FOR COMPONENTS OF THE MASTERPLAN. THE OUTCOME OF THESE APPLICATIONS IS CURRENTLY PENDING.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Council allocated \$400,000 to Mirboo North through the 2016 Community Capital Works Allocation program to support further development of Council owned infrastructure. The community was invited to direct the allocation of this funding, and chose to commit \$300,000 to improving infrastructure in Baromi Park. The balance of the \$400,000 was allocated to a new footpath in Couper Street Mirboo North which was completed in March 2018.

A Masterplan has been developed that focuses on:

- a. Improvements to the existing skatebowl by adding a street activity section to extend the range of skate-related activity that can be undertaken at this site.
- b. Constructing a basketball half court adjacent to the enhanced skating facility to create a youth activity zone
- c. Installing public toilets at the eastern end of Baromi Park to support more extensive use of the Park for events and to support activation of the eastern end of Ridgway, the main street.
- d. Developing a Nature Playground to supplement the current playground
- e. Constructing an outdoor performance space within the park to enable event organisers to broaden the range of activities at local events and to provide a permanent space for local and visiting artists and musicians to perform.
- f. Upgrading the power available for use at events and markets, particularly for food vans and stall holders. Consideration has also been given to the introduction of new regulations limiting where people are allowed to smoke near food outlets.
- g. Providing a removable wind screen to the western end of the current main community shelter that houses public barbeques and picnic tables and benches, to allow greater use in the cooler months.

Another aspect for Park enhancement considered for future development is the formal declaration of the area to the north of the Ridgway retail area as a public road, and then undertaking works to create new entrances from Ridgway. This would include sealing works and formal car and long vehicle parking delineation.

Refer to Baromi Masterplan (**Attachment [4.1.1]** - Baromi Park Masterplan – July 30 2018)

Council has previously endorsed two applications for external funds for projects included in this Masterplan:

1. Mirboo North Active Play (23 May, 2018 Ordinary Meeting of Council), seeking funds for the skatebowl and half court project.
2. Baromi Park Community Space project (25 July, 2018 Ordinary Meeting of Council), seeking external funds to assist with the public toilets, nature playground and performance space aspects of the masterplan.

These applications are currently pending.

## **CONSULTATION**

The allocation of the Community Capital Works Allocation funds was undertaken via the 'OurSay' platform September 2016, and included extensive online engagement and a public forum that was held on 26 October 2016. This process decided on the allocation and key projects for Baromi Park and was followed by further consultation to refine the detail of the most useful projects. A public forum was held on 26 July 2017 to provide further input prior to development of a draft masterplan. A series of forums were held between January and March 2018 to review the draft masterplan and gain further community and stakeholder input. The local newspaper promoted the draft Masterplan widely, and community groups in Mirboo North promoted participation via their websites. Written submissions were received from individuals and community organisations.

## **RESOURCES**

This project has been undertaken within existing budgets. Any new infrastructure or enhancements to the Park that cannot be funded from the initial \$300,000 allocation are to be funded through external grants.

## **RISKS**

Development of a new Masterplan can create heightened community expectations. Council staff from the Parks and Gardens team and Infrastructure Delivery department were directly involved throughout the development of the masterplan and community consultation to ensure that the proposed enhancements were achievable and would not place an unreasonable burden on Council's capacity to maintain new or enhanced facilities.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Baromi Park Masterplan - July 2018 **[4.1.1]**

## **4.2. LETTER OF SUPPORT TO MOYNE SHIRE COUNCIL: WIND FARM TRANSMISSION LINES**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council recently received a letter from Moyne Shire Council to request a letter of support for better coordination of wind farm transmission line (TxLs) design and routes (refer to **Attachment [4.2.1]**).

The letter states that:

*“Council is concerned that without urgent and important planning and regulatory changes being made in Victoria, the future construction and potential duplication of transmission lines associated with wind farms within Moyne Shire and across regional Victoria, will occur in an unregulated manner and with an undue impact on local communities.”*

Based on issues and past campaigns that have occurred in South Gippsland relating to transmission lines, it is recommended that Council provide a letter of support to Moyne Shire in support of its initiative.

### **RECOMMENDATION**

That Council:

1. Receives the Moyne Shire Council submission - Wind Farm Transmission Lines (Attachment [4.2.1]);
2. Write a letter to Moyne Shire Council supporting its position regarding better coordination of transmission line design and routes.

**MOVED:** Cr Kiel

**SECONDED:** Cr Rich

### **THAT COUNCIL:**

1. **RECEIVES THE MOYNE SHIRE COUNCIL SUBMISSION - WIND FARM TRANSMISSION LINES (ATTACHMENT [4.2.1]);**
2. **WRITE A LETTER TO MOYNE SHIRE COUNCIL SUPPORTING ITS POSITION REGARDING BETTER COORDINATION OF TRANSMISSION LINE DESIGN AND ROUTES.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## **REPORT**

In recent years, communities in South Gippsland have expressed strong concerns regarding the potential landscape impacts from the development of electricity transmission lines related to the development of windfarms and the Wonthaggi desalination plant.

In 2008 Council supported the communities of Loch, Nyora and Poowong in their campaign to stop the construction of 48 metre high transmission towers traversing the Shire between Loch and Nyora, and to have the lines placed underground. In coordination with other communities along the route, the campaign was successful and the State Government provided the additional funding to install the supply underground.

More recently, concerns have been expressed regarding the visual impact of the transmission lines and substation associated with the Bald Hills Windfarm. Windfarm transmission lines may be visually dominant structures and may be more significant than the appearance of utility infrastructure typically found in rural areas.

Protecting the Shire's landscape values is important to the local community and critical to South Gippsland's environment-based tourism industry. The 'Corner Inlet Amphitheatre' is a State significant landscape and one of three landscape areas identified in the Shire's Significant Landscape Overlay (SLO). High value landscapes are often found in coastal areas where high value wind resources are also located. This means that Significant Landscape Overlay areas are likely to see an increase in interest from the energy industry in the future. Renewable energy facilities can be located in Significant Landscape Overlay areas, however the value of these areas should bring with them a more rigorous requirement to balance the need for renewable energy and the need to protect landscape values.

While it can be argued that wind turbines can sit well in a high value landscape, it is rare that transmission lines and substations are considered visually sympathetic.

The experience of Moyne Shire further supports the need to clearly express to the State Government that improvement is required regarding how electrical transmission lines and associated infrastructure are developed so that significant landscapes are protected and local communities not burdened by poorly located and visually obtrusive infrastructure.

## **CONSULTATION**

Council has previously received feedback and supported communities regarding the visual amenity of transmission lines.

## **RISKS**

This proposal will reduce the risks of poorly coordinated transmission line design and routes.

## **STAFF DISCLOSURE**

Nil

## **ATTACHMENTS**

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

1. Moyne Shire Council - Wind Farm Transmission Lines - Letter Requesting Support **[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)

South Gippsland Significant Landscape Overlay

#### **4.3. REMOVAL OF AGREEMENT ROAD MAINTENANCE DEFECT LIABILITY COMPLETED - SHEENS ROAD, MIRBOO NORTH**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

The purpose of this report is to authorise the Chief Executive Officer to sign all documentation to end an agreement made pursuant to s.177(2) of the Planning and Environment Act 1987.

The agreement is in place over a 130m section of the now constructed open government road as an extension of Sheens Road, Mirboo North. As the 12-month Defects Liability Period has expired and all construction works for the road have satisfactorily met Council's requirements, the agreement can now be ended and removed from the certificate of title.

##### **RECOMMENDATION**

That Council authorises the Chief Executive Officer to sign all documentation to end an agreement made pursuant to the Planning and Environment Act 1987 as provided for under s.177(2), in place over the 130m section of the constructed open government road an extension of Sheens Road, Mirboo North.

**MOVED:** Cr Kiel

**SECONDED:** Cr Hill

**THAT COUNCIL AUTHORISES THE CHIEF EXECUTIVE OFFICER TO SIGN ALL DOCUMENTATION TO END AN AGREEMENT MADE PURSUANT TO THE PLANNING AND ENVIRONMENT ACT 1987 AS PROVIDED FOR UNDER S.177(2), IN PLACE OVER THE 130M SECTION OF THE CONSTRUCTED OPEN GOVERNMENT ROAD AN EXTENSION OF SHEENS ROAD, MIRBOO NORTH.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Council received a request from a land owner to open a 130m section of unused government road as an extension of Sheens Road, Mirboo North to allow legal access to allotment CA 125C\PP3119 for a proposed subdivision.

