

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

28 June 2017

**Ordinary Meeting No. 413**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## **MISSION**

***To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.***

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**PRESENT****COUNCILLORS:**

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

<p>Nil</p>
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**OFFICERS:**

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

## **1. PRELIMINARY MATTERS**

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

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

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

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

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

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

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

**Cr McEwen left the Council Meeting at 2.03pm.**

**1.5. APOLOGIES**

Nil

**1.6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council:

1. Special Meeting of Council, held on 24 May 2017 in the Council Chambers Leongatha; and
2. Ordinary Meeting No. 412, held on 24 May 2017 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

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

1. **SPECIAL MEETING OF COUNCIL, HELD ON 24 MAY 2017 IN THE COUNCIL CHAMBERS LEONGATHA; AND**
2. **ORDINARY MEETING NO. 412, HELD ON 24 MAY 2017 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*.

**Grants / Emergency Management Coordinator declared two indirect conflicts of interest on Confidential Agenda Item 12.1 2016/17 COMMUNITY GRANTS ROUND 2 by close association as they are related to someone who submitted an application and they are a member of a Club that made an application, the officer was not present during consideration for both items.**

**Cr McEwen returned to the Council Meeting at 2.04pm.**

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

### **2.1. NOTICE OF RESCISSION 705 - SPECIAL MEETING 24 MAY 2017 RESOLUTION 59.2**

#### **PURPOSE**

Council's resolution 59.2 in response to Submission number 59 by Meg Knight, on 24 May 2017, is considered to be in breach of s65(3) and s94A of the Local Government Act, 1989 (Act). Section 65(3) of the Act sets out the separation of duties and states that "the role of Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer (CEO)". The Chief Executive Officer has the authority under s.94A(2) to "appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out her or his functions." The Council resolution 59.2 to instruct the CEO to reduce EFT levels has contravened the Act and this breach needs to be rectified immediately by Council. The Motion of Rescission set out in the recommendation seeks to rectify this breach.

#### **MOTION**

I, Councillor Meg Edwards, advise that I intend to submit the following notice of rescission motion to the Ordinary Meeting of Council scheduled to be held on 28 June 2017:

#### **The Council:**

- 1. Rescind Council's resolution of item 59.2 at the 24 May 2017 Special Meeting of Council to "Reduce EFT Levels proposed for the 2017/18 at 264.53 to the EFT levels of 2015/16 of 262.5; and that the CEO prepare a report for Council on a range of options for reductions to achieve this".**
- 2. Notify the Submitter Meg Knight of this decision.**

**MOVED:** Cr Edwards

**SECONDED:** Cr Skinner

**THE COUNCIL:**

- 1. RESCIND COUNCIL'S RESOLUTION OF ITEM 59.2 AT THE 24 MAY 2017 SPECIAL MEETING OF COUNCIL TO "REDUCE EFT LEVELS PROPOSED FOR THE 2017/18 AT 264.53 TO THE EFT LEVELS OF 2015/16 OF 262.5; AND THAT THE CEO PREPARE A REPORT FOR COUNCIL ON A RANGE OF OPTIONS FOR REDUCTIONS TO ACHIEVE THIS".**
- 2. NOTIFY THE SUBMITTER MEG KNIGHT OF THIS DECISION.**

**Cr Hill raised a point of order, and referred to the Local Law No.3 Processes of Municipal Government clause 73(a) – A point of order may be raised in relation to (a) procedural matter and he further referred to clause 90(a) – A Councillor may propose a motion to amend or rescind a decision of the Council provided (i) the previous motion has not been acted upon. Cr Hill stated that he believed the matter had been acted upon because the staffing change had been incorporated into the budget and therefore could not be rescinded.**

**The Mayor ruled that Cr Hill's point of order, clause 90(a)(i) was upheld.**

**Cr Brunt raised a point of order, and referred to clause 48(c) that the (original) motion was outside of the powers of this Council and should not have been accepted.**

**Cr Brunt elaborated further by reading out section 94A of the Local Government Act 1989, regarding Chief Executive Officer functions involving all staffing matters, then s.65(3) – The Role of a Councillor does not include the performance of any functions that are specified as functions of the Chief Executive Officer under s. 94A. Cr Brunt further explained that taking these two clauses together, the (original) motion should never have been accepted in the first place as a motion.**

**The Mayor ruled that Cr Brunt's point of order, clause 65(3) was upheld and agreed that the Local Government Act overrides Council's original decision.**

**The Mayor further ruled that in accordance with the Local Government Act that the Rescission Motion 705 is not valid. The original decision of the Special Meeting of Council 24 May 2017 regarding the reduction of EFT is invalid under s.94A and s.65(3) of the Local Government Act 1989, therefore the (original) motion was outside of the powers of this Council and should not have been accepted and therefore is struck out.**

**The outcome of this ruling impacts the adoption of Council Agenda Item 6.4 Council Budget 2017/18 as the budget will need to be adjusted to compensate for the changes made to accommodate this invalid motion.**

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

#### **3.1. KORUMBURRA SUPERMARKET DEVELOPMENT - ENGAGEMENT PLAN FOR ADOPTION**

Development Services Directorate

##### **EXECUTIVE SUMMARY**

Council has been approached by a supermarket development company that seeks to develop a full line supermarket at the corner of King Street and Commercial Street Korumburra (existing library site).

This is the preferred site identified in the Council-adopted Korumburra Town Centre Framework Plan (2013). If supported, this proposal would result in a significant investment into Korumburra, create additional employment opportunities and provide renewed community facilities that better address contemporary public needs.

This development proposal presents a number of key considerations and challenges. The development site includes a mix of public and private land and realisation of the project would require the relocation of library services and community groups.

To ensure that the project is appropriately considered an engagement plan (**Attachment [3.1.1]**) has been prepared. This plan provides a commitment to community engagement, identifies key processes and required decisions and provides the community with an opportunity to shape the project outcomes.

##### **RECOMMENDATION**

That Council endorse the Korumburra Supermarket Development Engagement Plan.

**MOVED:** Cr Brunt

**SECONDED:** Cr McEwen

**THAT COUNCIL ENDORSE THE KORUMBURRA SUPERMARKET DEVELOPMENT ENGAGEMENT PLAN.**

**CARRIED UNANIMOUSLY**

## **BACKGROUND**

In 2010, the State Government's Priority Development Panel identified the need for a stronger retail profile in the central business district of Korumburra (e.g. full line supermarket). This was implemented through the updated Korumburra Town Centre Framework Plan (2013), adopted by Council 28 May 2014. The Framework Plan recommends upgrading the existing supermarket and/or facilitating the development of an additional supermarket in Korumburra.

IGA has approached Council to develop a supermarket on the preferred supermarket site identified in the Framework Plan (page 14), at the corner of King Street and Commercial Street.

## **PROJECT STATUS**

The developers are currently finalising their town planning permit application. It is anticipated that these plans will be submitted in mid-June.

An engagement plan (**Attachment [3.1.1]**) has been developed to inform the community of the supermarket proposal and the public and statutory processes Council will undertake to evaluate the proposal.

## **NEXT STEPS**

The engagement plan proposes that the next project steps (in no particular order) are:

- To prepare a Council report to commence the statutory procedures to sell the proposed land required to facilitate the development.
- To undertake public consultation regarding the proposed supermarket development.
- To assess the Planning Permit application.

## **CONSULTATION**

The engagement plan (**Attachment [3.1.1]**) has been prepared to notify the public, including the existing building tenants, of the project and seek their feedback.

## **RESOURCES**

The project will require Council resources to facilitate the broad public consultation required to consider the supermarket development proposal and associated issues.

Council will need to consider the financial implications of selling the proposed land and undertake a planning and cost benefit analysis of future community facility requirements, e.g. Community Hub/Library.

## **RISKS**

Whilst the project presents enormous opportunity, there are a number of financial and reputational risks that Council must mitigate during the evaluation and determination of this project. These include the public sentiment and costs associated with the sale of public land, provision of community services and facilitating development in Korumburra. If not actively pursued at this time, there is a risk that the opportunity for a new supermarket will be lost for the foreseeable future.

## **ATTACHMENTS**

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

1. Korumburra Supermarket Engagement Plan for Adoption **[3.1.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Korumburra Town Centre Framework Plan (2013)  
South Gippsland Planning Scheme

### ***Legislative Provisions***

Local Government Act 1989  
Planning and Environment Act 1987  
Planning and Environment Regulations 2015

## **3.2. INDUSTRIAL DEVELOPMENT IN THE FARMING ZONE**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider adoption of revised planning scheme policy provisions to manage inappropriate industrial land uses in the Farming Zone.

Farming and lifestyle property owners commonly choose to live in these areas because of the rural amenity and landscape appeal. These residents do not expect industrial uses nearby. Council is regularly contacted to investigate amenity and land use conflict concerns.

The proposed provisions will give additional guidance for planning permit applications for industrial uses in the Farming Zone. They will strongly discourage the approval of industrial uses if they should be located in existing industrial areas. The policy changes discourage Farming Zone areas being informally used for industrial purposes, however it also recognises that some forms of industry closely related to primary production (e.g. saw mills, abattoirs, food processing) can benefit from a location in the Farming Zone.

### **RECOMMENDATION**

That Council:

1. Adopt the draft Industrial Uses in the Farming Zone policy provisions as detailed in Attachment [3.2.1] – South Gippsland Revised Local Policies.
2. Prepare supporting documentation, including a background report for the purpose of public consultation of the draft policy prior to submission of a planning scheme amendment to the Minister for Planning for authorisation.
3. Following the receipt of Ministerial authorisation, exhibit the amendment in accordance with normal requirements.

**MOVED:** Cr Brunt

**SECONDED:** Cr Brown

**THAT COUNCIL:**

- 1. ADOPT THE DRAFT INDUSTRIAL USES IN THE FARMING ZONE POLICY PROVISIONS AS DETAILED IN ATTACHMENT [3.2.1] – SOUTH GIPPSLAND REVISED LOCAL POLICIES.**
- 2. PREPARE SUPPORTING DOCUMENTATION, INCLUDING A BACKGROUND REPORT FOR THE PURPOSE OF PUBLIC CONSULTATION OF THE DRAFT POLICY PRIOR TO SUBMISSION OF A PLANNING SCHEME AMENDMENT TO THE MINISTER FOR PLANNING FOR AUTHORISATION.**
- 3. FOLLOWING THE RECEIPT OF MINISTERIAL AUTHORISATION, EXHIBIT THE AMENDMENT IN ACCORDANCE WITH NORMAL REQUIREMENTS.**

**CARRIED**

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

**AGAINST:** Councillor Edwards

## REPORT

In 2006, the State Government changed the Victoria Planning Provisions (state-wide planning provisions) relating to how land may be used and developed in rural areas. As a result, the Rural Zone became the Farming Zone and many of the formerly permissible uses became prohibited uses. This change was made in response to the State Government's increased focus at the time on protecting rural land for commercial agriculture.

In 2013, the State Government undertook a further review of the Farming Zone and removed 'Industry' from Section 3 (Prohibited uses) in the table of uses to Section 2, permissible with a permit from Council. The change was made to provide greater flexibility for councils to consider previously prohibited uses and to encourage the retention of employment, population and to support rural communities. While the changes provided benefits (especially to smaller sparsely populated rural shires), they were made without additional policy guidance being introduced to allow councils to control those forms of industry they consider appropriate or inappropriate in their particular areas. This has resulted in some unintended consequences which many councils (typically in more populated and environmentally sensitive areas) are now seeking to address by the introduction of new or updated local policies affecting industry.

### Past Issues

Industrial uses in rural areas have the potential to adversely affect the amenity of surrounding lands in terms of noise, odour, light and dust as well as potential impacts on the visual landscape character of an area. With approximately 4,320 Farming Zone lots containing dwellings, the risk of amenity conflict is significant and should be appropriately managed.

Examples of industrial uses in the Farming Zone which have recently cause conflicts in the Shire include:

- Sandblasting
- Panel beating
- Materials recycling
- Storage of materials
- Steel fabrication
- Roto moulding

The issues that arise can include:

- Noise, dust (including road traffic dust), odour complaints.
- Lack of infrastructure (including sealed roads) to support the use.

- Visual amenity conflicts (unattractive buildings visible from dwellings and roads).

Due to the potential for these conflicts, it is strongly preferred that industrial land uses establish within industrial zones.

Another land use conflict can come from industrial land uses establishing on township fringes. These areas are commonly identified for urban expansion in structure plans. The ad hoc location of industry in these zones can significantly compromise future urban development, especially where the industry requires a buffer area. For example, a saw mill has a preferred EPA and planning scheme buffer area of 500m. Allowing uses such as saw mills, abattoirs (500m), or concrete batching plants (300m) near a township boundary should be strongly discouraged if the use has the potential to affect either existing dwellings, or potential dwellings in growth areas in the very long term.

Farming and lifestyle property owners commonly choose to live in these areas because of the rural amenity and landscape appeal. These residents do not expect industrial uses near them and Council is regularly contacted to investigate amenity and land use conflict complaints. Additional policy guidance will assist to reduce future land conflict issues.

Once a use is lawfully established, Council does not have the power to cease the use, therefore clear guidance is crucial where there could be long-term amenity or township growth implications. The revised Clause 21 and 22.02 – ‘Industrial Development’ policy provisions, will provide improved direction when assessing applications for Industrial uses in the Farming Zone and improve Council’s ability to control where industrial uses locate.

#### Planning policy examples

There are a number of examples from councils around Victoria that have identified industry in farming areas as a potential amenity conflict issue and have implemented local policy to help guide planning applications.

#### Greater Geelong Council

Greater Geelong Council has undertaken significant work in identifying potential conflicts with its *Managing Development in Rural Areas, Planning Policy Review (2015)* guiding its local policy *Discretionary uses in rural areas*.

One of the main objectives of this policy is to *discourage discretionary non-agricultural uses in rural areas that could reasonably be located in an urban zone*. This policy, rather than singling out specific industrial land uses to discourage, sets out policy for how to determine whether a discretionary non-agricultural use is appropriate.

### Bass Coast Shire Council

The Bass Coast policy *Non Agricultural Uses in the Farming Zone* builds on an existing Municipal Strategic Statement objective in the Bass Coast Planning Scheme to provide policy direction for non-agricultural land uses in the Farming Zone. Unlike Greater Geelong, this policy clearly identifies uses which should be encouraged in the Farming Zone (such as agriculture, primary produce sales, rural industry and certain tourism activities) and is also clear on the uses to be discouraged.

### Campaspe Shire Council

The Campaspe policy *Non Agricultural Uses in the Farming Zone* builds on an existing Municipal Strategic Statement strategies in the Campaspe Shire Planning Scheme. The policy was developed as a direct result of the Farming Zone changes which permitted industrial land uses after the Shire had already completed their rural land use strategy. The policy is similar to the Bass Coast local policy however provides additional decision guidelines to assist with decision making.

### Draft Revised South Gippsland Local Policy

Local policy 22.02 'Industrial development' has been amended to include provisions relating to industrial uses in the Farming Zone (**Attachment [3.2.1] – South Gippsland Revised Local Policies**). The policy inclusions aim to provide additional guidance when assessing applications in the Farming Zone for Section 2 industrial land uses. The changes are not expansive however they are sufficient to allow assessing officers to request changes to planning permit applications or potentially refuse applications if sufficient grounds exist. It is noted that Council does not have the statutory power to amend the provisions of the Farming Zone to address the above discussed concerns.

## **CONSULTATION**

Introduction of the policy changes will require a planning scheme amendment, which will be exhibited in accordance with normal requirements.

## **RESOURCES**

It is proposed that this work will be undertaken by Council officers within the existing operational budget.

## **RISKS**

The risk for Council not proceeding is the potential for industrial land uses being established that compromise future long term growth of settlements and

interface issues with rural dwellings and agricultural land uses.

#### **ATTACHMENTS**

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

1. South Gippsland Revised Local Policies **[3.2.1]**

#### **REFERENCE DOCUMENTS**

##### ***Council Policy***

South Gippsland Planning Scheme

##### ***Legislative Provisions***

Planning and Environment Act 1987

### **3.3. PLANNING APPLICATION 2016/238 – USE AND DEVELOPMENT OF ACCOMMODATION AND DEVELOPMENT OF OUTBUILDINGS AT 80 RESTLEE DRIVE NYORA**

Development Services Directorate

#### **EXECUTIVE SUMMARY**

The applicant is seeking retrospective consent to develop and use an existing building for accommodation. Retrospective approval for two, existing animal shelters and part of a boardwalk that were constructed without a permit is also being sought. In addition, the applicant proposes constructing two new animal shelters and extending the boardwalk.

The application has been referred to Council for a decision as 12 objections were received. The objections primarily relate to adverse amenity impacts from use of the accommodation building and concerns about the impacts of construction on the waterway that runs through the property. Concerns have also been raised about the illegal nature of the buildings and on-going enforcement matters on the land.

It is considered that the development and use of the existing building for accommodation and development of the existing animal shelters and boardwalk can be supported, subject to appropriate conditions. The application is therefore recommended for approval.

#### **RECOMMENDATION**

That Council issues a Notice of Decision for the use and development of the land for Accommodation and development of Outbuildings (four animal shelters) and a Boardwalk in accordance with the endorsed plans. The following conditions are recommended:

1. Before the building works commence amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
  - a. Clearly dimensioned plans showing the minimum setback distance of each of the proposed buildings from the waterway and the closest property boundary.

- b. Accurately show the existing 4m wide dirt access track (to scale) and noting its minimum setback to the waterway.
  - c. Accurately showing the location of existing vegetation and the number and type of trees for the proposed screen planting.
2. The building, works and layout as shown on the endorsed plan(s) must not be altered or modified except with the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed in a timely manner to the satisfaction of the Responsible Authority.
4. Prior to the issue of an Occupancy Permit for the Accommodation building, an Agreement under Section 173 of the Planning and Environment Act must be entered into which ensures that:
  - a. The Accommodation building must not be occupied by the same person/s for more than 42 consecutive days or more than 150 days per calendar year, and
  - b. The Accommodation building must not be used as a permanent residence, and
  - c. The operator/owner is to keep a log of visitations and produce it to the Responsible Authority upon request.

The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act and confirmation of the Dealing number provided to Council. All costs relating to the preparation and registration of the Agreement must be borne by the applicant.

5. No more than ten people may occupy the Accommodation building at any time.

#### Melbourne Water Condition

6. Prior to any works commencing on the land, a Site Environmental Management Plan showing what sediment reduction techniques will be used during construction on the site to prevent sediment delivery into the waterway must be prepared and endorsed by Melbourne Water and the Responsible Authority (South Gippsland Shire Council).
7. Within three months of the issue of an Occupancy Permit or Certificate of Final Inspection for the Accommodation building, a permanent screen of indigenous vegetation from the attached Indigenous Plants of South Gippsland Shire must be planted in the location shown on the endorsed

- plans to provide an effective visual screen to the nearest existing dwelling (being 70 Lester Drive Nyora). The vegetation must comprise of a range of storeys, with an emphasis on middle and upper storeys; be protected by way of tree guards or similar until fully established; and be completed and then maintained, to the satisfaction of the Responsible Authority. The planting of environmental weed species is discouraged and the planting of noxious weeds prohibited (see attached Shire Weed Identification Booklet).
8. The external finishes of the Accommodation building and outbuildings (animal shelters) including walls and roof materials, must be colour treated and maintained in muted low-reflective tones to the satisfaction of the Responsible Authority.
  9. Building construction must be carried out in accordance with *Construction Techniques for Sediment Pollution Control* (EPA May 1991) and *Control of Erosion on Construction Sites* (Soil Conservation Authority) and in accordance with the endorsed Site Environmental Management Plan, to the satisfaction of the Responsible Authority.
  10. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.
  11. Downpipe water from the Accommodation building must be suitably directed into water tank(s), soakwell(s), or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority. The external finishes and materials of water tank(s) (if required) must be colour treated in muted low-reflective tones.
  12. The Accommodation building must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the boundaries of the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
  13. This permit will expire if any of the following applies:
    - a. The development is not started within two (2) years of the date of this permit.
    - b. The development is not completed within four (4) years of the date of this permit.
    - c. The use does not start within two (2) years after the completion of the development.

Proposed Notes:

1. Pursuant to the provisions of Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the time to start development under part (a) of the expiry condition, if the request is made before the permit expires or within six months afterwards. The Responsible Authority may extend the time to complete the development under part (b) of the expiry condition if:
  - a. the request for an extension of time is made within 12 months after the permit expires; and
  - b. the development or stage started lawfully before the permit expired.

The Responsible Authority may extend the time to start the use of the land under part (c) of the expiry condition if the request is made before the permit expires or within six months afterwards.

2. This permit allows the above land to be used or developed for the purpose specified. It is the permit holder's responsibility to ensure that any other relevant approvals are obtained prior to the commencement of the use or development.
3. The owner/applicant is encouraged to check with the relevant service authorities before any excavation work is undertaken (e.g. Telstra, SP Ausnet and South Gippsland Water).

**MOVED:** Cr Skinner

**SECONDED:** Cr Brown

**THAT COUNCIL ISSUES A NOTICE OF DECISION FOR THE USE AND DEVELOPMENT OF THE LAND FOR ACCOMMODATION AND DEVELOPMENT OF OUTBUILDINGS (FOUR ANIMAL SHELTERS) AND A BOARDWALK IN ACCORDANCE WITH THE ENDORSED PLANS. THE FOLLOWING CONDITIONS ARE RECOMMENDED:**

- 1. BEFORE THE BUILDING WORKS COMMENCE AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE WITH DIMENSIONS AND THREE COPIES MUST BE PROVIDED. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION/OTHER SPECIFIED PLANS BUT MODIFIED TO SHOW:**
  - a. CLEARLY DIMENSIONED PLANS SHOWING THE MINIMUM SETBACK DISTANCE OF EACH OF THE PROPOSED BUILDINGS FROM THE WATERWAY AND THE CLOSEST PROPERTY BOUNDARY.**
  - b. ACCURATELY SHOW THE EXISTING 4M WIDE DIRT ACCESS TRACK (TO SCALE) AND NOTING ITS MINIMUM SETBACK TO THE WATERWAY.**
  - c. ACCURATELY SHOWING THE LOCATION OF EXISTING VEGETATION AND THE NUMBER AND TYPE OF TREES FOR THE PROPOSED SCREEN PLANTING.**
- 2. THE BUILDING, WORKS AND LAYOUT AS SHOWN ON THE ENDORSED PLAN(S) MUST NOT BE ALTERED OR MODIFIED EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
- 3. ONCE THE DEVELOPMENT HAS STARTED IT MUST BE CONTINUED AND COMPLETED IN A TIMELY MANNER TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 4. PRIOR TO THE ISSUE OF AN OCCUPANCY PERMIT FOR THE ACCOMMODATION BUILDING, AN AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT MUST BE ENTERED INTO WHICH ENSURES THAT:**
  - a. THE ACCOMMODATION BUILDING MUST NOT BE OCCUPIED BY THE SAME PERSON/S FOR MORE THAN 42 CONSECUTIVE DAYS OR MORE THAN 150 DAYS PER CALENDAR YEAR, AND**

- b. **THE ACCOMMODATION BUILDING MUST NOT BE USED AS A PERMANENT RESIDENCE, AND**
- c. **THE OPERATOR/OWNER IS TO KEEP A LOG OF VISITATIONS AND PRODUCE IT TO THE RESPONSIBLE AUTHORITY UPON REQUEST.**

**THE AGREEMENT MUST BE REGISTERED ON TITLE PURSUANT TO SECTION 181 OF THE PLANNING AND ENVIRONMENT ACT AND CONFIRMATION OF THE DEALING NUMBER PROVIDED TO COUNCIL. ALL COSTS RELATING TO THE PREPARATION AND REGISTRATION OF THE AGREEMENT MUST BE BORNE BY THE APPLICANT.**

- 5. **NO MORE THAN TEN PEOPLE MAY OCCUPY THE ACCOMMODATION BUILDING AT ANY TIME.**

#### **MELBOURNE WATER CONDITION**

- 6. **PRIOR TO ANY WORKS COMMENCING ON THE LAND, A SITE ENVIRONMENTAL MANAGEMENT PLAN SHOWING WHAT SEDIMENT REDUCTION TECHNIQUES WILL BE USED DURING CONSTRUCTION ON THE SITE TO PREVENT SEDIMENT DELIVERY INTO THE WATERWAY MUST BE PREPARED AND ENDORSED BY MELBOURNE WATER AND THE RESPONSIBLE AUTHORITY (SOUTH GIPPSLAND SHIRE COUNCIL).**
- 7. **WITHIN THREE MONTHS OF THE ISSUE OF AN OCCUPANCY PERMIT OR CERTIFICATE OF FINAL INSPECTION FOR THE ACCOMMODATION BUILDING, A PERMANENT SCREEN OF INDIGENOUS VEGETATION FROM THE ATTACHED INDIGENOUS PLANTS OF SOUTH GIPPSLAND SHIRE MUST BE PLANTED IN THE LOCATION SHOWN ON THE ENDORSED PLANS TO PROVIDE AN EFFECTIVE VISUAL SCREEN TO THE NEAREST EXISTING DWELLING (BEING 70 LESTER DRIVE NYORA). THE VEGETATION MUST COMPRISE OF A RANGE OF STOREYS, WITH AN EMPHASIS ON MIDDLE AND UPPER STOREYS; BE PROTECTED BY WAY OF TREE GUARDS OR SIMILAR UNTIL FULLY ESTABLISHED; AND BE COMPLETED AND THEN MAINTAINED, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE PLANTING OF ENVIRONMENTAL WEED SPECIES IS DISCOURAGED AND THE PLANTING OF NOXIOUS WEEDS PROHIBITED (SEE ATTACHED SHIRE WEED IDENTIFICATION BOOKLET).**
- 8. **THE EXTERNAL FINISHES OF THE ACCOMMODATION BUILDING AND OUTBUILDINGS (ANIMAL SHELTERS) INCLUDING WALLS AND ROOF MATERIALS, MUST BE COLOUR TREATED AND MAINTAINED IN MUTED LOW-REFLECTIVE TONES TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 9. **BUILDING CONSTRUCTION MUST BE CARRIED OUT IN ACCORDANCE WITH *CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL* (EPA MAY**

1991) AND *CONTROL OF EROSION ON CONSTRUCTION SITES* (SOIL CONSERVATION AUTHORITY) AND IN ACCORDANCE WITH THE ENDORSED SITE ENVIRONMENTAL MANAGEMENT PLAN, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

10. ALL WORKS MUST BE UNDERTAKEN IN A MANNER THAT MINIMISES SOIL EROSION, AND ANY EXPOSED AREAS OF SOIL MUST BE STABILISED TO PREVENT SOIL EROSION, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
11. DOWNPIPE WATER FROM THE ACCOMMODATION BUILDING MUST BE SUITABLY DIRECTED INTO WATER TANK(S), SOAKWELL(S), OR OTHERWISE DISCHARGED, SO AS NOT TO CAUSE EROSION TO THE SUBJECT OR SURROUNDING LAND, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE EXTERNAL FINISHES AND MATERIALS OF WATER TANK(S) (IF REQUIRED) MUST BE COLOUR TREATED IN MUTED LOW-REFLECTIVE TONES.
12. THE ACCOMMODATION BUILDING MUST BE CONNECTED TO RETICULATED SEWERAGE, IF AVAILABLE. IF RETICULATED SEWERAGE IS NOT AVAILABLE ALL WASTEWATER FROM THE DWELLING MUST BE TREATED AND RETAINED WITHIN THE BOUNDARIES OF THE LOT IN ACCORDANCE WITH THE STATE ENVIRONMENT PROTECTION POLICY (WATERS OF VICTORIA) UNDER THE ENVIRONMENT PROTECTION ACT 1970.
13. THIS PERMIT WILL EXPIRE IF ANY OF THE FOLLOWING APPLIES:
  - a. THE DEVELOPMENT IS NOT STARTED WITHIN TWO (2) YEARS OF THE DATE OF THIS PERMIT.
  - b. THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR (4) YEARS OF THE DATE OF THIS PERMIT.
  - c. THE USE DOES NOT START WITHIN TWO (2) YEARS AFTER THE COMPLETION OF THE DEVELOPMENT.

**PROPOSED NOTES:**

1. PURSUANT TO THE PROVISIONS OF SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987 THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START DEVELOPMENT UNDER PART (A) OF THE EXPIRY CONDITION, IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN SIX MONTHS AFTERWARDS. THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO COMPLETE THE DEVELOPMENT UNDER PART (B) OF THE EXPIRY CONDITION IF:
  - a. THE REQUEST FOR AN EXTENSION OF TIME IS MADE WITHIN 12 MONTHS AFTER THE PERMIT EXPIRES; AND
  - b. THE DEVELOPMENT OR STAGE STARTED LAWFULLY BEFORE THE PERMIT EXPIRED.

**THE RESPONSIBLE AUTHORITY MAY EXTEND THE TIME TO START THE USE OF THE LAND UNDER PART (C) OF THE EXPIRY CONDITION IF THE REQUEST IS MADE BEFORE THE PERMIT EXPIRES OR WITHIN SIX MONTHS AFTERWARDS.**

- 2. THIS PERMIT ALLOWS THE ABOVE LAND TO BE USED OR DEVELOPED FOR THE PURPOSE SPECIFIED. IT IS THE PERMIT HOLDER'S RESPONSIBILITY TO ENSURE THAT ANY OTHER RELEVANT APPROVALS ARE OBTAINED PRIOR TO THE COMMENCEMENT OF THE USE OR DEVELOPMENT.**
- 3. THE OWNER/APPLICANT IS ENCOURAGED TO CHECK WITH THE RELEVANT SERVICE AUTHORITIES BEFORE ANY EXCAVATION WORK IS UNDERTAKEN (E.G. TELSTRA, SP AUSNET AND SOUTH GIPPSLAND WATER).**

**Cr Rich left the Council Meeting at 2.36pm.**

**CARRIED**

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

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

**Cr Rich was not present for the Vote.**

## REPORT

### Background

The subject land is Lot 6 LP212922K Parish of Lang Lang East, more commonly known as 80 Restlee Drive Nyora. The land is a rural residential property of approximately 4.6 ha within the Cherry Tree Estate and has been developed with a dwelling and a number of existing outbuildings, some of which have been constructed without planning permission. The site is sloping, with a dam and waterway running through the centre of the lot.

