

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Minutes

Ordinary Meeting of Council

25 October 2017

**Ordinary Meeting No. 417**  
**Council Chambers, Leongatha**  
**Commenced at 2pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

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

### Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

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

**PRESENT**

COUNCILLORS:	<p>Cr 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>
COUNCILLORS NOT PRESENT:	<p>Nil</p>
OFFICERS:	<p>Tim Tamlin, Chief Executive Officer                  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>

## SOUTH GIPPSLAND SHIRE COUNCIL

Ordinary Meeting No. 417  
 Wednesday 25 October 2017  
 Council Chambers, Leongatha  
 Commencing at 2pm

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

## **1. PRELIMINARY MATTERS**

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

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

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

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

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

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

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

Thank you

### **1.2. WELCOME**

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

### **1.3. OPENING PRAYER**

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

Amen

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

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

## **1.5. APOLOGIES**

Nil

## **1.6. CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the South Gippsland Shire Council Ordinary Meeting No. 416, held on 27 September 2017 in the Council Chambers, Leongatha be confirmed.

**MOVED:** Cr Kiel

**SECONDED:** Cr Skinner

**THAT THE MINUTES OF THE SOUTH GIPPSLAND SHIRE COUNCIL ORDINARY MEETING NO. 416, HELD ON 27 SEPTEMBER 2017 IN THE COUNCIL CHAMBERS, LEONGATHA BE CONFIRMED WITH THE FOLLOWING AMENDMENTS:**

### **1. SECTION 1.7 DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS**

**CHANGE CR JEREMY RICH'S DECLARATION TO REFLECT THAT HIS CONFLICT OF INTEREST DECLARATION RELATES TO AGENDA ITEM 6.1. WALKERVILLE RETARDING BASIN – CAPACITY MAINTENANCE OPTIONS NOT AGENDA ITEM 5.9 WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION AS WAS WRITTEN IN THIS SECTION AND PRECEDING THE REPORT IN THE MINUTES.**

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

**CHANGE THE ACTING DIRECTOR'S DECLARATION TO REFLECT THAT HIS CONFLICT OF INTEREST DECLARATION RELATES TO AGENDA ITEM 5.9 WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION NOT AGENDA ITEM 6.1. WALKERVILLE RETARDING BASIN – CAPACITY MAINTENANCE OPTIONS AS REFLECTED IN THIS SECTION.**

**CARRIED UNANIMOUSLY**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

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

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

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

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

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

**Councillor Jeremy Rich declared a direct Conflict of Interest on Agenda Item 4.2 WALKERVILLE RETARDING BASIN - CAPACITY MAINTENANCE OPTIONS as he is a "Director of the company referenced to in this item on the agenda".**

## 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*.

**Manager Planning has declared an indirect conflict of interest with Council Agenda Item 4.1.WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION by way of conflicting duty (Local Government Act 1989, Section 77A(3)c)) as he is a member of the Walkerville Foreshore Committee of Management.**

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

### **2.1. LONG TERM FINANCIAL STRATEGIES**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Long Term Financial Strategies provide the framework or business rules that both the annual and longer term business plans are built on.

Council first developed a series of financial strategies prior to the development of the 2003/04 budget. Long Term Financial Strategies provide strategic guidance in developing Annual Budgets and Long Term Financial Plans. Since 2002/03, Council's overall financial performance has systematically and progressively improved over most years despite having to, at times, face considerable financial challenges including dealing with:

- Significant operating losses and high debt in 2003;
- Global financial crisis in 2008;
- Unfunded superannuation funding calls made in 2003, 2010 and 2013;
- Commonwealth Government freezing the level of financial assistance grant provided to local government for three years to 2016/17; and
- State Government introducing rate capping in 2016/17, which sets out the maximum amount councils may increase rates in a year.

The financial strategies are reviewed on an annual basis and are listed in **Attachment [2.1.1]** - 2017/18 Long Term Financial Strategies. There have been no changes made to any of the financial strategies.

#### **RECOMMENDATION**

That Council adopts the financial strategies as documented in the 2017/18 Long Term Financial Strategies [Attachment 2.1.1].

**MOVED:** Cr Kiel

**SECONDED:** Cr Brown

**THAT COUNCIL ADOPTS THE FINANCIAL STRATEGIES AS DOCUMENTED IN THE 2017/18 LONG TERM FINANCIAL STRATEGIES [ATTACHMENT 2.1.1].**

**CARRIED UNANIMOUSLY**

## **REPORT**

### **Background**

In his Annual Report to Parliament in the last few years the Auditor-General has recommended that all Victorian councils should develop strategic performance indicators to review past performances and set targets for following years.

South Gippsland Shire Council introduced a strategic planning and performance management framework in 2003. Since that date Council has maintained a series of financial strategies including financial performance measures and targets. This ensures that Council's immediate and long term financial viability is managed in a constructive and economically viable manner.

Council's Long Term Financial Strategies are reviewed and updated on an annual basis to ensure that its financial strategies continue to align with its financial objectives.

The strategies provide the strategic framework for developing the Long Term Financial Plan, the Council Plan (which includes the Strategic Resource Plan) and the Annual Budget.

### **DISCUSSION**

The Council Plan is a high level strategic planning document that includes objectives and strategies that cover the four year term of each Council.

The Long Term Financial Strategies complement and support both higher level 'strategic plans' such as the Council Plan, and 'operational plans' such as the Annual Budget. They ensure that Council's budgeted financial statements in the Long Term Financial Plan, are sustainable both in the short and longer term.

### **CONSULTATION**

Council reviewed the draft Long Term Financial Strategies at a briefing held on 18 October 2017.

### **RESOURCES**

The development and implementation of the Long Term Financial Strategies is managed within existing budgets.

### **RISKS**

The strategies will provide guidance to Council in preparing the 2018/19 Annual Budget and the Long Term Financial Plan.

Continuation of the strategic planning and management process will help achieve long term business viability. This will ensure that Council has sufficient financial resources for both service provision and for infrastructure asset management now and in future years.

#### **ATTACHMENTS**

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

1. 2017/18 Long Term Financial Strategies **[2.1.1]**

#### **REFERENCE DOCUMENTS**

##### **Legislative Provisions**

Local Government Act 1989

## **2.2. RATING STRATEGY REVIEW COMMITTEE APPOINTMENTS**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council sought applications to join the Rating Strategy review committee in an advertising campaign concluding on 29 September 2017. The Terms of Reference adopted by Council state the composition of the committee shall comprise;

- No more than three Councillors;
- Target to have at least twice the number of community members (but no more than nine) as Councillor members: representing a cross section of ratepayer categories including: Residential, Farm/Rural, Vacant, Land, Commercial and Industrial, along with representative groups such as the Victorian Farmers Federation, Chamber of Commerce and Industry, not-for-profit organisations, tourism association and environmental groups;
- Council will appoint a suitable experienced, independent, non-voting chairperson to facilitate the Steering Committee meetings; and
- Council staff will also attend to provide technical input and administrative support. The Chief Executive Officer will determine the staff required to support the group which may vary from time to time.