At the 28 November 2012 Ordinary Meeting of Council, Council unanimously resolved the following:


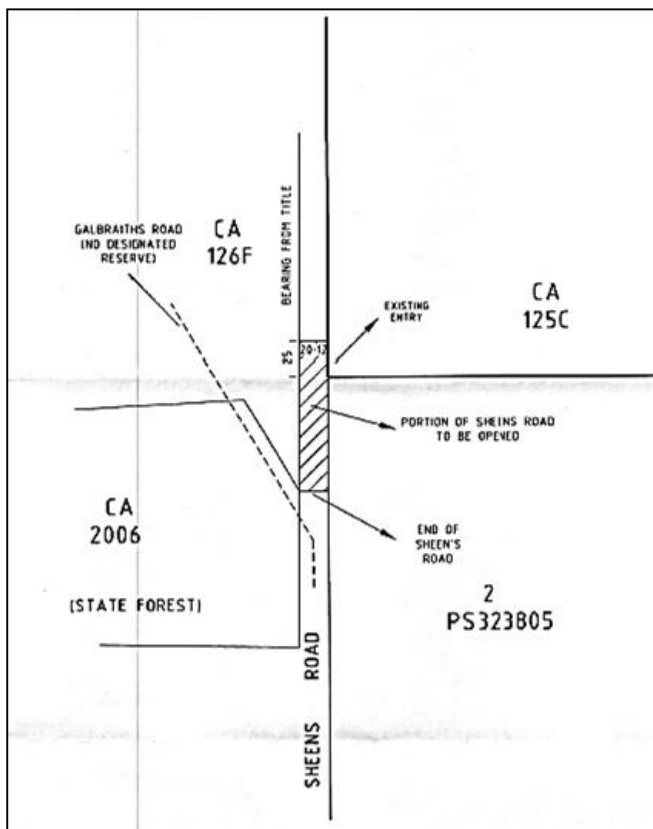
- “1. Pursuant to Section 204(2), of the Local Government Act 1989, declare the 130 metre section of unused government road being an extension of Sheens Road, Parish of Mirboo (cross hatched  in figure 1), is required to be open to the public for traffic as a right and declares the road to be a public highway for the purposes of the Act from the publication of this declaration in the Government Gazette; and
2. Prepare an agreement for the applicant to enter into under the Planning and Environment Act 1987, in which the applicant bears all the costs associated with the opening and construction of the road.
3. Directs that a notice be published in the Government Gazette.”

Figure 1 – Section of Road Opened to Public Traffic



The agreement in place over the 130m extension of Sheens Road, Mirboo North now needs to be ended and removed from the certificate of title.

The agreement was to end upon the expiry of the 12-month Defects Liability Period and once Council agreed that all works and rectifications provided were to Council standards.

## **CONSULTATION**

### ***Council Report 26 September 2012 – E.5 Proposed Road Opening of a Section of Unused Government Road as a Continuation of Sheens Road, Mirboo North***

In accordance with ss.204(1) and 223 of the Local Government Act 1989, Council is required to commence the statutory procedures and commence a formal submission process by publishing a notice of the proposed road opening of a section of government road reserve by inviting written submissions from the community. No submissions were received in response to the public notice.

### ***Council Report 28 November 2012 – E.3 Formalise the Road Opening of a Section of Unused Government Road as a Continuation of Sheens Road, Mirboo North***

In accordance with s.204(2) of the Local Government Act 1989, Council declared the 130m section of unused government road being an extension of Sheens Road, Parish of Mirboo, open to the public and prepared an agreement for the applicant to enter into under the Planning and Environment Act, in which the applicant was responsible for all costs associated with opening and constructing the road.

## **RESOURCES**

The maintenance cost for this section of road is accommodated in the Operations department budget for road construction and maintenance when required.

## **RISKS**

There are no risks associated with the ending of the agreement as works were subject to a 12-month Defects Liability Period and have been satisfactorily completed to Council's standards.

## **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)  
Road Opening Procedure

**Legislative Provisions**

Local Government Act 1989

Planning and Environment Act 1987

#### **4.4. LOAN APPLICATION - MIRBOO NORTH POOL REFURBISHMENT - 2018/19 COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME - SPORT AND RECREATIONAL VICTORIA**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

Sport and Recreation Victoria's *Community Sports Infrastructure Loans Scheme* (Loans Scheme) is providing organisations access to low-interest rate loans between \$500,000 and \$10M to deliver community sport and recreation infrastructure.

The \$100M Loans Scheme was announced with the 2018/19 Victorian Budget as part of a broader approach to increase infrastructure investment.

The loan terms will be based on Treasury Corporation of Victoria's borrowing at the time of loan drawdown. The indicative rate as of 25 June 2018 is 3.1% for a 10-year loan. The Loans Scheme also provides an additional interest subsidy of at least 50%, resulting in an equivalent interest rate of 1.55% at 25 June 2018. Interest rates will vary based on Treasury Corporation of Victoria's rates at the time of borrowing.

The 2018/19 Priority Project which meets the criteria is the Mirboo North Pool Refurbishment project, having a budget of \$3.8M, incorporating Council's contribution of \$3.6M and a minimum community contribution of \$200,000.

A large amount of government grant funding is required from similar grant funding programs in order to deliver a number of Council's 2018/19 Priority Projects, and these are unlikely to all be successful. Freeing up capital by borrowing money through the Loans Scheme gives Council the ability to fully fund some of the priority projects without relying on grant funding.

##### **RECOMMENDATION**

That Council:

1. Applies for a loan through Sport and Recreation Victoria's 2018/19 Community Sports Infrastructure Loans Scheme for the Mirboo North Pool Refurbishment Project for the amount of \$3.6M.
2. Notes Council's contribution for the Mirboo North Pool Refurbishment Project of \$3.6M has already been allocated through the 2018/19 Capital Works Program.
3. If the loan application is successful through Sport and Recreation Victoria's 2018/19 Community Sports Infrastructure Loans Scheme for an

amount of \$3.6M, a report to Council will be provided to endorse the terms and conditions of the loan and authorise the Chief Executive Officer to enter into the loan agreement.

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

- 1. APPLIES FOR A LOAN THROUGH SPORT AND RECREATION VICTORIA'S 2018/19 COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME FOR THE MIRBOO NORTH POOL REFURBISHMENT PROJECT FOR THE AMOUNT OF \$3.6M.**
- 2. NOTES COUNCIL'S CONTRIBUTION FOR THE MIRBOO NORTH POOL REFURBISHMENT PROJECT OF \$3.6M HAS ALREADY BEEN ALLOCATED THROUGH THE 2018/19 CAPITAL WORKS PROGRAM.**
- 3. IF THE LOAN APPLICATION IS SUCCESSFUL THROUGH SPORT AND RECREATION VICTORIA'S 2018/19 COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME FOR AN AMOUNT OF \$3.6M, A REPORT TO COUNCIL WILL BE PROVIDED TO ENDORSE THE TERMS AND CONDITIONS OF THE LOAN AND AUTHORISE THE CHIEF EXECUTIVE OFFICER TO ENTER INTO THE LOAN AGREEMENT.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Sport and Recreation Victoria's (SRV) innovative \$100M *Community Sports Infrastructure Loans Scheme*<sup>2</sup> (Loans Scheme) was announced as part of the 2018/19 Victorian Budget. SRV's Loans Scheme is providing organisations access to low interest rate loans between \$500,000 and \$10M to deliver community sport and recreation infrastructure.

The aim of the Loans Scheme is to provide councils, clubs, associations, education institutions, and facility managers access to low-interest loans guaranteed by the Victorian Government. These loans can be used to develop high-quality sport and recreation infrastructure that increases access to sport and active recreation in Victoria.

Eligible projects include the upgrade and development of significant community sport and recreation infrastructure such as indoor or outdoor aquatic leisure facilities, indoor sports stadiums, community sport precincts and active recreation infrastructure including trails.

The terms of the loan are:

- Fixed or variable interest rate at the Treasury Corporation of Victoria's borrowing rate. As of 25 June 2018 for a 10 year loan the borrowing rate was 3%.
- An additional interest subsidy of at least 50%, resulting in an equivalent interest rate of 1.55%.
- Loan terms up to 15 years.
- Variable timing of repayments (monthly / quarterly / semi annual).
- Loan Scheme applications close on 31 August 2018.

Further information is available in the Program Guidelines (**Attachment [4.4.1]**) and Frequently Asked Questions (**Attachment [4.4.2]**).

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<sup>2</sup> **Community Sports Infrastructure Loans Scheme (SRV website):**  
<http://sport.vic.gov.au/grants-and-funding/community-sports-infrastructure-loans-scheme>

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## Mirboo North Pool Refurbishment Project

The Mirboo North Pool Refurbishment project is one of the 2018/19 Priority Projects with a construction budget of \$3.8M. Council's contribution is \$3.6M with a community contribution of \$200K as a minimum.

Government grant funding options for this project were low which resulted in Council requiring to almost fully fund this project. The Loans Scheme provides an opportunity to divert Council's contribution from the Mirboo North Pool Refurbishment project into another 2018/19 Priority Project that may not have a high chance of attracting grant funding.

The Mirboo North Pool Refurbishment project is likely to be successful as part of the SRV Loans Scheme as it is considered shovel ready.

## Priority Projects Requiring Grant Funding

**Table 1** below lists Council's 2018/19 Priority Projects, their budgets, the government grant funding component, and the expected chance of government grant funding.

**Table 1 – 2018/19 Priority Projects**

PRIORITY PROJECT	BUDGET	GRANT \$	DELIVERY	FUNDING CHANCE
Leongatha Business Precinct Development Project (Bair St & Railway Land Stage 1)	\$5.8M	\$4.25M	2019/20	Low
Korumburra Streetscape <i>(Korumburra Revitalisation Project)</i>	\$3.4M	\$1.7M	2020/21	Low
Korumburra Hub & Station Precinct <i>(Korumburra Revitalisation Project)</i>	\$5M	\$1.1M	2019/20	Good – but unknown in current environment
GSRT Leongatha to Korumburra	\$4M	\$2.4M	2019/20	Good – but unknown in current environment
GSRT Korumburra to Nyora and beyond	\$3M	\$2M	2022/23	Good – but unknown in current environment
<b>TOTAL GRANT FUNDING</b>		<b>\$11.45M</b>		

Based on the total amount of government grant funding being sought from similar funding programs, it is unlikely that they will all be successful. Freeing up capital by borrowing money through the Loans Scheme gives Council the ability to fully fund some of its 2018/19 Priority Projects without relying on grant funding.

## **CONSULTATION**

Consultation has occurred with the Finance Department around the modelling of future budget implications and with Council's grants officer regarding the potential success of securing grant funding for the nominated priority projects.