The land is zoned Rural Living (RLZ) and has no Overlays. The surrounding land is developed for rural residential purposes, generally on lots of around 4 ha. The nearest dwelling to the proposed accommodation building is approximately 160m to the south-west.

A permit (2014/243) to use and develop the land for Outdoor Recreation Facility (Skate Ramp) and to develop the land with a dwelling (retrospectively), was granted by the Victorian Civil and Administrative Tribunal in February 2016. The dwelling has been completed and the proposed skate ramp is currently under construction. There are a number of enforcement matters pertaining to the site.

Refer to **Attachments [3.3.1] and [3.3.2]** for an aerial photo of the site and the planning property report.

### The Proposal

The proposal is to use an existing building as a form of accommodation. The building was constructed without planning and building permission as part of the previous skate ramp development that has now also been modified and authorised. The building is a single-storey, Colorbond structure on stumps, setback 5m from the waterway and close to the approved skate ramp. The building contains three small bedrooms, a bathroom, toilet and large open living area, with an external deck adjacent to the living area, facing the waterway.

It is also proposed to construct two animal shelters (horse shelters) on the western side of the waterway and to extend a boardwalk along the waterway from the accommodation building to the proposed skate ramp.

Retrospective consent is also being sought for the accommodation building, two existing Zincalume animal shelters (horse shelters) on the eastern side of the lot and for an existing boardwalk. These buildings have been constructed within 100m of the waterway without planning permission.

Refer to **Attachment [3.3.3]** for a copy of the proposed plans.

### Assessment

A detailed assessment of the application against the relevant sections of the Planning and Environment Act 1987 and the relevant matters in the South Gippsland Planning Scheme are discussed in **Attachment [3.3.4]** - Officer's delegation report.

## CONSULTATION

The application was notified to adjoining owners and occupiers. Twelve objections were received. The application was amended following the initial notification and Council required re-notification of the proposal. Two objectors chose to lodge additional submissions regarding the amended proposal. Refer to **Confidential Attachment [13.7.1]** for copies of the objections.

The concerns relate to potential amenity impacts from use of the accommodation building and the impacts of construction activity on the waterway. Objectors also felt strongly that the applicant should not be rewarded for undertaking illegal works. The objections are summarised and responded to in **Attachment [3.3.4]** Officers Delegation Report.

The application was referred to Council's Wastewater Department and to Melbourne Water for comment. Both have provided conditional consent. The referral responses are discussed in more detail in **Attachment [3.3.4]** – Officers Delegation Report.

## CONFIDENTIAL ATTACHMENTS

### **Confidential Attachment 13.7.1 – Copies of submissions.**

In accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(h) – any other matter which the Council considers would prejudice the Council or any person.

## ATTACHMENTS

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

1. 80 Restlee Drive Nyora- Planning Property Report **[3.3.1]**
2. 80 Restlee Drive Nyora - Aerial Photo **[3.3.2]**
3. 80 Restlee Drive Nyora - Plans **[3.3.3]**
4. 80 Restlee Drive Nyora - Delegated Officers Report **[3.3.4]**

## REFERENCE DOCUMENTS

### ***Council Policy***

South Gippsland Planning Scheme

### ***Legislative Provisions***

Planning and Environment Act 1987

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

### **4.1. REVIEW OF COMMUNITY GRANTS PROGRAM FOR 2017/18**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Council strives to facilitate, plan and provide programs, services and opportunities that strengthen its communities. One of the most immediate ways Council seeks to do this is through its annual Community Grants program; making funds available for a broad range of community initiatives across the municipality. Each year Council reviews the current Community Grants Policy and Guidelines.

The purpose of this report is to recommend the adoption of the revised Community Grants Program Policy [**Attachment 4.1.1**] and adopted the 2017/18 Community Grants Program Guidelines [**Attachment 4.1.2**].

The 2017/18 Community Grants program will open 1 July 2017.

#### **RECOMMENDATION**

That Council:

1. Adopt the 2017/18 Community Grants Program guidelines contained in [Attachment 4.1.2]; and
2. Open the 2017/18 Community Grants Program on 1 July 2017.

**MOVED:** Cr Skinner

**SECONDED:** Cr Edwards

#### **THAT COUNCIL:**

1. **ADOPT THE 2017/18 COMMUNITY GRANTS PROGRAM GUIDELINES CONTAINED IN [ATTACHMENT 4.1.2]; AND**
2. **OPEN THE 2017/18 COMMUNITY GRANTS PROGRAM ON 1 JULY 2017.**

**Cr Rich returned to the Council Meeting at 2.38pm.**

**CARRIED UNANIMOUSLY**

## **REPORT**

The Community Grants program continues to meet the objectives of the Community Grants Policy. However it is acknowledged that each year the program is monitored and adjusted accordingly to ensure that the program objectives are met.

Therefore the following suggestions are recommended:

1. The category names are updated to provide clarity:
  - a. Quick Response Grants to Small Grants
  - b. Small Emergency Grants to Emergency Grants
  - c. Projects and Equipment to Minor Projects and Equipment
  - d. Major Projects to Major Projects and Equipment
  - e. Planning and Development Studies to Planning and Development Reports
  - f. Celebrations, Festivals and Events unchanged.
2. Funding contribution to the Emergency Grants changes from 15 per cent to 50 per cent to align with the other grant categories with the exception of the Small Grants (no contribution required) and the Planning and Development Reports (no contribution required, however a contribution is expected where an applicant has the capacity to allocate funds).
3. Maximum funding allocation to the Celebrations, Festival and Events category increased from \$5,000 to \$10,000.
4. Remove the clause which states that an applicant can only be approved for funding once per category in a financial year.
5. The selection criteria within the guidelines clearly state that all applications are subject to final evaluation by Council.
6. Remove the closing date for applications to the Emergency Grants Program to allow applications to be assessed as they are received. Applicants will be notified within two weeks of the outcome.

In addition, the guidelines have undergone administration enhancements which do not alter the program objectives.

## **CONSULTATION**

Consultation was provided through the following activities:

- An opportunity was provided for previous applicants via Survey Monkey to provide feedback;

- An internal review was completed by relevant officers; and
- A Council Briefing was conducted on 17 May 2017.

## **RISKS**

Reviewing the Policy and Guidelines provides for better governance of the Community Grants program as it strengthens legislative compliance, ensures the appropriate and effective use of Council funds, assists in avoiding potential conflicts of interest and facilitates openness, transparency and accountability.

## **ATTACHMENTS**

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

1. C47 - Community Grants Program Policy (Draft 2017) **[4.1.1]**
2. 2017-18 Community Grants Guidelines **[4.1.2]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Community Grants Program Policy (C47)

### ***Legislative Provisions***

Local Government Act 1989

## **4.2. SOUTH GIPPSLAND LIQUOR AND GAMBLING STRATEGY 2017**

Development Services Directorate

### **EXECUTIVE SUMMARY**

The South Gippsland Liquor and Gambling Strategy provides strategic direction for Council in its role in planning for the health and protection for the people of South Gippsland. The Strategy recommends a public health partnership approach to limiting harm from alcohol and gambling within the community. It will help Council prepare for, and respond to liquor and gambling issues as they arise and provides strategic justification for revisions to the local planning scheme on liquor and gambling.

### **RECOMMENDATION**

That Council:

1. Adopt the South Gippsland Liquor and Gambling Strategy (Attachment [4.2.1]); and
2. Support the implementation of the Liquor and Gambling Action Plan in partnership with key stakeholders.

**MOVED:** Cr McEwen

**SECONDED:** Cr Kiel

### **THAT COUNCIL:**

1. **ADOPT THE SOUTH GIPPSLAND LIQUOR AND GAMBLING STRATEGY (ATTACHMENT [4.2.1]); AND**
2. **SUPPORT THE IMPLEMENTATION OF THE LIQUOR AND GAMBLING ACTION PLAN IN PARTNERSHIP WITH KEY STAKEHOLDERS.**

**CARRIED UNANIMOUSLY**

## **REPORT**

While all forms of gambling and the provision of alcohol are regulated in Victoria, there are still members of the community who experience harm from misuse of alcohol or addiction to gambling.

Council has responsibilities under the Local Government Act (1989), Health and Wellbeing Act (2008) and the Planning and Environment Act (1987) to provide the best outcomes for the community and protect, improve and promote health and wellbeing for the community.

The Strategy provides a range of recommendations including:

1. Facilitation of an annual stakeholder forum.
2. Support for training and events in gambling and alcohol harm prevention.
3. Extensive community consultation to gain opinion regarding liquor and gambling in South Gippsland.
4. A review of the South Gippsland Planning Scheme to include protective factors for liquor and gambling.
5. The development of applicant guidelines outlining good practice in harm reduction.
6. Inclusion of harm reduction strategies in the Municipal Public Health and Wellbeing Plan 2017-2021.

An action plan outlines the delivery of recommendations over four years of the plan with a review of the action plan annually reported to Council.

## **CONSULTATION**

Key stakeholders including neighbouring councils, Victoria Police, venue operators and health services were consulted in the development of the Strategy. Consultations identified alcohol and gambling harm as an issue for our local communities and licensees.

A need for facilitation of shared partnerships between service and venue providers, licensees was identified. Changes to the South Gippsland Planning Scheme and further community consultation were identified as methods for strengthening Council's role in monitoring liquor and gaming licence applications.

## **RESOURCES**

The South Gippsland Liquor and Gambling Strategy was developed by Council staff. The action plan implementation can be accommodated within current budgets.

Amendments to the South Gippsland Planning Scheme will require staff time and will require payment of usual Planning Scheme Amendment costs.

## **RISKS**

There are no perceived risks to Council of adopting the South Gippsland Liquor and Gambling Strategy.

## **ATTACHMENTS**

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

1. South Gippsland Liquor and Gambling Strategy 2017 - 2021 for endorsement  
28 June 2017 **[4.2.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Municipal Public Health and Wellbeing Plan 2013-2017  
South Gippsland Planning Scheme

### ***Legislative Provisions***

Local Government Act 1989  
Planning and Environment Act 1987  
Public Health and Wellbeing Act 2008

### **4.3. MOSSVALE PARK EVENT MANAGEMENT - 2017/18 FEES AND CHARGES**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

Mossvale Park (the Park) is a highly valued passive recreation and social connection facility for the South Gippsland community. In recent years, there has been an increase in the use of the Park for major commercial events.

Major events held at the Park have potential to boost tourism and provide a flow-on economic benefit for South Gippsland as many users at these events come from outside the Shire. However, it is important that the Park continues to provide its key passive recreational function for generations to come.

To ensure that use of the Park does not lead to its degradation and is managed safely, Council needs to implement control mechanisms and be prepared to invest in minor infrastructure upgrades (such as signage) to help users of the Park.

The control mechanisms can include charging fees for certain uses and limiting the number of large events to ensure the Park is sustainably cared for. Funds generated can then be used for improvements that are required due to the increased use of the Park.

#### **RECOMMENDATION**

That Council:

- 1.** Adopts the following 2017/18 Fees and Charges for Mossvale Park Event Management schedule commencing 1 July 2017 as follows:
  - a.** Commercial Use / Bookings:
    - i.** Mossvale Park, Berrys Creek – Commercial Bookings – Major Commercial Bookings - \$500).
    - ii.** Mossvale Park, Berrys Creek – Commercial Bookings – Parking Area Behind Sound Shell - \$200.
    - iii.** Mossvale Park, Berrys Creek – Commercial Bookings – Sound Shell (fit-out) - \$400.
    - iv.** Mossvale Park, Berrys Creek – Commercial Bookings – Power (access to and use of) - \$100.
  - b.** Non-commercial Use / Bookings (free community event, wedding, funeral, private function):

- i. Mossvale Park, Berrys Creek – Non-commercial Bookings – Parking Area Behind Sound Shell - \$100.
  - ii. Mossvale Park, Berrys Creek – Non-commercial Bookings – Sound Shell (fit-out) - \$200.
  - iii. Mossvale Park, Berrys Creek – Non-commercial Bookings – Power (access to and use of) - \$50.
2. Exempt the groups that currently have an event booking in place at Mossvale Park from the 2017/18 Fees and Charges.
3. Write to the regular users of the Park to advise them of the new fees and charges.
4. Develop a long term Mossvale Park Management and Infrastructure Development Plan in partnership with the Mossvale Park Advisory Committee.

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

1. **ADOPTS THE FOLLOWING 2017/18 FEES AND CHARGES FOR MOSSVALE PARK EVENT MANAGEMENT SCHEDULE COMMENCING 1 JULY 2017 AS FOLLOWS:**
  - a. **COMMERCIAL USE / BOOKINGS:**
    - i. **MOSSVALE PARK, BERRYS CREEK – COMMERCIAL BOOKINGS – MAJOR COMMERCIAL BOOKINGS - \$500).**
    - ii. **MOSSVALE PARK, BERRYS CREEK – COMMERCIAL BOOKINGS – PARKING AREA BEHIND SOUND SHELL - \$200.**
    - iii. **MOSSVALE PARK, BERRYS CREEK – COMMERCIAL BOOKINGS – SOUND SHELL (FIT-OUT) - \$400.**
    - iv. **MOSSVALE PARK, BERRYS CREEK – COMMERCIAL BOOKINGS – POWER (ACCESS TO AND USE OF) - \$100.**
  - b. **NON-COMMERCIAL USE / BOOKINGS (FREE COMMUNITY EVENT, WEDDING, FUNERAL, PRIVATE FUNCTION):**
    - i. **MOSSVALE PARK, BERRYS CREEK – NON-COMMERCIAL BOOKINGS – PARKING AREA BEHIND SOUND SHELL - \$100.**

- ii. **MOSSVALE PARK, BERRYS CREEK – NON-COMMERCIAL BOOKINGS – SOUND SHELL (FIT-OUT) - \$200.**
  - iii. **MOSSVALE PARK, BERRYS CREEK – NON-COMMERCIAL BOOKINGS – POWER (ACCESS TO AND USE OF) - \$50.**
- 2. **EXEMPT THE GROUPS THAT CURRENTLY HAVE AN EVENT BOOKING IN PLACE AT MOSSVALE PARK FROM THE 2017/18 FEES AND CHARGES.**
- 3. **WRITE TO THE REGULAR USERS OF THE PARK TO ADVISE THEM OF THE NEW FEES AND CHARGES.**
- 4. **DEVELOP A LONG TERM MOSSVALE PARK MANAGEMENT AND INFRASTRUCTURE DEVELOPMENT PLAN IN PARTNERSHIP WITH THE MOSSVALE PARK ADVISORY COMMITTEE.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

The Park is a public park located in the rural area between Mirboo North and Leongatha (**Figure 1** below). It is partly located on Council owned land and partly located on Crown land for which Council is the Committee of Management. Council maintains the Park with support from the Mossvale Park Advisory Committee.

**Figure 1 – Mossvale Park Locality Map**



The Park is very unusual in that it includes a number of highly valuable National Trust listed trees, primarily oaks.

The Park has been used by the community for many decades, particularly by residents of Mirboo North, Leongatha, Berrys Creek, Wooreen, and Mardan. In earlier times, the Park was also the base for the Berrys Creek Pony Club and was regularly used for combined sports days by the network of small schools that existed in the district, and for camping/caravans.

A number of powered sites (for camping) were established but costs of maintaining this service and the limitations created by the lack of potable water and ongoing vandalism resulted in camping being discontinued in the 1980s.

The Park is in constant use for passive and informal recreation and social functions. Some functions are large and result in management problems due to insufficient infrastructure.

### Events / Functions at the Park

Since 1967, the Park has hosted the *Music for the People* concert, which attracts between 400 and 1,200 people. Since 2003, there have been one or two other single day music festivals held at the Park in summer/autumn. These events regularly attract 3,000 patrons, and on one occasion attracted 5,000 people. These major events currently make no financial contribution to the Park, and

generally create extra maintenance and repair costs to Council's Operations department. Other types of functions that are held at the Park include:

- Weddings
- Community functions
- Funerals
- Business functions
- Birthday parties
- Horticultural tours
- Music concerts / festivals.

### **Markets**

Commercially managed markets are a more recent introduction to the Park. There were four markets held during the December 2015 to March 2016 period, but only one in the period from December 2016 to March 2017. The organisers of the market specifically chose the Park as the venue due to its attractive setting and the profile it has achieved through music events and weddings.

Between 1,500 and 2,000 shoppers and up to 120 stall holders have attended each market. Detailed numbers of shoppers are not clear as it is free entry and specific numbers are not collected.

### **EVENT MANAGEMENT ISSUES**

Numerous event management problems have been experienced at the Park. These include:

#### **1. Access**

Markets and larger music events do not allow the general public reasonable use of the Park on those days.

#### **2. Limited Infrastructure**

The Park has limited infrastructure meaning organisers of large events (ie: those attended by more than 500 people) are required to:

- Hire extra portable toilets
- Erect marquees
- Hire extra rubbish bins/skips
- Provide potable water

- Organise extra car parking in a neighbouring farm.

### **3. Poor Telecommunication Coverage**

This is a problem in the event of an emergency as mobile reception is limited to the point that there is usually no coverage whatsoever.

### **4. Flood Prone**

The Park is susceptible to flooding. This happened in 2011 when the Youth Council's *Raw Vibes Music Concert* had to be relocated to the Leongatha Memorial Hall due to the Park becoming saturated the previous week.

### **5. Emergency and Traffic Management**

Concerns have been expressed by emergency services regarding high fire danger as the Park is in the middle of grassland with only one road in and out. An event that might have 3,000 people and 1,500 vehicles on site on a high fire danger day, would create a major logistical issue for these services.

When the Park is to be used for major commercial events or large community events, Council now requires event organisers to develop and implement detailed traffic management plans, including formal evidence that off-park parking has been secured as an element of an event permit.

### **6. Heritage Listed Trees**

Advice has been received from Heritage Victoria arborists, Council's Parks and Gardens team, and the Mossvale Park Advisory Committee that the heritage listed trees and other trees are exposed to root damage and soil compaction from the increased vehicular and foot traffic. This can cause tree death or failure. Specifically, the concern is that an increase in the number and frequency of large participation events at the Park (those with over 1,000 attendees) will compromise the listed trees.

### **7. Level of Use**

There are a variety of economic drivers that will impact on the level of uses at the Park. These include:

- The increasing population of Melbourne's south eastern suburbs and Drouin/Warragul area.
- An increased level of informal use for Recreational Vehicles (RVs) and caravans at the Park through promotion of music events and commercial markets, even though camping is prohibited under the current Local Law.

The impact of these drivers is that Council can expect an ever-increasing level of interest from South Gippsland-based communities and commercial organisations to use the venue for events, and an increased range of groups outside of South Gippsland seeking to run events at the Park.

### **EVENT MANAGEMENT FRAMEWORK**

An Event Management Framework to control uses at the Park and generate some income for Park maintenance has been developed. This includes levying a number of new fees.

The Event Management Framework recommends that:

1. A maximum of six major commercial event bookings of the Park during the period 1 December to 30 April annually, with the most in any calendar month being two events.
2. A major commercial event means that the Park is predominantly used for the specific commercial event and that access for casual use may be impacted. However, access for the owners of the adjoining property that is only accessible through the Park, must be maintained.
3. Council deems that the Park is being predominantly used for a commercial event if:
  - a. An entry fee is being charged; and/or
  - b. Market/produce stalls are included in the event; and/or
  - c. A casual user is not able to enter the Park by car.
4. Proposed fee:
  - a. The proposed fee for a major commercial event is \$500.
  - b. Funds generated from these bookings are to be used for Park improvements.

### ***Parking Area Behind Sound Shell***

5. The area behind the Sound Shell can be hired for parking purposes with a maximum of 300 vehicles, subject to seasonal conditions.
6. Council's Operations department may deem this area unsuitable for parking if it is too wet.
7. Proposed fee for parking area:

- a. Commercial Event - \$200.
- b. Free community event, wedding, or funeral - \$100 (50 per cent of the commercial fee). This is consistent with Council's Terms and Conditions of Hire for the Leongatha Memorial Hall, where community use attracts a 50 per cent subsidy.
- c. Income generated from parking would be used for Park improvements.

### ***Sound Shell***

8. No fee is required to access the Sound Shell for set up and bump out of an event or activity.
9. Council's Operations department currently fit the sides of the Sound Shell upon request at no cost.
10. Proposed fee for Sound Shell:
  - a. Commercial Event - \$400 for fitting the sides to the Sound Shell, which is the actual cost in time and equipment to Council for undertaking this task.
  - b. Free community event, wedding, or funeral - \$200 (50 per cent of the commercial fee). This is consistent with Council's Terms and Conditions of Hire for the Leongatha Memorial Hall, where community use attracts a 50 per cent subsidy. Members of the Mossvale Park Advisory Committee have requested that both funerals and weddings attract the subsidised fee.
  - c. Fees generated for this charge will be used to offset the extra costs created for the Operations department in fitting and removing the Sound Shell sides.

### ***Access to and use of power***

11. Two fee levels are proposed for access to and use of the power at the Sound Shell and parking bay areas.
12. Proposed Fee:
  - a. Commercial Event - \$100.
  - b. Free, community, and private functions - \$50.
  - c. Fees collected for power use would continue to be used to offset power charges at the Park.

Maximum fees to be charged for a specific one day event under this fee proposal structure would be \$1,200.

### **OTHER HIRING CHARGES**

Council does have hiring charges in place for private functions held at Coal Creek Community Park. A fee of \$375 is charged for holding a wedding at Coal Creek, and a fee of \$105 is levied for the use of the community park to take wedding photos.

Some neighbouring municipalities have a range of charges for use of public parks for commercial or private functions.

- Wellington Shire Council charges \$165 for use of the Sound Shell in the Sale Botanic Park, and \$550 for a commercial activity such as the ESSO Christmas party or a circus if held at a public park.
- Recreation Reserves (committees of management) in South Gippsland generally charge hiring fees to external groups for use of their reserves (eg: the Tarwin Lower Recreation Reserve charges the organisers of the Unify Music Festival a fee for use of the reserve).

### **PARK IMPROVEMENTS / MANAGEMENT AND INFRASTRUCTURE DEVELOPMENT PLAN**

Three other improvements will be implemented to help with long term public use of the Park as follows:

1. A noticeboard will be erected in the kiosk to notify casual park users of major events booked for the Park and to update casual users on any improvement and maintenance works being planned or in progress.
2. A formal booking form will be created for use through Customer Service for all formal bookings (including small events).
3. A long term *Mossvale Park Management and Infrastructure Development Plan* will be developed by Council in partnership with the Mossvale Park Advisory Committee.

### **CONSULTATION**

Consultation has been undertaken with the Mossvale Park Advisory Committee, Council's Parks and Gardens coordinator, Community Strengthening team, Economic Development and Tourism team, and Communications team.

A Confidential Strategic Briefing was presented to Council on 17 May 2017 detailing the proposed fee schedule.

The next stage of consultation will include discussing the fees and charges with the regular users of the Park. Regular users include the Lyrebird Arts Council, local civil celebrants and funeral directors, and the Mossvale Market organisers.

## RESOURCES

There is no specific maintenance budget for the Park. Increased maintenance costs for major events are absorbed into existing budgets which is reducing service levels in other locations.

The new fees for use of the Park could be used to offset improvements and maintenance of the Park. Some administration costs would be created in undertaking the collection of fees and monitoring compliance with conditions.

**Table 1** below details the proposed new fees for Council's consideration. These will need to be included in the *2017/18 Fees and Charges* schedule.

**Table 1 - 2017/18 Fees and Charges – Mossvale Park Events**

Description	2017/18 Fee
<b>Commercial Use / Bookings</b>	
Mossvale Park, Berrys Creek – Commercial Bookings – Major Commercial Bookings	\$500
Mossvale Park, Berrys Creek – Commercial Bookings – Parking Area Behind Sound Shell	\$200
Mossvale Park, Berrys Creek – Commercial Bookings – Sound Shell (fit-out)	\$400
Mossvale Park, Berrys Creek – Commercial Bookings – Power (access to and use of)	\$100
<b>Non-commercial Use / Bookings</b> <i>(Free community event, wedding, funeral, private function)</i>	
Mossvale Park, Berrys Creek – Non-commercial Bookings – Parking Area Behind Sound Shell	\$100
Mossvale Park, Berrys Creek – Non-commercial Bookings – Sound Shell (fit-out)	\$200
Mossvale Park, Berrys Creek – Non-commercial Bookings – Power (access to and use of)	\$50

## **RISKS**

The major risk is that the Park will become degraded over time if large events are not regulated.

Council can expect a negative response from the Mossvale Park Advisory Committee and general community if use of the Park for major events is not regulated in a manner that will protect the significant trees and ensure general public use for informal gatherings and significant events such as weddings and celebrations. Other negative reactions might be:

- Current groups running events at the Park might object to paying a fee and having limitations placed on their use and choose to move to other venues, possibly outside South Gippsland.
- Council may receive negative publicity from private and not-for-profit groups (and their customers) with an interest in using the Park if restrictions and hire fees are implemented.

The concerns about paying for use of the Park are likely to be mitigated by use of the fees collected for Park improvements.

#### **4.4. POLICY REVIEW: C46 YOUTH POLICY**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

Young people of all abilities have an important contribution to make to the civic, social, economic, recreational, and cultural life of South Gippsland. The future wellbeing of the community is assisted by retaining and attracting young people to the district, and by encouraging young people to feel valued as community members. Council's C46 Youth Policy is designed to support the provision of opportunities for engagement, participation, and inclusion in the wider community by young people.

A review of the current C46 Youth Policy (adopted 26 June 2013) has been carried out with only minor amendments which includes:

- Replacement of a "Youth Council" with "Youth Consultative Networks".
- Development of a "Youth Engagement Strategy" to guide the implementation of proposed activities.

Council has played an active role in supporting young people to be directly involved with their local communities. Adoption of the revised C46 Youth Policy will continue this work and will provide guidance to young people, the broader community, and Council on further opportunities for youth participation in community activities.

##### **RECOMMENDATION**

That Council:

1. Adopts C46 Youth Policy 2017 (Attachment [4.4.2]).
2. Publish the Policy on Council's website.

**MOVED:** Cr Brown

**SECONDED:** Cr McEwen

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

1. **ADOPTS C46 YOUTH POLICY 2017 (ATTACHMENT [4.4.2]).**
2. **PUBLISH THE POLICY ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## REPORT

Council has had a formal Youth Policy since 2001. Council last adopted C46 Youth Policy (2013 Policy) on 26 June 2013. A copy of the Council minutes and the 2013 Policy is available in **Attachment [4.4.1]** – Council Minutes 26 June 2013 – C46 Youth Policy Adoption.

The Policy is due for review this financial year (2016/17) in accordance with the corporate policy timetable. Only minor amendments were required as C46 Youth Policy (2017 Policy) is still up to date, except for amendments to dates, grammar, and position titles. The change from “Youth Council” to “Youth Consultative Networks” has been identified as an opportunity to redefine engagement with young people. Youth Consultative Networks will provide engagement opportunities that are less formal, with no long term commitment, which acknowledges the barriers to participation, like access to transport, study, work, and recreation obligations.

The revised 2017 Policy places an emphasis on Council encouraging and supporting partnerships between young people, community groups, agencies, and the general community to:

- Foster opportunities for young people to be active within their communities;
- Provide information on services delivered by other community groups and agencies;
- Create opportunities for young people to take a leadership role with their peers; and
- Champion the role of young people in the community.

The revised 2017 Policy is available in **Attachment [4.4.2]** – **C46 Youth Policy 2017 (for adoption)**.

The revised 2017 Policy does not advocate for Council to play a major role in specific youth service delivery. However, it does allow for limited direct service provision for young people where no other existing agency is willing to do so, and Council believes the service to be important.

A current example of Council providing a specific youth service is the *L2P Learner Driver* program. The revised 2017 Policy also allows for Council to develop a *Youth Engagement Strategy* to guide the implementation of proposed activities.

## **CONSULTATION**

Consultation on the revised 2017 Policy has been undertaken through existing youth networks, South Gippsland FReeZA Committee, Council staff, and other youth agencies.

## **RESOURCES**

The revised 2017 Policy does not require a budget increase as actions will be supported by existing staff in the Community Strengthening team and fits within the Annual Business Plan for the Sustainable Communities department.

## **RISKS**

There are no risks associated with supporting the revised 2017 Policy. It allows the opportunity for Council staff to listen to and support the younger members of our community.

## **ATTACHMENTS**

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

1. Council Minutes 26 June 2013 - C46 Youth Policy Adoption **[4.4.1]**
2. C46 Youth Policy 2017 (for adoption) **[4.4.2]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

C46 Youth Policy

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

### **5.1. STRATEGY ADOPTION - WASTE MANAGEMENT STRATEGY 2016-2021**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

Council's Waste Management Strategy 2011-2021 (2011 WMS) has been reviewed and replaced with a revised version that responds to changes in the waste management industry.

The revised Waste Management Strategy 2016-2021 (2016 WMS) will continue to guide the provision of Council's waste management services, ensuring that services are based on best value for the community, industry best practice, and compliance with relevant legislation and policies.

The 2016 WMS incorporates (where appropriate) comments received from the public during a 32 day submission period where the document was made available for community comment.