### **RECOMMENDATION**

That Council:

1. Appoint six nominees to the Rating Strategy Steering Committee from the nine applicants;
2. Appoint Frances O'Brien QC to the Rating Strategy Steering Committee in the role of Independent non-voting Chairperson; and
3. Appoint three Councillors to serve on the Rating Strategy Steering Committee.

**The Mayor allowed the Motion to be voted on in separate parts.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Skinner

**THAT COUNCIL:**

- 1. APPOINT SIX NOMINEES TO THE RATING STRATEGY STEERING COMMITTEE FROM THE NINE APPLICANTS;**
  - A. DAVID LEWIS**
  - B. DR. MURRAY HOOPER**
  - C. GORDON VAGG**
  - D. BARRY GILBERT**
  - E. VINCENT MORFUNI**
  - F. RALPH GALLAGHER**
- 2. APPOINT FRANCES O'BRIEN QC TO THE RATING STRATEGY STEERING COMMITTEE IN THE ROLE OF INDEPENDENT NON-VOTING CHAIRPERSON;**

**CARRIED**

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

**AGAINST:** Councillor Edwards

- 3. APPOINT THREE COUNCILLORS TO SERVE ON THE RATING STRATEGY STEERING COMMITTEE INCLUDING:**

**Councillors were nominated to serve on the Rating Strategy Steering Committee.**

**Cr Edwards nominated Cr Kiel.**

**Cr Rich nominated Cr Hill.**

**Cr McEwen nominated Cr Skinner.**

**Cr Kiel nominated Cr Edwards.**

**Each nominee accepted their nomination.**

**The CEO indicated that there were more nominations than places available and recommended 'suspension of standing orders' to determine the three names to be considered before Council.**

**MOVED:** Cr McEwen

**SECONDED:** Cr Brunt

**THAT STANDING ORDERS BE SUSPENDED.**

**CARRIED UNANIMOUSLY**

**Councillors considered and determined by informal vote the names of three Councillors to be considered to serve on the Rating Strategy Steering Committee.**

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

**THAT STANDING ORDERS RESUME.**

**CARRIED UNANIMOUSLY**

**MOVED:** Cr Rich

**SECONDED:** Cr Hill

**3. APPOINT THREE COUNCILLORS TO SERVE ON THE RATING STRATEGY STEERING COMMITTEE INCLUDING:**

- A. COUNCILLOR MAXINE KIEL**
- B. COUNCILLOR ALYSON SKINNER**
- C. COUNCILLOR DON HILL**

**CARRIED UNANIMOUSLY**

## REPORT

Whilst the nomination process did not seek nominations for the Chair position, two applicants made it clear that this was the role they sought. One additional independent Candidate was invited to apply for the role based on qualifications and directly relevant prior experience. Of the two who nominated for the position of independent Chair, one was happy to be a committee member should he not be successful in the independent non-voting Chair role, the other was not.

A total of 11 nominations (10 male and 1 female) representing most of the current rating categories were received.

A summary of the nominees follows;

1. **Ian Nicholas** (committee member nomination) – Employed in Local Government for 26 years in local laws. Ian ran for Council in the 2016 elections and received calls from ratepayers about what they considered to be unfair changes to the Shire's Rating Strategy. Ian's has nominated to represent the following rate payer categories:
  - a. Farming
  - b. Residential
  - c. Rural Residential
  - d. Vacant Land
2. **David Lewis** (committee member nomination) – 14 years' experience as a Councillor with the Shire and is familiar with issues regarding the distribution of raising Council's rate income from the various rating categories and hopes to contribute to an equitable outcome. David has nominated to represent the following rate payer categories;
  - a. Farming
  - b. Residential
  - c. Fixed Income Retiree
3. **Nigel Hutchinson-Brooks** (independent Chair nomination and would sit as committee member if unsuccessful in his application for the role of Chairperson) – Nigel is a qualified valuer with experience in rating valuations and rating issues as well as thirteen years' experience as a councillor in both major metropolitan and large rural councils. Nigel has had many years chairing meetings as Mayor, Deputy Mayor and Chair of several council committees and states, "The independent non-voting

Chair of the Rating Strategy Steering Committee needs to have an in-depth understanding of Council process and procedures, Council rating and valuation system, and relevant experience in even handily chairing diverse views to reach a workable solution.”

4. **Dr. Murray Hooper** (committee member nomination) – Managed the Tarwin Veterinary Group with clinics in Leongatha, Foster & Mirboo North from 1973 – 2008, providing a 24/7 service to the farming community and pet owners. Murray has been running his own farming interest in the South Gippsland Shire for over 30 years. Murray is concerned that the interests of farmers who farm within the shire but reside outside the shire might not be represented on the committee. Murray has nominated to represent the following rate payer category;
  - a. Farming
5. **Frances O’Brien QC** (independent Chair position) – Frances chaired the, “Commission of Inquiry into Ararat Rural City Council” rating strategy in 2017 and was a joint Commissioner on the, “Commission of inquiry” into the Geelong City Council. Frances has practised as a plaintiff lawyer in employment matters for 30 years and is a specialist in discrimination matters. Frances was first signed onto the Bar Roll in 1987 and was appointed Silk in 2002. Frances is a ratepayer within the South Gippsland Shire Council and was directly approached in relation to the independent Chair role based on her qualifications and recent, relevant experience.
6. **Gordon Vagg** (committee member nomination) – has Chairman, Board and committee experience as well as being an owner of farming and retail ventures. Gordon was asked by the Mayor to consider being part of this committee and has been a past President of the South Gippsland Branch of the Victorian Farmers Federation. Other experience includes former Captain of C.F.A. and current serving member as well as Vice President of the Leongatha South Progress association. Gordon has nominated to represent the following rate payer categories;
  - a. Farming
  - b. Commercial
  - c. Residential
7. **Barry Gilbert** (committee member nomination) – has been employed in Local Government building departments for approximately 20 years prior to retirement and possesses common sense and an understanding of the Local Government Act 1989. Barry and his wife have owned a house at Walkerville for approximately 20 years and a vacant block of land at

Nerrena for approximately eight years. Barry has seen an inequitable distribution of rates under the differential rating system adopted by the Shire. Barry has nominated to represent the following rate payer category;

a. Vacant Land

8. **Frank Oostemeyer** (committee member nomination) – presented a Section 223 submission to successfully argue the adverse effect that poor rating decisions have on property owners. Frank runs a beef farming business and understands the impact rates have on business, also being aware that adequate rating revenue is vital to Council operations and services, such as gravel road maintenance. After speaking with landowners (farmers and the wider community), Frank found that most were unhappy with the rating structure. Frank believes that he can contribute to achieve a balanced outcome. Frank has nominated to represent the following rate payer categories;

a. Farming

b. Residential

c. Fixed Income Retiree

d. Rural Residential

9. **Vincent Morfuni** (committee member nomination) – has been practicing at the bar for 40 years during which time he has advised and acted for companies in commercial disputes. Vincent believes that his analytical skills will be useful to the community. Vincent has been interested in rate reform for many years and believes this is an opportunity for him to contribute. Vincent has nominated to represent the following rate payer category;

a. Residential

10. **Ralph Gallagher** (committee member nomination) – has extensive professional experience built on an understanding of negotiation and conciliation across areas of equity, personal development and major budget responsibilities. Ralph has an understanding of the present rating system insofar as it is laid out in public documents. Ralph is interested in opportunities to continue to voluntarily contribute to his home Shire. “This review will consider one of the critical issues of the Shire’s provenance and as a member of an undoubted diverse group will engage many skills and professional expertise to assist the elected

representatives and consequently the Shire". Ralph has expressed that he will not be representing any one rate payer group.