Councillors were updated on 8 August 2018 via Executive Updates.

## **RESOURCES**

### **Staffing**

The resources required to apply and manage a loan under the SRV sports infrastructure loans scheme can be accommodated within current staffing levels.

### **Long Term Budget Implications**

A \$3.6M loan over ten years to fund the Mirboo North Pool Refurbishment project would result in an interest expense of \$321,000 over the term of the loan, using the current interest rate of 3.1% (subsidised to 1.55%) and making annual repayments.

If this interest rate were to increase to 4% (subsidised to 2%), interest expense would increase to \$419,000 over the term of the loan. This creates a slight decrease in the "Underlying Result" financial performance indicator, however, this still remains within tolerable levels.

Future cash balances will be negatively impacted over the term of the loan through the repayment of the \$3.6M loan in addition to interest payments. This creates a slight decrease in the "Underlying Working Capital" financial performance indicator, however, this still remains within tolerable levels. Cash balances are projected to remain healthy despite these repayments.

Council's level of indebtedness will increase with the addition of the \$3.6M loan to approximately 10.4% in year one, reducing as the loan is repaid. Estimates of impacts on key financial performance ratios and indicators are located in **Figure 1** at the end of this report.

## **RISKS**

Although Council will continue to actively seek external funding, it is highly unlikely that Council will be successful with all grant funding applications considering the number of competing priority projects budgeted for in the years 2019 to 2021 which rely on government grant funding from similar grant funding programs. The result being that some projects may not be delivered, or money will need to be diverted from other capital projects.

Borrowing \$3.6M will affect future cash balances, creating a slight decrease in the “Underlying Working Capital” financial performance indicator, however, this still remains within tolerable levels. It also creates a slight decrease in the “Underlying Result” financial performance indicator, however, this also remains within tolerable levels.

#### **STAFF DISCLOSURE**

Nil

#### **ATTACHMENTS**

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

1. SRV Loans Scheme Program Guidelines **[4.4.1]**
2. SRV Loans Scheme FAQ's **[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)

2018/19 Priority Projects

C32 Procurement Policy

Long Term Financial Plan

Long Term Financial Strategies

Figure 1 - Estimates of impacts on key financial performance ratios and indicators

<b>Budget with Loan</b>	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
<b>Financial performance</b>															
Underlying result	-4.56%	6.36%	7.54%	6.63%	7.16%	7.00%	6.76%	6.49%	6.09%	6.02%	5.77%	5.78%	6.59%	5.45%	7.17%
Underlying Working Capital	1.29	1.34	1.41	1.20	1.27	1.39	1.65	1.43	1.52	1.41	1.46	1.58	1.54	1.39	1.53
<b>Funding capacity</b>															
Self-financing	17.64%	32.82%	29.39%	27.36%	29.61%	27.15%	27.61%	29.41%	26.96%	26.19%	25.69%	25.63%	26.03%	25.73%	27.42%
Sustainability Index	208%	201%	155%	161%	139%	140%	132%	135%	122%	164%	146%	134%	137%	139%	137%
<b>Borrowing capacity</b>															
Indebtedness	10.42%	9.70%	8.93%	8.21%	7.49%	6.80%	6.11%	5.44%	4.79%	4.14%	4.18%	4.22%	4.23%	4.24%	4.35%
Total Debt as a % of Rate revenue	16.35%	7.54%	6.63%	5.74%	4.87%	4.01%	3.18%	2.36%	1.56%	0.77%	0.00%	0.00%	0.00%	0.00%	0.00%
Debt servicing costs as a % of Total revenue	0.31%	0.15%	0.07%	0.06%	0.05%	0.04%	0.03%	0.02%	0.02%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%
	0.08	(0.39)	0.31	(0.02)	(0.28)	(0.38)	(0.14)	(0.14)	(0.42)	(0.45)	(0.32)	(0.40)	(0.45)	(0.53)	(0.70)
<b>Current budget</b>	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
<b>Financial performance</b>															
Underlying result	-4.47%	6.44%	7.62%	6.70%	7.21%	7.04%	6.79%	6.52%	6.11%	6.03%	5.77%	5.78%	5.97%	5.45%	7.17%
Underlying Working Capital	1.32	1.42	1.53	1.34	1.45	1.61	1.91	1.72	1.85	1.77	1.80	1.92	1.88	1.72	1.86
<b>Funding capacity</b>															
Self-financing	17.64%	32.82%	29.39%	27.36%	29.61%	27.15%	27.61%	29.41%	26.96%	26.19%	25.69%	25.63%	26.03%	25.73%	27.42%
Sustainability Index	208%	201%	155%	161%	139%	140%	132%	135%	122%	164%	146%	134%	137%	139%	137%
<b>Borrowing capacity</b>															
Indebtedness	3.80%	3.85%	3.88%	3.92%	3.95%	3.99%	4.03%	4.07%	4.11%	4.14%	4.18%	4.22%	4.23%	4.24%	4.35%
Total Debt as a % of Rate revenue	7.88%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Debt servicing costs as a % of Total revenue	0.22%	0.08%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Variation of Proposed to Current Bud</b>	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33
<b>Financial performance</b>															
Underlying result	-0.09%	-0.08%	-0.07%	-0.06%	-0.05%	-0.04%	-0.03%	-0.03%	-0.02%	-0.01%	0.00%	0.00%	0.62%	0.00%	0.00%
Underlying Working Capital	(0.03)	(0.08)	(0.11)	(0.14)	(0.18)	(0.22)	(0.26)	(0.29)	(0.33)	(0.36)	(0.34)	(0.34)	(0.34)	(0.34)	(0.34)
<b>Funding capacity</b>															
Self-financing	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Sustainability Index	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Borrowing capacity</b>															
Indebtedness	6.62%	5.85%	5.05%	4.29%	3.54%	2.81%	2.08%	1.37%	0.68%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Debt as a % of Rate revenue	8.47%	7.54%	6.63%	5.74%	4.87%	4.01%	3.18%	2.36%	1.56%	0.77%	0.00%	0.00%	0.00%	0.00%	0.00%
Debt servicing costs as a % of Total revenue	0.09%	0.07%	0.07%	0.06%	0.05%	0.04%	0.03%	0.02%	0.02%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%

#### **4.5. GRANT APPLICATION - FOSTER INDOOR STADIUM REDEVELOPMENT PROJECT - 2018/19 COMMUNITY SPORT INFRASTRUCTURE PROGRAM - SPORT AUSTRALIA**

Infrastructure Directorate

##### **EXECUTIVE SUMMARY**

Sport Australia recently launched its *Community Sport Infrastructure Grant Program* (CSIG program) to fund minor small-to-medium capital projects, particularly improvements to existing sport infrastructure. The aim of this program is to ensure that more Australians have access to quality sport infrastructure, encouraging greater community participation in sport and physical activity.

At the Ordinary Meeting of Council 27 June 2018, Council resolved to submit an application to Sport and Recreation Victoria's (SRV) *2018/19 Better Indoor Stadiums Fund* for the Foster Indoor Stadium Redevelopment project. Although the funding announcement is not until September 2018, it is recommended that Council submits an additional application for this project under the CSIG program.

##### **RECOMMENDATION**

That Council:

1. Applies for \$500,000 to Sport Australia's Community Sports Infrastructure Grant Program for the Foster Indoor Stadium Redevelopment project.
2. Notes that an application to the Sport Australia Community Sports Infrastructure Grant Program is in addition to the application for \$1M already submitted to the Sport and Recreation Victoria's 2018/19 Better Indoor Stadium Fund which is currently pending.
3. Notes that it has allocated \$1M funding in Council's Long Term Financial Plan for the Foster Indoor Stadium Redevelopment project. This would be reduced to \$500,000 should both funding applications be approved.

**MOVED:** Cr Argento

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **APPLIES FOR \$500,000 TO SPORT AUSTRALIA'S COMMUNITY SPORTS INFRASTRUCTURE GRANT PROGRAM FOR THE FOSTER INDOOR STADIUM REDEVELOPMENT PROJECT.**
2. **NOTES THAT AN APPLICATION TO THE SPORT AUSTRALIA COMMUNITY SPORTS INFRASTRUCTURE GRANT PROGRAM IS IN ADDITION TO THE APPLICATION FOR \$1M ALREADY SUBMITTED TO THE SPORT AND RECREATION VICTORIA'S 2018/19 BETTER INDOOR STADIUM FUND WHICH IS CURRENTLY PENDING.**
3. **NOTES THAT IT HAS ALLOCATED \$1M FUNDING IN COUNCIL'S LONG TERM FINANCIAL PLAN FOR THE FOSTER INDOOR STADIUM REDEVELOPMENT PROJECT. THIS WOULD BE REDUCED TO \$500,000 SHOULD BOTH FUNDING APPLICATIONS BE APPROVED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Sport Australia recently launched its *Community Sport Infrastructure Grant Program* (CSIG program) to fund minor small-to-medium capital projects, particularly improvements to existing sport infrastructure. The program aims to ensure more Australians have access to quality sport infrastructure, encouraging greater community participation in sport and physical activity.

At the Ordinary Meeting of Council 27 June 2018, Council endorsed a funding application to Sport and Recreation Victoria (SRV) under the *2018/19 Better Indoor Stadiums Fund* (BISF) for the Foster Indoor Stadium Redevelopment project.

Although the funding announcement is not expected until September 2018, Council is aware that only a very small number of projects will be approved for funding across the state through the BISF. Due to the anticipated challenges in securing funding under the BISF, it has been identified that the CSIG program provides another opportunity to seek external funding towards the project.