#### **RECOMMENDATION**

That Council:

1. Adopt the Waste Management Strategy 2016-2021 (Attachment [5.1.1]).
2. Publish the Strategy on its website.

**MOVED:** Cr McEwen

**SECONDED:** Cr Skinner

#### **THAT COUNCIL:**

1. **ADOPT THE WASTE MANAGEMENT STRATEGY 2016-2021 (ATTACHMENT [5.1.1]).**
2. **PUBLISH THE STRATEGY ON ITS WEBSITE.**

#### **CARRIED**

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

**AGAINST:** Councillor Edwards

## REPORT

Council's current 2011 WMS was adopted at the Ordinary Council Meeting held 27 July 2011. At the time many of Council's waste management services needed updating to ensure that they continued to meet industry standards and community expectations.

All of Council's waste management service contracts were expiring between 2011 and 2013 making it an ideal time to implement major changes to the services that Council provides.

During the last five years, most of the actions of the 2011 WMS have been completed, or are obsolete due to changes in the waste industry. Examples of changes in the waste industry include:

- A move away from promoting and subsidising home composting to providing kerbside green waste and organics collection services instead;
- A move away from 80L kerbside garbage bins as they do not meet the needs of a large portion of the community and have limited impact on reducing waste to landfill; and
- Changes to collection and recycling methods or infrastructure for some materials such as e-waste, mattresses, and household chemicals.

A full list of the 2011 actions and their status are included in the revised 2016 WMS.

Some of the key actions implemented since 2011 and their outcomes include:

- A restructure of the transfer station contract to put incentives in place to drive resource recovery. As a result, the amount of waste sent to landfill from transfer stations has dropped from approximately 3,300 tonnes per year (2010/11) to 1,780 tonnes per year (2015/16) representing a significant reduction of 46 per cent;
- Introduction of a kerbside green waste collection service across the Shire, which has led to an 18 per cent reduction (per household) in the amount of waste disposed of to landfill from the kerbside garbage service;
- Establishment of a re-use shop at the Koonwarra Transfer Station to divert re-usable materials from landfill;
- Amendments to the transfer station contract that require the contractor to separate and recover all mattresses and e-waste for recycling, which saves significant landfill airspace;

- Introduction of a user pays, booked hard waste collection service; and
- Introduction of green waste disposal fees at transfer stations, which recovers most of the costs associated with green waste management.

More than 30 new actions have been developed and incorporated into the new 2016 WMS to guide service delivery over the next five years.

Both the current and new WMS are available as attachments:

- **Attachment [5.1.1]** – Waste Management Strategy 2016-2021.
- **Attachment [5.1.2]** – Waste Management Strategy 2011-2021.

### **Key Recommended Actions**

Some of the key recommended actions in the revised 2016 WMS include:

- Investigate the viability of modifying the kerbside green waste collection to include food waste (FOGO – Food Organics and Green Organics) for residential properties.
- Consider forming an agreement with other Gippsland Local Government Network (GLGN) councils to investigate and consider the viability of shared procurement of waste management services.
- Continue to participate in the Gippsland Waste and Resource Recovery Group (GWRRG) Collaborative Waste Investment Project with the ultimate aim of identifying and establishing alternative waste treatment facilities to reduce Council's reliance on landfill.
- Review transfer station service provision to identify opportunities for improvement and to determine if the existing contract should be extended, re-tendered, or the service brought in-house.
- Investigate the viability of future transfer station upgrades to enable safe and effective pre-sorting of waste to separate recyclable material prior to landfill to increase material diversion.
- Seek Environment Protection Authority (EPA) works approval for Stage 2 of the Koonwarra Landfill.
- Investigate the viability of making South Gippsland Shire a "plastic bag free" community.

## CONSULTATION

The revised 2016 WMS was presented to Council at a Confidential Briefing Session on 15 February 2017. Councillor comments were incorporated into the draft document which was then placed on public exhibition from 28 February to 31 March 2017.

During this period, seven submissions were received. Details of these are listed in **Table 1** below.

In the final days of the public consultation period, a large number of comments (90) were posted on Facebook in response to a post by The Star newspaper. The post included incorrect information regarding the FOGO service by stating that Council was planning to reduce the weekly garbage collection to fortnightly, rather than reporting that the action within the strategy was actually to investigate the viability of introducing a FOGO collection, not to implement it without consultation.

Of the Facebook comments posted, a majority (40) related to families having insufficient bin capacity to manage with a fortnightly garbage collection. There were ten comments of concern about an increase in illegal dumping if garbage was only collected fortnightly, and there were five comments related to bin odour if collected fortnightly. There were also ten comments in favour of introducing the FOGO service and six comments encouraging people to reduce how much waste they produce.

**Table 1 – Public comments received**

Submission No.	Comment Topic
Submission 1	Encouraging additional waste education.
Submission 2	<ul style="list-style-type: none"> <li>• Would like the option of a six month kerbside waste collection for Sandy Point.</li> <li>• Raised the issue of educating non-permanent residents about new services such as FOGO.</li> <li>• In favour of a weekly FOGO collection and a fortnightly garbage collection.</li> <li>• Requested changes to the Walkerville Transfer Station hours of operation.</li> <li>• Believes Council should send out more information on services electronically.</li> </ul>
Submission 3	Objecting to the introduction of fortnightly garbage collections. Concerns that a fortnightly garbage collection would increase illegal dumping.

<b>Submission 4</b>	Requesting public meeting to be held regarding the WMS. Requests for more detailed information. Concerns with proposed FOGO collection.
<b>Submission 5</b>	In favour of the WMS and its approach. Raised concerns regarding large households managing with a fortnightly garbage collection.
<b>Submission 6</b>	Objecting to fortnightly garbage collection for large households. Believes that it would lead to increased illegal dumping.
<b>Submission 7</b>	Requesting quarterly hard waste collection services.

A copy of all submissions are available in **Attachment [5.1.3] – Public Submissions – Draft Waste Management Strategy**.

Most of the submissions raised concerns relating to the proposed introduction of a full organics collection service. The strategy proposes to investigate the viability of a FOGO collection service not to introduce a service without further detailed consultation. Matters of concern raised in submissions to the strategy will be considered during the investigation into the viability of introducing a FOGO collection service.

All persons making a submission were provided with a written response.

Following the public consultation period and review of the feedback received, no changes were made to the draft 2016 WMS because matters of concern raised in the submissions are adequately addressed in proposed future actions.

## RESOURCES

Most of the actions in the revised 2016 WMS can be implemented utilising existing budgets and staff resources.

In cases where actions are proposing changes to service levels (eg. implementing a full organics collection), Council will be briefed and approval sought prior to proceeding.

Wherever possible, grant funding will continue to be sought to assist with the costs of providing waste management services.

To reduce costs to Council, the 2016 WMS was prepared in-house by the Waste Management team.

## **RISKS**

The waste management industry has been changing rapidly over recent years with far more rigorous legislative requirements and increased expectation from the community for accessible and affordable waste management services.

The 2016 WMS has been prepared with consideration of these changes to ensure that services continue to be provided in a manner that is safe, sustainable, complies with legislation, minimises harm to the environment, and meets the needs of the community.

## **ATTACHMENTS**

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

1. Waste Management Strategy 2016-2021 (for adoption) **[5.1.1]**
2. Waste Management Strategy 2011-2021 **[5.1.2]**
3. Public Submissions - Draft Waste Management Strategy **[5.1.3]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Sustainability Strategy 2016-2020

Waste Management Strategy 2016-2021

## **5.2. ROAD MANAGEMENT PLAN 2017 ADOPTION**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

In accordance with s.8 of the Road Management (General) Regulations 2016 and s.125(1) of the Local Government Act 1989, Council is required to review the current 2013 Road Management Plan and adopt a revised version by 30 June 2017.

Amendments made to the current 2013 Road Management Plan do not require notice to be given under Regulation 10 of the Road Management (General) Regulations 2016, as the amendments do not relate to lowering service level standards of construction, inspection, maintenance, or repair under s.41 of the Road Management Act 2004.

The adoption of the Road Management Plan 2017 will enable the administration to arrange publishing of a notice in the Government Gazette and all local newspapers within the Shire (in accordance with the Road Management Act 2004) of Council's amended Road Management Plan, and its subsequent availability to the general public via Council's website.

### **RECOMMENDATION**

That Council:

1. Pursuant to s.54 and s.55 of the Road Management Act 2004, adopt the 2017 Road Management Plan, Attachment [5.2.3].
2. Place a notice of this decision in the Government Gazette and all local newspapers.
3. Publish the 2017 Road Management Plan and the associated Referral / Incorporated Documents and Revisions Report on Council's website.

**MOVED:** Cr Brunt

**SECONDED:** Cr Kiel

### **THAT COUNCIL:**

1. **PURSUANT TO S.54 AND S.55 OF THE ROAD MANAGEMENT ACT 2004, ADOPT THE 2017 ROAD MANAGEMENT PLAN, ATTACHMENT [5.2.3].**
2. **PLACE A NOTICE OF THIS DECISION IN THE GOVERNMENT GAZETTE AND ALL LOCAL NEWSPAPERS.**
3. **PUBLISH THE 2017 ROAD MANAGEMENT PLAN AND THE ASSOCIATED REFERRAL / INCORPORATED DOCUMENTS AND REVISIONS REPORT ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## REPORT

### 2013 Road Management Plan

The existing 2013 Road Management Plan (2013 RMP) was adopted by Council on 26 June 2013.

In accordance with s.8 of the Road Management (General) Regulations 2016, *"Road authority must conduct review of road management plan"*, and s.125(1), *"Council Plan"*, of the Local Government Act 1989, Council is required to review and adopt a revised Plan by the 30 June following the Council elections.

### 2017 Road Management Plan

The 2017 Road Management Plan (2017 RMP) has been reviewed in line with the guidelines contained in the Code of Practice for Making Road Management Plans and the Road Management (General) Regulations 2016, and contains the following:

1. Details of the road assets covered by the Plan.
2. Inspection regimes for the road assets.
3. Target standards (service levels) to be achieved in the maintenance and repair of road assets.
4. Reference to the Road Maintenance System as an "incorporated document" to the Plan.

In accordance with s.11 of the Road Management (General) Regulations 2016, *"When notice of proposed amendment is not required"*, the changes made to the current 2013 RMP do not require a notice of proposed amendment. In this circumstance, the Chief Executive Officer certifies in writing that the proposed amendments to the 2017 RMP result in this determination under s.41 of the Road Management Act 2004, *"Power to determine standard of construction, inspection, maintenance and repair"* as follows:

- Standards (Service Levels):
  - The proposed amendment will not impact on the service level standards.
- Register of Public Roads:
  - The changes to the Register only relate to roads which Council has become the coordinating road authority or roads which Council is the coordinating road authority that have become public roads. Eg: such as new subdivisional roads or roads declared open to public traffic.

- The proposed amendment only relates to *“administrative procedures or responsibilities of a road authority or is fundamentally declaratory or machinery in nature”*, such as road naming, road name changes, ceasing to be the coordinating road authority, road discontinuance, or a road ceasing to be a public road.

The 2017 RMP includes “referral documents” and an “incorporated document” which are defined below:

*“Incorporated document” means documents that are essential to the proper functioning and delivery of the Road Management Plan requirements. For example – the management system (Maintenance System including the Minimum Levels of Service) for the road management functions described in this Road Management Plan is either included specifically in this Plan or is an “incorporated document” attached to this Plan“.*

*“Referral document” means a document that provides background information and is not directly relevant to the achievement of the requirements of this Road Management Plan. In accordance with the Code of Practice for Road Management Plans 2004 the “Register of Public Roads” is a referral document. Similarly any agreement with other authorities to transfer road management responsibilities, which would be included in the Register of Public Roads, is considered to be a Referral Document.*

A summary of the changes made to the 2013 RMP are:

- Updated clauses from Council’s General Local Law relating to road management.
- Updated definitions, administrative procedures, and grammatical clarifications.
- Updated the Register of Public Roads. A reconciliation of the Register of Public Roads between 2013 and 2017 was undertaken and is available as a referral document.
- The inclusion of the Corporate Procedure – Road Maintenance Methodology as an “Incorporated Document”, under “Section 6.2 – The Methodology – Zone Maintenance System”. Refer to **Attachment [5.2.1] – 2017 RMP | Incorporated Document – Road Maintenance Methodology**.

A written report summarising the findings and conclusions of the review is included in **Attachment [5.2.2] – 2017 RMP | Revisions Report** and will accompany the revised 2017 RMP in accordance with s.9(2) of the Road Management (General) Regulations 2016.

A copy of the revised 2017 RMP is available in **Attachment [5.2.3] – 2017 Road Management Plan (for adoption)**.

Accompanying the 2017 RMP are the “Referral / Incorporated Documents” as listed under ‘*Road Management Plan 2017 Referral / Incorporated Documents (No. 1 – 13)*’ at the end of this report. Due to the size of these documents, all Referral / Incorporated Documents have been published on Council’s website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) under *Roads and Infrastructure → Road & Infrastructure - Acts & Codes → [Road Management Plan 2017](#)*.

## **CONSULTATION**

In the review of the current 2013 RMP, internal consultation has occurred with the Operations department, Risk officers, Engineering and Assets department, and the Asset Management Steering Committee.

The advice from Council’s insurers (MAV Insurance) was also sought during the review of the 2013 RMP.

Councillors were presented with the revised draft 2017 RMP on 19 April 2017.

## **RESOURCES**

There are no changes to the current resources required to implement the 2017 RMP.

## **RISKS**

The revised 2017 RMP addresses the requirements of the Road Management Act 2004 with respect to development of a Road Management Plan which in itself mitigates Council’s risk with respect to road assets covered by the Plan. This Plan uses a risk based approach in determining the priority for treatment of reported road defects.

Council is required under the Local Government Act 1989, to review its Road Management Plan in accordance with the Road Management Act 2004, within six months or by 30 June following Council elections.

## **ATTACHMENTS**

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

1. 2017 Road Management Plan | Incorporated Document - Road Maintenance Methodology **[5.2.1]**
2. 2017 Road Management Plan | Revisions Report **[5.2.2]**
3. 2017 Road Management Plan (for adoption) **[5.2.3]**

## REFERENCE DOCUMENTS

### ***Council Policy***

Road Infrastructure Asset Management Plan  
2013 Road Management Plan

### ***Legislative Provisions***

Local Government Act 1989  
Occupational Health and Safety (OH&S) Act 2004  
Road Management Act 2004  
Road Management (General) Regulations 2016  
Road Safety Act 1986

## REFERRAL /INCORPORATED DOCUMENTS (NO. 1 – 13)

*Due to the size of these documents, all referral / incorporated documents have been published on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) under Roads and Infrastructure , Road & infrastructure - Acts & codes , [Road Management Plan 2017](#).*

- 1. Boundary Road Agreements**
  - Bass Coast Shire Council
  - Baw Baw Shire Council
  - Cardinia Shire Council
  - Latrobe City Council
  - Wellington Shire Council
- 2. Operational Responsibility for Public Roads – “Code of Practice”**
- 3. VicRoads | Service Agreement**
- 4. DELWP | Service Agreement**
- 5. Road Infrastructure Asset Management Plan**
- 6. Road and Footpath Hierarchy**
- 7. VicRoads | Road Structures Inspection Manual 2014 (Parts 1, 2 & 3)**
- 8. VicRoads | Road Structures Inspection Manual 2014 (Part 4)**
- 9. VicRoads | Road Structures Inspection Manual 2014 (Part 5)**
- 10. Council's Customer Service Charter**
- 11. Road Maintenance Service Level Manual 2016**
- 12. Road Register Reconciliation**
- 13. Incorporated Document - RMP/RIAMP Road Maintenance Methodology (Attachment [5.2.1])**

### **5.3. FORMALISE TWO NEW ROAD NAMES IN FOSTER - OFF ELPHICKS ROAD AND DEVLIN ROAD**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

Council has identified two unnamed roads in the locality of Foster which need to be named in line with the 'Naming Rules for Naming Places in Victoria 2016'. Appropriate naming of roads is essential to identify locations for emergency services, for the delivery of goods and services, and for the general public.

At the Ordinary Council Meeting on 22 February 2017, Council resolved to commence a public consultation process by calling for community comment on the proposed new road names in Foster.

A public notice calling for submissions was advertised in the local newspapers and on Council's website (in the week commencing 27 February 2017) and correspondence was sent to land owners adjoining the unnamed roads. Two submissions were received to the public notice both of which were in favour of the road names proposed for these roads.

This report details the outcome of the submission process and recommends that Council finalises the new road names and forwards the proposal to the Registrar of Geographic Place Names for final consideration and approval.

#### **RECOMMENDATION**

That Council:

- 1.** Considers the two submissions on the proposed new road names as follows:
  - a.** Submitter 1 has requested that Road 1 should be named "Hendras Road" and Road 2 should be named "Stapleton Lane".
  - b.** Submitter 2 has provided Council with historical information on local serviceman, Private Stapleton, who died in action on 25 April 1915, not in 1916 as reported in Council report 22 February 2017, and requests the new sign incorporates the ANZAC emblem for Stapleton.
- 2.** Determines the new road names in Foster and re-numbers affected properties accordingly:
  - a.** Road 1 (off Elphicks Road) – formalise as "Hendras Road".
  - b.** Road 2 (off Devlin Road) – formalise as "Stapleton Lane".

3. Forward the approved new road names to the Registrar of Geographic Place Names for final consideration and approval.
4. Subject to Geographic Place Names approval of the formalised new road names, place a notice in local newspapers and advise abutting land owners, local organisations, and local stakeholders of the new road names.

**MOVED:** Cr Skinner

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

1. **CONSIDERS THE TWO SUBMISSIONS ON THE PROPOSED NEW ROAD NAMES AS FOLLOWS:**
  - a. **SUBMITTER 1 HAS REQUESTED THAT ROAD 1 SHOULD BE NAMED "HENDRAS ROAD" AND ROAD 2 SHOULD BE NAMED "STAPLETON LANE".**
  - b. **SUBMITTER 2 HAS PROVIDED COUNCIL WITH HISTORICAL INFORMATION ON LOCAL SERVICEMAN, PRIVATE STAPLETON, WHO DIED IN ACTION ON 25 APRIL 1915, NOT IN 1916 AS REPORTED IN COUNCIL REPORT 22 FEBRUARY 2017, AND REQUESTS THE NEW SIGN INCORPORATES THE ANZAC EMBLEM FOR STAPLETON.**
2. **DETERMINES THE NEW ROAD NAMES IN FOSTER AND RE-NUMBERS AFFECTED PROPERTIES ACCORDINGLY:**
  - a. **ROAD 1 (OFF ELPHICKS ROAD) – FORMALISE AS "HENDRAS ROAD".**
  - b. **ROAD 2 (OFF DEVLIN ROAD) – FORMALISE AS "STAPLETON LANE".**
3. **FORWARD THE APPROVED NEW ROAD NAMES TO THE REGISTRAR OF GEOGRAPHIC PLACE NAMES FOR FINAL CONSIDERATION AND APPROVAL.**
4. **SUBJECT TO GEOGRAPHIC PLACE NAMES APPROVAL OF THE FORMALISED NEW ROAD NAMES, PLACE A NOTICE IN LOCAL NEWSPAPERS AND ADVISE ABUTTING LAND OWNERS, LOCAL ORGANISATIONS, AND LOCAL STAKEHOLDERS OF THE NEW ROAD NAMES.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

Road 1 off Elphicks Road has been created as part of a road opening to access properties along this road reserve and has been added to Council's Public Road Register. Naming the road will allow these properties to have an official address.

Road 2 off Devlin Road is identified on Council's Public Road Register as access to the Foster Bowling Club.

In line with Council's Road Naming Procedure, the Foster and District Historical Society (FDHS) and Foster Returned Soldiers League (Foster RSL) were asked to provide names for the two unnamed roads in Foster. The names put forward to Council at the 22 February 2017 Council Meeting were:

- Road 1 – off Elphicks Road, Foster – proposed name “Stapleton Road”.
- Road 2 – off Devlin Road, Foster – proposed name “Hendras Lane”.

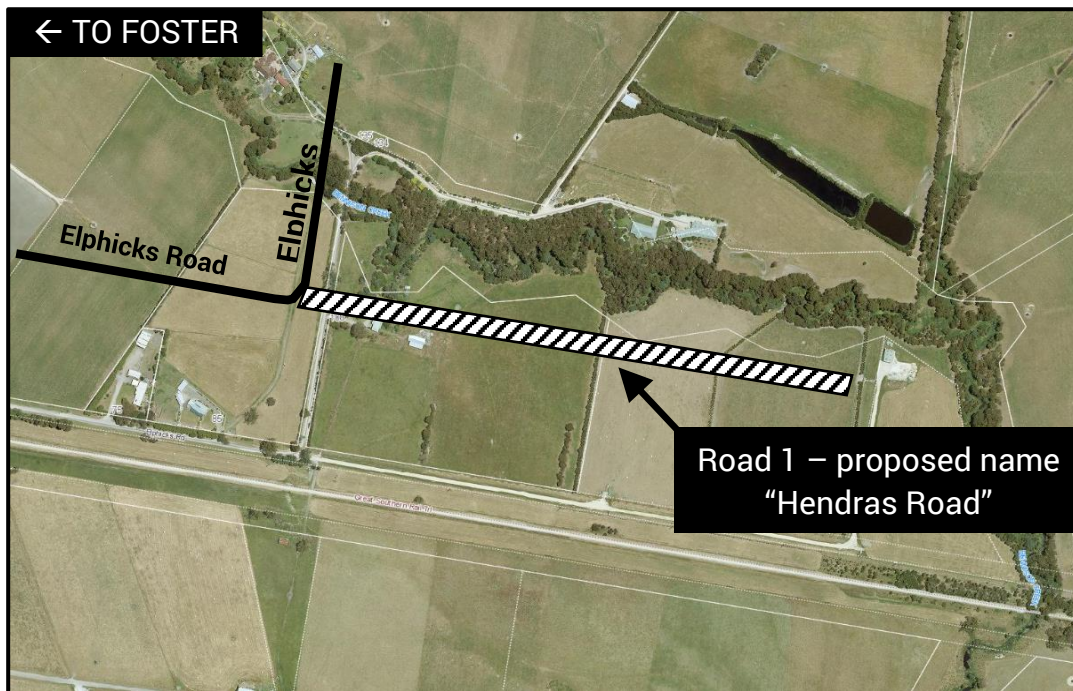
Based on the historical information made known during the consultation period, it is proposed to name Road 1 off Elphicks Road as “Hendras Road” and Road 2 off Devlin Road as “Stapleton Lane”. This is due to the historical connection that the Hendra family had to the area of Road 1. Road 2 would be more suited to Private Stapleton – refer to **Figure 1** and **Figure 2** below.

### ROAD 1 – “HENDRAS ROAD”

This unnamed road runs to the east off Elphicks Road for approximately 680 metres (shown hatched  in **Figure 1** below).

The proposed road name is in recognition of the Hendra family who have been in Foster since the early 1900s, owning property from the highway through to the Lower Franklin Road.

**Figure 1 – Locality Map - Road 1**



**ROAD 2 – “STAPLETON LANE”**

This unnamed road runs to the south off Devlin Road, Foster for approximately 85 metres (shown hatched  in Figure 2 below).

The proposed road name is in recognition of Private Stapleton who passed away in landing at Gallipoli on 25 April 1915 and had been a Minister of the Methodist Church in Foster.

**Figure 2 – Locality Map – Road 2**



The history of the adopted road names will be added to the Vicnames Register and Council's Public Road Register so that the historical component of the families will not be lost.

### **Vicnames Compliance Check**

A Vicnames 15km and 30km duplicate<sup>1</sup> or similar sounding / spelling name search was carried out for "Hendra" and "Stapleton". There were no duplications or similar sounding names found for these proposed road names. This proposal complies with the Vicnames statutory naming rules – refer to **Attachment [5.3.1] – Naming Rules for Places in Victoria - Roads, Features, and Places 2016**.

### **CONSULTATION**

On conclusion of the public consultation period resulting from the Ordinary Council Meeting 22 February 2017, two submissions were received in favour of the proposal. Refer to **Confidential Attachment [13.7.1] – Submissions – Two Unnamed Roads in Foster**.

#### **Submission 1**

Submitter 1 is in favour of the road names proposed but believes that the road names should be reversed due to the historical connection that the Hendra family had to the area of Road 1. The submitter's main points were:

- Road 1 (off Elphicks Road) to be named "**Hendras Road**" as the Hendra family owned property from the South Gippsland Highway through to Lower Franklin Road.
- Road 2 (off Devlin Road) to be named "**Stapleton Lane**" as Private Stapleton, being a Minister of the Methodist Church, would have lived in the Township.
- Ensure the new sign incorporates the ANZAC emblem for Stapleton.

#### **Submission 2**

Submitter 2 is in favour of the road names proposed for both these unnamed roads and supplied historical information on the local serviceman, Private Stapleton, who died in action on 25 April 1915, not in 1916 as reported. The submitter also requested that the new sign incorporate the ANZAC emblem for Stapleton.

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

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## Consideration of Submissions and Determination of Final Road Names

Based on the submissions detailed in the **Confidential Attachment [13.7.1]**, it is proposed to name:

- Road 1 off Elphicks Road as “Hendras Road” in memory of the Hendra family and the historical connection they had to the area.
- Road 2 off Devlin Road as “Stapleton Lane” in memory of Private Stapleton who was a Minister of the Methodist Church in Foster.

## Registrar of Geographic Place Names

If the proposed new road names are adopted by Council, these will be forwarded to the Registrar of Geographic Place Names for final consideration and approval. If the names conform to the naming rules, the Office of Geographic Place Names will Gazette the names, add them to the Vicnames Register, and notify relevant stakeholders.

If the names do not conform to the naming rules, the proposal will be sent back to the naming authority for reconsideration of a new road name.

## RESOURCES

The only future cost to Council will be for new signs (including the Anzac emblem) at approximately \$150 each, which is accommodated in the Engineering and Assets department’s budget.

## RISKS

Council’s risk is minimal as the methodology for the road naming has followed the Naming Rules for Naming Places in Victoria 2016 (**Attachment [5.3.1]**).

## ATTACHMENTS

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

1. Naming Rules for Places in Victoria - Roads, Features, and Places 2016 **[5.3.1]**

## CONFIDENTIAL ATTACHMENT

**Confidential Attachment [13.7.1]** – Submissions – Two Unnamed Roads in Foster has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons. This is deemed confidential to protect the names and personal information of the submitters.

## REFERENCE DOCUMENTS

### ***Council Policy***

Road Naming Procedure 2013

### ***Legislative Provisions***

Local Government Act 1989

Road Management Act 2004

Geographic Place Names Act 1998

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

AS/NZS4819: 2011 Rural and Urban Addressing

#### **5.4. NEW POLICY: C68 PUBLIC AMENITIES POLICY - COMMUNITY CONSULTATION**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

Council receives numerous requests from community groups and individuals for construction of additional public amenities (toilets), for Council to take over the management of existing public amenities or for Council to increase the service provision at existing public amenities.

The development of a Policy will assist Council in responding to requests in a consistent and fair manner.

At its Ordinary Meeting on 24 August 2016, Council resolved to undertake a review of public amenities in the Shire in order to determine a service level and develop a Council *Public Amenities Policy* that would set the position for the ongoing management of existing public amenities and planning for new public amenities.

At its Confidential Briefing on 3 May 2017, Council agreed to receive a report at the next appropriate Ordinary Meeting that recommends placing the draft Public Amenities Policy 2017 (Policy) on public exhibition for community comment.

##### **RECOMMENDATION**

That Council:

1. Commence community consultation on the draft C68 Public Amenities Policy 2017 by advertising in the local newspapers that the draft policy 2017 will be placed on public exhibition on Council's website, in libraries, at Customer Service, and Visitor Information Centres, for the months of July and August 2017 seeking comments from our community (Attachment [5.4.1]).
2. Receive a further report at the October or November 2017 Ordinary Council Meeting to:
  - a. Discuss the outcome of the community consultation process; and
  - b. Present the final C68 Public Amenities Policy 2017 for adoption.

**MOVED:** Cr McEwen

**SECONDED:** Cr Brunt

**THAT COUNCIL:**

- 1. COMMENCE COMMUNITY CONSULTATION ON THE DRAFT C68 PUBLIC AMENITIES POLICY 2017 BY ADVERTISING IN THE LOCAL NEWSPAPERS THAT THE DRAFT POLICY 2017 WILL BE PLACED ON PUBLIC EXHIBITION ON COUNCIL'S WEBSITE, IN LIBRARIES, AT CUSTOMER SERVICE, AND VISITOR INFORMATION CENTRES, FOR THE MONTHS OF JULY AND AUGUST 2017 SEEKING COMMENTS FROM OUR COMMUNITY (ATTACHMENT [5.4.1]).**
- 2. RECEIVE A FURTHER REPORT AT THE OCTOBER OR NOVEMBER 2017 ORDINARY COUNCIL MEETING TO:**
  - a. DISCUSS THE OUTCOME OF THE COMMUNITY CONSULTATION PROCESS; AND**
  - b. PRESENT THE FINAL C68 PUBLIC AMENITIES POLICY 2017 FOR ADOPTION.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

A review of public amenities in the Shire was adopted by Council on 21 May 2003. The recommendations of this review provided the guiding principles for how Council has proceeded to manage its public amenities.

On 24 September 2014, Council adopted the *Social Community Infrastructure Blueprint 2014 – 2029* (Blueprint). The Blueprint noted “no gap in the provision of public toilets within the Shire”. Whilst it noted “no gap” it did not address or discuss if the existing public amenities are appropriately located to best meet the needs of today’s community or discuss the management of public amenities within the Shire.

This followed with an investigation into Council’s current service level for public amenities and Council was briefed on the outcomes of the investigation on 4 March 2015. The briefing discussed the problems of determining any changes to current service levels as there is no formal Council position to refer to. To address this, it was recommended that Council develop guiding principles (ie. a policy) to be used by Council when considering any alterations to public amenity service provision.

This need was further recognised when Council considered the requests of the Sandy Point Foreshore Committee of Management and the Loch Community Development Association and more recently, the request of the Great Southern Rail Trail to Committee of Management for Council to take on the management of the public amenities in Koonwarra.