11. **James Forbes** (independent non-voting Chair position) – is a former councillor with South Gippsland and Korumburra and former Mayor. James has a Dip. Comp Dir, B.Ed (Env Sci) and Dip Teaching and enjoys strong links with all sectors of the community. James has knowledge, understanding and an ongoing keen interest in Local Government. James has had previous experience on rating matters in previous years having served terms on Council. James has nominated to represent the following rate payer categories;

- a. Farming
- b. Mt Lyall Landcare group

James has indicated that should he not be successful in applying for the independent Chair position, he would not be willing to serve as a committee member due to the distance he would need to travel to attend meetings.

#### **ATTACHMENTS**

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

1. 2018-2022 Rating Strategy Member Nomination Summary **[2.2.1]**

#### **REFERENCE DOCUMENTS**

##### **Legislative Provisions**

Local Government Act 1989

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

**Nil**

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

### **4.1. WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION**

Sustainable Communities and Infrastructure Services Directorate

#### **EXECUTIVE SUMMARY**

The Walkerville North Foreshore Development Project (the Foreshore Project) involves the reconstruction of approximately 350m of the existing seawall north of the boat ramp and adjacent civil infrastructure works, including rehabilitation of the existing road, construction of new car and boat trailer parking, retaining walls, and footpaths.

In regards to the civil infrastructure component of the project, works were originally estimated at \$292,880.13 based on schematic plans. However, project costs have been revised based on the final detailed designs and are estimated at \$490,856 equating to an increase of approximately \$200,000.

The Walkerville Foreshore Reserve Committee of Management (Foreshore CoM) have indicated that they have the capacity to fund this increase, however, considering the assets will be Council's, it is proposed that Council increase its current contribution of \$130,650 by a further \$61,850 to \$192,500. The breakdown of Council's contribution is as follows:

50 per cent of renewal costs (\$173,000) ..... \$86,500<sup>1</sup>

33 per cent of the civil works cost (\$318,000) ..... \$106,000<sup>2</sup>

Council's contribution will free up the Committees funds for other foreshore projects in Walkerville.

In order to expedite the contract process and enable the delivery of the Foreshore Project in a timely manner, it is recommended that Council delegate to the Chief Executive Officer (CEO) the power to award the contract for the civil infrastructure works element of this project as the total value exceeds the

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<sup>1</sup> Renewal cost component is proposed at 50 per cent as the existing road pavement is approximately half way through its useful life.

<sup>2</sup> The civil works component is proposed at 33 per cent (one third) of the total civil works component which is in line with Council's Special Charge Scheme Policy and Blueprint.

CEO's financial delegation of \$250,000 including GST. This recommendation is in accordance with Council's Instrument of Delegation to the CEO dated 22 February 2017.

### **RECOMMENDATION**

That Council:

1. Approves an increased contribution of \$61,850 over and above the current contribution of \$130,650 (total \$192,500).
2. Subject to the recommended tender being within the allowed budget of \$500,000 and complying with Council's Procurement Policy, delegate to the Chief Executive Officer the power to award the Walkerville North Foreshore Development Project (civil works) which exceeds the Chief Executive Officer financial delegation of \$250,000 (including GST).
3. Delegate to the Manager Engineering and Assets the power to approve variations up to the contingency allowance within the contract.

**MOVED:** Cr Skinner

**SECONDED:** Cr Brunt

### **THAT COUNCIL:**

1. **APPROVES AN INCREASED CONTRIBUTION OF \$61,850 OVER AND ABOVE THE CURRENT CONTRIBUTION OF \$130,650 (TOTAL \$192,500).**
2. **SUBJECT TO THE RECOMMENDED TENDER BEING WITHIN THE ALLOWED BUDGET OF \$500,000 AND COMPLYING WITH COUNCIL'S PROCUREMENT POLICY, DELEGATE TO THE CHIEF EXECUTIVE OFFICER THE POWER TO AWARD THE WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT (CIVIL WORKS) WHICH EXCEEDS THE CHIEF EXECUTIVE OFFICER FINANCIAL DELEGATION OF \$250,000 (INCLUDING GST).**
3. **DELEGATE TO THE MANAGER ENGINEERING AND ASSETS THE POWER TO APPROVE VARIATIONS UP TO THE CONTINGENCY ALLOWANCE WITHIN THE CONTRACT.**

### **CARRIED**

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

**AGAINST:** Councillors Hill, Rich and McEwen.

## **REPORT**

### **Background**

The Foreshore Project forms part of the 2017/18 Capital Works Program and involves the reconstruction of approximately 350m of the existing seawall north of the boat ramp and adjacent civil works including rehabilitation of the existing road, construction of new car and boat trailer parking, retaining walls, and footpaths.

### **Timing of works**

The seawall works commenced mid-August and are expected to be completed by mid-September 2017. The seawall works is a separate contract to the civil works and is being managed by the Foreshore Committee. The Foreshore Committee is keen to have as much of the works as possible completed prior to the coming summer season.

In order to meet the Foreshore Committee's desired timeframe and enable the delivery of the project in a timely manner, it is recommended that Council delegate to the CEO the power to award the contract for the civil infrastructure works element of this project as the total value exceeds the CEO's financial delegation of \$250,000 including GST. This is subject to the recommended tender being within the allowed budget, the contract complying with Council's Procurement Policy, and the awarding being reported to the next appropriate Ordinary Council Meeting in accordance with Council's Instrument of Delegation to the CEO dated 22 February 2017.

The Foreshore Committee have sent a letter to Council advising that there has been an increase from \$292,880.13 based on schematic plans in the civil infrastructure works component of the project to \$490,856.10 based on the final detailed design. A copy of their correspondence is available in **Attachment [4.1.1]** – Correspondence – Walkerville Foreshore Committee of Management.

Given that all the works to be constructed under this contract will become Council assets, there is a reasonable argument that Council's contribution should be increased.

### **CONSULTATION**

Consultation has been carried out with the Foreshore Committee on how these works should be delivered.