### **Community Sport Infrastructure Grant Program**

The Australian Government announced it would invest \$29.7M in 2018/19 to improve local community sport infrastructure. This investment will support minor small-to-medium capital projects through the provision of grants valued up to \$500,000. The CSIG program will commence in August 2018.

The objective of these grants is to support local communities to participate in recreation, learn, and develop together. The grant has two guiding themes; Community Sporting Hubs and Inclusion. Both are focussed on encouraging greater levels of participation in community sport and physical activity.

Applications to the program close on 14 September 2018 and funding announcements are expected from 1 November 2018 onwards. Program guidelines for the CSIG are available on the Sport Australia website<sup>3</sup>.

### **Foster Indoor Stadium Redevelopment Project**

The project is for the redevelopment of the indoor stadium at the Foster Showgrounds and is highlighted in Council's *15-year Capital Works Program*. The project will include reconstruction of the current amenities to provide change room facilities that meet Basketball Victoria and Netball Victoria guidelines along with accessible amenities. The scope will also extend the current stadium to provide a fully compliant basketball court along with a dry

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<sup>3</sup> Community Sport Infrastructure Grant Program (Sport Australia website):

[https://www.sportaus.gov.au/grants\\_and\\_funding/community\\_sport\\_infrastructure\\_grant\\_program](https://www.sportaus.gov.au/grants_and_funding/community_sport_infrastructure_grant_program)

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programs area. The foyer will be redeveloped to provide multi-use spaces and accommodate the U3A.

Overall, the project is being designed to meet the needs of a variety of users by providing a multi-sports indoor facility. Detailed designs and costs have been prepared and will be completed in readiness for the CSIG program timelines.

<b>Estimated Total Cost:</b>	<b>\$2M</b>
Sport Australia – CSIG program	\$500,000
SRV Grant – Better Indoor Stadium Fund (pending)	\$1M
Recommended Council Contribution	\$500,000

### **Support for Other Eligible Projects**

Sporting organisations such as a community sports clubs, national, state, or registered sport associations are eligible to also submit applications to the CSIG program. Under the guidelines, submissions will need to demonstrate that proposed projects are identified through a facility planning process and identified as a priority for local government and/or state/national sporting organisations or clubs. It is therefore anticipated that Council may be asked to provide support for other applications for eligible projects. As there is no limit to the amount of applications that can be submitted within a municipality, it is recommended that Council only support applications that can demonstrate the following:

- Already a project formally supported by Council.
- Identified in Council strategic plans / master plans.
- If relevant, adheres to the Council's Community Infrastructure Project Management Policy and Guidelines.
- Do not jeopardise any other Council project.

### **CONSULTATION**

The Foster Indoor Stadium Redevelopment project is an outcome of various master plans for both the Foster Showgrounds and the actual stadium. The project is identified in Council's *15-year Capital Works Program* and has been developed in consultation with Basketball Victoria, Foster Showgrounds Section 86 Committee, and relevant stakeholders to ensure that the project meets all necessary objectives and guidelines.

Funding announcements are expected from 1 November 2018 onwards.

## **RESOURCES**

The Foster Indoor Stadium Redevelopment project has been independently costed at \$2M. Although funding of \$1M has been allocated in 2019/20 in Council's *15-year Capital Works Program*, this figure would be reduced accordingly should both funding applications to be approved.

## **RISKS**

If Council does not support this project, it will miss an opportunity to obtain external funds to assist in improving this recreational facility within the Shire.

## **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)

15-year Capital Works Program

Long Term Financial Plan

Procurement Policy

### **Legislative Provisions**

Local Government Act 1989

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

### **5.1. INSTRUMENTS OF DELEGATION, AUTHORISATION AND APPOINTMENT - COUNCIL TO MEMBERS OF STAFF**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopts the following updated Instruments to reflect changes to legislation and where relevant changes in position titles, functions or personnel:

- Instrument of Delegation (Instrument of Delegation) Council to nominated staff positions (**Attachment [5.1.1]** - S6 Instrument of Delegation Council to Members of Staff – 22 August 2018 – Council Agenda Version); and
- Instruments of Appointment and Authorisation (Instruments of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987 (**Attachment [5.1.3]** – S11 A – Instrument of Appointment (P&E Act) - Council to Staff – 22 August 2018).

#### **RECOMMENDATION**

That Council:

1. Resolves that, in the exercise of the powers conferred by s.98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Delegation (Instrument of Delegation) Council to Members of Staff (Attachment [5.1.1] - S6 Instrument of Delegation Council to Members of Staff – 22 August 2018 – Council Agenda Version):
  - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in Attachment [5.1.1] - S6 Instrument of Delegation Council to Members of Staff – 22 August 2018 – Council Agenda Version) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
  - b. The Instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;
  - c. On the coming into force of the Instrument all previous delegations from Council to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and

- d.** The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.
- 2.** Resolves that, in the exercise of the powers conferred by s.224 of the Local Government Act 1989 and the other legislation referred to in the attached Instruments of Appointment and Authorisation (Instruments of Appointment and Authorisation) Council to Staff under the Planning and Environment Act 1987 (Attachment [5.1.3] – S11 A – Instrument of Appointment (P&E Act) - Council to Staff – 22 August 2018):
  - a.** The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments;
  - b.** The Instruments of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the instruments, and remains in force until Council determines to vary or revoke it; and
  - c.** The Instruments of Appointment and Authorisation be sealed.

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

- 1. RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.98(1) OF THE LOCAL GOVERNMENT ACT 1989 AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION (INSTRUMENT OF DELEGATION) COUNCIL TO MEMBERS OF STAFF (ATTACHMENT [5.1.1] - S6 INSTRUMENT OF DELEGATION COUNCIL TO MEMBERS OF STAFF – 22 AUGUST 2018 – COUNCIL AGENDA VERSION):**
  - a. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICES OR POSITIONS REFERRED TO IN ATTACHMENT [5.1.1] - S6 INSTRUMENT OF DELEGATION COUNCIL TO MEMBERS OF STAFF – 22 AUGUST 2018 – COUNCIL AGENDA VERSION) THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT;**
  - b. THE INSTRUMENT OF DELEGATION TO STAFF COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT;**
  - c. ON THE COMING INTO FORCE OF THE INSTRUMENT ALL PREVIOUS DELEGATIONS FROM COUNCIL TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER) ARE REVOKED; AND**
  - d. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT OF DELEGATION TO STAFF MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENT OF DELEGATION MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES THAT COUNCIL MAY ADOPT.**
  
- 2. RESOLVES THAT, IN THE EXERCISE OF THE POWERS CONFERRED BY S.224 OF THE LOCAL GOVERNMENT ACT 1989 AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENTS OF APPOINTMENT AND AUTHORISATION (INSTRUMENTS OF APPOINTMENT AND AUTHORISATION) COUNCIL TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987 (ATTACHMENT [5.1.3] – S11 A – INSTRUMENT OF APPOINTMENT (P&E ACT) - COUNCIL TO STAFF – 22 AUGUST 2018):**
  - a. THE MEMBERS OF COUNCIL STAFF REFERRED TO IN THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE APPOINTED AND AUTHORISED AS SET OUT IN THE INSTRUMENTS;**

- b. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION COME INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENTS, AND REMAINS IN FORCE UNTIL COUNCIL DETERMINES TO VARY OR REVOKE IT; AND**
- c. THE INSTRUMENTS OF APPOINTMENT AND AUTHORISATION BE SEALED.**

**CARRIED UNANIMOUSLY**

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

## REPORT

### Instrument of Delegation to members of Council Staff

Council's Instrument of Delegation (Instrument of Delegation) to members of Council Staff was last reviewed by Council on 25 July 2018 in accordance with s.98 of the Local Government Act 1989.

The effective functioning of local government is achieved by Council allocating formal delegations, either to the Chief Executive Officer or direct to members of Council Staff, which the Council is empowered to do by the Local Government Act 1989.

The delegation power under the Local Government Act 1989, applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues, for example planning and development matters. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation. This requires the delegation from Council directly to staff positions.

Over time powers in legislation change, as does Council's organisational structure and/or position titles. It is important to ensure that the Instrument of Delegation is reviewed periodically to reflect these changes so that delegations to staff are current and due decisions made are valid and under delegation.

Updates to Council's delegations are recommended by Maddocks Lawyers every six months based on changes to legislation or potential improvements to Council's delegations.