Recognising that these requests were becoming more frequent and with regards to the latter, at Council’s Ordinary Meeting on 24 August 2016, a report was tabled in regards to this request, which resulted in Council resolving to:

- “1. *Undertake a review of public amenities in the Shire in order to determine a service level; and*
2. *Develop a Public Amenities Policy confirming Councils responsibility for the ongoing management of existing and planning for new public amenities.”*

On 3 May 2017, Council was briefed on the findings of the 2017 Public Amenities Review and on the proposed new Policy. At the briefing the implementation of the Policy was supported with an agreement by the Councillors to place the Policy on public exhibition for community comment.

## **C68 Public Amenities Policy 2017**

The draft Policy has been prepared for Councillors and Community feedback and is available in **Attachment [5.4.1] – Draft C68 Public Amenities Policy 2017**.

The purpose of the Policy is to define a broad framework and the guiding principles for the provision of services and sustainable management of Council owned and managed, and non-Council owned and managed public amenities.

The Policy establishes the following for Council:

1. Responsibilities for the ongoing management of existing public amenities.
2. Guidelines to follow when considering whether or not to add a non-Council owned or managed public amenity to Council's current cleaning and maintenance services program and capital renewal planning.
3. Guidelines to follow when considering a new public amenity.
4. The means for Council to determine service levels for cleaning and maintaining public amenities.

## **CONSULTATION**

### **Internal Consultation**

Internal consultation has included discussions within the Sustainable Communities and Infrastructure directorate who are responsible for the operations, maintenance and management of Council owned and managed public amenities.

### **External Consultation**

Over the past year, various external discussions regarding the management and maintenance of public amenities have been held including meetings with the following organisations:

- Department of Environment, Land, Water and Planning
- Yanakie Hall Committee
- Great Southern Rail Trail Committee of Management
- Sandy Point Foreshore Reserve Committee of Management
- Loch Community Development Association

In accordance with Council Community Engagement Guidelines and selected communications means from *IAP2 Methods Matrix*<sup>2</sup>, Council Officers propose to seek feedback from the community on the draft Policy for 28 days as follows:

- The draft Policy being published on Council's website for feedback; and
- The Policy being placed on display at all libraries throughout the Shire and at Customer Service and Visitor Information Centres.

## **RESOURCES**

The forecast 2017/18 operational cost to Council for providing the cleaning, maintenance and operations of public amenities in accordance with the draft Policy and level of service is \$494,359. Council has allocated funds to meet this level of service.

Any Council approved increase in this level of service within the Policy guidelines would incur financial and potentially resource implications.

## **RISKS**

If Council does not proceed with adopting the Policy it risks a continuation of the ad hoc, and at times inconsistent approach in responding to community requests and concerns regarding the provision of services to public amenities. The adoption of the Policy will provide clarity and direction for the community, officers and Councillors in dealing with any future requests regarding Council's provision of service for public amenities in the Shire.

## **ATTACHMENTS**

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

1. Draft C68 Public Amenities Policy 2017 **[5.4.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Building Asset Management Plan

### ***Legislative Provisions***

Building Act 1993

Disability Discrimination Act 1992

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<sup>2</sup> <https://www.iap2.org/>

## **5.5. TENDER ACCEPTANCE - RFT/135 PROVISION OF HVAC MAINTENANCE SERVICES**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

The current contract for the provision of heating, ventilation, and air conditioning (HVAC) maintenance services is a four year contract that expires on 30 June 2017.

In accordance with Council's Procurement Policy and procedures, Council is required to go out to open tender for provision of HVAC maintenance services.

To ensure a contract is in place prior to the expiry date, Request for Tender RFT/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services for a new five year contract was advertised in The Age newspaper on 25 March 2017 and in local newspapers the week commencing 27 March 2017.

In response to Council's Request for Tender RFT/135, seven conforming tenders were received. It is recommended that Council award the contract CON/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services for a period of five years to S & T Electro Air Pty Ltd.

### **RECOMMENDATION**

**That Council:**

- 1. Accepts the Tender received in response to RFT/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services from S & T Electro Air Pty Ltd.**
- 2. Award the Contract CON/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services (the Contract) to S & T Electro Air Pty Ltd for a lump sum (for quarterly inspections and servicing component) and Schedule of Rates items (as outlined in schedule 2 of their tender) for a period of five years commencing 1 July 2017 to 30 June 2022.**
- 3. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract.**

**MOVED:** Cr Hill

**SECONDED:** Cr Skinner

**THAT RECOMMENDATIONS IN ITEMS 5.5, 5.6, 5.7 AND 5.8 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## **REPORT**

In response to Council's Request for Tender RFT/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services, Council received a total of seven conforming tender submissions. The submissions were all very competitive from both a pricing and capability perspective.

All tenderers were requested to provide additional information in regards to meeting the urgent and emergency response timeframes and boiler servicing requirements. The responses from this additional information assisted the evaluation panel in understanding each contractor's approach and capability to meet these important objectives of the contract.

### **Contract Specifics**

The contract is comprised of the quarterly preventative maintenance and day-to-day reactive maintenance to Council offices and depots throughout the Shire, and significant heating and air handling equipment within South Gippsland Splash.

The contract also provides a provision for new and replacement HVAC works in accordance with nominated rates at the discretion of Council.

The principle activities to be performed under this new contract include:

- Quarterly preventative maintenance of 125 individual HVAC units across nine different Council owned or managed sites.
- Reactive maintenance to the 125 individual HVAC units.
- Conducting annual condition assessments and condition rating of all 125 HVAC units.
- Providing direction on future programmed maintenance and renewal works for Council's consideration.
- Completing renewal and upgrades of HVAC system that are beyond economic repair at Council's discretion.
- Installation of new HVAC systems in Council buildings where required at Council's discretion.

## **CONSULTATION**

Tender specifications were developed in consultation with the Community Strengthening team to ensure the contract captured all required services.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel. The evaluation panel met on 11

May 2017 to assess the tenders and consisted of the Manager Sustainable Communities, Building Coordinator, Building Projects Officer, and Coordinator Building Operations, and Contract Administrator.

A summary of the tender evaluation has been included in **Confidential Attachment [13.5.1] – Tender Evaluation Summary – RTF/135 HVAC Maintenance Services.**

## **RESOURCES**

The Long Term Financial Plan has allocated sufficient funds in the Building team's budget to accommodate the services requested within this new contract. The annual spend in this contract is envisaged to be between \$50,000 and \$75,000.

Awarding the new contract will also assist Council in planning and budgeting for future required HVAC maintenance and renewal projects.

## **RISKS**

The awarding of Contract CON/135 Provision of Heating, Ventilation, and Air Conditioning (HVAC) Maintenance Services will mitigate the risks of:

- Rapid deterioration to Council's HVAC plant.
- Lengthy thermal comfort disruption to Council's staff, councillors, tenants, and service providers within the nine Council facilities serviced in this contract.

## **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [13.5.1] – Tender Evaluation Summary – RFT/135 HVAC Maintenance Services** has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(d) - contractual matters. This is deemed confidential to protect the names, tender scores, and tendered amounts submitted by the contractors for consideration.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Asset Management Policy 2017  
Asset Management Strategy 2017  
Building Asset Management Plan 2017  
Procurement Policy, December 2015

### ***Legislative Provisions***

Building Act 1993  
Local Government Act 1989  
Local Government Procurement Best Practice Guidelines  
Occupational Health and Safety (OH&S) Act 2004

## **5.6. TENDER ACCEPTANCE - RFT/140 ANNUAL SUPPLY OF PLANT HIRE AND CARTAGE CONTRACTORS**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council requires the supply of plant and cartage services from contractors in order to deliver programmed works in the Operations area. There is likely to be works associated with other projects, such as storm / flood / extreme weather events that will require some of these services.

In accordance with Council's Procurement Policy and procedures, Council is required to go out to open tender for the annual supply of plant hire and cartage contractor services.

In response to Council's Request for Tender RFT/140 Annual Supply of Plant Hire and Cartage Contractors, 35 tenders were received. It is recommended that Council accepts 31 of the 35 tenders submitted and award the contract (CON/140) for the annual supply of plant hire and cartage contractor services to a panel of preferred suppliers. Refer to **Confidential Attachment [13.1.1]** – Tender Evaluation Summary – RFT/140 Plant and Cartage Services for further detail.

The Panel shall operate on a schedule of rates basis and will be for a one year term commencing 1 July 2017.

Council has a good working relationship with each of the recommended contractors and has found their works to be of an acceptable standard. In previous years, works have been awarded to several contractors to provide the maximum flexibility in operations and this has been most successful.

### **RECOMMENDATION**

**That Council:**

- 1. Accepts tenders received in response to RTF/140 Annual Supply of Plant Hire and Cartage Contractors from the following contractors:**
  - 1. Allens Contracting**
  - 2. Beyer Contractors Pty Ltd**
  - 3. BJ's Earthmoving**
  - 4. Burra Garden Supplies Pty Ltd**
  - 5. Cecil & Sons Pty Ltd**

6. **Coates Hire Operations Pty Ltd**
7. **Darren Harris Excavations & Cartage**
8. **David Harris Earthmoving Pty Ltd**
9. **Dean Gow**
10. **Demerlo Contractors**
11. **Ecoprojects Australia**
12. **Envirogain**
13. **Forrester & Co Pty Ltd**
14. **Fowlers Asphaltting Pty Ltd**
15. **G & K Newton**
16. **GLS Nominees Pty Ltd**
17. **Goldsmith Civil & Environmental**
18. **Hiway Stabilizers Australia**
19. **JT Earthmoving Contractors Pty Ltd**
20. **KND Maintenance Pty Ltd - ATF Williams Family Trust**
21. **Need's Earthmoving**
22. **Porter Plant**
23. **Roger G Bailey & Assoc**
24. **Russell Ian Hinds**
25. **South Gippsland Quarries Pty Ltd**
26. **SR Excavations Pty Ltd**
27. **Stabilime Distributors Pty Ltd**
28. **Sure Constructions (Vic) Pty Ltd**
29. **TG & DA Williams**
30. **The Dell Van Loon Family Trust**

- 31. William Adams Pty Ltd**
- 2. Award the Contract CON/140 Annual Supply of Plant Hire and Cartage Contractors (the Contract) as a Panel of Preferred Suppliers (as listed in item 1 above) for the Schedule of Rates items (as outlined in schedule 2 of their tender submissions) commencing 1 July 2017 for a period of one year.**
  - 3. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 75.**

## REPORT

In response to Council's Request for Tender RFT/140 Annual Supply of Plant Hire and Cartage Contractors, Council received a total of 35 tender submissions.

Of the tender submissions received four are not recommended for inclusion on the panel for the reasons outlined in the **Confidential Attachment [13.1.1]** – Tender Evaluation Summary – RFT/140 Plant and Cartage Services.

It is recommended that Council awards contracts to the following 31 contractors:

1. Allens Contracting
2. Beyer Contractors Pty Ltd
3. BJ's Earthmoving
4. Burra Garden Supplies Pty Ltd
5. Cecil & Sons Pty Ltd
6. Coates Hire Operations Pty Ltd
7. Darren Harris Excavations & Cartage
8. David Harris Earthmoving Pty Ltd
9. Dean Gow
10. Demerlo Contractors
11. Ecoprojects Australia
12. Envirogain
13. Forrester & Co Pty Ltd
14. Fowlers Asphaltting Pty Ltd
15. G & K Newton
16. GLS Nominees Pty Ltd
17. Goldsmith Civil & Environmental
18. Hiway Stabilizers Australia
19. JT Earthmoving Contractors Pty Ltd
20. KND Maintenance Pty Ltd - ATF Williams Family Trust
21. Need's Earthmoving
22. Porter Plant
23. Roger G Bailey & Associates
24. Russell Ian Hinds
25. South Gippsland Quarries Pty Ltd

26. SR Excavations Pty Ltd
27. Stabilime Distributors Pty Ltd
28. Sure Constructions (Vic) Pty Ltd
29. TG & DA Williams
30. The Dell Van Loon Family Trust
31. William Adams Pty Ltd

Each of these contractors submitted schedule of rates prices for plant hire and / or cartage services in all or selected components.

There will be sufficient qualified contractors on the panel to provide Council with a broad range of plant hire and cartage services.

So that Council may obtain value for money and to ensure the supply of a diverse range of products and services from across the Shire, the evaluation panel has proposed to accept 31 tenders received in response to RFT/140. Successful tenderers will be placed on a panel of preferred suppliers.

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of plant and cartage services.

Tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel. The evaluation panel met on 25 May 2017 to assess the tenders and consisted of the Director Sustainable Communities and Infrastructure (as a representative for the Manager Operations), Coordinator Unsealed Roads Planning, Coordinator Sealed Roads Planning, and Contracts Administrator.

A summary of the tender evaluation has been included in **Confidential Attachment [13.1.1]** – Tender Evaluation Summary – RTF/140 Plant and Cartage Services.

## **RESOURCES**

### **Financial**

This contract is accommodated within the Operations budget and Council's Long Term Financial Plan.

Council's expected annual budget for contractor services is approximately \$1.5M of programmed works within the Operations area.

The majority of works to be carried out under this contract are to supplement the labour, plant, and equipment required to complete works associated with the Operations department and the Capital Works Program.

## **RISKS**

Council has an obligation under the Road Management Plan 2013 to minimise the hazards to users of the road network, and to maintain the integrity of road and paths network.

To give Council the best opportunity to complete the projects on time and within budget, and to ensure the supply of a diverse range of products and services from across the Shire, the evaluation panel has proposed to accept 31 conforming tenders received in response to RFT/140.

## **CONFIDENTIAL ATTACHMENTS**

Confidential Attachment 13.1.1 – Tender Evaluation Summary – RFT/140 Plant Hire and Cartage Contractors has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the CEO designates this agenda item as being confidential information on the grounds that it relates to section 89(2)(d) – contractual matters.

This is deemed confidential to protect the names, tender scores and tendered amounts submitted by the contractors for consideration.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Long Term Financial Plan  
Procurement Policy, December 2015  
Road Management Plan

### ***Legislative Provisions***

Local Government Act 1989  
Local Government Procurement Best Practice Guidelines  
Occupational Health and Safety (OH&S) Act 2004

## **5.7. TENDER ACCEPTANCE - RFT/141 ANNUAL SUPPLY OF QUARRY PRODUCTS / ROAD MAKING MATERIALS**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council is responsible for the maintenance and upkeep of 1,267.3 km of unsealed roads. This requires large amounts of quarry products and road making materials to keep these roads safe and trafficable for all road users.

In accordance with Council's Procurement Policy and procedures, Council is required to go out to open tender for the supply and delivery of quarry products.

In response to Council's Request for Tender RTF/141 Annual Supply of Quarry Products and Road Making Materials, 11 conforming tenders were received. It is recommended that Council accepts all 11 tenders submitted and award the contract for the supply and delivery of quarry products and road making materials to a panel of preferred suppliers.

The Panel shall operate on a schedule of rates basis and will be for a one year term commencing 1 July 2017.

### **RECOMMENDATION**

**That Council:**

- 1. Accepts Tenders received in response to RTF/141 Annual Supply of Quarry Products and Road Making Materials from the following contractors:**
  - 1. Allens Contracting**
  - 2. South Gippsland Quarries Pty Ltd**
  - 3. Holcim (Aust) Pty Ltd**
  - 4. DeMerlo Contractors**
  - 5. Casacir Pty Ltd t/a Neerim North Quarry**
  - 6. Goldsmith Civil & Environmental Pty Ltd**
  - 7. Kennedy Haulage Group Pty Ltd**
  - 8. F & T Concrete Pty Ltd**
  - 9. David Harris Earthmoving Pty Ltd**
  - 10. K & R J Matthews Quarries Pty Ltd**

- 11. Brenton Williams t/a BJ's Earthmoving**
- 2. Award the Contract CON/141 Annual Supply of Quarry Products and Road Making Materials (the Contract) to a panel of preferred suppliers (as listed in item 1 above) for the Schedule of Rates items (as outlined in schedule 2 of their associated Tender) commencing 1 July 2017 for a period of one year.**
- 3. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 75.**

## **REPORT**

In response to Council's Request for Tender RFT/141 Annual Supply of Quarry Products and Road Making Materials, Council received a total of 11 conforming tender submissions from the following contractors:

1. Allen Family Trust trading as Allens Contracting
2. South Gippsland Quarries Pty Ltd
3. Holcim (Australia) Pty Ltd
4. Demerlo Contractors
5. Casacir Pty Ltd trading as Neerim North Quarry
6. Goldsmith Civil & Environmental Pty Ltd
7. Kennedy Haulage Group Pty Ltd
8. K & R J Matthews Quarries Pty Ltd
9. F & T Concrete Pty Ltd
10. David Harris Earthmoving Pty Ltd
11. Brenton Williams trading as BJ's Earthmoving

Each of these contractors submitted schedule of rates prices for the provision of quality assured quarry products and road making materials.

So that Council may obtain value for money, and to ensure the supply of a diverse range of products from across the Shire, the evaluation panel has proposed to accept all 11 tenders received in response to RFT/141. Successful tenderers will be placed on a panel of preferred suppliers.

The location of the quarry (or point of supply) has a major influence on the 'landed cost to site' of the material. Transport costs are high. The distance from the quarry to the worksite can influence the cost so much that it is often more cost effective to pay more for a product if the quarry is closer to the worksite.

For larger projects, such as resheets, reseals and construction works over \$20,000, or products not listed in the schedule of rates, Council may choose to seek quotes from the panel and/or from other suppliers.

Accepting all Tenders would also provide maximum financial and product value to Council. No one supplier offers the full range of products.

## **CONSULTATION**

Tender specifications were developed in consultation with all relevant officers involved in the use of quarry products.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel. The evaluation panel met on 22 May 2017 to assess the tenders and consisted of the Coordinator Engineering (as a representative for the Director of Sustainable Communities and Infrastructure), Coordinator Sealed Roads, Coordinator Unsealed Roads, and Contract Administrator.

A summary of the tender evaluation has been included in **Confidential Attachment [13.2.1] – Tender Evaluation Summary – RTF/141 Quarry Products.**

## **RESOURCES**

The purchase of quarry products and road making materials is accommodated within Council's annual maintenance budget, capital works budget, and in Council's Long Term Financial Plan. For the past two years, Council has spent approximately \$3,500,000 per annum on quarry products and road making materials.

## **RISKS**

A Panel of Preferred Suppliers will reduce the risk of supply issues and logistics across the Shire.

## **CONFIDENTIAL ATTACHMENTS**

**Confidential Attachment [13.2.1]** – Tender Evaluation Summary – RFT/141 Quarry Products has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(d) - contractual matters. This is deemed confidential to protect the names, tender scores and tendered amounts submitted by the contractors for consideration.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Long Term Financial Plan  
Procurement Policy, December 2015  
Road Management Plan

### ***Legislative Provisions***

Local Government Act 1989  
Local Government Procurement Best Practice Guidelines  
Occupational Health and Safety (OH&S) Act 2004

## **5.8. TENDER ACCEPTANCE - RFT/142 PROVISION OF CONCRETING SERVICES**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council requires the provision of concreting services in order to deliver the annual road and footpath maintenance and construction programs, including the projects in the adopted Capital Works Program, e.g. Footpath Replacement Program.

In accordance with Council's Procurement Policy and Procedures, Council is required to follow an open tender process for the provision of concreting services.

In response to Council's Request for Tender RFT/142 Provision of Concreting Services, five tenders were received. It is recommended that Council accepts four of these five tenders and award Contract CON/142 for the provision of concreting services to a panel of preferred suppliers.

The panel shall operate on a schedule of rates basis and will be for a one year term commencing 1 July 2017.

### **RECOMMENDATION**

**That Council:**

- 1. Accepts Tenders received in response to RFT/142 Provision of Concreting Services from the following contractors:**
  - 1. ADA Construction Services Pty Ltd**
  - 2. M & M Paving**
  - 3. C & D Earthworks Pty Ltd**
  - 4. M & H M Whelan**
- 2. Award the Contract CON/142 Provision of Concreting Services (the Contract) to a panel of preferred suppliers (as listed in item 1 above) for the Schedule of Rates items (outlined in scheduled 2 of their associated Tender) commencing 1 July 2017 for a period of one year.**
- 3. Authorise the Chief Executive Officer to sign and affix the Common Seal of the Municipality to the Contract.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 75.**

## REPORT

In response to Council's Request for Tender RFT/142 Provision of Concreting Services, Council received a total of five tender submissions of which four are recommended to Council to include on this panel:

1. ADA Construction Services Pty Ltd
2. M & M Paving
3. C & D Earthworks Pty Ltd
4. M & H M Whelan

One tender submission is not recommended for the reasons outlined in **Confidential Attachment [13.3.1] – Tender Evaluation Summary – RFT/142 Concreting Services.**

Each of these contractors submitted schedule of rates prices for the provision of concreting services.

So that Council may obtain value for money, and to ensure the supply of a diverse range of products from across the Shire, the evaluation panel has proposed to accept four of the five tenders received in response to RFT/142. These successful tenderers will be placed on a Panel of Preferred Suppliers.

For larger construction projects over \$20,000, or products not listed in the schedule of rates, Council may choose to seek quotes from the panel and/or from other suppliers.

Accepting the four tenders would also provide maximum financial and product value to Council.

## CONSULTATION

Tender specifications were developed in consultation with all relevant officers involved in the hiring of concreting services.

The tenders were assessed in accordance with the criteria specified in the contract documentation by an evaluation panel.

The evaluation panel met on 17 May 2017 to assess the tenders and consisted of the Engineering Coordinator (as a representative for the Director of Sustainable Communities and Infrastructure), Coordinator Unsealed Roads, Engineering Technical Officer, and Contract Administrator.

A summary of the tender evaluation has been included in **Confidential Attachment [13.3.1] – Tender Evaluation Summary – RFT/142 Concreting Services.**

## RESOURCES

The purchase of concreting services is accommodated within Council's annual maintenance budget, capital works budget, and in Council's Long Term Financial Plan. For the past two years, Council has spent approximately \$150,000 per annum on concreting services.

## RISKS

A Panel will reduce the risk of supply issues and logistics across the Shire.

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [13.3.1]** – Tender Evaluation Summary – RTF/142 Concreting Services has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(d) - contractual matters. This is deemed confidential to protect the names, tender scores, and tendered amounts submitted by the contractors for consideration.

## REFERENCE DOCUMENTS

### ***Council Policy***

Long Term Financial Plan  
Procurement Policy, December 2015  
Road Management Plan

### ***Legislative Provisions***

Local Government Act 1989  
Local Government Procurement Best Practice Guidelines  
Occupational Health and Safety (OH&S) Act 2004

## **5.9. AWARD CONTRACTS UNDER CEO DELEGATION - 2017/18 CAPITAL WORKS PROGRAM**

Sustainable Communities and Infrastructure Services Directorate

### **EXECUTIVE SUMMARY**

Council delivers a number of projects through its Capital Works Program on an annual basis. Many of the projects are delivered by way of contract.

In order to expedite the contract process and enable the delivery of the Capital Works Program in a timely manner, it is recommended that Council delegate to the Chief Executive Officer (CEO) the power to award the contracts listed in this report which exceed the CEO's financial delegation of \$250,000 (incl. GST), subject to the recommended tenders being within Council's adopted budget, the contract complying with Council's procurement policy, and the awarding being reported to the next practicable Council Meeting. This recommendation is in accordance with the Instrument of Delegation Council to Chief Executive Officer dated 22 February 2017.

### **RECOMMENDATION**

That Council:

- 1.** Subject to the recommended tenders being within Council's adopted budget and comply with Council's Procurement Policy, delegate to the Chief Executive Officer (CEO) the power to award the following contracts which exceed the CEO's financial delegation of \$250,000 (incl. GST):
  - a.** Powneys Road Bridge (\$320,000)
  - b.** Bena-Kongwak Road Bridge, *subject to grant funding*, (\$2,100,000)
  - c.** Footpath Renewal Program (\$319,130)
  - d.** Meeniyan Commons (\$400,000)
  - e.** Koonwarra Landfill Leachate Evaporation System (\$431,574)
  - f.** Leongatha Football Netball Club – Netball Court Development (\$300,000)
  - g.** Bair Street Streetscape – Leongatha, *subject to grant funding* (\$4,610,000)
  - h.** Franklin River Reserve Toilet Renewal (\$258,600)

- i.** Mirboo North Hall Toilet Renewal (\$273,293)
  - j.** Toora Pool Design and Stage One Toilet and Kiosk Refurbishment (\$311,311)
  - k.** Caravan Park Toilet Block, Waratah Bay (\$435,215)
  - l.** Caravan Park Toilet Block, Port Welshpool (\$376,419)
  - m.** Federal Blackspot Program (\$557,000)
- 2.** Receive a report at the next Ordinary Council Meeting detailing the contracts awarded and the successful contractor.
  - 3.** Delegate to the Manager Engineering and Assets the power to approve variations up to the contingency allowance within each contract.

**MOVED:** Cr Brown  
**SECONDED:** Cr Edwards

**THAT COUNCIL:**

- 1. SUBJECT TO THE RECOMMENDED TENDERS BEING WITHIN COUNCIL'S ADOPTED BUDGET AND COMPLY WITH COUNCIL'S PROCUREMENT POLICY, DELEGATE TO THE CHIEF EXECUTIVE OFFICER (CEO) THE POWER TO AWARD THE FOLLOWING CONTRACTS WHICH EXCEED THE CEO'S FINANCIAL DELEGATION OF \$250,000 (INCL. GST):**
  - a. POWNEYS ROAD BRIDGE (\$320,000)**
  - b. BENA-KONGWAK ROAD BRIDGE, *SUBJECT TO GRANT FUNDING*, (\$2,100,000)**
  - c. FOOTPATH RENEWAL PROGRAM (\$319,130)**
  - d. MEENIYAN COMMONS (\$400,000)**
  - e. KOONWARRA LANDFILL LEACHATE EVAPORATION SYSTEM (\$431,574)**
  - f. LEONGATHA FOOTBALL NETBALL CLUB – NETBALL COURT DEVELOPMENT (\$300,000)**
  - g. BAIR STREET STREETScape – LEONGATHA, SUBJECT TO GRANT FUNDING (\$4,610,000)**
  - h. FRANKLIN RIVER RESERVE TOILET RENEWAL (\$258,600)**
  - i. MIRBOO NORTH HALL TOILET RENEWAL (\$273,293)**
  - j. TOORA POOL DESIGN AND STAGE ONE TOILET AND KIOSK REFURBISHMENT (\$311,311)**
  - k. CARAVAN PARK TOILET BLOCK, WARATAH BAY (\$435,215)**
  - l. CARAVAN PARK TOILET BLOCK, PORT WELSHPOOL (\$376,419)**
  - m. FEDERAL BLACKSPOT PROGRAM (\$557,000)**
- 2. RECEIVE A REPORT AT THE NEXT ORDINARY COUNCIL MEETING DETAILING THE CONTRACTS AWARDED AND THE SUCCESSFUL CONTRACTOR.**

- 3. DELEGATE TO THE MANAGER ENGINEERING AND ASSETS THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN EACH CONTRACT.**

**CARRIED**

**FOR:** Councillors McEwen, Brunt, Hill, Brown, Edwards, Argento, Kiel and Edwards.

**AGAINST:** Councillor Rich

## REPORT

### Background

On 22 February 2017, Council amended Clause 4.1 of the Council Instrument of Delegation to the CEO to give the power to award any contract exceeding the CEO's financial delegation of \$250,000 (incl. gst) which complies with Council's Procurement Policy and is delegated to the CEO to award by a resolution of Council.

### Contracts

Detailed in the table below is the list of projects for which construction contracts are proposed to be publicly advertised this financial year. Those projects marked with an asterisk are subject to further investigation and resolutions of Council.

Delegation to the CEO is sought for the awarding these contracts if the preferred tendered price falls within Council's adopted budget.

NO.	[COST CENTRE] PROJECT NAME	BUDGET (EXCL. GST)
a.	[85090] Powneys Road Bridge	\$320,000
b.	[85010] Bena-Kongwak Road Bridge <i>(subject to grant funding)</i>	\$2,100,000
c.	[88050] Footpath Renewal Program	\$319,130
d.	[65600] Meeniyah Commons	\$400,000
e.	[95030] Koonwarra Landfill Leachate Evaporation System	\$431,574
f.	[65570] Leongatha Football Netball Club Netball Court Development	\$300,000
g.	[82040] Bair St Leongatha - Streetscape <i>(subject to grant funding)</i>	\$4,610,000
h.	[73580] Franklin River Reserve Toilet Renewal <i>(subject to further resolution of Council pending outcome of review of RV Strategy)</i>	\$258,600
i.	[73580] Mirboo North Hall Toilet Renewal	\$273,293
j.	[93070] Toora Pool Design and Stage 1 Toilet / Kiosk Refurbishment	\$311,311
k.	[73670] Caravan Park Toilet Block, Waratah Bay <i>(subject to further resolution of Council pending outcome of decision on future management model for this Caravan Park).</i>	\$435,215
l.	[73510] Caravan Park Toilet Block, Port Welshpool <i>(subject to further resolution of Council pending outcome of decision on future management model for this Caravan Park).</i>	\$376,419
m.	[82280] Federal Blackspot Program Road Safety Improvement Works	\$557,000

The construction period in South Gippsland is quite short due to the weather patterns in the region. Therefore it is critical that projects commence as early as possible in the construction season to enable contractors the maximum available time to complete the construction works.

Contracts are typically advertised for three weeks followed by a period to evaluate tenders, clarify any tender issues, carry out the necessary referee checks, and then prepare the contract approval report. Without the power delegated to the CEO to award the above contracts, subject to the recommended tenders being within Council's adopted budget, there is typically a delay of a month in order to present the report at the next available Council meeting. Delegating approval to the CEO the power to approve these contracts greatly assists in delivering the Capital Works Program and reduces the risks of increased costs due to delays.