## RESOURCES

The majority of the project is being funded by the Foreshore Committee with contributions from Council (\$130,650) and the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) of \$130,020 under the *Boating Safety and Facilities Program*.

The revised total cost of the project is in the vicinity of \$900,000 with approximately \$410,000 of this amount being directed towards the construction of the seawall, leaving approximately \$490,000 for the civil infrastructure works – refer to **Table 1** for the revised overall project cost.

**Table 1 - Revised Overall Project Cost**

	Original Estimate	Current Estimate
Seawall	\$410,000.00	\$410,000.00
Civil Infrastructure	\$292,880.13	\$490,856.10
<b>Revised Overall Project Cost</b>	<b>\$702,880.13</b>	<b>\$900,856.10</b>

The renewal component is \$173,000 of the total civil infrastructure works (\$490,856.10) and the new civil infrastructure works is \$317,856. Renewal of existing assets is clearly a Council responsibility. As the pavement is approximately half way through its life, it is recommended that Council fund 50 per cent of this component.

There is also an argument for Council to contribute a third of the value of the new civil infrastructure works<sup>1</sup> which is a similar to the approach adopted in the Special Charge Scheme Policy and the Social Community Infrastructure Blueprint. If this approach is followed, Council's contribution would increase from \$130,650 to \$192,650, being an additional \$62,000 approximately. The breakdown of the revised contribution from Council is detailed in **Table 2** below.

**Table 2 - Revised Council Contribution (Civil Infrastructure \$490,856.10)**

Breakdown	Proposed Contribution
Renewal works @ 50 per cent	\$86,500
Plus 33 per cent of additional works	\$106,000
<b>Revised Council Contribution</b>	<b>\$192,500</b>
Less Council's current contribution	\$130,650
<b>Required Council Contribution Increase</b>	<b>\$61,850</b>

The Foreshore Committee has the capacity to pay (**Attachment [4.1.1]**) if Council determines not to increase the contribution.

## RISKS

If Council does not increase its contribution for the civil infrastructure works element of this project, the Foreshore Committee will have reduced financial capacity to carry out further planned works on sections of the seawall towards the camp ground. This may negatively impact on Council's road asset which is already vulnerable to tidal action in some areas.

Providing delegation to the CEO will reduce the risk of as much of these works as possible not being completed before the upcoming summer season as requested by the Foreshore Committee.

Without the power delegated to the CEO to award this contract, there would be a delay of at least one month in order to present the report to the next available Council meeting which would mean these works would be delayed by at least one month.

## STAFF DISCLOSURE

**Staff Disclosure moved from Agenda item 4.2 (refer Confirmation of Minutes 22 November 2017)**

**Name:** Paul Stampton  
**Title:** Manager Planning  
**Conflict of Interest:** Indirect Interest - Conflict Duty (Part 3.7)  
**Reason:** Member of Walkerville Foreshore Committee

## ATTACHMENTS

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

1. Correspondence – Walkerville Foreshore Committee of Management - 5 September 2017 [4.1.1]

## REFERENCE DOCUMENTS

### Council Policy

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

Council Instrument of Delegation to the CEO dated 22 February 2017

Long Term Financial Plan

Procurement Policy

Social Community Infrastructure Blueprint

Special Charge Scheme Policy

### Legislative Provisions

Local Government Act 1989

**Councillor Jeremy Rich left the Council Meeting at 2.53pm with a declared direct Conflict of Interest on Agenda Item 4.2 WALKERVILLE RETARDING BASIN - CAPACITY MAINTENANCE OPTIONS as he is a 'Director of the company referenced to in this item on the agenda'.**

#### **4.2. WALKERVILLE RETARDING BASIN - CAPACITY MAINTENANCE OPTIONS**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

At its Ordinary Council Meeting on 27 September 2017, Council resolved a motion directing officers to prepare a report detailing the methodology, timing, cost, and source of funding to restore the capacity of the Walkerville Retarding Basin (extract below):

*That Council:*

1. *Note that clause 2.2 and 3.1 of the agreement for taking of water (attachment [6.1.1]) requires Council to maintain the capacity of Walkerville retarding basin at not less than 13.5 megalitres.*
2. *Direct the officers to prepare a report for Council detailing the methodology, timing, cost and source of funding to restore the capacity of the Walkerville Retarding Basin.*
3. *Receive the report at the 25 October 2017 Ordinary Meeting of Council.*

This report details the recommended solution and associated cost to provide the required 13.5ML (megalitre) capacity for this dam.

##### **RECOMMENDATION**

That Council:

1. Endorse the design and construction of a modified outlet structure by raising it 100mm thereby increasing the capacity of the dam to approximately 14ML.
2. Fund the works from the 2017/18 Capital Works Program from the following programs:
  - a. Civil Capital Works Design – Design (\$2,000).
  - b. Drainage Rehabilitation Program – Construction (\$18,000).

**MOVED:** Cr Brunt

**SECONDED:** Cr Hill

**THAT COUNCIL:**

- 1. ENDORSE THE DESIGN AND CONSTRUCTION OF A MODIFIED OUTLET STRUCTURE BY RAISING IT 100MM THEREBY INCREASING THE CAPACITY OF THE DAM TO APPROXIMATELY 14ML.**
- 2. FUND THE WORKS FROM THE 2017/18 CAPITAL WORKS PROGRAM FROM THE FOLLOWING PROGRAMS:**
  - a. CIVIL CAPITAL WORKS DESIGN – DESIGN (\$2,000).**
  - b. DRAINAGE REHABILITATION PROGRAM – CONSTRUCTION (\$18,000).**

**CARRIED**

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

**AGAINST:** Councillor McEwen

**Cr Rich returned to the Council Meeting at 3.05pm.**

## **REPORT**

### **Background**

The Walkerville Retarding Basin was built in 1988. In 1990 the Shire of Woorayl entered into a water taking agreement with Ansevata Nominees Pty Ltd to facilitate a retarding basin for the stormwater management of the Prom Views Estate. Under the agreement Council is obliged to maintain the capacity of the basin. Currently the basin is under capacity.

It is implicit in the water taking agreement that the Walkerville Retarding basin maintain a capacity of 13.5ML. Clause 2.2 and 3.1 of the Agreement for Taking of Water (**Attachment [4.2.1]**) refers to the capacity of the basin.

Council now requires a suitable option to restore the capacity of the basin and the cost and timing of that option.

It was previously considered that due to the build-up of silt, the capacity has reduced below the required 13.5ML value specified in the agreement. A recent survey carried out by Council's consultant surveyor confirms that the level of the bottom of the dam is very similar to the original design levels. This suggests that very little silt material has been deposited on the bottom of the dam. It is considered that either the dam was not constructed exactly to the 13.5ML capacity, or alternatively, the outlet structure has marginally subsided.