The updated Instrument of Delegation (**Attachment [5.1.1]** - S6 Instrument of Delegation Council to Members of Staff – 22 August 2018 – Council Agenda Version) includes the following minor amendments following Maddock's most recent review in early July 2018:

- **Heritage Act 2017** - minor edit to include in s.116 to add the words 'duties or powers' following the word 'functions' (**Attachment [5.1.2]** – S6 Instrument of Delegation Council to Staff – Maddocks Recommended Changed Provision).
- **Local Government Act 1989** - new delegation against s.181H for the power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge which is recommended to be delegated to the Chief Executive Officer. Please note that under s.181H(1) and (2) of the Act that this power may be delegated to the CEO however, the CEO must not delegate this power to any other person.
- **Planning and Environment Act 1989:**

- **New delegations to the Chief Executive Officer, Director Development Services, Manager Planning and Manager Finance, Risk and Procurement and Statutory Planning Coordinator** - for s. 46AW, s. 46AX, s. 46GJ(1), s. 46GK, s. 46GN(1), s. 46GO(1), s. 46GP, s. 46GQ, s. 46GR(1), s. 46GR(2), s. 46GS(1), s. 46GS(2), s. 46GT(2), s. 46GT(4), s. 46GT(6), s. 46GU, s. 46GV(3), s. 46GV(3)(b), s. 46GV(4)(a), s. 46GV(4)(b), s. 46GV(7), s. 46GV(9), s. 46GX(2), s. 46GY(1), s. 46GY(2), s. 46GZ(2)(a), s. 46GZ(2)(b), s. 46GZ(4), s. 46GZ(4), s. 46GZ(5), s. 46GZ(7), s. 46GZ(9), s. 46GZA(1), s. 46GZB(3), s. 46GZD(2), s. 46GZD(3), s. 46GZE(2), s. 46GZE(3), s. 46GZF(2), s. 46GZF(3), s. 46GZF(4), s. 46GZF(6), s. 46GZH, s. 46GZK, s. 46LB(3), s. 84AB, s. 172(C), s. 172D(1) and s.172D(2).
- **Minor edits** - to the wording of various delegations to reflect legislative change (**Attachment [5.1.2]** - S6 Instrument of Delegation Council to Staff – Maddocks Recommended Changed Provision).
- **Deleted delegation under s. 224(8)** - as this section has been removed from the Act.
- **Road Management Act 2004:** inclusion of delegations to Civil Assets Coordinator and Coordinator Asset Management Systems to existing delegations to the following provisions relating to updating the public roads register to reflect current practice and previous delegations: s. 15(2), s. 16(8), s. 17(2), s. 17(3), s. 17(4), s. 18(3), s. 19(1), s. 19(4) and s. 19(5).

There have been no additional changes made to the existing delegation.

### **Instruments of Appointment and Authorisation Council to Staff under the Planning and Environment Act 1987**

The effective functioning of local government is achieved by Council allocating formal delegations, authorisations and appointments, either to the Chief Executive Officer or direct to members of Council Staff, which the Council is empowered to do by the Local Government Act 1989 and Planning and Environment Act 1987.

Over time powers in legislation change, as does Council's organisational structure and/or personnel. It is important to ensure that the Instruments of Appointment and Authorisation under the Planning and Environment Act 1989 (**Attachment [5.1.3]** - S11 A – Instrument of Appointment (P&E Act) - Council to Staff – 22 August 2018) are reviewed periodically to reflect these changes so that authorisations and appointments to staff are current. The staff nominated in the instruments all play an important role in the carrying out of the Planning and Environment Act 1987.

## **CONSULTATION**

The revised Instrument of Delegation and Instruments of Appointment and Authorisation have been updated following consultation with relevant Council staff, including Manager Planning, Manager Finance, Risk and Procurement and the Executive Leadership Team.

## **RESOURCES**

The budget to maintain Council's Instruments of Delegation, Authorisation and Appointments is contained within the current and forward budgets.

## **RISKS**

The decision of a delegate (staff member) or appointed / authorised officer (staff member) is "deemed" to be a decision of Council, therefore correct delegations, appointments and authorisations are necessary.

Without delegations, authorisations and appointments, decision making is restricted in a manner that can potentially slow down the business of local government and local economic and social development.

## **ATTACHMENTS**

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

1. S6 Instrument of Delegation - Council to Members of Staff - 22 August 2018 - Council Agenda Version **[5.1.1]**
2. S6 Instrument of Delegation Council to Staff - Maddocks Recommended Changed Provision **[5.1.2]**
3. S11A - Instrument of Appointment ( P& E Act) Council to Staff - 22 August 2018 **[5.1.3]**

## **REFERENCE DOCUMENTS**

### **Legislative Provisions**

Local Government Act 1989

**The Chief Executive Officer left the Council Meeting at 2.51pm with a declared direct conflict of interest on Agenda Item 5.2 NEW POLICY C71 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY as it relates to his employment and performance management.**

## **5.2. NEW POLICY: C71 CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

C71 Chief Executive Officer Employment and Remuneration Policy (the Policy) contained in **Attachment [5.3.1]** has been prepared to assist Council in managing the Chief Executive Officer's end of contract and regular performance reviews.

The proposed new Local Government Act currently before State Parliament, requires a Chief Executive Officer (CEO) Employment and Remuneration Policy be established. It is considered prudent that the Policy in **Attachment [5.3.1]** addresses requirements currently contained in the Bill, while also complying with the provisions of the Local Government Act 1989.

Further amendments may be required to the Policy once the new Local Government Act becomes law to ensure the Policy is compliant.

### **RECOMMENDATION**

That Council:

1. Adopts the C71 – Chief Executive Officer Employment and Remuneration Policy contained in Attachment [5.3.1]
2. Amends the name of the 'Chief Executive Officer Review Committee' to the 'Chief Executive Officer Employment and Remuneration Committee'.
3. Requests the Chief Executive Officer Employment and Remuneration Committee with assistance from the Manager People and Culture, to identify and recommend a suitably qualified Independent Chairperson for the Chief Executive Officer Employment and Remuneration Committee.
4. Authorises a delegation to the Manager of People and Culture to appoint the recommended Independent Chairperson to the Chief Executive Officer Employment and Remuneration Committee, in accordance with Policy C71.
5. Approves allocation of \$7,000 in the 2018/19 Annual Budget to cover the costs and fees associated with selecting and paying an Independent Chairperson.

**Cr Hill moved a Motion that was different from the Recommendation.**

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

**THAT COUNCIL:**

- 1. ADOPTS THE C71 – CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY CONTAINED IN ATTACHMENT [5.3.1] WITH AN AMENDMENT TO CLAUSE 3.1 TO BE: ‘A MAJORITY QUORUM OF MEMBERS AND THE INDEPENDENT CHAIRPERSON, MUST BE PRESENT TO TRANSACT BUSINESS OF THE COMMITTEE’.**
- 2. AMENDS THE NAME OF THE ‘CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE’ TO THE ‘CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE’ AND REFLECTS THIS NAME CHANGE THROUGHOUT THE POLICY.**
- 4. REQUESTS THE CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE WITH ASSISTANCE FROM THE MANAGER PEOPLE AND CULTURE, TO IDENTIFY AND RECOMMEND A SUITABLY QUALIFIED INDEPENDENT CHAIRPERSON FOR THE CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE.**
- 5. AUTHORISES A DELEGATION TO THE MANAGER OF PEOPLE AND CULTURE TO APPOINT THE RECOMMENDED INDEPENDENT CHAIRPERSON TO THE CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE, IN ACCORDANCE WITH POLICY C71.**
- 6. APPROVES ALLOCATION OF \$7,000 IN THE 2018/19 ANNUAL BUDGET TO COVER THE COSTS AND FEES ASSOCIATED WITH SELECTING AND PAYING AN INDEPENDENT CHAIRPERSON.**

**The Mayor ruled to vote on the Motion in parts, part 3 of the Motion was voted on separately.**

**CARRIED UNANIMOUSLY**

- 3. INCREASES THE MEMBERSHIP OF THE ‘CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE’ TO INCLUDE ALL COUNCILLORS AS MEMBERS UNTIL THE NEXT CHIEF EXECUTIVE OFFICER CONTRACT IS IN PLACE.**

**CARRIED**

**FOR:** Councillors Argento, Rich, McEwen, Skinner, Brown and Hill.

**AGAINST:** Councillors Kiel, Brunt and Edwards.

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

## **REPORT**

The CEO's contract is due to end on 24 June 2019. There are a number of legislated and contractual requirements to be managed in relation to that. This Report is not aimed at addressing those requirements specifically, but this Policy will assist the CEO Review Committee to manage the CEO employment and performance processes and requirements efficiently and effectively.

As previously stated, the proposed new Local Government Act, currently before State Parliament, requires a CEO Employment and Remuneration Policy to be established within six to 12 months. It is considered prudent that the Policy in **Attachment [5.3.1]** addresses requirements currently contained in the Bill, while also complying with the Local Government Act 1989, particularly given the CEO's contract end date is likely to fall within the transition timeframe.

Further amendments may be required to the Policy once the new Local Government Act becomes law. The CEO Review Committee and Officers assisting the Committee must keep abreast of current and changing legislation to ensure that the processes are managed in accordance with the legislation in place at any given time.

The work associated with the CEO's contract completion date needs to commence as soon as possible to meet the current contractual and legislated arrangements.

The Policy in **Attachment [5.3.1]** provides a framework for Council, along with high level coverage of the process involved in the employment, remuneration, performance management and annual review of the CEO. Independent specialists/organisations contracted by Council will provide the greater level of detail required for the administration of these processes and contractual matters.

Given the emphasis by the State Government on the need for a CEO Employment and Remuneration Policy, it is considered the name of the current CEO Review Committee should be amended to be the 'CEO Employment and Remuneration Committee'.

## **CONSULTATION**

The Policy has been developed with reference to:

1. The current Local Government Act 1989;
2. The Local Government Bill before State Parliament;

3. Victorian Public Sector Commission 'Policy on Executive Remuneration in Public Entities' – Remuneration Principles section (named as the reference point in the Local Government Bill before State Parliament);
4. Bass Coast Shire Council's 'Chief Executive Officer Employment Matters Policy';
5. Greater Geelong City Council's 'Chief Executive Officer Employment Matters Policy';
6. Manager People and Culture and Coordinator People and Culture;
7. Councillors were briefed on the Policy on 25 July 2018.

### **RESOURCES**

The Policy outlines the requirement for an independent Chairperson on the CEO Employment and Remuneration Committee, with a sitting fee of \$1,200 per meeting for the four meetings per annum, along with payment for any additional meetings required.

Further, it is recognised industry practice to appoint a specialist recruitment consultant to assist with recruitment of a new CEO. This has been Council's past practice and is included in the Policy.