## **CONSULTATION**

The proposed 2017/18 Capital Works Program was presented to Council throughout the 2016/17 financial year in the lead up to the 2017/18 Annual Budget adoption.

In preparing this report, internal consultation has been held within the Engineering and Assets department, Sustainable Communities department, and the Finance, Risk and Procurement department.

## **RISKS**

Providing delegation to the CEO will reduce the risk of delay costs associated with the time to award contracts and the short construction season.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Chief Executive Officer's Instrument of Delegation – 22 February 2017

### ***Legislative Provisions***

Local Government Act 1989

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

### **6.1. MAV VENDOR PANEL: MICROSOFT LICENCE**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report outlines the intention to renew Council's Microsoft Licences for a period of three years using a supplier from the MAV approved panel.

The MAV recently advertised, received and evaluated tenders from interested parties and re-appointed the two existing suppliers for this service, in compliance with s.186 of the Local Government Act.

#### **RECOMMENDATION**

That Council:

1. Contracts for its Microsoft Licences via Staples using the SPE E3 model as an outcome of the MAV tender MS4333-2017 for the three years commencing 1 July 2017; and
2. Authorises the Chief Executive Officer to approve any extensions available under the contract in accordance with Council's Procurement Policy, subject to the satisfactory performance of the Contractor.

**MOVED:** Cr Edwards

**SECONDED:** Cr Rich

#### **THAT COUNCIL:**

1. **CONTRACTS FOR ITS MICROSOFT LICENCES VIA STAPLES USING THE SPE E3 MODEL AS AN OUTCOME OF THE MAV TENDER MS4333-2017 FOR THE THREE YEARS COMMENCING 1 JULY 2017; AND**
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER TO APPROVE ANY EXTENSIONS AVAILABLE UNDER THE CONTRACT IN ACCORDANCE WITH COUNCIL'S PROCUREMENT POLICY, SUBJECT TO THE SATISFACTORY PERFORMANCE OF THE CONTRACTOR.**

**CARRIED UNANIMOUSLY**

## REPORT

South Gippsland Shire Council uses Microsoft products as a core business component (its Enterprise Architecture), supporting and enabling business operations. Council's existing license contract expires on 30 June 2017.

The following are provided under this contract:

- Enterprise products and online services (including core platform, Office 365, Office Pro Plus);
- Software products (including Visio, MS Project, Skype for Business);
- System and server products (including SQL, data centre, Exchange and MSDN platforms).

Microsoft recently announced a changed licence model and consideration was given to a like-for-like renewal for the three years, versus a move to the new model, known as SPE E3.

Council's current licence model is per device. This limits the number of devices that can be deployed without incurring extra cost. The new model is a per-person licence with the ability to install products on up to five devices per person.

For a comparable cost to a "like-for-like" renewal Council will be able to purchase another 50 licences. The immediate benefit is that it will enable Council to deploy dedicated training devices at the depot which has not previously been possible.

In addition, the SPE E3 model supports Council's strategic direction towards productivity and efficiency through greater systems integration, increased public self-service and mobile working via cloud-based systems.

If Council were to renew the existing model there is likely to be a need to change the model during the three year period, to accommodate the above direction, incurring extra cost.

The existing licence contract via Staples is due to expire on 30 June 2017.

The term for the proposed, new contract will be from 1 July 2017 to 30 June 2020.

Renewal of this licence contract via Staples as an MAV approved supplier is in accordance with Council's Procurement Policy and Procedures,

The renewal quotes for both "like-for-like" and the new SPE E3 model are provided in **Confidential Attachment [13.9.1]**.

## RESOURCES

These licence costs are already included in forward budgets.

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachments 13.9.1 – South Gippsland Shire Council Renewal Options and 13.9.2 – Tender Evaluation Recommendation Report**

In accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(d) - contractual matters.

## REFERENCE DOCUMENTS

### ***Council Policy***

Procurement Policy, 16 December 2015

### ***Legislative Provisions***

Local Government Act 1989

## **6.2. VISITOR INFORMATION SERVICES REVIEW 2016/17 - FINAL RECOMMENDATION REPORT**

Development Services Directorate

### **EXECUTIVE SUMMARY**

Council resolved to undertake a review of Visitor Information Services within the 2016/17 financial year. At its Ordinary Council Meeting on 22 March 2017, Council adopted the Visitor Information Services (VIS) Service Review 2016/17 Options and Recommendations Report (see **Attachment [6.2.1.]**) which considers five visitor service options and directed stage two of community consultation.

Tourism is an important contributor to South Gippsland's economy. Visitation to South Gippsland is estimated at one million visitors per annum and there is opportunity for Council to contribute to growing the visitor economy.

Council makes an important investment to facilitate and stimulate the visitor economy. Part of this investment includes Visitor Information Centres (VICs) located at Korumburra and Foster. VICs are a familiar and long established resource that connect visitors with the local and the broader regions. The cost of operating the VICs in 2015/16 was \$325k. This is less than the industry average as the service is subsidised with volunteer support and is operated from Council managed buildings.

In the 2015/16, 12,421 people visited the Foster VIC and 7,161 visited the Korumburra VIC. This is consistent with visitation numbers in the 2014/15 financial year, during which Foster received 13,107 visitors and Korumburra 6,110.

Foster VIC provides a greater return on Councils investment. In the 2015/16 financial year the cost per visit (walk-in) at Korumburra was \$22.71 and cost per visit (walk-in) at Foster was \$13.01.

This report recommends Council maintain the accredited VIC at Foster and cease operating the VIC at Korumburra. Cessation of the service at Korumburra will reduce the operating cost of the VIC service by at least \$100k per annum. This will provide a saving over the long-term financial plan in excess of \$1.5M. It is further recommended that \$100k be allocated towards development of a digital tourism strategy that expands access to visitor markets and better serves the current visitor market. Implementation of a digital strategy will provide long-term operational savings and stimulate greater growth in the visitor economy.

## **RECOMMENDATION**

That Council:

1. Close the Korumburra Visitor Information Centre by 31 July 2017 and continue to operate an accredited Visitor Information Centre at Foster.
2. Allocate \$100k to develop a digital tourism strategy which targets service and growth of South Gippsland visitor economy.
3. Receive a future report which considers and adopts the digital tourism strategy.

**MOVED:** Cr Brown

**SECONDED:** Cr Rich

### **THAT COUNCIL:**

1. **CONTINUE TO SUPPORT A FULLY ACCREDITED VISITOR INFORMATION CENTRE AT FOSTER;**
2. **DEFER CONSIDERATION OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW; AND**
3. **RECEIVE A FUTURE REPORT WHICH CONSIDERS THE REQUIRED TRANSITIONAL ARRANGEMENTS, INCLUDING DEVELOPMENT OF A DIGITAL TOURISM STRATEGY, PRIOR TO DETERMINING THE OUTCOMES OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW.**

**A proposed AMENDMENT was moved by Cr Skinner.**

**MOVED:** Cr Kiel

**SECONDED:** Cr Brunt

**THAT STANDING ORDERS BE SUSPENDED IN ORDER FOR CR SKINNER TO CONSIDER THE WORDING OF HER PROPOSED AMENDMENT.**

**CARRIED**

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

**AGAINST:** Councillor Hill

**Cr Skinner determined the wording for her proposed AMENDMENT.**

**MOVED:** Cr Kiel

**SECONDED:** Cr Skinner

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

**MOVED:** Cr Skinner  
**SECONDED:** Nil

**THAT COUNCIL, PENDING THE RESULTS OF A REPORT AT/OR PRIOR TO 20 DECEMBER 2017 ORDINARY MEETING OF COUNCIL, DETERMINES THE REQUIRED TRANSITIONAL ARRANGEMENTS, INCLUDING THE DEVELOPMENT OF A DIGITAL TOURISM STRATEGY:**

- 1. DEFER CONSIDERATION OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW; AND**
- 2. SUPPORT A FULLY ACCREDITED VISITOR INFORMATION CENTRE AT FOSTER.**

**The proposed AMENDMENT lapsed for want of a seconder.**

**A proposed AMENDMENT was moved by Cr Edwards.**

**MOVED:** Cr Edwards  
**SECONDED:** Cr Skinner

**THAT COUNCIL, PENDING THE RESULTS OF A REPORT AT/OR PRIOR TO 20 DECEMBER 2017 ORDINARY MEETING OF COUNCIL, DETERMINES THE REQUIRED TRANSITIONAL ARRANGEMENTS, INCLUDING THE DEVELOPMENT OF A DIGITAL TOURISM STRATEGY:**

- 1. DEFER CONSIDERATION OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW; AND**
- 2. SUPPORT A FULLY ACCREDITED VISITOR INFORMATION CENTRE AT FOSTER FOR THE FORESEEABLE FUTURE.**

**The Mayor ruled against the AMENDMENT.**

**The original Motion is before the Chair.**

**MOVED:** Cr Brown

**SECONDED:** Cr Rich

**THAT COUNCIL:**

- 1. CONTINUE TO SUPPORT A FULLY ACCREDITED VISITOR INFORMATION CENTRE AT FOSTER;**
- 2. DEFER CONSIDERATION OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW; AND**
- 3. RECEIVE A FUTURE REPORT WHICH CONSIDERS THE REQUIRED TRANSITIONAL ARRANGEMENTS, INCLUDING DEVELOPMENT OF A DIGITAL TOURISM STRATEGY, PRIOR TO DETERMINING THE OUTCOMES OF THE KORUMBURRA VISITOR INFORMATION CENTRE SERVICE REVIEW.**

**CARRIED**

**FOR:** Councillors Brown, Rich, Argento, Skinner and Brunt.

**AGAINST:** Councillors McEwen, Hill, Edwards and Kiel.

## **REPORT**

### **Background**

The Visitor Information Service Review (the review) commenced in February 2016 and is now complete for Council's consideration. There were two stages of the community consultation process.

#### **Stage One was completed in December 2016 and involved:**

- Analysis of data and relevant industry literature
- Two community information sessions
- Email submissions
- 420 survey responses from visitors and residents, business, industry representatives, staff and volunteers.
- Industry consultation

The outcome formed:

- VIS review 2016/17 Options and Recommendations report adopted by Council in March 2017; and
- Five proposed service delivery options for stage two of community consultation

#### **Stage Two**

Since the last report to Council, the final stage of a two-stage community consultation process has been completed. Analysis of data received via completed online and hard copy surveys, public consultation sessions and written submissions are presented below.

- Information Sessions

Over 40 local residents and community and business representatives attended the public consultation sessions held at Coal Creek Community Park and Museum, Korumburra and at the Foster Visitor Information Centre. These information sessions outlined the survey questions and provided a platform for feedback from attendees who included community groups, business and tourism operators.

- Submissions

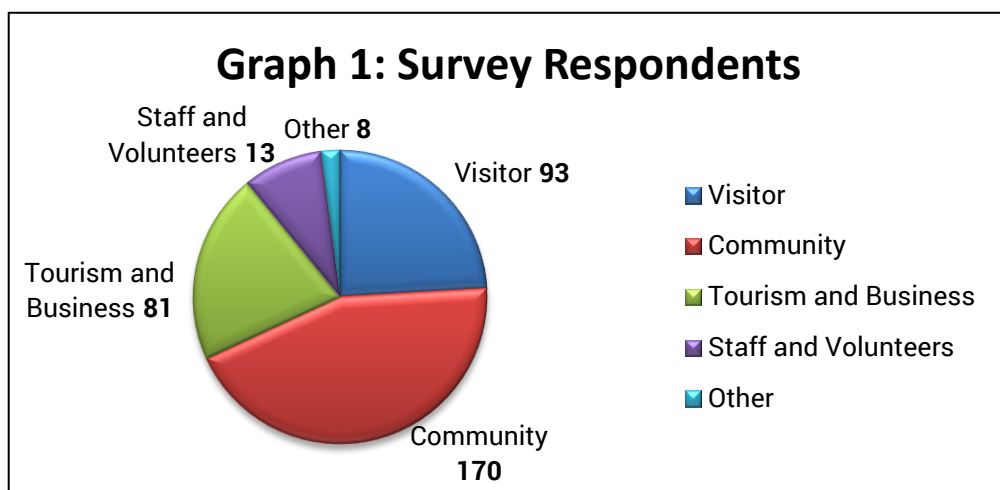
There were 13 written submissions (see confidential appendix), received during the community consultation period of 19 April - 19 May 2017. The majority of these were from community associations, businesses and residents in and around Korumburra and Foster. Although all 13 submissions strongly support Visitor Information Services, there is a particular focus on the effect of tourism in these towns.

- Survey Results

386 online and hard copy surveys were received and analysed.

The following graphs show:

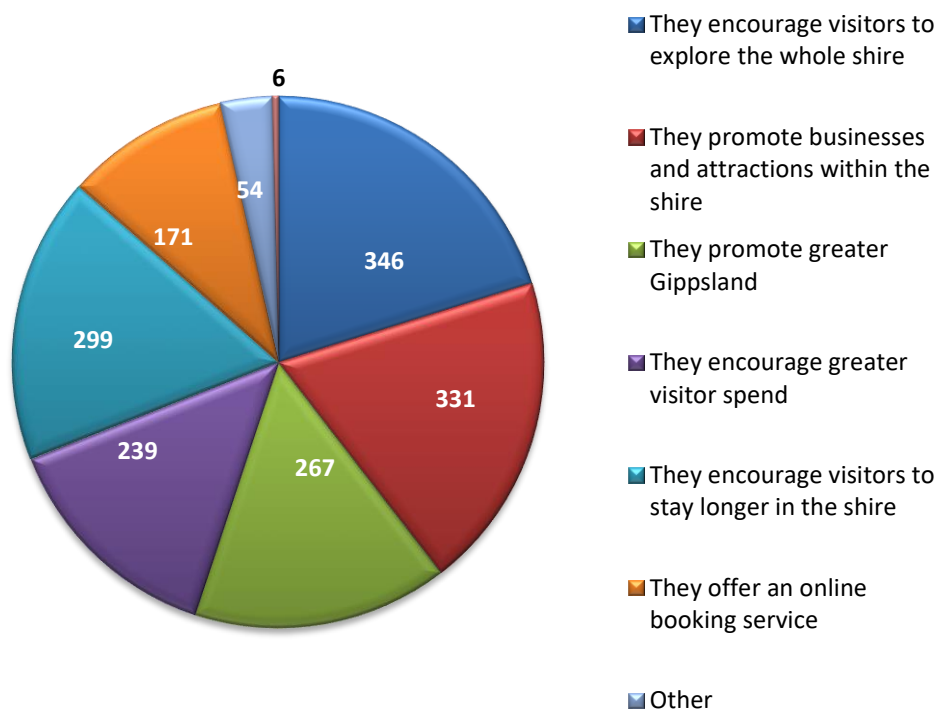
- Graph 1 - Number and type of survey respondent
- Graph 2 - Benefits of Visitor Information Services
- Graph 3 - Preferred Options



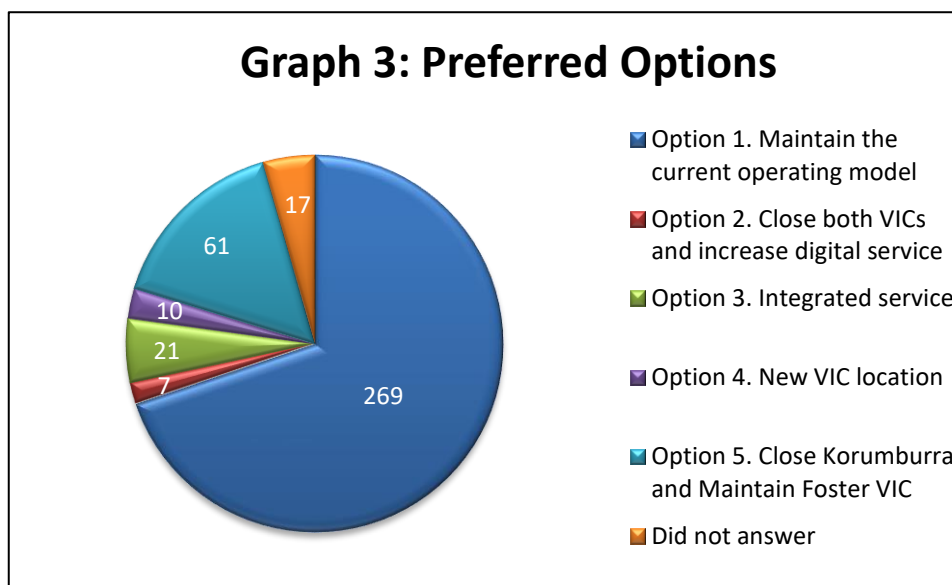
Graph 2 allowed respondents to outline the perceived benefits of VICs. Of 386 responses, 217 agreed that VICs are very important to the tourism industry.

Some respondents provided further comments summarised in the table below:

**Graph 2: Benefits of Visitor Information Services**



Number of responses	Type of response
25	Face to face customer service is important
10	Local knowledge is valued
4	Value of Coal Creek and VICs co-locating
4	Local employment opportunities
3	Limitations to online information/ value in free Wifi
2	Place to display community information
2	Accreditation is important
4	Unthemed responses
54	<b>TOTAL</b>



### Summary

It is clear from the survey results and written submissions during stage two of community consultation of the review that the majority of respondents value the current Visitor Information Services model in South Gippsland. The survey results did not strongly support the following options.

- Option 2 – Close both VICs and increase digital presence
- Option 3 – Integrated service
- Option 4 – New VIC location

Therefore, Options 1 and 5 are considered in this summary and presented below.

Survey results and written submissions have indicated that Option 1: Maintain the current operating model, is the most popular service delivery model followed by Option 5: Close Korumburra VIC and Maintain Foster VIC, which was also supported. The likely reason for this result is the familiarity of the existing visitor information services model and uncertainty of what future Visitor Information Services in South Gippsland could look like.

With an estimated one million visitors to South Gippsland each year, South Gippsland visitor numbers and VIC visitor statistics (see **Attachment [6.2.1.]**) indicate that only 2% of visitors to the region are currently being serviced by the VICs. The opportunity exists to investigate new ways to attract visitors to the Shire and encourage longer stays and greater expenditure.

While concern around lack of face-to-face information and impact of visitation to the region, if there is not a physical walk-in visitor centre at the top end of the

Shire are acknowledged, by adopting Option 5: Close Korumburra VIC & Maintain Foster VIC, a more effective and efficient service delivery model may lead to greater benefit for community, business and visitors to the Shire.

With further investigation, Council could provide a Visitor Information Services model which empowers the local tourism industry and encourages longer stays and greater visitor spend within the Shire.

This report recommends that Council:

- Close Korumburra VIC and maintain a fully accredited Visitor Information Centre at Foster.
- Allocate \$100k from future savings to fund development of a digital tourism strategy which targets service and growth of South Gippsland's visitor economy.
- Receive a future report which considers and adopts the digital tourism strategy.

## **CONSULTATION**

Consultation during the review included Community information sessions, written submissions and survey responses from industry representatives, business community, tourism operators, visitors, residents, VIC staff and VIC volunteers.

Stage two of community consultation included two public information sessions in Foster and Korumburra, placing the report on Council's website, at Visitor Information Centres (VICs) and local libraries. The community was also asked to provide comment to Council by written submission, and online or printed survey based on the five options.

Over 40 businesses and community members attended the community information sessions in Korumburra and Foster and 13 written submissions (see **Confidential Attachment [13.4.1]**) and 386 survey results were received.

## **RESOURCES**

Cessation of the Korumburra VIC will provide a minimum recurrent saving of \$100k per annum. This equates to \$1.5M over the long-term financial plan. This report recommends reinvesting \$100k into the development of a digital tourism strategy that supports and actively grows South Gippsland's visitor economy.

## **RISKS**

The major risk is that the Korumburra Visitor Information Centre will cease to exist, therefore, Council exposes itself to criticism and reputational risk from the Korumburra community in closing the Korumburra Visitor Information Centre which is located at Coal Creek Community Park and Museum.

## **ATTACHMENTS**

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

1. Visitor Information Service Review 2016-17 Options and Recommendations Report **[6.2.1]**

## **CONFIDENTIAL ATTACHMENT**

### **Confidential Attachment 13.4.1 – Visitor Information Service Review – Submissions.**

In accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as being confidential information on the grounds that it relates section 89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Economic Development and Tourism Strategy

### **6.3. COUNCIL PLAN 2017-2021**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

The 2017-2021 Council Plan, including the four year Strategic Resource Plan, in **Attachment [6.3.1]**, provides new direction for Council through a new 'Vision', four overarching 'Strategic Objectives' (Objectives), and a series of Strategies and Indicators associated with each Objective.

A public engagement process which culminated in a public hearing was completed. A Special Meeting of Council followed where 67 submissions were considered. Amendments arising have been incorporated into the Council Plan which is presented for consideration and adoption, in accordance with ss.125 and 126 of the Local Government Act 1989.

#### **RECOMMENDATION**

That Council:

1. Adopts the 2017-2021 Council Plan in Attachment [6.3.1];
2. Provides a copy of the 2017-2021 Council Plan to the Minister for Local Government;
3. Publishes the 2017-2021 Council Plan on Council's website; and
4. Distributes copies to Council's Customer Service Centre and libraries.

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

1. **ADOPTS THE 2017-2021 COUNCIL PLAN IN ATTACHMENT [6.3.1];**
2. **PROVIDES A COPY OF THE 2017-2021 COUNCIL PLAN TO THE MINISTER FOR LOCAL GOVERNMENT;**
3. **PUBLISHES THE 2017-2021 COUNCIL PLAN ON COUNCIL'S WEBSITE; AND**
4. **DISTRIBUTES COPIES TO COUNCIL'S CUSTOMER SERVICE CENTRE AND LIBRARIES.**

**CARRIED UNANIMOUSLY**

## REPORT

The role of Council is to provide leadership for the good governance of the Shire. This is achieved, in part, by establishing strategic directions in a four-year Council Plan, supported by a four year Strategic Resource Plan. These requirements are legislated under ss.125 and 126 of the Local Government Act 1989 (the Act).

The Council elected in November 2016, has used a range of community ideas to develop the Objectives, Strategies and Indicators contained in the Council Plan in **Attachment [6.3.1]**.

The Council Plan also contains the four year Strategic Resource Plan (SRP), taken from Council's Annual Budget 2017-2018 (Budget) and Long Term Financial Plan (LTFP). The SRP outlines the resources required to achieve the Council Plan and will be updated annually as a rolling four-year plan. Section 126 of the Act requires that the SRP be included in the Council Plan.

The Council has developed a new 'Vision' that states:

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

Achievement of this Vision is supported by the four objectives below, with an Overview outlining the scope of each Objective:

1. Strengthen economic growth and prosperity.
2. Build strong partnerships, strengthen arts and culture and deliver equitable outcomes.
3. Improve South Gippsland's built assets and value our natural environment.
4. Enhance organisational development and implement governance best practice.

Indicators assist in monitoring the achievement of the Objectives over the four-year term.

Strategies provide directions that can realistically be progressed for each Objective, given the resources and four-year timeframe of the Council Plan.

At its Special Meeting on 24 May 2017 Council considered and determined all 67 submissions received through the s223 public engagement process on the Proposed 2017-2021 Council Plan and Proposed 2017/18 Annual Budget. Amendments determined by Council at that Special Meeting have been

incorporated into the Plan, along with final amendments to the Strategic Resource Plan.

The Council Plan is presented to Council for final consideration and adoption. Once adopted, a copy will be provided to the Minister for Local Government and it will be published on Council's website, in accordance with s.125 of the Act.

## **CONSULTATION**

Council has considered community feedback and Councillors' ideas received through a range of mediums in the development of the Council Plan. These include:

1. 70 ideas generated by 54 participants and involving 278 people through the OurSay online forum held in August/September 2016, along with ideas from previous OurSay budget forums;
2. Verbatim comments from 'Areas Council Needs To Improve On' in the 2016 Community Satisfaction Survey;
3. Letters from community members with suggestions for the plan;
4. Presentations given at public presentation sessions by community members and interested groups;
5. Comparative Local Government Performance Reporting Framework data from the 'Know Your Council' website; and
6. Ideas and reflections raised by Councillors from community interactions through the Election Period and in other networks or places where they engage with the community.
7. Regional, State and Federal directions.

Council reflected on these varied information sources at a two-day workshop held on 17 and 18 January 2017. A further briefing session was held on 15 February and followed by two further workshops on 1 and 8 March 2017.

A s.223 public engagement process was undertaken seeking submissions on the Proposed Council Plan and Proposed 2017/18 Annual Budget during March and April. Sixty-seven submissions were received. Fifteen submitters spoke to their submissions at a Hearing on 17 May 2017. Council considered and determined all submissions at a Special Meeting on 24 May 2017.

## **RESOURCES**

The resources required to implement the directions set out in the Council Plan are reflected in the four year SRP and the Budget. These plans are all interlinked and dependent on one another.

Any final amendments made to the Council Plan will need to be updated in the Budget, SRP and LTPF, where applicable.

## **RISKS**

Sections 125 and 126 of the Act require Council to adopt a four-year Council Plan, which sets out the Objectives, Strategies, Indicators and Strategic Resource Plan. The adoption of the Council Plan, along with the provision of a copy to the Minister for Local Government and its publication on Council's website, mitigate the risk of Council being in breach of the Act.

## **ATTACHMENTS**

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

1. Council Plan 2017-2021 **[6.3.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

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

### ***Legislative Provisions***

Local Government Act 1989

## 6.4. ANNUAL BUDGET 2017/18

Corporate and Community Services Directorate

### EXECUTIVE SUMMARY

The Annual Budget 2017/18 is presented to Council for adoption.

South Gippsland Shire Council Annual Budget 2017/18 in **Attachment [6.4.1]** has been prepared pursuant to ss.127 and 130 of the Local Government Act 1989.

There have been a number of changes made to the Proposed Budget presented to the 22 March 2017 Council Meeting. These movements are summarised below:

Income Statement	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
<b>Total income</b>	66,864	65,547	(1,317)	Decrease
<b>Total expenses</b>	61,158	63,663	(2,505)	Increase
<b>Surplus (deficit)</b>	5,706	1,884	(3,822)	(Unfav)

Capital Expenditure	Proposed Budget (March) \$'000	Annual Budget (June) \$'000	Variation Projected to Current budget \$'000	
<b>Expenditure</b>	20,140	22,775	(2,635)	Increase

The major changes to budgets include:

#### Recurrent Income

1. A reduction of \$4.54 million Victoria Grants Commission income for 2017/18 that has been paid in advance and recorded as income in 2016/17.
2. \$2.67 million funds carried forward from 2016/17 to 2017/18, predominantly capital income and operational grants. These projects are described within this report.

### **Recurrent Expenditure**

1. \$2.1m additional 'material & consumable' expenditure - predominantly grant funded expenditure being carried forward from 2016/17 for uncompleted projects. These projects are described within this report.
2. Contributions for the West Gippsland Regional Library Corporation have been reduced by \$52,000 (as well as in forward budgets) to reflect confirmed contribution requirements.
3. The \$400,000 contribution for the replacement of the library semi-trailer in conjunction with Bass Coast Shire Council was moved from 2017/18 to 2018/19.
4. The software support requirements and associated licences for the upgraded financial system were increased by \$47,000 (as well as in forward budgets) to reflect updated cost requirements.
5. Operational budget for Corner Inlet Seawall Drainage was reduced by \$10,000 in 2017/18 as well as a recurrent \$81,000 in forward budgets.
6. Employee costs adjusted to take into account an existing position that was inadvertently not accounted for when the Proposed 2017/18 budget was developed in March. WorkCover premiums also increased to reflect likely costs for 2017/18.
7. Employee costs reduced in 2017/18 and forward budgets by three Full Time Equivalent (FTE) staff to bring into effect the Council resolution at the 24 May Special Council meeting to reduce staff levels to the FTE level of 2015/16 of 262.5.

### **Capital Expenditure**

1. \$2.5m additional 'capital expenditure' - the majority being funds carried forward from 2016/17 for uncompleted capital projects. These projects are described in this report.
2. Additional \$75,000 for the Franklin River toilet project to fund the larger than anticipated waste water system requirement.

### **Financial impact**

The budget adjustments have not compromised the integrity of either the Annual Budget 2017/18 or the budgeted financial statements in the Long Term Financial Plan.

## **RECOMMENDATION**

That Council:

1. Adopt the 2017/18 Annual Budget (Attachment [6.4.1]) in accordance with Section 130 (1) of the Local Government Act 1989 including the Declaration of Rates and Charges in accordance with Section 158 of the Local Government Act 1989;
2. Authorise the Chief Executive Officer to give public notice of this decision to adopt the Annual Budget 2017/18 budget in accordance with Section 130 (2) of the Local Government Act 1989; and
3. Provide the Minister for Local Government with a copy of the adopted 2017/18 Annual Budget.