Based on the recent survey, the current capacity is 13.03ML. To increase the capacity to approximately 14ML (to provide some tolerance over the required 13.5ML amount), the level of the outlet structure needs to be raised by 100mm. It is recommended that the outlet structure be modified accordingly. If Council resolves to proceed with these remedial works, the design and construction of could be completed within three months.

### **CONSULTATION**

Consultation will be undertaken with Ansevata Nominees Pty Ltd if Council endorses a preferred methodology.

### **RESOURCES**

It is estimated that the cost to design (\$2,000) and construct (\$18,000) the modifications to the outlet structure described above would be in the vicinity of \$20,000. A more precise cost can be provided once the design is complete. The design component can be funded from the Civil Capital Works Design program budget and the construction can be covered by the Drainage Rehabilitation program.

## RISKS

If Council does not undertake these works to rectify the capacity of the Walkerville Retarding Basin, it will be in breach of the conditions implied in the 1990 Agreement for Taking of Water with Ansevata Nominees Pty Ltd.

## STAFF DISCLOSURE

**Staff Disclosure moved from Agenda to 4.1 (refer Confirmation of Minutes 22 November 2017)**

**Name:** Paul Stampton  
**Title:** Manager Planning  
**Conflict of Interest:** Indirect Interest - Conflict Duty (Part 3.7)  
**Reason:** Member of Walkerville Foreshore Committee

## ATTACHMENTS

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

1. Agreement For Taking of Water 1990 - Walkerville Retarding Basin **[4.2.1]**

#### **4.3. PETITION RESPONSE - ROAD CLOSURE REQUEST - OLD WARATAH ROAD, FISH CREEK (OUTCOME OF INVESTIGATIONS)**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

A petition was presented at the 22 March 2017 Ordinary Council Meeting from the residents of Old Waratah Road, Fish Creek, requesting Council consider closing the road to through traffic at Meeniyan Promontory Road (the Proposal).

A report was prepared for the 26 April 2017 Ordinary Council Meeting where Council noted the Proposal and requested an investigation of the potential road closure along with other potential options, and following community consultation, provide a further report to Council.

Some initial actions have been carried out such as:

1. Lowering the speed limit at the Meeniyan Promontory Road end of Old Waratah Road from 80 kph to 50 kph.
2. Arranged a "Local Traffic Only" sign at the northern entrance of Old Waratah Road adjacent to the Fish Creek Hotel, similar to the sign at the southern entrance to Old Waratah Road off Meeniyan Promontory Road.
3. Informed Google Maps via the online "report an error on the map" form, to designate Meeniyan Promontory Road as the primary route to Wilsons Promontory, Waratah Bay, and Sandy Point to direct motorists using satellite navigation services to use this road.

On the conclusion of investigations into the Proposal, it is recommended that the road not be closed. Instead, it is proposed that Council constructs a footpath to make the road safer for pedestrians. Traffic volumes and speeds will be monitored and consideration will be given to the narrowing of the road at two locations (slow points) to slow traffic down if required at the time the existing kerb and channel, which is in poor condition, needs to be replaced.

##### **RECOMMENDATION**

That Council:

1. Does not approve the closure of Old Waratah Road, Fish Creek to through traffic at Meeniyan Promontory Road.
2. Approves the construction of a new footpath on the east side of Old Waratah Road from the Fish Creek Hotel to No. 73 Old Waratah Road.

3. Allocates \$180,000 in the 2018/19 budget to fund the footpath works.
4. Further considers the construction of two "slow points" at the time the existing kerb and channel needs to be replaced.
5. Write to the petition author advising of Council's decision.

**MOVED:** Cr Edwards

**SECONDED:** Cr Kiel

**THAT COUNCIL:**

1. **DOES NOT APPROVE THE CLOSURE OF OLD WARATAH ROAD, FISH CREEK TO THROUGH TRAFFIC AT MEENIYAN PROMONTORY ROAD.**
2. **APPROVES THE CONSTRUCTION OF A NEW FOOTPATH ON THE EAST SIDE OF OLD WARATAH ROAD FROM THE FISH CREEK HOTEL TO NO. 73 OLD WARATAH ROAD.**
3. **ALLOCATES \$180,000 IN THE 2018/19 BUDGET TO FUND THE FOOTPATH WORKS.**
4. **FURTHER CONSIDERS THE CONSTRUCTION OF TWO "SLOW POINTS" AT THE TIME THE EXISTING KERB AND CHANNEL NEEDS TO BE REPLACED.**
5. **WRITE TO THE PETITION AUTHOR ADVISING OF COUNCIL'S DECISION.**