### **RISKS**

Failure to adequately address legislative and contractual requirements may place Council in breach of the Local Government Act 1989, or needing to deal with a void contract, and/or manage the validity of decisions made that could be challenged in court.

The importance of effectively managing the CEO's recruitment, employment and performance warrant the need for a specific policy to mitigate these risks.

### **STAFF DISCLOSURE**

<b>Name:</b>	Tim Tamlin, Chief Executive Officer
<b>Title:</b>	New Policy: C71 Chief Executive Officer Employment and Remuneration Policy
<b>Conflict of Interest:</b>	Direct Interest
<b>Reason:</b>	Policy relates to the employment and performance management of the Chief Executive Officer

### **ATTACHMENTS**

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

1. C71 - CEO Employment and Remuneration Policy - August 2018 **[5.2.1]**

**REFERENCE DOCUMENTS**

**Council Policy**

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

C52 Human Rights Policy, June 2017

**Legislative Provisions**

Local Government Act 1989

## **6. OTHER COUNCIL REPORTS**

### **6.1. NIL**

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

### **7.1. NIL**

**The Chief Executive Officer returned to the Council Meeting at 3.07pm.**

## **8. PROCEDURAL REPORTS**

### **8.1. COUNCILLOR EXPENDITURE REPORT - APRIL TO JUNE 2018**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The Councillor Expenditure Report provides Council with an update on Councillor Expenditure from 1 July 2017 to 30 June 2018.

#### **RECOMMENDATION**

That Council receive and note the Councillor Expenditure Report for the period 1 July 2017 to 30 June 2018 in Table 1.

**Cr Hill moved a Motion different from the Recommendation.**

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

- 1. RECEIVE AND NOTE THE COUNCILLOR EXPENDITURE REPORT FOR THE PERIOD 1 JULY 2017 TO 30 JUNE 2018 IN TABLE 1; AND**
- 2. NOTE THAT ALL COUNCILLORS HAVE ADVISED THAT THERE ARE NO OUTSTANDING CLAIMS UP TO 30 JUNE 2018.**

**MOVED:** Cr McEwen

**SECONDED:** Cr Kiel

**THAT COUNCIL SUSPEND STANDING ORDERS.**

**CARRIED UNANIMOUSLY**

**Cr Hill explained that the 'Date of last Claim' as represented in the Table 1 does not appear to be a correct representation of outstanding claims as at 30 June 2018. Discussion ensued around Councillor vehicle's claims.**

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

**The Motion before the Chair was CARRIED UNANIMOUSLY.**

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

## REPORT

The Councillor Expenditure Report provides Council with an update on Councillor Expenditure from 1 July 2017 to 30 June 2018.

Councillor expenditure of \$391,383 for the financial year ended 30 June 2018 was below budget by \$34,434. The favourable variance was mainly due to lower reimbursements \$20,145, lower mobile phone costs \$6,591 and lower training and development expenses of \$6,962.

**Table 1- Councillor Expenditure 1 July 2017 – 30 June 2018**

Councillor	Car	Travel Expenditure		Other Expenditure							Total	Date of last claim
		Councillor Car Operating Cost*	Other travel reimbursements**	Mobile Phone / I pads	Phone/Fax/ Modem	Training & Professional Development***	Councillor Allowance	Remoteness Allowance	Printing / Sound recording transcripts	Other Costs		
Cr. Aaron Brown	Council	\$ 5,336	\$ 95	\$ 448	\$ -	\$ -	\$ 27,393	\$ -	\$ 30	\$ 241	\$ 33,543	09-May-2018
Cr. Ray Argento	Personal	\$ -	\$ 7,475	\$ 432	\$ -	\$ 1,668	\$ 48,758	\$ -	\$ 21	\$ 300	\$ 58,654	13-June-2018
Cr. Alyson Skinner	Council	\$ 5,965	\$ 45	\$ 328	\$ -	\$ 6,027	\$ 27,393	\$ -	\$ 1	\$ 55	\$ 39,814	06-December-2017
Cr. Jeremy Rich	Personal	\$ -	\$ 7,394	\$ 251	\$ -	\$ 2,527	\$ 27,393	\$ 1,480	\$ -	\$ 284	\$ 39,329	08-June-2018
Cr. Maxine Kiel	Personal	\$ -	\$ 5,545	\$ 481	\$ -	\$ -	\$ 27,393	\$ -	\$ -	\$ 114	\$ 33,533	30-June-2018
Cr. Meg Edwards	Personal	\$ -	\$ 6,735	\$ 896	\$ -	\$ 275	\$ 27,393	\$ -	\$ 1	\$ 2,652	\$ 37,952	30-June-2018
Cr. Don Hill	Personal	\$ -	\$ 5,390	\$ 636	\$ -	\$ -	\$ 27,393	\$ -	\$ -	\$ 2,055	\$ 35,474	27-June-2018
Cr. Andrew McEwen	Personal	\$ -	\$ 9,492	\$ 1,463	\$ -	\$ 1,793	\$ 27,393	\$ -	\$ 499	\$ 274	\$ 40,914	20-June-2018
Cr. Lorraine Brunt	Council	\$ 6,572	\$ 36	\$ 2,082	\$ -	\$ 378	\$ 63,399	\$ -	\$ 55	\$ 150	\$ 72,672	12-February-2018
<b>Total Actual (Year to date June 2018)</b>		<b>\$ 17,873</b>	<b>\$ 42,207</b>	<b>\$ 7,017</b>	<b>\$ -</b>	<b>\$ 12,668</b>	<b>\$ 303,908</b>	<b>\$ 1,480</b>	<b>\$ 607</b>	<b>\$ 6,125</b>	<b>\$ 391,885</b>	
<b>Total Budget (Year to date June 2018)</b>		<b>\$ 20,703</b>	<b>\$ 62,352</b>	<b>\$ 13,608</b>	<b>\$ 1,020</b>	<b>\$ 19,630</b>	<b>\$ 304,610</b>	<b>\$ 504</b>	<b>\$ -</b>	<b>\$ 3,390</b>	<b>\$ 425,817</b>	
<b>Variance</b>		<b>\$ 2,830</b>	<b>\$ 20,145</b>	<b>\$ 6,591</b>	<b>\$ 1,020</b>	<b>\$ 6,962</b>	<b>\$ 702</b>	<b>\$ 976</b>	<b>\$ 607</b>	<b>\$ 2,735</b>	<b>\$ 33,932</b>	

\* Car operating costs are for the 12 months ended 30 June 2018 and includes depreciation, insurance and notional interest.

\*\* Travelling expenditure for Councillors using private vehicles is at the prescribed rate of reimbursement and only includes claims processed up to 30 June 2018.

\*\*\* Training & professional development includes accommodation, conference and parking expenses.

## RISKS

Transparency in reporting is a risk management control measure that allows the community and Council to view the financial management and expenditure of Councillors.

## 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 2018

### Legislative Provisions

Local Government Act 1989 – s.75 Reimbursement of Expenses of Councillors

## **8.2. ASSEMBLY OF COUNCILLORS 22 JUNE TO 21 JULY 2018**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

As part of Council's ongoing efforts to enhance community engagement in Council processes, matters discussed at Councillor Briefing Sessions (other than those matters designated to be of a confidential nature) are reported at Ordinary Council Meetings.

The matters listed in this report were presented or considered, at either an Advisory Committee Meeting, Councillor Strategic Briefing Session or Public Presentation Session between 22 June and 21 July 2018.

### **RECOMMENDATION**

**That Council receives and notes this report.**

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

**THAT THE RECOMMENDATIONS IN ITEMS 8.2 AND 8.3 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

[Link to next Agenda Item.](#)

## REPORT

Meeting Title	Details
<b>Thursday 28 June 2018</b>	
<b>Korumburra Round Table (KRT)</b>	<p><b>Councillors Attending:</b> Councillor McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Council Update regarding: <ul style="list-style-type: none"> <li>• Council Meeting 27 June 2018 outcomes</li> <li>• Inviting politicians to attend KRT meeting in August</li> <li>• Membership and nominations</li> <li>• Community Groups activity update</li> </ul> </li> </ul>
<b>Wednesday 27 June 2018</b>	
<b>Ordinary Council Agenda Topics Discussion 27 June 2018</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Kiel, Rich, Brunt, McEwen, Brown, Skinner and Argento.</p> <p><b>Conflict of Interest:</b> Councillor Jeremy Rich declared a direct conflict of interest in Agenda Item 6.1 WALKERVILLE RETARDING BASIN – LEGAL ADVICE as “I am a Director of Ansevata Nominees this report relates to legal advice in response to an issue with Ansevata”.</p> <p>Councillor Aaron Brown declared an indirect financial conflict of interest in Agenda Item 4.7 PROPOSED SALE OF RESERVE – 8 VARNEY ROAD, FOSTER as a “Drainage line in this item runs through a property I have an interest in on O’Connell Road, Foster”.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 27 June 2018.</p>
<b>Public Presentations</b>	<b>Nil public presentations requested by the community.</b>
<b>Ordinary Council Agenda Topics Discussion 27 June 2018</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Kiel, Hill, Brunt, McEwen, Brown, Skinner and Argento.</p> <p><b>Conflict of Interest:</b> as previously listed.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 27 June 2018.</p>
Meeting Title	Details