**MOVED:** Cr Edwards

**SECONDED:** Cr Brunt

**THAT COUNCIL:**

1. **AMEND THE 2017/18 ANNUAL BUDGET DOCUMENT (ATTACHMENT [6.4.1]) TO INCLUDE IN 2018/19 FORWARD BUDGET, THAT CAPITAL WORKS COST CENTRE 99020 – MIRBOO NORTH SWIMMING POOL REFURBISHMENT BE AMENDED TO INCLUDE EXPENDITURE TO A TOTAL OF \$3,000,000, CONSISTING OF A COUNCIL CAP OF \$2,300,000 NET COST, WITH THE REMAINDER (MINIMUM OF \$700,000) TO BE EXTERNALLY SOURCED INCOME CONTRIBUTION FROM GRANTS (\$200,000) EXISTING BUDGET AND AN ADDITIONAL INCOME BUDGET ‘COMMUNITY CASH CONTRIBUTION’ (\$500,000). THE PROJECT ISN’T TO COMMENCE WITHOUT THE INCOME GUARANTEED.**
1. **THE NET COST REDUCTION FROM THE PROPOSED BUDGET OF \$1,300,000 FROM THE 99020 – MIRBOO NORTH SWIMMING POOL REFURBISHMENT – TO BE REDISTRIBUTED IN 2018/19 AS FOLLOWS:**
  - a. **\$600,000 EXTRA TO ROADS**
  - b. **\$300,000 FOOTPATH EXTENSION PROGRAM**
  - c. **\$400,000 TO BOTTOM LINE:**
2. **ADJUST THE FINANCIAL DATA IN THE STRATEGIC RESOURCE PLAN IN THE COUNCIL PLAN (ATTACHMENT [6.3.1]) ACCORDINGLY.**
3. **ADOPT THE 2017/18 ANNUAL BUDGET (ATTACHMENT [6.4.1]) IN ACCORDANCE WITH SECTION 130 (1) OF THE LOCAL GOVERNMENT ACT**

**1989 INCLUDING THE DECLARATION OF RATES AND CHARGES IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989;**

- 4. NOTE THE 2017/18 ANNUAL BUDGET IS TO BE RESTORED TO INCORPORATE ANY CHANGES ARISING FROM RESOLUTION 59.2 FROM THE 24 MAY 2017 SPECIAL MEETING, BEING RULED INVALID BY THE MAYOR AS IT IS CONTRADICTORY TO THE LOCAL GOVERNMENT ACT, 1989.**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2017/18 BUDGET IN ACCORDANCE WITH SECTION 130 (2) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 6. PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 2017/18 ANNUAL BUDGET.**

**MOVED:** Cr Edwards

**SECONDED:** Cr Brunt

**THAT AN EXTENSION OF SPEAKING TIME OF 3 MINUTES BE GRANTED TO CR EDWARDS.**

**LOST**

**FOR:** Councillors Brunt, Skinner and Edwards.

**AGAINST:** Councillors McEwen, Hill, Argento, Kiel, Brown and Rich.

**MOVED:** Cr Kiel

**SECONDED:** Cr Brown

**THAT STANDING ORDERS BE SUSPENDED.**

**CARRIED UNANIMOUSLY**

**Discussion ensued.**

**MOVED:** Cr Skinner

**SECONDED:** Cr Kiel

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

**Cr Brunt made a request to separate the Motion so that it can be voted on in separate parts, the Mayor ruled against the Motion being voted in separate parts.**

**The Motion before the Chair was LOST.**

**FOR:** Councillor Edwards

**AGAINST:** Councillors Skinner, McEwen, Brunt, Hill, Argento, Brown, Rich and Kiel.

**[The recommended Motion before the Chair includes a newly introduced recommendation 2, this has been incorporated from Agenda Item 2.1 Notice of Rescission 705, as the budget needs to be adjusted to compensate for the changes made to accommodate the invalid motion ruling that's struck out resolution 59.2 from the Special Meeting of Council 24 May 2017.]**

**MOVED:** Cr Brunt

**SECONDED:** Cr Edwards

**THAT COUNCIL:**

- 1. ADOPT THE 2017/18 ANNUAL BUDGET (ATTACHMENT [6.4.1]) IN ACCORDANCE WITH SECTION 130 (1) OF THE LOCAL GOVERNMENT ACT 1989 INCLUDING THE DECLARATION OF RATES AND CHARGES IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. NOTE THE 2017/18 ANNUAL BUDGET IS TO BE RESTORED TO INCORPORATE ANY CHANGES ARISING FROM RESOLUTION 59.2 FROM THE 24 MAY 2017 SPECIAL MEETING, BEING RULED INVALID BY THE MAYOR AS IT IS CONTRADICTORY TO THE LOCAL GOVERNMENT ACT, 1989.**
- 3. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2017/18 BUDGET IN ACCORDANCE WITH SECTION 130 (2) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 4. PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 2017/18 ANNUAL BUDGET.**

**MOVED:** Cr Hill

**THAT THE MEETING PROCEED TO THE NEXT ITEM OF BUSINESS.**

**[The Mayor ruled against Cr Hill's proposed motion 'That the meeting proceed to the next item of business'. The CEO explained to the Mayor that the matter 'That the meeting proceed to the next item of business' does need to be considered by vote as suggested by Cr Hill.**

**Cr Hill believed that the motion before the Chair was an AMENDMENT, however as he now understands that it is not an Amendment but the Motion before the Chair he withdrew his proposed 'That the meeting proceed to the next item of business'.]**

**A proposed AMENDMENT to the Motion was moved by Cr Hill.**

**MOVED:** Cr Hill

**SECONDED:** Cr McEwen

**THAT COUNCIL:**

- 1. ADOPT THE 2017/18 ANNUAL BUDGET (ATTACHMENT [6.4.1]) IN ACCORDANCE WITH SECTION 130 (1) OF THE LOCAL GOVERNMENT ACT 1989 INCLUDING THE DECLARATION OF RATES AND CHARGES IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. REDUCE THE COMBINED SALARY AND ON-COSTS FIGURES TOTAL PROPOSED FOR THE 2017/18 TO THE LEVELS OF 2015/16; AND THAT THE CHIEF EXECUTIVE OFFICER PREPARE A REPORT FOR COUNCIL ON A RANGE OF OPTIONS FOR HOW THIS CAN BE ACHIEVED.**
- 3. NOTIFY THE SUBMITTER MEG KNIGHT OF THIS DECISION.**
- 4. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2017/18 BUDGET IN ACCORDANCE WITH SECTION 130 (2) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 5. PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 2017/18 ANNUAL BUDGET.**

**Cr Rich left the Council Meeting at 5.55pm.**

**MOVED:** Cr Edwards

**THAT THE MOTION BE NOW PUT.**

**Cr McEwen left the Council Meeting at 5.57 and returned at 5.58pm.**

**Cr Rich returned to the Council Meeting at 5.59pm.**

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

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

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

**A proposed AMENDMENT to the Motion was moved by Cr Brunt.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Hill

**THAT COUNCIL:**

- 1. ADOPT THE 2017/18 ANNUAL BUDGET (ATTACHMENT [6.4.1]) IN ACCORDANCE WITH SECTION 130 (1) OF THE LOCAL GOVERNMENT ACT 1989 INCLUDING THE DECLARATION OF RATES AND CHARGES IN ACCORDANCE WITH SECTION 158 OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. NOTE THE 2017/18 ANNUAL BUDGET IS TO BE RESTORED TO INCORPORATE ANY CHANGES ARISING FROM RESOLUTION 59.2 FROM THE 24 MAY 2017 SPECIAL MEETING, BEING RULED INVALID BY THE MAYOR AS IT IS CONTRADICTORY TO THE LOCAL GOVERNMENT ACT, 1989.**
- 3. BRING A REPORT TO COUNCIL ON HOW TO REDUCE THE COMBINED SALARY AND ON-COSTS FIGURES TOTAL PROPOSED FOR THE 2017/18 TO THE LEVELS OF 2016/17.**
- 4. NOTIFY THE SUBMITTER MEG KNIGHT OF THIS DECISION.**
- 5. AUTHORISE THE CHIEF EXECUTIVE OFFICER TO GIVE PUBLIC NOTICE OF THIS DECISION TO ADOPT THE ANNUAL BUDGET 2017/18 BUDGET IN ACCORDANCE WITH SECTION 130 (2) OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 6. PROVIDE THE MINISTER FOR LOCAL GOVERNMENT WITH A COPY OF THE ADOPTED 2017/18 ANNUAL BUDGET.**

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

**The Motion was CARRIED UNANIMOUSLY.**

**Cr Brunt left the Council Meeting at 6.09pm and did not return to the Meeting.**

## REPORT

At the Council Meeting held on 22 March 2017, Council considered and prepared a Proposed Annual Budget for the purposes of Section 127 of the Local Government Act 1989.

Council resolved in part that the Annual Budget be referred to the Ordinary Council Meeting on 28 June 2017 for adoption.

As required under the provisions of s.129 of the Local Government Act the necessary public notices have been given. The requirement to make information available under Regulation 10 of the Local Government Regulations 2014 has been complied with.

### Budget adjustments

Final Budget Projections for 2016/17 and budgeted Carry Forwards:

Departments have reviewed their final budget projections for 2016/17, the objective being that at the financial year end, 30 June 2017, actual costs incurred correlate closely to costs projected.

As part of this process there were a number of capital, grant funded and other projects identified that will not be completed by financial year end. The budget projections for these projects have been reduced in 2016/17 and corresponding increases have been made to budgets in 2017/18. Another significant budget adjustment was to reduce \$4.54 million Victoria Grants Commission (VGC) income for 2017/18 that has been paid in advance and recorded as income in 2016/17.

The above adjustments distort the financial KPIs between the two financial years but do not present a strategic concern. The funding implications of budgeted carry forwards and the timing of receiving VGC grant income between the two years have no net impact.

The following projects have had grant, contribution and other income funds carried forward from 2016/17 to 2017/18:

Cost Centre Name	Activity Name	Account Name	\$
<b>Dredging Toora Channel New Proposal</b>	General	State Government Grant (non recurrent)	(300,000)
<b>Dredging Toora Channel New Proposal</b>	Port Welshpool Boat Ramp / Pontoon	State Government Grant (non recurrent)	(12,500)

<b>Bridge - Black Spur Bridge Investigation - Koonwarra</b>	General	State Government Grant (non recurrent)	(53,000)
<b>Fish Creek School Crossing Construction</b>	General	Capital - State Government Grant (non recurrent)	(42,000)
<b>Civil - Foster Streetscape (Main and Station Street)</b>	General	Capital - State Government Grant (non recurrent)	(300,000)
<b>Roads to Recovery Capital</b>	General	Capital - Federal Government Grant (recurrent)	(1,671,908)
<b>Recreation - Leongatha Golf Club Irrigation Project</b>	General	Other Bodies Grant (non recurrent)	(45,000)
<b>Recreation - Leongatha Golf Club Irrigation Project</b>	General	State Government Grant (non recurrent)	(8,000)
<b>Buildings - Child Care Hub - Korumburra</b>	General	Capital - State Government Grant (non recurrent)	(80,000)
<b>Buildings - Child Care Hub - Korumburra</b>	General	Capital - Federal Government Grant (non recurrent)	(160,000)

The 2017/18 budget projection for rates and charges was increased by \$60,000 after taking into account supplementary valuation adjustments made subsequent to the Proposed Budget being prepared in March 2017.

Grant income expected to be received for the Great Southern Rail Trail (\$2m in 2019/20 and 2020/21) has been reclassified as 'Grants Capital' from 'Grants Operating'.

The following projects have had grant related and other expenditure budgets carried forward from 2016/17 to 2017/18:

<b>Cost Centre Name</b>	<b>Activity Name</b>	<b>Account Name</b>	<b>\$</b>
<b>Biodiversity</b>	Interim Roadside Weed Control	Contractors	13,317.00

<b>Cost Centre Name</b>	<b>Activity Name</b>	<b>Account Name</b>	<b>\$</b>
<b>Biodiversity</b>	Jim Harvey Biodiversity Fund	Contractors	47,849.00
<b>Biodiversity</b>	Native Vegetation Offset	Contractors	13,166.00
<b>Korumburra Showgrounds</b>	General	Contractors	300,000.00
<b>Dredging Toora Channel New Proposal</b>	Port Welshpool Boat Ramp / Pontoon	Contractors	50,000.00
<b>Bridge - Black Spur Bridge Investigation - Koonwarra</b>	General	Contractors	250,000.00
<b>Building Inclusive Communities</b>	Rural Access Program	Contractors	12,000.00
<b>Building Inclusive Communities</b>	Rural Access Program	Materials	12,000.00
<b>Youth Development</b>	Youth Project - FReeZA ( 3 year)	Marketing, Advertising & Promotion	5,000.00
<b>Strategic Planning</b>	Building on Steep Slopes Review	Consultancies	55,000.00
<b>Strategic Planning</b>	Earth Worm Mapping - Giant Gippsland Earthworm	Legal Fees	11,000.00
<b>Strategic Planning</b>	Korumburra Streetscape Master Plan	Consultancies	32,523.00
<b>Strategic Planning</b>	Korumburra Streetscape Master Plan	Contractors	5,728.00
<b>Strategic Planning</b>	Port Welshpool Master Plan	Consultancies	80,000.00
<b>Strategic Planning</b>	Port Welshpool Master Plan	Contractors	5,534.00
<b>Strategic Planning</b>	Risk Analysis and Historical Land Use	Consultancies	36,000.00

<b>Cost Centre Name</b>	<b>Activity Name</b>	<b>Account Name</b>	<b>\$</b>
<b>Strategic Planning</b>	Strategic Planning Projects	Consultancies	35,000.00
<b>Strategic Planning</b>	Turtons Creek Environmental Significance Overlay	Materials	9,970.00
<b>Civil - Long Jetty Restoration</b>	General	Materials	999,725.00
<b>Bridge - Black Spur Bridge Investigation - Koonwarra</b>	General	Contractors	50,000.00
<b>Council Business Operations</b>	General	Contractors	30,000.00
<b>Planning Management</b>	Walk to School Program	Materials	10,000.00

Other adjustments made to the 2017/18 Budget / Long Term Financial Plan include:

Operational expenses associated with the Great Southern Rail Trail (\$120,000 in 2017/18 and \$3m in 2019/20 and 2020/21) was reclassified as Capital Expenditure.

Contributions for the West Gippsland Regional Library Corporation has been reduced by \$52,000, as well as in forward budgets, to reflect confirmed contribution requirements.

The \$400,000 contribution for the replacement of the library semi-trailer in conjunction with Bass Coast was moved from 2017/18 to 2018/19.

The software support requirements and associated licences for the upgraded financial system was increased by \$47,000, as well as in forward budgets, to reflect updated cost requirements.

Operational budgets for Corner Inlet Seawall Drainage was reduced by \$10,000 in 2017/18 as well as a recurrent \$81,000 in forward budgets.

The following capital projects have had budgets carried forward from 2016/17 to 2017/18:

<b>Cost Centre Name</b>	<b>Activity Name</b>	<b>Account Name</b>	<b>\$</b>
<b>Pools - Renewal Program</b>	Poowong Swimming Pool	Contractors	150,000.00
<b>Buildings - Caravan Park Toilet Block - Port Welshpool</b>	General	Contractors	376,419.00
<b>Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha</b>	Land Acquisition	Contractors	12,000.00
<b>Roads - Deviation of Koonwarra-Pound Creek Road - Leongatha</b>	Land Acquisition	Legal Fees	5,761.00
<b>Fish Creek School Crossing Construction</b>	General	Contractors	110,000.00
<b>Sun Shelter - Tarwin Lower to Venus Bay Walking Track</b>	General	Materials	19,364.00
<b>Roads - Anderson St Town Entrance - Leongatha</b>	General	Contractors	500,000.00
<b>Civil - Foster Streetscape (Main and Station Street)</b>	General	Contractors	700,000.00
<b>Roads - Bair Street Streetscape - Leongatha</b>	General	Contractors	20,000.00
<b>Pools - Splash Hydro Therapy Pool and Gymnasium- Leongatha</b>	General	Contractors	65,000.00
<b>Pools - Refurbishment Design - Mirboo North</b>	General	Contractors	180,000.00
<b>Roads - North Poowong Road, Poowong</b>	General	Contractors	25,426.00
<b>Guard Rails - Replacement Program</b>	General	Contractors	63,216.00
<b>Major Culvert - Renewal Program</b>	General	Materials	32,387.00
<b>Roads - Sealed Rehabilitation Program</b>	General	Contractors	267,421.00

## CONSULTATION

- 28 March to 26 April 2017: s.223 Public Consultation inviting written submissions to the Proposed Budget:
- 24 May 2017: Special Council meeting to formally consider the submissions made to the Proposed Budget.
- Sixty-seven written submissions were received for the formal s.223 submission requirement by the closing time on 26 April 2017. Eighteen submitters asked to speak to their submissions. The hearing of submissions took place on Wednesday 17 May 2017. All submissions were considered and determined at the Special Meeting of Council held on 24 May 2017.
- There was one Council resolution from the 24 May 2017 Special Meeting that required an amendment to the 2017/18 Budget. Council directed that the FTE levels be reduced to the 2015/16 budget level of 262.5. A notional reduction of three FTE positions was made against the Executive Services Directorate. The CEO will prepare a report for Council in 2017/18 on a range of options for reductions that they can consider to achieve this outcome.
- Submitters have been advised in writing of Council's decision at the 24 May 2017 Special Meeting.

## RISKS

Annual budgets are 'best estimates' of cost requirements to deliver a defined level of services and strategic projects and initiatives. Throughout the financial year there is reasonable likelihood that:

- Some costs incurred may vary materially to what was budgeted;
- Unavoidable cost events or increases may occur; and/or
- Strategic opportunities may arise that require funding.

Council will strategically manage these events by utilising 'rolling budget' management processes. On a monthly basis, there will be a review of 'actual' financial performance to year-to-date budgets. An exception-based summary for material variations and changes to annual and longer term budget projections will be circulated to Councillors.

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

- Comparing year-to-date actual financial performance with the year-to-date budgets;

- Monitoring the financial impact of changes made to budget projections on the forecast financial results at year end; and
- Monitoring the longer term financial ramifications and comparing to the originally adopted Long Term Financial Plan's budgeted financial statements.

Budget projections for annual and forward budgets will be updated when it is known that the year-end result will vary materially with original budgets. This process ensures that management and Council are at all times aware of likely year-end results and longer term financial impact. This provides opportunity for Council to demonstrate sound financial management by strategically managing financial risks faced by Council throughout the year.

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

#### **ATTACHMENTS**

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

1. Annual Budget 2017-18 **[6.4.1]**

#### **REFERENCE DOCUMENTS**

##### ***Council Policy***

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

##### ***Legislative Provisions***

Local Government Act 1989

## **6.5. COUNCIL COMMUNITY SATISFACTION SURVEY**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report presents the results of the South Gippsland Shire Council Community Satisfaction Survey for 2017 (the 2017 survey) **Attachment [6.5.1]** to Council. This meets the requirements of a 2013-2017 Council Plan indicator to publish the results by 30 June annually.

The results for core performance measures will be included in Council's Local Government Performance Reporting Framework (LGPRF) for 2016/17. These will also be inserted in the 2016/17 Annual Report and placed on the State Government's [Council performance website](#).

### **RECOMMENDATION**

That Council:

1. Notes South Gippsland Shire Council's results in the 2017 Community Satisfaction Survey, Attachment [6.5.1]; and
2. Includes the relevant results in the South Gippsland Shire Council 2016/17 Annual Report.

**MOVED:** Cr Skinner

**SECONDED:** Cr McEwen

### **THAT COUNCIL:**

1. **NOTES SOUTH GIPPSLAND SHIRE COUNCIL'S RESULTS IN THE 2017 COMMUNITY SATISFACTION SURVEY, ATTACHMENT [6.5.1]; AND**
2. **INCLUDES THE RELEVANT RESULTS IN THE SOUTH GIPPSLAND SHIRE COUNCIL 2016/17 ANNUAL REPORT.**

**CARRIED UNANIMOUSLY**

## REPORT

Annual Local Government Community Satisfaction Surveys are coordinated by Local Government Victoria (LGV) on behalf of local councils.

The survey assesses councils' performance across a range of measures and seeks to identify opportunities for improved or more effective service provision. In addition, the survey provides councils with a means to fulfil some of their statutory reporting requirements. These results also act as a feedback mechanism to LGV on the sector's performance.

Council's survey results are compared against the State-wide average and the large rural councils group, which comprises the following shire councils: Bass Coast, Baw Baw, Campaspe, Colac Otway, Corangamite, East Gippsland, Glenelg, Golden Plains, Macedon Ranges, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, South Gippsland, Southern Grampians, Surf Coast, Swan Hill and Wellington.

The State Government website provides an independently managed source of information for community members to compare Council's performance against other Victorian councils. This allows statistical results to be considered in the broader local government context.

### Discussion

#### **1. Overall Summary of Results.**

The table below is a summary of Council's results for the 2017 survey. The table provides a trend comparison of Council's performance against the results received from 2014 to 2016. A comparison is also made against the Large Rural Shires Average and State-wide Average for 2017.

<b>Performance Measures</b>	<b>SGSC 2014</b>	<b>SGSC 2015</b>	<b>SGSC 2016</b>	<b>SGSC 2017</b>	<b>Large Rural Shires Average 2017</b>	<b>State-wide Average 2017</b>
Overall Performance	49	49	47	<b>46</b>	54	59
Community Consultation	52	49	47	<b>47</b>	52	55
Advocacy	49	45	47	<b>46</b>	51	54
Making Community Decisions	n/a	44	47	<b>45</b>	51	54
Sealed Local Roads	n/a	27	30	<b>36</b>	43	53

Customer Service	63	65	65	<b>61</b>	66	69
Overall Council Direction	42	44	43	<b>51</b>	52	53

## **2. Respondents' indication of 'Best things about Council'.**

Feedback from residents indicates that recreation/sporting facilities, customer service and community engagement/involvement are Council's best performing areas.

## **3. Respondents' indication of where 'Council most needs to improve'.**

- Feedback from residents indicates Council needs to improve performance in 'sealed road maintenance' (this was mentioned by 25 per cent of residents). Community consultation, business development and communications are further areas identified as requiring improvement.
- Focus areas for the coming 12 months to ensure perceptions do not further decline include: customer service, making community decisions and lobbying.
- Whilst negative opinion in 2017 appears to pertain to all residents, males and residents aged between 50 and 64 years require particular focus.

## **4. Summary Results for Core Performance Measures**

- Core performance measures indicate that Council's performance was largely stable or exhibited a slight decline when compared with the 2016 survey results.
- Council's performance on many of the core measures remains significantly lower than the averages of the State and Large Rural Council group.
- Council's ratings in the areas of 'Sealed Local Roads' and 'Overall Council Direction' increased significantly in the past year and these are now at their highest levels.
- As a result of slight ratings declines (only one or two point declines in index ratings) in 'overall performance', 'customer service' and 'consultation and engagement areas', Council's ratings are close to, or are at their lowest levels since 2012.

- Customer Service is Council's best performing area.
- Residents aged 65+ years are the most favourably disposed toward Council;
- Men and residents aged 50-64 years are least favourably disposed toward Council.
- Coastal Promontory Ward residents consistently rated Council higher than Tarwin Valley and Strzelecki residents across all measures.

#### *Overall Performance*

- Results indicate a one index point decline in 'overall performance' from 2016;
- Results from residents aged 35 to 49 and men declined significantly in their impressions of Council's overall performance in the past year;
- The lowest scores were received from residents aged 50-64;
- The highest scores were received from residents aged 18-34, 65+ and Coastal Promontory Ward.

#### *Customer Contact*

- More than half (57%) of residents surveyed have had recent contact with Council;
- Residents aged 35 to 49 and residents from Coastal Promontory Ward have had the most contact with Council, while residents aged 18-34 have had the least contact.
- Customer service ratings have declined by 4 index points;
- Men appear to be driving the decline in ratings, as ratings by men declined by 12 points, providing the lowest score for this measure;
- Highest scores were received from women, residents aged 65+ and residents from Coastal Promontory Ward;
- Almost 1 in 5 residents (18 per cent) rate Council's customer service as 'very good', with a further 38 per cent providing a rating of 'good'.

### *Council Direction*

- Council Direction results have increased by 8 index points from the 2016 survey;
- The lowest scores were received from residents aged 50-64;
- The highest scores were received from residents aged 65+.

### *Consultation and Engagement*

- Results remain unchanged from the 2016 survey;
- The lowest scores were received from men and residents aged 50-64;
- The highest scores were received from residents of Coastal Promontory Ward and women.

### *Lobbying on Behalf of the Community*

- Results for lobbying received a seven index point decline from 2016;
- The lowest scores were received from men and residents aged 50-64;
- The highest scores were received from women and residents of Coastal Promontory Ward.

### *Decisions Made in the Interests of the Community*

- Results for decisions made in the interest of the community received a two index point decline from 2016;
- The lowest scores were received from men and residents aged 50-64;
- The highest scores were received from residents aged 65+.

### *Condition of Sealed Local Roads*

- Results for the condition of sealed local roads received an increase of 6 index points from 2016;
- The lowest scores were received from men and residents aged 50-64 and 18-34;
- The highest scores were received from women, residents aged 65+, and residents from Coastal Promontory Ward.

## **5. *Improvement Opportunities Identified***

Council aims to address various areas of community concern through the new directions established in the 2017-2021 Council Plan and initiatives included in the 2017/18 Annual Budget. It is hoped community satisfaction with Council's performance will increase as a result of these directions over the four-year term of Council. Improvements Council plans to make that target areas of greatest concern include:

- a. The recently introduced 'live streaming' of Council meetings, aims to increase transparency into Council decision making, enabling people to watch the debate online for any agenda item in 'real time' or view the meeting at a later time.
- b. Council is working to change internal processes that will allow more reports to be considered in 'Open Council'. This action aims to increase transparency in Council's decision making.
- c. A revised Dispute Resolution Process is being developed to assist people to raise concerns regarding service failure. This is aimed at improving customer service levels through increased understanding of the problems individuals have experienced with various Council services.
- d. The 'Business Integration Project' is focusing on ways to streamline connections between systems to make service delivery more cost efficient. This project is designed to increase productivity, creating a clearer path towards establishing shared service provision and creating opportunities for customers to 'self-serve' through an increasing range of on-line services 24 hours a day.
- e. The 2017-2021 Council Plan contains a significant focus on economic growth and business development. Agriculture and tourism, two major local industries for our economy, have specifically been highlighted. The Annual Initiatives in the 2017/18 Budget contain numerous activities that will underpin business development.
- f. Advocacy (lobbying) efforts with VicRoads will continue to improve State owned roads through the Shire. Council will assist Vic Roads, as required, in planning the funded improvements to the dangerous Black Spur section of South Gippsland Highway at Koonwarra.
- g. Advocacy (lobbying) efforts will be targeted to State and Federal Ministers and government departments for a number of 'Priority Projects' of importance to the community and to support community efforts to receive grants that will assist them to achieve projects of value to their groups or local neighbourhoods.

- h. Continued refinements will be made to the maintenance of sealed and unsealed local roads and roadsides. Unfortunately weather conditions, both when it is too wet or too dry, play a major part in Council's ability to maintain the extensive gravel and sealed local road network. Council will continue to work with these limitations, although it does mean that the standard of gravel roads, in particular, may not always be ideal.
- i. Council has planned to develop a Community Engagement Strategy in 2017/18. In addition Council will continue to introduce community engagement approaches appropriate to the various activities for which feedback is being sought. Using a range of engagement approaches assists Council to listen to the many and varied ideas community members wish to express. Existing approaches will also continue to be used and adapted to suit changing needs.

### **CONSULTATION**

The 2017 survey was undertaken by an independent market research consultancy, JWS Research commissioned by the Department of Environment, Land, Water and Planning, on behalf of most (69 out of 79) Victorian councils.

The 2017 survey was conducted as a representative random probability survey of residents aged 18+ years in South Gippsland Shire in the period 1 February to 30 March 2017. Four hundred residents were interviewed by telephone.

### **RESOURCES**

Council has allocated resources through the four year Strategic Resource Plan (SRP), contained in the 2017-2021 Council Plan (Council Plan) and 2017/18 Annual Budget (Budget) to focus on many areas raised as concerns or requests by community members in the Community Satisfaction Survey and a number of other forums. There is a tension between people who want more services and facilities and improved levels of service, and others who want to see rates and service levels reduced. Council has aimed for a balanced allocation of resources in the directions it has established in the Council Plan, Budget and SRP.

### **RISKS**

It is important for Council to consider the diverse needs and views of the community to deliver improved services. The survey results provide one source of feedback for Council to consider as it reviews and monitors its service objectives and risks.

Ongoing below average levels of community satisfaction with Council's performance or understanding of Council's improvement initiatives will hamper Council and community efforts to work effectively together to achieve common objectives.

## **ATTACHMENTS**

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

1. South Gippsland Shire Council 2017 Community Satisfaction Survey Report  
**[6.5.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Council Plan 2017-2021

Annual Budget 2017/18

### ***Legislative Provisions***

Local Government Act 1989 Part 6

Local Government (Planning and Reporting) Regulations 2015

## **6.6. POLICY REVIEW: C23 INTELLECTUAL PROPERTY**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends that Council approves a revised Intellectual Property Policy and designates this as a Chief Executive policy given its operational nature.

### **RECOMMENDATION**

**That Council adopts the revised Intellectual Property Policy Attachment [6.6.1] – Intellectual Property Policy and designates this as a Chief Executive policy.**

**MOVED:** Cr Skinner

**SECONDED:** Cr Hill

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 6.6 AND 6.7 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## REPORT

Council's current Intellectual Property (IP) Policy (the Policy) was last revised on 25 June 2014 when it underwent a significant revision to enhance and clarify Council's position in relation to IP.

The Policy is due for review on 30 June 2017. A recent review determined that the policy is adequate for Council's requirements with only the following minor amendments recommended:

- Update the reference to the Designs Act 2003;
- Update implementation statement (second dot point) to confirm that Council will implement this policy by 'Managing IP in accordance with this Policy and Council's Corporate Information Management Policy; and
- Update references to specifically include the role of Councillors in preserving Council's IP and respecting the IP of third parties, where previously this role had been implied within the policy.

Given the operational nature of this policy, it is further recommended that the policy be designated as a Chief Executive policy.

## CONSULTATION

This revised policy has received feedback from Council's Corporate Information Management Team, ELT and Council following a recent InfoSum article.

## RESOURCES

The resources required to manage Council's approach to IP is contained within Council's current and forward budgets.

## RISKS

Through the effective implementation of this Policy, Council will manage the risk of loss through the unapproved use of Council's IP or breaching the IP rights of a third party.