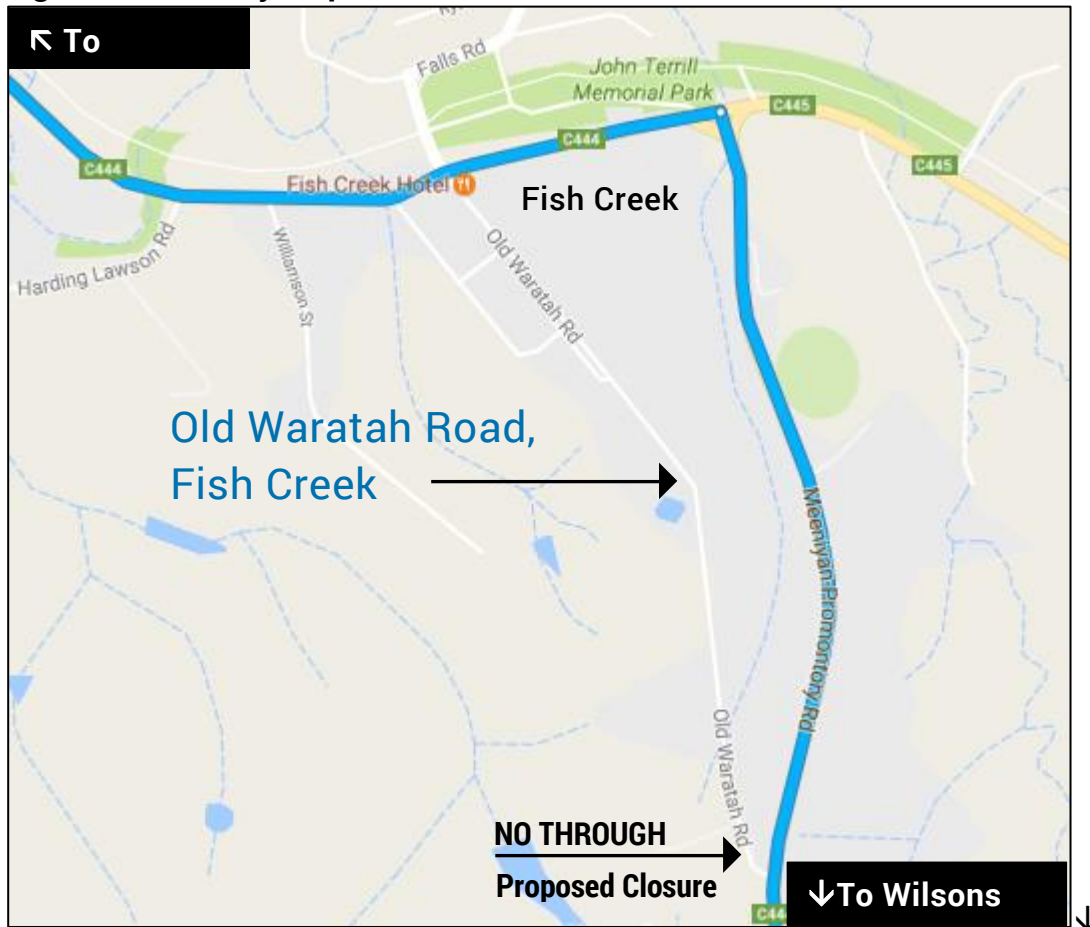
**CARRIED UNANIMOUSLY**

**REPORT**

**Background**

At the 22 March 2017 Ordinary Council meeting, Councillor Edwards tabled a petition from the residents of Old Waratah Road, Fish Creek, requesting Council consider closing the southern end at Meeniyah Promontory Road. A locality map is provided in **Figure 1** below.

**Figure 1 – Locality Map**



The petition was signed by approximately 53 residents stating the increase in traffic along this road over the past year and that a potential cause for this increase is a result of the number of vehicles with GPS units installed that direct vehicles down this road as the shortest route to Wilsons Promontory.

The residents have put forward to Council a solution to alleviate the problem – to close the road at the Meeniyah Promontory Road (southern end) of Old Waratah Road making the road a "No-Through-Road".

A full copy of the petition with all signatories is available in **Confidential Attachment [15.1.1]** – Petition – Old Waratah Road, Fish Creek – Road Closure.

A copy of the petition prayer is provided in **Figure 2** below.

**Figure 2 – Petition Prayer**

We, the residents of Old Waratah Road Fish Creek, have noticed an increase in the number of vehicles using the road over the last year. We believe one cause of the increase is the use of GPS in vehicles that advise this road as the shortest direct route to Wilsons Promontory National Park. Although there is a sign advising local road only and a 50k sign, visitors take no notice of the restrictions. There are no footpaths on Old Waratah Road and a number of small children reside here, putting walkers and children at risk.

We suggest that a solution to the problem would be to make Old Waratah Road a No Through Road, closing the exit to the Meeniyan Promontory Road at the southern end and extending the speed limit to 50k to that end. This would fix the GPS problem and divert the traffic to the main road as intended by the present Local Road Only sign.

**Traffic Situation**

Old Waratah Road is the original entrance into Fish Creek from the south (Wilson's Promontory, Waratah Bay, and Sandy Point) and it is likely that some satellite navigation devices were directing traffic along this road. Subsequent to the petition being presented, Council has informed Google Maps via the online "report an error on the map" form, to designate Meeniyan Promontory Road as the primary route to direct motorists using satellite navigation services to use this road.

Prior to the submission to Council, there was a "Local Traffic Only" sign at the southern entrance to Old Waratah Road off Meeniyan Promontory Road. Council has also now arranged a similar sign to be installed at the northern entrance to Old Waratah Road adjacent the Fish Creek Hotel.

The most recent traffic counts prior to the petition were in December 2010. The traffic volumes from this count were an average of 321 vehicles per day. These counts were carried out at the speed limit sign going from 50 kph to 80 kph which is 750 metres from Meeniyan Promontory Road intersection at the Fish Creek Hotel corner. A subsequent count carried out at this location in April 2017 shows the traffic volumes to be similar at 338 vehicles per day.

During April 2017, traffic counts were also carried out within the 50 kph zone along Old Waratah Road, 150 metres from Meeniyan Promontory Road intersection, adjacent the Fish Creek Hotel. This showed a higher volume of 466 vehicles per day which is to be expected given it is closer to the town

centre, therefore experiencing a greater proportion of local traffic. The average speeds measured at this location were 46 kph and 85 percentile speeds of 54 kph, suggesting reasonable compliance within the 50 kph zone. Speed monitoring using a Variable Message Sign had previously been carried out within the 50 kph zone in December 2015, which resulted in almost identical speeds of 45 kph and identical 85 percentile speeds of 54 kph, suggesting there has been no deterioration in behaviour through this period.

Given the current traffic volumes and speeds along Old Waratah Road, it is considered that there is not a strong enough argument for its permanent closure. It is considered that a closure would pose an unnecessary restriction on traffic movements and may even aggravate the situation resulting in a proportion of traffic travelling the length of Old Waratah Road only to be forced to turn around at the dead end. It is suggested that resident's concerns be addressed through other potential options.

### **Options**

Based on the traffic counts discussed above, the measured traffic volumes have not substantially increased since 2010 and the traffic speeds are unaltered since 2015. It is noted that in addition to the installation of the additional "Local Traffic Only" sign and the advice to Google Maps to designate Meeniyan Promontory Road as the primary route as discussed above, Council has also arranged for the traffic speed signs on Old Waratah Road from the southern intersection of Meeniyan Promontory Road to the 50 kph sign on the edge of the residential area to be reduced from 80 kph to 50 kph.

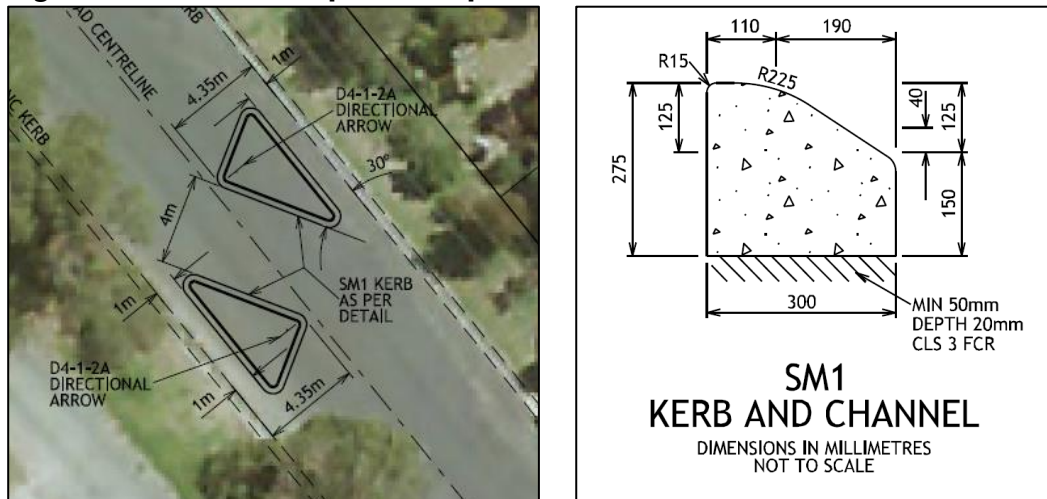
Therefore, in addition to the changes already implemented, the following actions are proposed for Council's consideration to address community concerns:

1. Construct a new footpath on the east side of Old Waratah Road from the Fish Creek Hotel to No. 73 Old Waratah Road to improve safety for pedestrians.
2. Allocate \$180,000 in the 2018/19 Capital Works Program for these works.