<b>Wednesday 4 July 2018</b>	
<b>Mount Best Planning Provisions</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Brunt, Edwards, Hill, Kiel and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the Planning Provisions applicable to the Mt Best area and Rural Activity Zone.</p>
<b>Economic Development &amp; Tourism Steering Briefing</b>	<p><b>Councillors Attending:</b> Councillors Argento, McEwen, Brunt, Edwards, Hill, Kiel, Skinner and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered presentations from external agencies that work closely with Council to advocate for improvements and new development in South Gippsland i.e. National Broadband Network, South Gippsland Water and Mobile Phone (Towers) Upgrades.</p>
<b>Victoria Grants Commissions</b>	<p><b>Councillors Attending:</b> Councillors Brown, Argento, McEwen, Skinner, Kiel, Brunt, Edwards, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered a presentation from the Victorian Grants Commission about how financial grants are calculated.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Brown, Argento, McEwen, Skinner, Kiel, Brunt, Edwards, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Proposed letter of support re: electronic highway along Princes and Kings Highways.</li> <li>• Council Agenda discussion 28 July 2018.</li> <li>• Petition: Bring back the Beach Port Welshpool.</li> <li>• Home and Community Care Services update.</li> </ul>

Meeting Title	Details
<b>Wednesday 4 July 2018</b>	
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Brown, Argento, McEwen, Skinner, Kiel, Brunt, Edwards, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Conflict of Interest:</b> <b>Director Development Services</b>, declared an indirect interest by close association for planning application 945 Koonwarra-Inverloch Road and 85 Merricks Track Leongatha, as he is an executive member of the Leongatha Golf Club who made a submission to the application, he left the Council Chamber when the matter was discussed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Planning Scheme Amendment C117 Korumburra Supermarket Site procedural Rezoning – Authorisation Request</li> <li>• Strategic Planning Project list</li> <li>• Planning Applications of interest:</li> <li>• Decisions for May 2018</li> <li>• VCAT decisions</li> </ul>
<b>Wednesday 11 July 2018</b>	
<b>Central Gippsland Public Land Strategy</b>	<p><b>Councillors Attending:</b> Councillors Brown, McEwen, Skinner, Edwards, Brunt, Hill, Argento, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered a briefing from the Central Gippsland Public Land Strategy on how the project seeks to inform the Victorian Government on initiatives it could take to grow jobs, investment and population in the Central Gippsland region.</p>

Meeting Title	Details
<b>Wednesday 11 July 2018</b>	
<b>Caravan Park and Camping Parks Steering Committee</b>	<p><b>Councillors Attending:</b> Councillors Brown, McEwen, Skinner, Edwards, Brunt, Hill, Argento, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors continued to consider management models and due diligence considerations of this process.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Brown, McEwen, Skinner, Edwards, Brunt, Hill, Argento, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Home and Community Care Services</li> <li>• Infringement matter</li> </ul>
<b>Councillor Strategic Briefing</b>	<p><b>Councillors Attending:</b> Councillors Brown, McEwen, Skinner, Edwards, Brunt, Hill, Argento, Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Mount Best Planning Provisions</li> <li>• Council resolution implementation</li> <li>• Council briefing and agenda items</li> <li>• Walkerville retarding basin</li> </ul>
<b>Thursday 12 July 2018</b>	
<b>Training: Councillor Conflict of Interest</b>	<p><b>Councillors Attending:</b> Councillors Kiel and Rich.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillor Conflict of Interest training session undertaken by the Municipal Association of Victoria (MAV). Councillors considered the elements of good decision making processes as well as definitions of the different classes of conflict of interest.</p>

Meeting Title	Details
<b>Wednesday 18 July 2018</b>	
<b>Ordinary Council Agenda Topics 25 July 2018</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, Skinner, Edwards, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 25 July 2018.</p>
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Argento, Skinner, Edwards, Brunt 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>• Regional Waste management</li> <li>• Caravan Park management</li> </ul>
<b>Recreational Vehicle (RV) Strategy</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, Skinner, Edwards, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered the development of the draft South Gippsland Recreational Vehicle and Camping Policy.</p>
<b>Domestic Animal Management – Cat Curfew and Leash Order</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, Skinner, Edwards, Brunt, McEwen and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered proposed implementation steps for the public consultation process for cat curfew and dog leash order.</p>

Meeting Title	Details
<b>Wednesday 18 July 2018</b>	
<b>Population Growth and Land Supply Study</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, McEwen, Brunt, Skinner, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered any outcomes that had arisen from this study going live from Council Meeting 27 June 2018.</p>
<p><b>Public Presentations</b></p> <p><b>Open Session – 2pm</b></p>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, McEwen, Skinner, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>A Presentation was made to Council by the following community members: Nigel Sherlock and Gabrielle Smethen,</b> representing the Bushland Monitors regarding Council Agenda Item 2.2. PLANNING APPLICATION 2017/280 - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK.</p>	
<p><b>Ordinary Agenda Topic Discussion</b></p> <p><b>25 July 2018</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Argento, Skinner, Hill, Brown, Edwards and Brunt.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b> Councillors considered and asked questions relating to Agenda items for the Ordinary Meeting 25 July 2018.</p>
<p><b>Public Presentations</b></p> <p><b>Open Session – 5pm</b></p>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, McEwen, Skinner, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>A Presentation was made to Council by the following community members: Burgan Gardiner and David Fleming,</b> representing the Leongatha Motorcycle Club regarding Council Agenda Item 2.2. PLANNING APPLICATION 2017/280 - USE LAND FOR MOTOR RACING TRACK (EVENTS) - 85 MERRICKS TRACK.</p>	

Meeting Title	Details
<b>Thursday 19 July 2018</b>	
<b>Active Retiree Advisory Committee</b>	<p><b>Councillors Attending:</b> Councillor McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Considered:</b></p> <ul style="list-style-type: none"> <li>• Aged Friendly South Gippsland Plan</li> <li>• Public Transport Victoria – transport options</li> <li>• Ambulance Victoria – Letter to MP</li> <li>• Council services information for new residents</li> <li>• Digital Literacy Strategy</li> <li>• HACC and NDIS</li> <li>• Seniors Week – October 2018</li> <li>• ARAC – Terms of Reference and secretarial support</li> <li>• Positive Ageing Officer role within Council suggested</li> </ul>

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

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

Public Participation in Meetings with Council Policy (C65)

**Legislative Provisions**

Local Government Act 1989

### **8.3. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 23 JUNE 2018 TO 20 JULY 2018**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This document reports to Council the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 23 June to 20 July 2018, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

Further, this report makes public two contracts awarded by Council at the 27 June 2018 Ordinary Meeting of Council where the outcome was not initially published in the Council minutes for that meeting.

#### **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 June to 20 July 2018:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 117 Inlet View Road, Venus Bay in relation to development of a dwelling – Seal Applied 17 July 2018.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 4230 South Gippsland Highway Foster in relation to a two (2) lot subdivision – Seal Applied 17 July 2018.

### **Contracts awarded after a public tender process within the CEO’s delegation**

The CEO’s delegation from Council allows the CEO to award contracts up to the value of \$250,000 (inclusive of GST), with the exception of Annual WorkCover and Council insurance premiums.

Council’s Procurement Policy requires recording in the Council Minutes all contracts over the statutory threshold set out in the Act (\$150,000 inclusive of GST for goods and services and \$200,000 inclusive of GST for works) for a public tender which shows the contracts purpose, the successful tenderer, contract length and the total contract price.

Further, Council’s Procurement Policy requires ‘that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council’s Procurement Policy, it will be noted in this

report that a contract awarded below the statutory threshold has been entered into following a public tender.

The following contracts were awarded during the period 23 June to 20 July 2018 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender.

1. Nil.

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

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

Further, Council's Procurement Policy requires 'that Council will not disclose information about procurements below the statutory thresholds, however, to ensure compliance with Council's Procurement Policy, it will be noted in this report that a contract awarded below the statutory threshold has been entered into following a public tender.

1. Nil.

### **Annual WorkCover and Insurance Premiums**

Council also delegates to the CEO the power to pay annual WorkCover and Council Insurance Premiums subject to these payments being reported to the next Council Meeting immediately after the payment is made. To meet this requirement the Council is advised that from 23 June 2018 to 20 July 2018 the CEO (or delegate within financial approval levels) authorised the following insurance coverage for 2018 / 19:

1. Local Government Liability Insurance Premium of \$190,887.00 (GST exclusive) insured by MAV Insurance;
2. Public Liability – Coal Creek Tramway Insurance Premium of \$16,522.55 (GST exclusive) insured by XL Insurance Company SE;
3. Motor Vehicle Insurance Premium of \$146,789.33 (GST exclusive) insured by AAI Limited T/As Vero Insurance;
4. Councillors and Officers Liability Insurance Premium of \$13,585.20 (GST exclusive) insured by XL Insurance Company SE;

5. General Products Liability (Hire of Halls) Insurance Premium of \$3,130.40 (GST exclusive) insured by QBE Insurance (Australia) Ltd through Key Underwriting Pty Ltd;
6. Municipal Assets Protection Plan Insurance Contribution of \$263,900.93 (GST exclusive) insured by Jardine Lloyd Thompson Pty Ltd Discretionary Trust;
7. Commercial Crime Insurance Premium of \$4,681.39 (GST exclusive) insured by MAV Insurance;
8. Personal Accident Insurance Premium of \$1,909.86 (GST exclusive) insured by Chubb Insurance Australia Ltd through Key Underwriting Pty Ltd;
9. Cyber Liability Premium of \$7,831.25 (GST exclusive) insured by Chubb Insurance Company of Australia Ltd.

**Contract variations approved by the CEO**

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceeds the CEO's delegation, to allow the proper fulfilment of the contract and to ensure delays to key projects are avoided, following consultation with the Mayor and subject to this variation being reported to the next practicable Council Meeting.