## ATTACHMENTS

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

1. C 23 - Intellectual Property Policy [6.6.1]

## REFERENCE DOCUMENTS

### ***Legislative Requirements***

Local Government Act 1989

Patents Act 1990

Designs Act 2003

Circuit Layout Act 1989

Copyright Act 1968

## **6.7. POLICY REVIEW: C31 PROPERTY ASSETS INSURANCE COVERAGE**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report recommends that Council approves a revised Property Assets Insurance Coverage Policy (C31) and designates this policy as a Chief Executive policy given its operational nature.

### **RECOMMENDATION**

**That Council adopts the revised Property Assets Insurance Coverage Policy (C31), Attachment [6.7.1] – Property Assets Insurance Coverage Policy) and designates this policy as a Chief Executive policy.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 136.**

## REPORT

Council first established the C31 Property Assets Insurance Coverage Policy in 2006 to guide the provision of insurance coverage over properties that it owns and controls. In addition this policy determined to provide coverage for community groups for properties not owned or managed by Council on the basis of full cost recovery of the premium and claim costs and provided Council's insurer was willing to accept coverage.

This policy was established at a time when community groups were experiencing difficulties obtaining reasonably priced public liability and property insurance.

Since the policy's adoption, 56 community groups have accessed Council's property insurance to insure the non-Council owned properties that they manage. Council recovers approximately \$38,000 per annum to cover premium costs. Administrative costs to provide this coverage and to recover premiums are not recouped.

When reviewing this policy Council's Risk team considered whether Council should continue to provide this service to community groups, given the improvement in insurance market conditions.

Having considered this, it is proposed to continue with the current practice of providing insurance coverage for community groups as:

- Council's Insurer (JMAPP) is willing to continue to provide coverage ongoing and does so for many other councils.
- The coverage provided by JMAPP is deemed to be superior to the coverage a community group could obtain independently in terms of:
  - Cost: it is estimated that Council is able to obtain insurance for approximately 40 to 60 per cent less than the groups would be able to access by themselves. For some groups this represents an annual saving of up to \$780.
  - Service: JMAPP specialises in Local Government and community insurance coverage.
  - Coverage: JMAPP is a discretionary fund that may accept claims which would otherwise be rejected by a commercial insurer.
- Limited staff resource is taken up in administering this service.

Further, it is likely that removing coverage for some or all of the community groups, would likely cause additional cost, effort, frustration and strain on such

groups, whilst delivering only a minor reduction in staff administrative time for Council.

The revised Policy therefore proposes to maintain the current practice, and provides greater guidance to staff and community groups on the grounds and conditions under which insurance is to be provided to groups, which is lacking in the current policy.

Given the operational nature of this policy it is recommended that Council designate this policy as a Chief Executive Policy.

## **CONSULTATION**

Council's ELT, Insurer and Community Strengthening teams were consulted during the policy review. Councillors were provided with an opportunity to give feedback on the proposed policy via an article in InfoSum on 5 April 2017.

## **RESOURCES**

The resources required to manage Council's approach to this policy are contained within Council's current and forward policies. The additional cost of providing insurance coverage for community groups for properties not owned or managed by Council are fully recovered from these community groups, with the exception of minimal administration costs.

## **RISKS**

A comprehensive Property Assets Insurance Coverage Policy, minimises the risk of under-insuring Council's Property Assets. This Policy also minimises the risk of community groups not being able to obtain reasonably priced Property Assets insurance for the properties they own or manage.

## **ATTACHMENTS**

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

1. C31 Draft Property Assets Insurance Coverage Policy - 28 June 17 **[6.7.1]**

## **REFERENCE DOCUMENT**

Local Government Act 1989

## **6.8. POLICY REVIEW: C32 PROCUREMENT & MAV LEAP PROJECT**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This purpose of this report is to:

- Provide Council with an update on the Gippsland Local Government Network (GLGN) Municipal Association Victoria (MAV) Procurement LEAP Program, which is a 2016/17 Annual Plan Major Initiative; and
- Recommend that Council approve a revised Procurement Policy, **Attachment [6.8.1]** – Procurement Policy.

### **RECOMMENDATION**

That Council:

1. Notes SGSC's ongoing participation in the GLGN MAV Procurement LEAP project including the opportunities for collaborative procurement projects and improvement opportunities identified to meet the objectives of the 2016/17 Annual Plan Initiative; and
2. Adopts the revised Procurement Policy, Attachment [6.8.1] – Procurement Policy.

**MOVED:** Cr Skinner

**SECONDED:** Cr McEwen

### **THAT COUNCIL:**

1. **NOTES SGSC'S ONGOING PARTICIPATION IN THE GLGN MAV PROCUREMENT LEAP PROJECT INCLUDING THE OPPORTUNITIES FOR COLLABORATIVE PROCUREMENT PROJECTS AND IMPROVEMENT OPPORTUNITIES IDENTIFIED TO MEET THE OBJECTIVES OF THE 2016/17 ANNUAL PLAN INITIATIVE; AND**
2. **ADOPTS THE REVISED PROCUREMENT POLICY, ATTACHMENT [6.8.1] – PROCUREMENT POLICY.**

**CARRIED UNANIMOUSLY**

## REPORT

### GLGN MAV Procurement LEAP Program

In its 2016/17 Annual Plan, Council established the following major initiative:

*Continued participation in the procurement LEAP project that incorporates regional benchmarking in procurement with opportunities for collaborative procurement projects identified and improvement opportunities identified and prioritised by 30 June 2017.*

Council became involved in the MAV Procurement LEAP Program with the other five GLGN councils in March 2016.

This has resulted in the delivery of a number of key outputs during 2016 and early 2017, including:

- **Memorandum of Understanding and Terms of Reference:** signed by all GLGN CEOs.
- **Regional MAV LEAP Procurement Plan 2016-18:** established to drive improvements to GLGN's regional procurement including the initiatives below.
- **Regional Procurement Resourcing:** Bass Coast Shire Council's Procurement team has been appointed as the lead council, to deliver the Regional MAV LEAP Plan with support from participating councils.
- **Centralised Regional Contract Register:** to identify regional collaborative procurement opportunities.
- **Pilot collaborative procurements:** including:
  - Regional Contractor Compliance System: via a regional Expression of Interest process.
  - Internal Audit Services: joint tender conducted by South Gippsland and Baw Baw Shire Councils.
  - Aged and Disability Services Client Management System: joint tender conducted by South Gippsland and Baw Baw Shire Councils.
- **Draft Regional Procurement Schedule:** to deliver future collaborative procurement including the following potential tenders currently being explored:
  - Office Cleaning;

- Road Resealing and Line Marking;
- Training and Development;
- HR Recruitment;
- Municipal Building Surveyor Services;
- General Repairs and Building Maintenance Services;
- Essential Services Maintenance / Fire Safety;
- Air-conditioning Servicing;
- Legal Services;
- Tree Maintenance;
- Plant Hire;
- Insurance and Brokerage; and
- Kerbside Collection including Green waste, Garbage and Recycling.
- **Regional Procurement Training Plan:** with quarterly training including:
  - MAV Contract Management Training: 23 and 24 March.
  - Contract Law Essentials Training: Q4 2016/17.
  - Online learning modules: under consideration.
- **Standardised Regional Procurement Documentation:** a plan to deliver standardised templates for GLGN councils during 2017/18 including:
  - Procurement Policy;
  - Procurement Manual; and
  - Contract and Tender documentation.
- **Regional and Individual Procurement Reporting Dashboards.**
- **Individual Council MAV LEAP Procurement Plans:** initiatives for 2017/18 for SGSC include improving KPI reporting / dashboard reporting, improving finance system integration, establishing key panel contracts and procurement compliance audit program.

In addition to the GLGN MAV Procurement LEAP project, Council has initiated a process and systems integration improvement project to determine appropriate

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improvements to its internal procurement processes and systems. This project commenced with a three day process-improvement workshop and presentation to the Executive Leadership Team (ELT) in March 2017 to identify key improvement projects for prioritisation and implementation. The four projects for the procurement function, which are currently in either initial planning or implementation phase, are the development of:

- A SGSC 2017/18 Procurement Plan;
- A Negotiation Process for Tenders, Major Quotes and Contract Renewals;
- A Purchasing Catalogue; and
- An Integrated Contract Management System to cover procurement end to end.

### **SGSC 2016/17 Procurement Policy Review**

Council is required by s.186A of the Local Government Act (LGA) to prepare, approve and comply with a Procurement Policy. At least once in each financial year, a Council must review and may amend its Procurement Policy.

During 2015, Council formed an internal Procurement Working Group (PWG) and conducted a significant review of its Procurement Policy, which resulted in the development a simplified Policy with significant components of procedural information removed and transferred into a newly developed Procurement Manual.

In late 2015, the revised Policy and new Manual were reviewed by Council's ELT, Audit Committee and Council with the Policy adopted by Council and the Manual approved by the CEO on 16 December 2015.

Since this time, the Manual has undergone a number of updates to reflect organisational changes and minor improvement opportunities.

The current Procurement Policy is scheduled for review and adoption by Council by 30 June 2017 to meet the requirements of s.186A of the LGA.

Council's PWG and Strategic Risk Committee (SRC) conducted a review of the Procurement Policy in February 2017 prior to presentation to the Audit Committee for feedback on 3 April 2017 and Council for feedback on 3 May 2017.

It is anticipated that the MAV LEAP and SGSC initiatives are likely to deliver a standardised regional Procurement Policy and key process improvements in 2017/18. In light of this and potential amendments to the LGA expected in mid-

2018, it is suggested that a minor review of the Council's current Procurement Policy be conducted at this point to meet the 30 June 2017 review deadline.

The draft Procurement Policy in **Attachment [6.8.1]** includes the following marked up amendments:

- **Updated Policy Template:** to reflect recent changes to format, headings numbering and ordering for Council Policies.
- **New headings: Section 2.1 – 2.14:** have been added to the existing paragraphs to enhance ease of reference.
- **Minor edits to Sections 2.2, 2.3, 2.5 and 2.6:** to improve expression and clarity.
- **Section 2.7: Procurement Thresholds:** adding a reference to the new Attachment A to which the existing Procurement Thresholds table have been moved.
- **Section 2.9: Disclosure of information:** an update to support the inclusion of Council Reports awarding contracts in the Open Council Meeting agenda.
- **Section 2.11: Remove reference to budget allocation in the Annual Budget:** to reflect changes made to the CEO Delegation by Council on 12 December 2016 and 22 February 2017.
- **Section 4.1: Inclusion of reference to new Attachment A.**
- **Section 4.4: Specify that the policy needs to be reviewed every financial year:** to more accurately reflect the requirements of s.186A of the LGA.
- **Section 6: Legislative and Policy Provisions:** minor amendments to reflect changes to legislation and relevant policies.
- **Section 4: Procurement Threshold Table:** minor edits as follows:
  - Evaluations: to clarify for staff that an evaluation can be conducted by either an Officer, Coordinator or Manager for the Single Quotation and Minor Quotation processes and that this does not need to be conducted by all three.
  - Provide guidance when undertaking joint procurement with other council/s: to ensure a public tender is undertaken when the contract that South Gippsland Shire Council is anticipated to enter exceeds the threshold required for a public tender.

## **CONSULTATION**

The MAV LEAP Regional and SGSC Procurement Plans have been developed in consultation with the MAV, ArcBlue (MAV's procurement consultants), GLGN CEO Group and GLGN Procurement Excellence Network. The SGSC Procurement Process Improvement Projects were developed in consultation with Council's key procurement staff, ELT and guided by In2Project Management.

The SGSC Procurement Policy has been reviewed by Council's PWG, ELT, SRC, Audit Committee and Council via InfoSum and a briefing.

## **RESOURCES**

The development of Council's Procurement Policy, MAV LEAP Regional and Procurement Plans and SGSC Process Improvement Projects will be delivered within existing budgets.

## **RISKS**

Through the effective implementation of the revised Procurement Policy, Procurement Manual and accompanying improvement projects, Council will manage the risk of legislative non-compliance associated with procurement activities.

## **ATTACHMENTS**

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

1. C32 - Procurement Policy - 28 June 2017 - Council Agenda Version **[6.8.1]**

## **REFERENCE DOCUMENT**

Local Government Act 1989

## **6.9. POLICY REVIEW: C52 HUMAN RIGHTS POLICY**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

A review of Council's Human Rights Policy 2013, has been undertaken in accordance with the corporate policy review program.

The revised Policy, in **Attachment [6.9.1]**, is presented to Council for consideration and adoption.

### **RECOMMENDATION**

**That Council:**

- 1. Adopts the revised 'C52 – Human Rights Policy, June 2017,' in Attachment [6.9.1], replacing the 22 May 2013 version; and**
- 2. Publishes the revised 'C52 – Human Rights Policy, June 2017,' on Council's website.**

**MOVED:** Cr Hill

**SECONDED:** Cr Kiel

**THAT THE RECOMMENDATIONS IN ITEMS 6.9 AND 6.10 BE ADOPTED.**

**CARRIED UNANIMOUSLY**

## **REPORT**

Council adopted the original Human Rights Policy on 22 May 2013. It seeks to ensure that Council is aware of, and compliant with, the Charter of Human Rights and Responsibilities Act 2006. It confirms Council's commitment to considering and respecting human rights when making decisions, creating Local Laws and establishing policy directions.

The Policy is applicable to all Councillors, officers, Council volunteers and Council committee members.

It has been amended to:

1. Improve readability by separating the 20 human rights under the four key principles of freedom, respect, equality and dignity;
2. Improve its applicability and ease of implementation; and
3. Improve coverage of Council Volunteers and Committees.

This Policy is supported by further topic-specific policies and processes that encourage appropriate behaviours, responsibilities and management of people within the work environment.

## **CONSULTATION**

The Council Business, Community Strengthening and People & Culture teams have actively participated in the review and update of the Policy. Feedback from Councillors was sought via Infosum on 24 May 2017.

## **RESOURCES**

Policy implementation is covered through the daily operations of Council, including Council decision making. The 20 human rights are considered in the development of strategies, policies and when dealing with people. No additional resources are required to implement the Policy.

## **RISKS**

The Human Rights Policy aims to minimise the risk of Council breaching the human rights of people by:

1. Providing a mechanism outside the courts for individuals to raise human rights concerns with Council that relate to Council operations;
2. Ensuring accountability for decisions made that affect an individual's human rights;

3. Considering human rights in the development of policy directions; and
4. Establishing specific directions in associated policies, guidelines and codes of practice that seek to create a respectful culture in the workplace.

### **ATTACHMENTS**

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

1. C52 - Human Rights Policy - 28 June 2017 **[6.9.1]**

### **REFERENCE DOCUMENTS**

#### ***Council Policy***

Anti-discrimination, Bullying and Harassment Policy  
Councillor Code of Conduct  
Protected Disclosure Guidelines  
Right to Make a Submission Policy  
South Gippsland Shire Council Customer Service Charter  
Staff Code of Conduct  
Community Consultation and Engagement Policy

#### ***Legislative Provisions***

Charter of Human Rights and Responsibilities Act 2006 (the Charter)  
Disability Act 2006  
Equal Opportunity Act 2010  
Freedom of Information Act 1982  
Fair Work Act 2009  
Information Privacy Act 2000  
Local Government Act 1989  
Racial and Religious Tolerance Act 2001  
Sex Work Act 1994

## **6.10. MAV VENDOR PANEL: PROVISION OF DEBT COLLECTION SERVICES**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

This report considers responses to Request for Quotation (RFQ) DR8410-2015 - Provision of Debt Collection Services.

Council has utilised the Municipal Association of Victoria (MAV) Vendor Panel to request quotations for the provision of Debt Collection Services. The MAV had previously advertised, received and evaluated tenders from interested parties and appointed a panel of approved suppliers for this service, in compliance with s.186 of the Local Government Act (the Act).

The outcome of RFQ DR8410-2015 recommends Council appoint Midstate Creditcollect Pty Ltd for the Provision of Debt Collection Services.

### **RECOMMENDATION**

**That Council:**

- 1. Appoint Midstate Creditcollect Pty Ltd for the provision of Debt Collection services as recommended by the Request for Quotation DR8410-2015 - Provision of Debt Collection Services Evaluation Report Confidential Attachment [13.6.1] and**
- 2. Authorise the Chief Executive Officer to approve any extensions available under the contract in accordance with Council's Procurement Policy, subject to the satisfactory performance of the Contractor.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 147.**

## REPORT

South Gippsland Shire Council utilises specialist third party services to support the Finance, Risk and Procurement department in debt collection service management.

The support is predominately in relation to managing outstanding rates and charge accounts.

The contract with the existing service provider, Australian Receivables Ltd is due to expire on 30 June 2017.

The initial term for the proposed, new contract will be from 1 July 2017 to 28 February 2019. There is also the possibility of two one-year extensions to this contract, following the expiry of the initial term.

In accordance with Council's Procurement Policy and Procedures, an Evaluation Panel was convened on Monday 22 May 2017 to assess the quotations from the MAV Vendor Panel.

The Evaluation criteria and their respective weightings used by the Evaluation Panel to assess submissions are outlined in the table below.

Tender Sum	10%
Capability	90%

The evaluation criteria identified capability as having the greatest weighting due to the high level of sensitivity and political risk associated with this service. A small weighting was placed on the tender sum as most costs incurred are recoverable from the property owners (refer to Resources below).

Quotes were sought from all five of the contractors on the MAV Vendor for the Provision of Debt Collection Services. Four submissions were received. The Evaluation Panel's evaluation summary is provided in **Confidential Attachment [13.6.1]**.

### Discussion

The Evaluation Summary **Confidential Attachment [13.6.1]** of submissions received identified Midstate Creditcollect Pty Ltd as the preferred supplier to provide debt collection services. Their submission proved to be superior in the capability criteria than the other three submissions. Factors which favoured Midstate Creditcollect Pty Ltd include:

- Current provision of debt collection services to 38 councils;
- Capability to lodge court documents at Korumburra Court, not Melbourne;

- Capability to attend court hearings at Korumburra Court, not Melbourne, making it easier for Officers and community members to attend hearings;
- Having a regional office in Traralgon;
- Providing annual TAFE-approved training to Council rates officers; and
- In addition to providing the standard online portal to Council, they offer a portal for debtors to pay their office online.

## RESOURCES

Most costs incurred are recoverable from the property owners. Council in the 2017/18 budget has allowed a net cost of \$10,000 for debt collection services (\$160,000 expenditure budget for legal fees less \$150,000 reimbursement of legal fees).

## CONFIDENTIAL ATTACHMENT

**Confidential Attachment [13.6.1]** – Evaluation Summary for Provision of Debt Collection Services has been provided in accordance with section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Items as being confidential information on the grounds that it relates section 89(2)(d) - contractual matters.

The item is deemed confidential to protect the privacy of the unsuccessful tender submitters.

## REFERENCE DOCUMENTS

### ***Council Policy***

Procurement Policy, 16 December 2015

### ***Legislative Provisions***

Local Government Act 1989

## **6.11. COUNCILLOR APPOINTED COMMITTEE RESIGNATION AND NEW APPOINTMENT: WEST GIPPSLAND REGIONAL LIBRARY CORPORATION**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council traditionally appoints Councillors to a range of Internal and External Committees for the period of one year.

The appointments are reviewed annually at an open Meeting of Council to ensure there is appropriate representation and contribution by Councillors. These appointments occurred on 23 November 2016 for a one-year term.

Cr Meg Edwards was appointed to the West Gippsland Regional Library Corporation Board (WGRLC Board) as Council's representative. Cr Edwards has asked to resign from this appointment, due to a personal circumstance that has the potential to lead to an on-going conflict of duty with this appointment.

This reports notes the resignation of Cr Edwards and seeks a replacement Councillor(s) to represent Council on the WGRLC Board.

### **RECOMMENDATION**

The Council:

1. Notes the resignation of Councillor Meg Edwards from the West Gippsland Regional Library Corporation Board;
2. Appoints Councillor Alyson Skinner to the West Gippsland Regional Library Corporation Board;
3. Appoints Councillor Lorraine Brunt as Substitute to the West Gippsland Regional Library Corporation Board; and
4. Notifies the West Gippsland Regional Library Corporation Board of the new appointments.

**MOVED:** Cr Edwards

**SECONDED:** Cr Skinner

**THE COUNCIL:**

- 1. NOTES THE RESIGNATION OF COUNCILLOR MEG EDWARDS FROM THE WEST GIPPSLAND REGIONAL LIBRARY CORPORATION BOARD, EFFECTIVE AT THE CONCLUSION OF THE LIBRARY BOARD'S SPECIAL MEETING TO ADOPT THEIR BUDGET (CURRENTLY PLANNED FOR JULY 2017);**
- 2. APPOINTS COUNCILLOR ALYSON SKINNER TO THE WEST GIPPSLAND REGIONAL LIBRARY CORPORATION BOARD;**
- 3. APPOINTS COUNCILLOR LORRAINE BRUNT AS SUBSTITUTE TO THE WEST GIPPSLAND REGIONAL LIBRARY CORPORATION BOARD; AND**
- 4. NOTIFIES THE WEST GIPPSLAND REGIONAL LIBRARY CORPORATION BOARD OF THE NEW APPOINTMENTS.**

**CARRIED UNANIMOUSLY**

## **REPORT**

It is a Councillor's responsibility to identify situations where personal situations may conflict with their Councillor duties. In considering a potential matter that the WGRLC Board is seeking to pursue, Cr Edwards has identified that this course of action may place her in a compromised position between her personal interests and her position on the WGRLC Board. To this end Cr Edwards has taken a pre-emptive step to resign from the WGRLC Board.

Representation on the WGRLC Board is required to ensure Council's interest in the provision of library services continues and Cr Edwards' resignation creates a vacancy.

Cr Skinner is currently appointed as the substitute Councillor to the WGRLC Board and therefore is the Councillor designated to replace Cr Edwards. A new substitute will now need to be appointed by Council.

## **CONSULTATION**

All Councillors were consulted on the changes required and to seek interest in the substitute member appointment. Councillor Brunt has indicated her interest in being appointed as the substitute member.

## **RISKS**

The investment of Councillor time and resources into Council appointed Committees, returns positive outcomes and opportunities for Council and the community. These are achieved through the sharing of ideas and information, creating advocacy pathways and encouraging community leadership.

Informed decision making and achievement of community valued projects could both be placed at risk without the interaction and involvement of Councillors on relevant internal and external committees.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

Communication and Engagement Policy

### ***Legislative Provisions***

Local Government Act 1989

## **6.12. COUNCILLOR ALLOWANCES**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council is required to review and determine the level of the Mayor and Councillor allowances by 30 June 2017. This report proposes to retain the current level of Mayoral and Councillor allowances as set in accordance with s.74(1) of the Local Government Act 1989 (Act). South Gippsland Shire Council is classified as a Category 2 level council. The Mayoral and Councillor allowances are designated at the upper level of Category 2.

The Mayoral allowance is currently \$76,521 per annum and the Councillor allowance is \$24,730. In addition to the allowances, the Mayor and Councillors receive an additional 9.5% superannuation contribution. These amounts are adjusted annually in accordance with Ministerial advice and gazettal.

The Councillor Allowance review is subject to a formal s.223 public consultation process. This formal submission process will commence on Tuesday 4 July and conclude at close of business on Wednesday 2 August 2017. Submissions will be heard at 11.15am on Wednesday 16 August 2017 at the Council Chambers Leongatha. If no submissions are received, Council's determination today will remain in place until the next review after the 2020 general elections, unless otherwise determined by a resolution of Council.

### **RECOMMENDATION**

That Council:

- 1.** Reviews the Mayoral and Councillor allowances in accordance with s.74(1) of the Local Government Act 1989 and determines:
  - a.** To set the Mayoral and Councillor allowances at the upper level of Category 2 per annum, with a further compulsory 9.5% superannuation contribution;
  - b.** That the allowance and superannuation contribution remain in place until the next review after the 2020 general elections, subject to any annual adjustments applied by the Minister under section 73B of the Act.
- 2.** Approves commencement of the statutory procedures to invite public submissions on the Mayoral and Councillor allowances pursuant to s.74 (4) of the Local Government Act 1989.

- 3.** Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act, 1989 in respect of the statutory procedure outlined under recommendation 2.
- 4.** Gives public notice on Tuesday 4 July 2017 and on Council's website to commence a s.223 Public Consultation process in accordance with s.74(4) of the Local Government Act, 1989 inviting written submissions from the community on the Mayor and Councillor Allowances Review by close of business (5.00pm) on Wednesday 2 August 2017.
- 5.** In the Public Notice on Tuesday 4 July 2017 states:

  - a.** South Gippsland Shire Council has reviewed the Mayoral and Councillor Allowances and determined they remain at the upper level of a Category 2 Council and these levels be maintained until the next review after the 2020 general elections. The current Mayoral allowance being \$76,521 per annum and Councillor allowance being \$24,730 per annum, plus a compulsory 9.5% superannuation contribution. These amounts will be adjusted annually in accordance with Ministerial advice and gazettal.
  - b.** As at 1 December 2016, Category 2 council allowances can be set within the range of \$10,284 to \$24,730 for Councillors and up to \$76,521 for Mayors, per annum.
  - c.** Copies of the Councillor Allowances Report, are available for inspection on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au) and at the Council Office, 9 Smith Street Leongatha from 8.30am to 5.00pm between 4 July and 2 August 2017.
  - d.** A person proposing to make a submission under s.223 of the Local Government Act must do so by 5.00pm on Wednesday 2 August 2017. Late submissions will not be considered by Council.
  - e.** Submissions must be addressed to the Chief Executive Officer, South Gippsland Shire Council and it is preferred they be sent via email to [submissions@southgippsland.vic.gov.au](mailto:submissions@southgippsland.vic.gov.au). Alternatively submissions can be addressed to Private Bag 4, Leongatha 3953, or delivered to the Council Office, 9 Smith Street Leongatha.
  - f.** All formal submissions will be considered in accordance with s.223 of the Act.
  - g.** Any person making a written submission is required to state in their submission if he or she wishes to appear in person, or be represented

by a person specified in their submission, at an open hearing to be heard in support of their submission.

- h.** Copies of submissions, (including submitter's names and addresses) will be made available at the Hearing and the Council Meeting at which the submissions are considered, and Council is required to make submissions available for public inspection for a period of twelve months.
  - i.** The time, date and place for hearing of submissions.
  - j.** Following consideration of the submissions, Council may amend or not amend the level of allowances within the Category 2 range.
- 6.** Authorises the Chief Executive Officer to fix the time, date and place for the s.223 hearings of persons who have indicated in their written submission that they wish to be heard in support of their submissions, as Wednesday 16 August 2017 at 11.15am at the Council Chambers, Michael Place, Leongatha;
- 7.** Appoints all Councillors in attendance to hear the submissions;
- 8.** Advises those persons who have indicated in their written submissions that they wish to be heard in support of their submission, of the date, time and place of the hearings of submissions, as soon as practicable;
- 9.** Requires the submissions be brought in a report to the Ordinary Council Meeting in September for final determination on Council allowances. If no submissions are received Council's determination from this report will be the final decision of Council and no further report will be required.