It is noted that the kerb and channel on both sides of Old Waratah Road from the Fish Creek Hotel corner to the bend on Old Waratah Road at the edge of the residential area is in poor condition and needs replacement in the future. Given there is currently reasonable compliance within the 50 kph speed zone, it is proposed that traffic volumes and speeds continue to be monitored and consideration be given to the construction of two "slow points" when the kerb

and channel is replaced, if warranted. Details of these potential "slow points" are shown in **Figure 3** and **Figure 4** below.

**Figure 3 and 4 – Example of Proposed Slow Point "Chicane"**



The proposed locations of the "slow points" are available in **Attachment [4.3.1]** – Slow Point Plan - Old Waratah Road, Fish Creek.

## CONSULTATION

Since tabling the petition, Council officers have attended two Fish Creek Community Development Group meetings to listen to concerns from the community on this issue. A separate meeting was held with the lead petitioner to discuss potential options. A more recent meeting has been held with the lead petitioner to provide advice on the recommended actions contained in this report.

Letters have been sent to four emergency service organisations (Police, CFA, SES, and Ambulance) on two separate occasions since the petition was presented seeking the views of those organisations on the request to close the road. Unfortunately, despite a number of follow up phone calls, no responses have been received from these agencies.

Two pieces of correspondence were received from the same business owner located on Old Waratah Road opposing the road closure based on the impact to customer access and deliveries by transport. This submitter also stated that they had spoken to other business people along Old Waratah Road and noted that they are also concerned about the proposal to close Old Waratah Road due to the impact on delivery vehicles. The objectors have written to Council in March 2017 and again in April 2017 and copies are available in **Confidential Attachments [15.1.2] and [15.1.3]**.

It is noted that under the Local Government Act 1989, the placement of obstructions or barriers on a road (which would be required to close Old Waratah Road) would require a report from VicRoads and its approval.

## RESOURCES

It is proposed that \$180,000 is allocated in the 2018/19 Capital Works Program budget for the footpath works recommended in this report.

The footpath works are estimated at \$180,000 and could be partially funded by the \$130,000 residual budget left from the Toora Dredging project following Council's decision to allocate \$170,000 to the Agnes Falls project.

The remaining \$50,000 for the footpath is currently unfunded.

## RISKS

The risks raised in the petition should be addressed by the actions already completed supplemented by the recommendations proposed to Council in this report.

## ATTACHMENTS

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

1. Slow Point Plan - Old Waratah Road, Fish Creek **[4.3.1]**

## CONFIDENTIAL ATTACHMENTS

**Confidential Attachment [15.1.1]** – Petition - Old Waratah Road, Fish Creek - Road Closure, **Confidential Attachment [15.1.2]** – Objection to Petition – March 2017 and **Confidential Attachment [15.1.3]** - Objection to Petition – April 2017 has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates these items as being confidential information on the grounds that they relate to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

These items have been deemed confidential to protect the privacy of the petition signatories and objectors to the petition.

## REFERENCE DOCUMENTS

### Council Policy

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

Road Management Plan 2017

### Legislative Provisions

Local Government Act 1989

Road Management Act 2004

#### **4.4. POLICY ADOPTION - C68 PUBLIC AMENITIES POLICY**

Sustainable Communities and Infrastructure Services Directorate

##### **EXECUTIVE SUMMARY**

At the Ordinary Council Meeting on 24 August 2016, Council resolved to undertake a review of the public amenities across the shire in order to determine a service level and develop a Public Amenities Policy. The aim of the policy is to establish a framework for the ongoing management of existing public amenities and planning for new public amenities.

At a Confidential Briefing on 3 May 2017, Council received the Public Amenities Review 2017 and a draft Public Amenities Policy establishing the framework for the ongoing management and operations of public amenities. Council agreed to receive a report at the 28 June 2017 Ordinary Council Meeting that recommended placing the draft Public Amenities Policy 2017 on public exhibition for community comment.

At the Ordinary Council Meeting on 28 June 2017, Council resolved to:

- “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.”*

The draft Public Amenities Policy was placed on public exhibition from 3 July 2017 to 11 August 2017. During this 40 day submission period, six submissions were received and considered, and where appropriate, incorporated into the draft Public Amenities Policy.

##### **RECOMMENDATION**

That Council:

1. Adopt C68 Public Amenities Policy 2017 (Attachment [4.4.1]).

2. Increase the Public Amenities annual operational budgets by \$5,000 to cover the cost of the policies increase in service level being the provision of soap.
3. Publish the Policy on Council's website.

**MOVED:** Cr McEwen

**SECONDED:** Cr Rich

**THAT COUNCIL:**

1. **ADOPT C68 PUBLIC AMENITIES POLICY 2017 (ATTACHMENT [4.4.1]).**
2. **INCREASE THE PUBLIC AMENITIES ANNUAL OPERATIONAL BUDGETS BY \$5,000 TO COVER THE COST OF THE POLICIES INCREASE IN SERVICE LEVEL BEING THE PROVISION OF SOAP.**
3. **PUBLISH THE POLICY ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

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

On 24 September 2014, Council adopted the *Social Community Infrastructure Blueprint 2014 – 2029* (Blueprint). The Blueprint noted “no gap in the provision of public amenities within the Shire”. Whilst it noted “no gap”, the blueprint did not address or discuss:

- if the existing public amenities are appropriately located to best meet the needs of today’s community; or
- 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 eg. 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 successful request of the Great Southern Rail Trail 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: (part resolution extract):

- “3. *Undertake a review of public amenities in the Shire in order to determine a service level; and*
4. *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 Public Amenities Policy (Policy).

At the briefing the implementation of the Policy was supported with an agreement by the Councillors to receive a report recommending that the Policy be placed on public exhibition for community comment.

At the Ordinary Meeting of Council on 28 June 2017, Council resolved to:

- "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."*

A copy of the 28 June 2017 Council Minutes and the draft Policy are available on Council's website under [Council Meetings - Agendas and Minutes -](#).

The policy was out for comment for 40 days from 3 July 2017 to 11 August 2017.

### **C68 Public Toilet Policy 2017**

The proposed Policy is available in **Attachment [4.4.1]** – 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:

- Responsibilities for the ongoing management of existing public amenities.
- 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.
- Guidelines to follow when considering a new public amenity.

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

In response to Council's resolution from the Ordinary Council Meeting on 28 June 2017, the draft Policy was published on Council's website for feedback and placed on display at all libraries throughout the Shire and at Customer Service and Visitor Information Centres for 40 days.