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 23 June to 20 July 2018:

1. Nil.

**Contract extensions approved by the CEO**

Council's Procurement Policy authorises the CEO to enter into any contract extensions subject to the satisfactory performance of the contractor and the extension being reported to Council for any contracts which in total exceeds the CEO's delegation.

The following contract extensions approved by the CEO during the period 23 June to 20 July 2018:

1. Contract CON/65 Provision of Urban and Roadside Slashing Services approved extension of Contract for a further 1 year term to:  
David Harris Earthmoving Pty Ltd  
Forrester & Co Pty Ltd
2. Contract SGC15/07 Provision of Tree and Vegetation Maintenance Services approved extension of Contract for a further 1 year term to:

Gippsland Contracting Pty Ltd

S G & M C Cameron, J L & R J Dowel, D J Thomas and H Pickering T/a  
Clean Cut Tree Services

Peter and Karen Bateman T/a Arborzone Total Tree Care; and

Tree Works Australia Pty Ltd

3. Contract SGC15/06 Provision of Pavement Linemarking Services approved extension for a further 1 year term to Laser Linemarking (Vic) Pty Ltd

**Contracts awarded by Council where the outcome was not initially published with the Council minutes for that meeting.**

At the 27 June 2018 Council Meeting, the Council awarded two contracts following separate public tenders where the successful contractor was not initially published in the Council minutes for that meeting. When awarding these contracts Council resolved to publish on Council's website the successful contractor and lump sum amount within one week of Council's decision to approve the contract to allow sufficient time for the formal award of the contract.

Council's Procurement Policy requires for the recording in the Council Open Meeting Agenda and Minutes, all contracts over the statutory thresholds set out in the Act required for a public tender. Whilst the outcome of the two tenders awarded at the 27 June 2018 Meeting have been made public on Council's website, these are also reported in this Council report for the purposes of recording these within the Council Meeting Minutes to ensure compliance with Council's Procurement Policy.

1. Contract CON/175 Construction of New Netball Court Lighting and Players Shed – Fish Creek Football Netball Club was awarded to Considine & Johnston for the contract Price of \$317,807.67 (inclusive of GST).
2. Contract CON/180 Toora Swimming Pool - Amenities Upgrade Stage 1 was awarded to Considine & Johnston Pty Ltd for the contract price of \$448,120.20 (inclusive of GST).

**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

## 9. COUNCILLOR REPORTS

### 9.1. REQUESTS FOR LEAVE OF ABSENCE

Councillor Kiel noted that she would be on leave from 23 August 2018 until 21 September 2018.

### 9.2. COUNCILLOR UPDATES

#### Cr Argento

Cr Argento addressed Council by reporting on his attendance at a Vietnam Veterans – Honour Board unveiling event held at Leongatha RSL.

#### Cr Kiel

Cr Kiel addressed Council by reporting on her attendance at:

- Vietnam Veterans Honour Board unveiling event held at Leongatha RSL.
- Citizenship Ceremony held at Council.
- 1<sup>st</sup> Mirboo North Scouts Presentation evening
- Citizenship Advice Bureau AGM

#### Cr Rich

Cr Rich addressed Council by reporting on his attendance at:

- Mt Best community meeting regarding planning and application provisions.
- South East Australian Transport Strategy (SEATS) meeting and mentioned the strategy's focus on election advocacy process.

Cr Rich informed Council of projects that he supports in respect of South Gippsland Produce, including Grow Lightly food network, Farmer's Daughter Project and Meeniyar Garlic Festival.

#### Cr Edwards

Cr Edwards informed Council of the great work of the Leongatha Chamber of Commerce, including the positive changes of their membership, collaboration work with local community groups, leadership of the Daffodil Festival and hosting a recent event called 'Ladies with Tradies'.

Cr Edwards addressed Council by reporting on her attendance at:

- Korumburra Round Table
- Gippsland Business Awards and noted five finalist from South Gippsland including: CPK McLaren Motorbody, Cottage Garden Garden Threads, Refuge Cove Cruises, Prom Country Lodge, Blue Tree Honey Farm and Dirty Three Wines.
- Country Women's Association State Art Exhibition opening.
- Chair 40th celebrations

- Coal Creek Heritage Day
- Burra Brewery opening
- Terrill Park AGM (Section 86)
- 1<sup>st</sup> Mirboo North Scouts Presentation evening
- Rural Financial Counselling Service Gippsland and commented on the drought impact in agricultural and related businesses.
- Michael's IGA community grants contributions of \$1.6M.

**Cr Skinner**

Cr Skinner addressed Council by reporting on her attendance at:

- Foster Showgrounds Committee (Section 86) Annual General Meeting (AGM) and thanked the Committee for the work they undertake on behalf of the community.
- "Girls Night Out" movie fundraiser night for Welshpool Primary School.
- Tarwin Lower Hall Café Culture series music event.
- Sandy Point Community Centre (Section 86) AGM and thanked volunteers for supporting the Centre.
- Grants Only Group AGM and commented that this group has attracted approximately \$200,000 for local community groups.
- Southern Women's Business Network, 20th anniversary gala dinner celebration.
- Gippsland Coastal Agency Meeting, which is comprised of Shire representatives from Bass Coast, South Gippsland and Wellington.

Cr Skinner informed Council that she was an apology for the Foster Stockyard Gallery (Section 86) AGM, however she commented on the great achievements of this group, including developing a strategic plan, undertaking volunteer engagement and hosting regular art exhibitions.

**Cr Brown**

Cr Brown addressed Council by reporting on his attendance at:

- Korumburra Swimming Club AGM
- Korumburra Business Association meeting
- Rural Financial Counselling Service meeting and commented on the hardships that the drought has incurred on fodder supplies.

**Cr Brunt**

Cr Brunt informed Council by reporting on his attendance at:

- Book launch in Korumburra for the book "Hop about, Jump about, Learn about, 'Burra!" which relates to the first 1,000 days of childhood development.
- Regional Councils Funding for Shared Services announcement of \$20M.

Cr Brunt commended Cr Kiel on progressing the Vietnam Veterans – Honour Board event held at Leongatha RSL.

**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.

**Nil**

## **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.

**Nil**

## **11.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE**

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

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

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

**Nil**

### 11.3. SUBMITTED PUBLIC QUESTIONS

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

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

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

**The Chief Executive Officer addressed Council informing them that written questions had been received at Council from Ralph Gallagher. The questions and responses are included below.**

#### **Question 1**

**The correspondence I have received from the Shire's Chief Executive Officer purports to include the question I put to the last meeting of Council and the response endorsed by Council. The alleged content of my question does not match the text I submitted.**

**In response to my query regarding this non-match I have been advised that "Any question/s put to Council are represented in the spirit of the of the question being asked, elements that imply other meaning are not usually included. This is for the benefit of the wider community so that questions and responses are clear and impart the intended information".**

**Is it intended that a possible process of censorship be camouflaged in this undisciplined collection of words? Has Council really declared this process as acceptable? Is it a serious contention that "someone" within the bureaucracy is capable of determining whether the excised words (my words) are not in the spirit of my question?**

#### **Response**

Mr Gallagher's full *Expression of Interest – Questions to Council* contained personal commentary in addition to the specific questions posed. Under Local Law No.3 2010, clause 26(b) Council "Minutes should contain sufficient information to provide for an historical and public record activities and affairs". It is for this reason that the minutes only contain the Council's decision not Councillors views

shared in debate. In a similar fashion Councillor reports reflect this and questions by the public are treated in the same way.

I provided a verbal response to Mr Gallagher in the Meeting along with a succinct summary of his questions, which meets the requirement of the Local Law. A follow up letter was also sent.

Council's response is not a form of "censorship", it is simply not normal practice for personal commentary to be included in the minutes in accordance with Council's Local Law No.3 2010.

## **12. CLOSED SESSION**

### **Consideration of confidential matters under the Local Government Act 1989, section 89(2).**

According to section 89 of the Local Government Act 1989, Council may consider items in closed session. There must be a resolution to move 'In-Committee' stating the reasons why the matter(s) need to be considered in this way. The reasons provided for within the Act are matters concerning personnel, personal hardship, industrial issues, contracts, proposed developments, legal advice or any other matter that Council considers would be prejudicial, to it or any other person.

Once 'In-Committee' discussions and debate have concluded, a further resolution to resume open Council is required.

### **RECOMMENDATION**

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

1. Closed ITEM 14.1 pursuant to section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person.
2. Closed ITEM 14.2 pursuant to section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person.

**MOVED:** Cr Hill

**SECONDED:** Cr Edwards

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

1. **CLOSED ITEM 14.1 PURSUANT TO SECTION 89(2)(H) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**
2. **CLOSED ITEM 14.2 PURSUANT TO SECTION 89(2)(H) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON.**

**CARRIED UNANIMOUSLY**

**13. MEETING CLOSED**

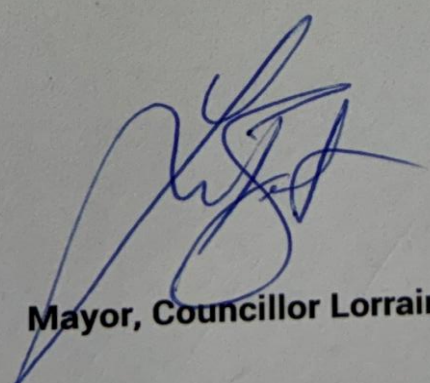
**NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 26 September 2018 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting Closed at 3.55pm.**

Confirmed this

**26<sup>th</sup> day of September 2018.**

A handwritten signature in blue ink, appearing to be 'Lorraine Brunt', written in a cursive style.

**Mayor, Councillor Lorraine Brunt**