**MOVED:** Cr Skinner  
**SECONDED:** Cr McEwen

**THAT COUNCIL:**

- 1. REVIEWS THE MAYORAL AND COUNCILLOR ALLOWANCES IN ACCORDANCE WITH S.74(1) OF THE LOCAL GOVERNMENT ACT 1989 AND DETERMINES:**
  - a. TO SET THE MAYORAL AND COUNCILLOR ALLOWANCES AT THE UPPER LEVEL OF CATEGORY 2 PER ANNUM, WITH A FURTHER COMPULSORY 9.5% SUPERANNUATION CONTRIBUTION;**
  - b. THAT THE ALLOWANCE AND SUPERANNUATION CONTRIBUTION REMAIN IN PLACE UNTIL THE NEXT REVIEW AFTER THE 2020 GENERAL ELECTIONS, SUBJECT TO ANY ANNUAL ADJUSTMENTS APPLIED BY THE MINISTER UNDER SECTION 73B OF THE ACT.**
- 2. APPROVES COMMENCEMENT OF THE STATUTORY PROCEDURES TO INVITE PUBLIC SUBMISSIONS ON THE MAYORAL AND COUNCILLOR ALLOWANCES PURSUANT TO S.74 (4) OF THE LOCAL GOVERNMENT ACT 1989.**
- 3. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.223 OF THE LOCAL GOVERNMENT ACT, 1989 IN RESPECT OF THE STATUTORY PROCEDURE OUTLINED UNDER RECOMMENDATION 2.**
- 4. GIVES PUBLIC NOTICE ON TUESDAY 4 JULY 2017 AND ON COUNCIL'S WEBSITE TO COMMENCE A S.223 PUBLIC CONSULTATION PROCESS IN ACCORDANCE WITH S.74(4) OF THE LOCAL GOVERNMENT ACT, 1989 INVITING WRITTEN SUBMISSIONS FROM THE COMMUNITY ON THE MAYOR AND COUNCILLOR ALLOWANCES REVIEW BY CLOSE OF BUSINESS (5.00PM) ON WEDNESDAY 2 AUGUST 2017.**
- 5. IN THE PUBLIC NOTICE ON TUESDAY 4 JULY 2017 STATES:**
  - a. SOUTH GIPPSLAND SHIRE COUNCIL HAS REVIEWED THE MAYORAL AND COUNCILLOR ALLOWANCES AND DETERMINED THEY REMAIN AT THE UPPER LEVEL OF A CATEGORY 2 COUNCIL AND THESE LEVELS BE MAINTAINED UNTIL THE NEXT REVIEW AFTER THE 2020 GENERAL ELECTIONS. THE CURRENT MAYORAL ALLOWANCE BEING \$76,521 PER ANNUM AND COUNCILLOR ALLOWANCE BEING \$24,730 PER ANNUM, PLUS A COMPULSORY 9.5% SUPERANNUATION**

**CONTRIBUTION. THESE AMOUNTS WILL BE ADJUSTED ANNUALLY IN ACCORDANCE WITH MINISTERIAL ADVICE AND GAZETTAL.**

- b. AS AT 1 DECEMBER 2016, CATEGORY 2 COUNCIL ALLOWANCES CAN BE SET WITHIN THE RANGE OF \$10,284 TO \$24,730 FOR COUNCILLORS AND UP TO \$76,521 FOR MAYORS, PER ANNUM.**
- c. COPIES OF THE COUNCILLOR ALLOWANCES REPORT, ARE AVAILABLE FOR INSPECTION ON COUNCIL'S WEBSITE [WWW.SOUTHGIPPSLAND.VIC.GOV.AU](http://WWW.SOUTHGIPPSLAND.VIC.GOV.AU) AND AT THE COUNCIL OFFICE, 9 SMITH STREET LEONGATHA FROM 8.30AM TO 5.00PM BETWEEN 4 JULY AND 2 AUGUST 2017.**
- d. A PERSON PROPOSING TO MAKE A SUBMISSION UNDER S.223 OF THE LOCAL GOVERNMENT ACT MUST DO SO BY 5.00PM ON WEDNESDAY 2 AUGUST 2017. LATE SUBMISSIONS WILL NOT BE CONSIDERED BY COUNCIL.**
- e. SUBMISSIONS MUST BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER, SOUTH GIPPSLAND SHIRE COUNCIL AND IT IS PREFERRED THEY BE SENT VIA EMAIL TO [SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU](mailto:SUBMISSIONS@SOUTHGIPPSLAND.VIC.GOV.AU). ALTERNATIVELY SUBMISSIONS CAN BE ADDRESSED TO PRIVATE BAG 4, LEONGATHA 3953, OR DELIVERED TO THE COUNCIL OFFICE, 9 SMITH STREET LEONGATHA.**
- f. ALL FORMAL SUBMISSIONS WILL BE CONSIDERED IN ACCORDANCE WITH S.223 OF THE ACT.**
- g. ANY PERSON MAKING A WRITTEN SUBMISSION IS REQUIRED TO STATE IN THEIR SUBMISSION IF HE OR SHE WISHES TO APPEAR IN PERSON, OR BE REPRESENTED BY A PERSON SPECIFIED IN THEIR SUBMISSION, AT AN OPEN HEARING TO BE HEARD IN SUPPORT OF THEIR SUBMISSION.**
- h. COPIES OF SUBMISSIONS, (INCLUDING SUBMITTER'S NAMES AND ADDRESSES) WILL BE MADE AVAILABLE AT THE HEARING AND THE COUNCIL MEETING AT WHICH THE SUBMISSIONS ARE CONSIDERED, AND COUNCIL IS REQUIRED TO MAKE SUBMISSIONS AVAILABLE FOR PUBLIC INSPECTION FOR A PERIOD OF TWELVE MONTHS.**
- i. THE TIME, DATE AND PLACE FOR HEARING OF SUBMISSIONS.**
- j. FOLLOWING CONSIDERATION OF THE SUBMISSIONS, COUNCIL MAY AMEND OR NOT AMEND THE LEVEL OF ALLOWANCES WITHIN THE CATEGORY 2 RANGE.**

- 6. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO FIX THE TIME, DATE AND PLACE FOR THE S.223 HEARINGS OF PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSION THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSIONS, AS WEDNESDAY 16 AUGUST 2017 AT 11.15AM AT THE COUNCIL CHAMBERS, MICHAEL PLACE, LEONGATHA;**
- 7. APPOINTS ALL COUNCILLORS IN ATTENDANCE TO HEAR THE SUBMISSIONS;**
- 8. ADVISES THOSE PERSONS WHO HAVE INDICATED IN THEIR WRITTEN SUBMISSIONS THAT THEY WISH TO BE HEARD IN SUPPORT OF THEIR SUBMISSION, OF THE DATE, TIME AND PLACE OF THE HEARINGS OF SUBMISSIONS, AS SOON AS PRACTICABLE;**
- 9. REQUIRES THE SUBMISSIONS BE BROUGHT IN A REPORT TO THE ORDINARY COUNCIL MEETING IN SEPTEMBER FOR FINAL DETERMINATION ON COUNCIL ALLOWANCES. IF NO SUBMISSIONS ARE RECEIVED COUNCIL'S DETERMINATION FROM THIS REPORT WILL BE THE FINAL DECISION OF COUNCIL AND NO FURTHER REPORT WILL BE REQUIRED.**

**CARRIED UNANIMOUSLY**

## REPORT

The Mayor and Councillors provide a significant contribution in time and effort to represent all community members within the Shire, at Council. The Mayor and Councillors are not Council staff and therefore are not paid a salary. Section 74 of the Local Government Act 1989 (Act), recognises the contribution of Mayors and Councillors does warrant the need for an allowance to compensate them for the contribution they provide to the community.

The State Government has established a category based standard and assigned all Victorian councils to the category most appropriate to a council's size and population. Each category has a range with a minimum and maximum limit. The ranges are reviewed and adjusted annually by the Minister with new ranges normally gazetted in November.

Each newly elected Council must determine the level of allowances to be paid within the applicable category range by 30 June following an election. South Gippsland Shire Council is determined to be a Category 2 Council.

As at 1 December 2016 the Minister for Local Government determined that the range and limits for a Category 2 Council are to be between \$10,284 and \$24,730 for Councillors, and up to \$76,521 for Mayors.

The previous Council determined Mayor and Councillors allowances would be set at the upper level of the Category 2 range. These rates continue until Council reviews and determines the level applicable. The allowances have been maintained at the current level in the Annual Budget 2017/18 and in the four year Strategic Resource Plan. None of the Proposed Annual Budget 2017/18 s.223 submissions received raised concerns about Councillor allowances.

As a final stage in this review a person has a right to make a submission under s.223 of the Act. The submission period will be open from Tuesday 4 July to close of business (5.00pm) Wednesday 2 August 2017. Formal written public submissions may be sent to the Chief Executive Officer. Late submissions will not be considered.

Submitters are able to indicate in their submission if they wish be heard in regard to their submission. The date set to hear any submissions is Wednesday 16 August at 11.15am in the Council Chambers. All submissions would then be presented to Council for final consideration and determination at the September Ordinary Council Meeting.

If no submissions are received, Council's determination today will remain in place until the next review after the 2020 general elections, unless otherwise determined by a resolution of Council.

Local Government Victoria provided advice in March 2013 that each Council must pay the equivalent of the Superannuation Guarantee contribution, currently 9.5%, to all Councillors. This is paid in addition to the allowance and may also be adjusted by the Minister for Local Government annually.

Councillors are also entitled to reimbursement of expenses and provision of resources and facilities as outlined in Council's Councillor Support and Expenditure Policy.

### **CONSULTATION**

A briefing on Councillor allowances and resources support was provided to Councillors on 8 and 9 November 2016. The increasing complexity of Local Government issues, along with increasing community expectations regarding access to and support from Councillors, were considered important factors in maintaining the allowances at the upper level for a Category 2 Council. It was considered that even this level of allowance did not reflect the true value of time and effort Councillors provide to the community in their roles.

Councillor allowances are contained in the Annual Budget 2017/18 (Budget) and four year Strategic Resource Plan. There were no submissions raised during the s.223 submissions on the Budget in regard to Councillor allowances.

### **RESOURCES**

Mayor and Councillor allowances are funded within the Budget and the four year Strategic Resource Plan, at the upper level set for Category 2 councils. The Budget also contains the compulsory 9.5% superannuation contribution. It also covers out-of-pocket reimbursements and resource support for Councillors in the performance of the Council responsibilities, in accordance with the Councillor Support and Expenditure Policy.

### **RISKS**

Section 74 of the Act requires Council to review and determine Mayor and Councillor allowances. Setting Councillor allowances at the upper level of the applicable range supports current Councillors in their role and seeks to attract a broader range of future candidates at the 2020 general election. Determining a lower level within the range may be a detractor to current Councillors and future candidates, resulting in potentially lesser quality representation.

**REFERENCE DOCUMENTS**

***Council Policy***

Annual Budget 2017/18 and Long Term Financial Plan  
Councillor Support and Expenditure Policy July 2016

***Legislative Provisions***

Local Government Act 1989, ss.74 and 223.

## **7. OTHER COUNCIL REPORTS**

**Nil**

## **8. PROCEDURAL REPORTS**

### **8.1. ASSEMBLY OF COUNCILLORS: 22 APRIL 2017 TO 21 MAY 2017**

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 April and 21 May 2017.

#### **RECOMMENDATION**

That Council:

- 1.** Receives and notes this report; and
- 2.** Makes confidential pursuant to s.77(2)(b) of the Local Government Act 1989 (the Act) all matters considered by the Planning Committee at its meeting held on Wednesday 3 May 2017 on the basis that the meeting discussed:
  - a.** Proposed developments (s.89(2)(e) of the Act); and
  - b.** Matters which the Council considers would prejudice the Council or any person (s.89(2)(h) of the Act).

Until such time as the Council's Chief Executive Officer determines to include an individual matter on an Agenda for an Ordinary or Special Meeting of Council, or when required to undertake a statutory obligation, and this confidentiality then ceases to apply only to that individual matter.

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

**THAT COUNCIL:**

- 1. RECEIVES AND NOTES THIS REPORT; AND**
- 2. MAKES CONFIDENTIAL PURSUANT TO S.77(2)(b) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) ALL MATTERS CONSIDERED BY THE PLANNING COMMITTEE AT ITS MEETING HELD ON WEDNESDAY 3 MAY 2017 ON THE BASIS THAT THE MEETING DISCUSSED:**
  - a. PROPOSED DEVELOPMENTS (S.89(2)(e) OF THE ACT); AND**
  - b. MATTERS WHICH THE COUNCIL CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON (S.89(2)(h) OF THE ACT).**

**UNTIL SUCH TIME AS THE COUNCIL'S CHIEF EXECUTIVE OFFICER DETERMINES TO INCLUDE AN INDIVIDUAL MATTER ON AN AGENDA FOR AN ORDINARY OR SPECIAL MEETING OF COUNCIL, OR WHEN REQUIRED TO UNDERTAKE A STATUTORY OBLIGATION, AND THIS CONFIDENTIALITY THEN CEASES TO APPLY ONLY TO THAT INDIVIDUAL MATTER.**

**CARRIED**

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

**AGAINST:** Councillors Hill and Edwards.

## REPORT

<b>Wednesday 26 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Council Agenda Topics Discussion 26 April 2017</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Brown, Brunt and Skinner.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on Council Agenda items for the Ordinary Council Meeting 26 April 2017.</p>
<b>Public Presentations</b>	There were nil public presentations requested by community members.
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Kiel, Brown, Brunt, Skinner, McEwen and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Legal costs relating to legal matter</li> <li>• Confidential documents</li> <li>• Open Space</li> <li>• Coal Creek</li> <li>• Councillor meeting seating arrangements</li> </ul>

<b>Thursday 27 April 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Korumburra Round Table</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Brown, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Visitor Information Service Review and survey</li> <li>• Council representative provided an update on Council activities</li> <li>• Community group activity update</li> <li>• Korumburra 'App' update</li> <li>• Blue Gum and Main Street - installation of seat celebration</li> <li>• Community Direction Statement Launch at May meeting</li> <li>• Council Budget and Plan submissions</li> </ul>
<b>Wednesday 3 May 2017</b>	
<b>South Gippsland Liquor and Gambling Strategy</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were presented information and input into the South Gippsland Liquor and Gambling Strategy.</p>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel, Rich, Skinner, Hill, Brown, Brunt and McEwen.</p> <p><b>Conflict of Interest:</b> Cr Don Hill declared an indirect conflict of interest by close association with respect of item Mirboo North Structure Plan Refresh as a closely associated person to him made a submission to the plan. The matter was subsequently not discussed.</p> <p><b>Matters Discussed:</b> Strategic Planning Project List; Planning Applications of Significance; Decisions for March 2017; VCAT Decisions; Community Infrastructure Plan Monitoring; Shipping Containers; Rural Activity Zone Discussion.</p>

<b>Wednesday 3 May 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Proposed Applications to the 2018/19 Sport and Recreation Victoria (SRV) Programs (CSIF)</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen, Rich and Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on proposed applications to consider, in order to take advantage of proposed projects for 2018/19.</p>
<b>Councillor/ CEO Session</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen, Rich and Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Introduction of new technology to Local Laws</li> </ul>
<b>2017/18 Budget and Long Term Financial Plan Overview</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors continued to consider Council's Long Term Financial Strategies with respect of the determination of the Council Budget.</p>
<b>Public Amenities Service Review and New Policy</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were updated on the Public Amenity Services review and the forth coming consideration of policy at its Ordinary Council Meeting in June 2017.</p>

<b>Wednesday 3 May 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Business Related Sponsorships and Memberships</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Brown, Argento, Kiel, McEwen, Rich and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council considered its current membership commitments and discussed the relevance of continuing a number of memberships and sponsorships.</p>
<b>Thursday 4 May 2017</b>	
<b>Turtons Creek Community Reference Group</b>	<p><b>Councillors Attending:</b> Councillor Argento</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Turtons Creek Tourist Corridor Landscape project</li> <li>• Issues in Turtons Creek</li> <li>• Options for improvements and next steps</li> </ul>
<b>Wednesday 17 May 2017</b>	
<b>Review of Draft Community Grants Program 2017/2018</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors discussed the policy and guidelines associated with the Community Grants Program 2017/18 which anticipates opening on 1 July 2017.</p>

<b>Wednesday 17 May 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Council Plan &amp; Budget S223 Submission Briefing</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors were provided information on the process for hearing Proposed Council Budget and/or Council Plan submissions.</p>
<b>Council Plan &amp; Budget S223 Submission Hearing as prescribed under the Local Government Act 1989.</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors heard 15 community members speak to their submission made to the Proposed Council Budget and/or Council Plan.</p>
<b>Public Presentation Session</b>  <b>Open Session</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown, Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Cr Meg Edwards left the Council Chamber with an indirect conflict of interest by close association with respect of Hoddle Mountain Trail Management Group item, as a closely associated person's property is affected.</p>

<b>Wednesday 17 May 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b>David Amor</b>, addressed Council regarding VicRoads questions he had in relation to South Gippsland Highway, main street Korumburra signage and restricted speed limits from 100kmph to 80kmph.</p> <p><b>Richard Dargarville along with Tony Walker representing the Hoddle Mountain Trail Management Group</b> addressed Council regarding background on the trail and a proposal for the section of the walking track owned by Council to be developed and maintained by Council and the Management group and local volunteers.</p> <p><b>Ian Southall</b>, representing the Mirboo North Community Energy Project regarding background of the project and details of a workshop that was conducted with the community to obtain feedback.</p>	
<p><b>Council Plan &amp; Budget S223 Submission Hearing as prescribed under the Local Government Act 1989.</b></p>	<p><b>Councillors Attending:</b></p> <p>Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <p>Councillors heard the final community member to speak in support of their submission made to the Council Budget and/or Council Plan.</p>
<p><b>Mossvale Park Fee Schedule and Event Management</b></p>	<p><b>Councillors Attending:</b></p> <p>Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <p>Councillors were provided information on a Proposed Event Management Framework and Mossvale Park Management and Infrastructure Development Plan.</p>
<p><b>Executive Update</b></p>	<p><b>Councillors Attending:</b></p> <p>Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Update to Councillors' document viewing platform</li> </ul>

<b>Wednesday 17 May 2017</b>	
<b>Meeting Title</b>	<b>Details</b>
<b>Council Plan &amp; Budget S223 Submission Review</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown and Edwards and Hill.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Councillors discussed potential final changes to the Council Plan and Budget; many in response to the submissions received.</p>
<b>Public Presentation Session</b>	<p><b>Councillors Attending:</b> Councillors Brunt, Argento, Kiel, Skinner, Brown, Edwards and Hill.</p>
<b>Evening Session</b>	<p><b>Conflict of Interest:</b> Nil disclosed.</p>
<p><b>Presentations were made to Council by the following community members:</b>  <b>Rory Cull</b>, representing the Korumburra Recreation Committee addressed Council regarding Korumburra Recreation Reserve Grant.  <b>Matt Sherry</b> addressed Council regarding concerns he had for community safety with respect of the Port Franklin River Bridge.</p>	

## REFERENCE DOCUMENTS

Local Government Act 1989

## **8.2. DOCUMENTS SEALED AND AWARDED OR EXTENDED BY CEO 28 JUNE 2017**

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 22 April 2017 to 22 May 2017, as required by the Council's Instrument of Delegation to the Chief Executive Officer and Procurement Policy:

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

### **RECOMMENDATION**

That Council receive and note this report.

**MOVED:** Cr McEwen

**SECONDED:** Cr Hill

**THAT COUNCIL RECEIVE AND NOTE THIS REPORT.**

**CARRIED UNANIMOUSLY**

## **REPORT**

### **Documents Sealed**

Under the Local Government 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 22 April to 22 May 2017:

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 6 and 14 Dorans Road, Toora in relation subdivision of the land into two lots – Seal Applied 4 May 2017
2. Deed of Settlement and Release between South Gippsland Shire Council and current and former siteholders at the Yanakie and Long Jetty Foreshore caravan parks – Seal Applied 22 May 2017

### **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 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 contract’s 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.

There were no contracts awarded between 22 April and 22 May 2017 under the CEO's financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 24 August 2016 resolution (refer to the paragraph below).

### **Contract variations approved by the CEO**

Council's Procurement Policy authorises the CEO to approve any necessary variations to a contract which exceed 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.

There were no variations to a contract which exceeded the CEO's delegation, approved by the CEO between 22 April and 22 May 2017.

### **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 exceed the CEO's delegation.

The following contract extensions approved by the CEO during the period from 22 April to 22 May 2017:

1. Contract SGC15/08 Management and Operation of Selected Aquatic Venues within South Gippsland Shire – Victorian YMCA Community Programming Pty Ltd granted the first contract extension option expiring 30 June 2020 - approved 10 May 2017.
2. Contract SGC15/07 Provision of Tree and Vegetation Maintenance Services – Final one year contract extension option expiring 30 June 2018 granted to:
  - a. Terrafirma Excavations Pty Ltd,
  - b. Gippsland Contracting Pty Ltd;
  - c. SG & MC Cameron, JL & R Dowel, DJ Thomas and H Pickering t/a Clean Cut Tree Services;
  - d. P & K Bateman t/a Arborzone Total Tree Care; and
  - e. Tree Works Australia Pty Ltdapproved 16 May 2017.

3. Contract SGC15/06 Provision of Pavement Linemarking Services – Laser Linemarking Pty Ltd granted the first one year contract extension to 30 June 2018 - approved 19 May 2017.
4. Contract SGC15/05 Provision of Home Maintenance Services – Grey Army Pty Ltd granted the first one year extension to 30 June 2018 – approved 18 May 2017.

## **REFERENCE DOCUMENTS**

### ***Council Policy***

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

Procurement Policy, December 2015

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

### ***Legislative Provisions***

Local Government Act 1989 ss.5 and 186

### **8.3. FINANCIAL PERFORMANCE REPORT JULY TO MAY 2017**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This Report provides an overview of Council's financial performance for the period July 2016 to May 2017. It shows the following high level outcomes

- Operating result: \$6.65 million surplus which is \$5.06 million favourable compared to the year to date budget projection of a \$1.59million deficit.
- Capital works: \$17.09 million expenditure which is \$1.55 million ahead year to date budget of \$18.64 million.
- Cash assets: Projected 30 June \$15.89 million (original budget \$9.12 million).
- Underlying working capital ratio: Projected 30 June 2.71 to 1 (original budget 1.64 to 1).
- The projected financial outcome for 2016/17 is a \$12.62 million surplus. This is \$6.96 million favourable compared to the original \$5.66 million budgeted surplus. Receiving \$4.5 million Victorian Grants Commission allocation for 2017/18 contributes to this surplus.
- The Minister for Local Government on 19 December reduced the rate cap for 2017/18 to 2.00%. This situation needs to be strategically managed as part of the development of the forthcoming 2017/18 Annual Budget / LTFP.

#### **RECOMMENDATION**

That Council receive and note the Financial Performance Report Attachment [8.3.1] for the period July to May 2017.

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

**THAT COUNCIL RECEIVE AND NOTE THE FINANCIAL PERFORMANCE REPORT ATTACHMENT [8.3.1] FOR THE PERIOD JULY TO MAY 2017.**

**CARRIED UNANIMOUSLY**

**REPORT**

Council each year sets an Annual Budget within a 15 year Long Term Financial Plan framework. Guidance is provided by the Long Term Financial Strategies when developing annual and longer term budgets. The financial integrity of the budgeted financial statements in the annual and forward budgets can be assessed by reference to financial performance indicators.

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

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

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

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

The reporting timelines include:

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

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

## **DISCUSSION**

**Attachment [8.3.1]** - Financial Performance Report contains detailed reporting on:

Section 1 - Year to date financial performance and projected financial results.

This section discusses variations in year to date performance and budget projections. The information is presented in the budgeted financial statements format.

Section 2 – Annual year to date financial analysis.

This section analyses the implications of the year to date performance and the projected outcome for the financial year end.

Section 3 – Long Term Financial Plan analysis.

This section benchmarks and strategically analyses the financial impact of the year's projected financial results against the adopted Annual Budget, Long Term Financial Plan and the Long Term Financial Strategies key performance indicators.

## **RISKS**

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

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

## **ATTACHMENTS**

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

1. Financial Performance Report - May 2017 **[8.3.1]**

## **REFERENCE DOCUMENTS**

### ***Council Policy***

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

### ***Legislative Provisions***

Local Government Act 1989

## **9. COUNCILLOR REPORTS**

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

**MOVED:** Cr Rich

**SECONDED:** Cr Skinner

**THAT COUNCILLOR JEREMY RICH REQUEST A LEAVE OF ABSENCE FOR COUNCIL MEETING 26 JULY 2017.**

**CARRIED UNANIMOUSLY**

### **9.2. COMMITTEE UPDATES**

**Nil**

### 9.3. COUNCILLOR UPDATES

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Councillor Edwards addressed Council regarding attendance at:

- Future of Local Government attended by all Councillors
  - Community Engagement Conference held in Leongatha
  - Revitalising of Towns Meeting at Meeniyah
  - National General Assembly Conference 2017 held in Canberra
- 

Councillor Kiel tabled the following report regarding her attendance at events from 27 April to 28 June 2017:

All South Gippsland Councillors and some staff, attended the Municipal Association of Victoria's conference on The Future of Local Government. There were many councillors from around Australia and the speakers were very focussed on changing the way local government works with communities.

The Mayor and I met with the Chief Executive Officer for his quarterly performance review.

Many of the female staff of the South Gippsland Shire council meet each month for a "get together" breakfast. This month the guest speaker was Melina Bath who spoke about her upbringing in South Gippsland farming area. This is a great way for the staff to come together in a very relaxed atmosphere. Congratulations to the staff for this initiative.

The Mirboo North & District Community Bank have been fundraising to purchase a local vehicle for the L2P program run by the Shire. This vehicle will be housed at Mirboo North to make accessibility easier for local youth to access the car without the mentor having to drive to Leongatha to pick it up. The car was handed over to the Shire to be part of this very successful program.

As a Council representative on the Citizens Advice Bureau Board, I was also asked to be part of the interview panel for the Co-Ordinators role which is now being a paid position. I also attended their monthly meeting where the current president resigned after a commitment of 20 years.

Along with Cr Brown I attended the Jumbunna monthly market and Historical Walk, which was fantastic. Quite a lot of local information was given and a group of about 20 attended.

I attended the monthly meeting of the Fish Creek Community Group to listen to their concerns and plans for the future.

Along with several Councillors we attended the site of the Mega Skate Park at Nyora who is looking to have accommodation as part of his building application.

The annual Community Strengthening Conference was held in Leongatha and Cr. McEwan also attended part of the day. There were approx. 30 attendees who found the day rewarding regarding how to plan for an event.

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I was very fortunate to attend the last meeting of the committee who have been running the Great Southern Rail Trail for the last 20 years. Their work and their achievements are amazing and I congratulated them on their commitment to this project for such a long time.

On Tuesday evening I attended the Mainstreet Australia event hosted in Meenyan by the Shire. Approx. 40 people heard the presenter give us some insight into how to improve our Mainstreet traders and generally how to look after our customers to ensure they return. Well done to the Shire for this interesting evening.

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Cr Rich addressed Council regarding attendance at the Destination Gippsland event.

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Councillor McEwen addressed Council regarding attendance at a local food event held in Venus Bay, over 160 people attended and a *Batteries and Renewable Energy Systems* event held at Fish Creek, he noted that 110 people attended.

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Cr Argento addressed Council regarding his attendance at a Long Jetty Control Group meeting and announced that a tender for the project had been endorsed.

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## **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.

**Councillor Ray Argento tabled a petition in respect of Waratah Bay Caravan Park Future Management, it was received at Council from Lead Petitioner Sue Shergold, the prayer is outlined below. The petition contains 1,088 signatures from residents within the Shire and outside of the Shire.**

***We, the undersigned, are concerned citizens who urge our leaders to act now to:***

- 1. Ensure the Waratah Bay Caravan Park be managed by private enterprise where it can be financially viable, support local tourism and negate the financial burden on taxpayers.***
- 2. To consult with stakeholders of South Gippsland Caravan Parks to devise fair and more achievable guidelines, that achieves maximum usage in our Crown Land Caravan Parks, which ultimately benefits local business dependent on tourism.***
- 3. Demand transparency from Council regarding future plans for the Waratah Bay Caravan Park, and therefore be held accountable for their actions.***

**RECOMMENDATION**

That Council:

1. Receives and notes the petition titled 'Possible Changes to the Management of Waratah Bay Caravan Park'.
2. The petition lay on the table until the Council Meeting of 26 July 2017 to enable officers to prepare a report to Council.

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

**THAT COUNCIL:**

1. **RECEIVES AND NOTES THE PETITION TITLED 'POSSIBLE CHANGES TO THE MANAGEMENT OF WARATAH BAY CARAVAN PARK'.**
2. **THE PETITION LAY ON THE TABLE UNTIL THE COUNCIL MEETING OF 26 JULY 2017 TO ENABLE OFFICERS TO PREPARE A REPORT TO COUNCIL.**

**CARRIED UNANIMOUSLY**

## 11.2. 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 CEO addressed Council informing them that he had received two written questions from Ralph Gallagher.**

### **Question 1**

**Would Council provide a listing of all Reserve Accounts and the quantum of funds in each case please?**

*The CEO provided a response by indicating that the information that he is seeking is located in the Council Budget on pages 89 and 90.*

### **Question 2**

**Would Council please provide a copy of the reply signed by the Deputy Mayor (or Acting Mayor) that answered the questions I put to Council in May 2016 please?**

*The CEO provided a response by indicating that he would meet with Mr Gallagher to resolve his queries and assist in locating the correspondence in Council's record management system.*

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

This is an opportunity for the community members to ask questions, in accordance with clause 99 of the Local Law No. 3 2010. Members of the public addressing the Council must extend due courtesy and respect to the Council and must take direction from the Chair whenever called upon to do so.

Questions should be in writing and provided to the Council Business Department at South Gippsland Shire Council. If a response cannot be provided at the Meeting a response will be provided and included in the minutes of the next appropriate Ordinary Meeting of Council.

#### **Noted.**

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**A question raised by Gus Blaauw at Council Meeting 24 May 2017 it was taken on notice and a response is now provided.**

#### **Question**

**Referring to Agenda Item 5.8 POLICY REVIEW: C65 PUBLIC PARTICIPATION IN MEETINGS WITH COUNCIL, why does Council believe the requirements of the policy are in the best interests of rate payers when there have been some objections?**

#### **Response**

Council has created the policy to support a welcoming, respectful and safe environment for all members of the community to present directly to Councillors on views and issues that are important to them. It sets out guidelines for the Mayor, Councillors and community members on public participation in meetings. This is of particular benefit to community members who are uncertain of the process or requirements of Council.

The Policy reinforces the value of diversity in thinking, while being respectful of differing views and the rights and reputation of others. The policy outlines the range of participation opportunities available to suit the varying needs of ratepayers. It will also allow better organisation of speakers. Council and community members will benefit from hearing the views and opinions of others on specific matters, which may be contrary to their own opinions. The complexity of issues can then be better understood by all.

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**A question raised by Paul Norton at Council Meeting 24 May 2017 it was taken on notice and a response is now provided.**

**Question**

**A question regarding Freedom of Information as an option of accessing information from Council?**

**Response**

Council has created the Public Participation in Meetings with Council Policy to support a welcoming, respectful and safe environment for all members of the community to present directly to Councillors on views and issues that are important to them. It sets out guidelines for the Mayor, Councillors and community members on the public participation in meetings. This is of particular benefit to community members who are uncertain of the process or requirements of Council.

You are correct in suggesting that the Freedom of Information (FOI) process is an avenue through which to obtain information from Council. The Policy highlights that there are many avenues to engage with Council, beyond those specifically mentioned.

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## 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. Confidential ITEM 12.1 2016/17 Community Grants Round 2 pursuant to the Local Government Act 1989, section 89(2)(h) a matter which the Council or Special Committee considers would prejudice the Council or any person; and
2. Confidential ITEM 12.3 Personnel Matter pursuant to the Local Government Act 1989, section 89(2)(a) a Personnel Matter.

**MOVED:** Cr Hill

**SECONDED:** Cr Rich

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

1. **CONFIDENTIAL ITEM 12.1 2016/17 COMMUNITY GRANTS ROUND 2 PURSUANT TO THE LOCAL GOVERNMENT ACT 1989, SECTION 89(2)(h) A MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON; AND**
2. **CONFIDENTIAL ITEM 12.3 PERSONNEL MATTER PURSUANT TO THE LOCAL GOVERNMENT ACT 1989, SECTION 89(2)(a) A PERSONNEL MATTER.**

**CARRIED UNANIMOUSLY**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 26 July 2017 commencing at 2pm in the Council Chambers, Leongatha.

**The Ordinary Council Meeting Closed at 6.53pm.**

**Confirmed this            26th day of July 2017.**

  
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**Mayor Cr Ray Argento**