During the submission period six submissions were received. A copy of the submissions are available in **Confidential Attachment [15.2.1]** – C68 Public Amenities Policy - Submissions and have been summarised in **Table 1** below.

**Table 1 – Submissions Received from the Public**

NO.	SUBMISSION TOPIC	POLICY REVISED
1	Could not view Policy appendices.	<b>Yes</b> Draft Policy amended to state appendices are an 'internal document'.
2	Any plans for upgrade / relocation of the public amenities in Koonwarra.	<b>No</b> The draft policy covers the process for considering upgrading and relocating public amenities.
3 Item 1	Introduction of soap as a standard service level in Council owned and managed amenities	<b>Yes</b> Included soap as a standard item. This is an increase in Council's existing service levels but from a hygiene perspective, this is supported.

NO.	SUBMISSION TOPIC	POLICY REVISED
		Amend Policy 1.1.3 from hand washing facilities (no soap) to hand washing facilities (with soap). Relevant operational budgets adjusted to cater for the increase in service level.
3 Item 2	Introduction of baby change facilities, change room facilities, and syringe and sanitary disposal units as standard items at new or renewed facilities.	<b>No</b> The draft Policy allows for consideration of these items but still allows for the flexibility not to have these items where the application is not warranted.
4	Introduction of soap as a standard service level in Council owned and managed amenities.	<b>Yes</b> As per response to Submission 3 – item 1 above.
5 Item 1	Provide hand towel as a standard level of service at all Council owned and managed facilities instead of hand dryers.	<b>No</b> The draft Policy has provision for either hand towel or hand dryer which provides flexibility to install which even item best meets the service provision in the location of the toilet.
5 Item 2	Consider weighing up the use Crime Preventive through Environmental Design (CPTED) principles with user experience and comfort in the construction of renewal and new capital Public Toilet projects.	<b>No</b> The draft Policy does not exclude from considering user comfort in regards to fittings and fixtures which allows flexibility in managing the balance between CPTED principles and user comfort / experience on a case by case basis.
6	Proposes all new amenities constructed be gender neutral facilities as standard service level.	<b>No</b> The draft Policy is silent on specifying gender neutral amenities as a standard level of service. Council are currently constructing gender neutral amenities as part of any new builds, but does not believe this is required to be documented as a standard level of service for all new constructions as Council would then lose flexibility if a

NO.	SUBMISSION TOPIC	POLICY REVISED
		certain case warrants gender specific facilities in the future.

## RESOURCES

The forecast 2017/18 operational cost to Council for providing the cleaning, maintenance, and operations of public amenities in accordance with the Policy (without the provision of soap) is \$494,359. Council has allocated funds to meet this level of service.

The recommended inclusion of increasing Council's level of service to include soap at Council owned and managed public amenities will require an additional ongoing annual budget allocation of \$5,000 per year. The purchase and maintenance of the soap dispensers is able to be absorbed within the 2017/18 Building operational budgets.

Any Council approved increase in the 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, Council 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:* [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au)

1. C68 Public Amenities Policy 2017 - For Adoption **[4.4.1]**

## CONFIDENTIAL ATTACHMENT

**Confidential Attachment [15.2.1]** – C68 Public Amenities Policy - Submissions – has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons.

This item is deemed confidential to protect the privacy of the submitters.

**REFERENCE DOCUMENTS**

**Council Policy**

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

Blueprint for Social and Community Infrastructure 2014-2029

**Legislative Provisions**

Building Act 1993

Disability Discrimination Act 1992

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

### **5.1. INSTRUMENT OF DELEGATION COUNCIL TO STAFF**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

This report recommends that Council adopt an updated Instrument of Delegation (Instrument) to nominated staff positions (**Attachment [5.1.1]**– Instrument of Delegation Council to Staff) to reflect changes to legislation and where relevant changes in position titles or functions.

#### **RECOMMENDATION**

**That Council in the exercise of the powers conferred by s.98(1) of the Local Government Act 1989 (Act) and the other legislation referred to in the attached Instrument of Delegation to members of Council staff (Attachment [5.1.1]), the South Gippsland Shire Council (Council) resolves that:**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation (Attachment [5.1.1] - Instrument of Delegation Council to Staff), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;**
- 2. The Instrument of Delegation to staff comes into force immediately the common seal of Council is affixed to the instrument;**
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Instrument of Delegation to the Chief Executive Officer) are revoked; and**
- 4. The duties and functions set out in the Instrument of Delegation to Staff must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any guidelines or policies that Council may adopt.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Hill

**THAT THE RECOMMENDATIONS IN AGENDA ITEMS 5.1 AND 5.2 BE ADOPTED.**

**Cr McEwen left the Council Meeting at 3.21pm and returned at 3.22pm.**

**CARRIED UNANIMOUSLY**

## **REPORT**

Council's Instrument of Delegation to members of Council Staff was last reviewed by Council on 22 February 2017 in accordance with s.98(6) of the Act which requires a Council to review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under s.98(1).

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

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

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

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

### **The updated Instrument (Attachment [5.1.1]) includes the following minor amendments:**

- Food Act 1984: includes a new delegation under s.19(3) relating to orders relating to food premises.
- Planning and Environment Act 1897:
  - Updated references to reflect the change in name of the Growth Areas Authority to the Victorian Planning Authority, which came into effect on 1 July 2017.
  - New Delegation under s.224(8) with regards to providing information requested by the Victorian Planning Authority.

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

## **CONSULTATION**

The revised Instrument has been updated following consultation with relevant Council staff, including Manager Regulatory Services, Manager Planning and the Executive Leadership Team.

## **RESOURCES**

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

## **RISKS**

The decision of a delegate (staff member) is "deemed" to be a decision of Council, therefore correct delegations are necessary for decisions to be valid.

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

## **ATTACHMENTS**

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

1. Instrument of Delegation Council to Staff **[5.1.1]**

## **REFERENCE DOCUMENTS**

Local Government Act 1989

## **5.2. 2016/17 ANNUAL REPORT**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Section 131(6) of the Local Government Act 1989 (Act) requires Council to submit an Annual Report to the Minister for Local Government by 30 September each year. It contains a Report of Operations, an audited Performance Statement and the Financial Statements and is based on the 2016/17 financial year.

The Performance Statement and Financial Statements have been audited by the Victorian Auditor General's Office (VAGO) and were submitted to Council for endorsement on 27 September 2017. The endorsed Annual Report was provided to the Minister by 30 September 2017. Once submitted, a period of public inspection is required prior to final adoption by Council.

The 2016/17 Annual Report in (**Attachment [5.2.1]**) has been advertised through a public notice and was made available for public inspection for a two week period, from 3 October 2017.

It is recommended that Council adopt the Annual Report. Once adopted it will be published on Council's website.

### **RECOMMENDATION**

**That Council:**

- 1. Adopt the 2016/17 Annual Report including the audited Performance and Financial Statements contained in Attachment [5.2.1] – 2016/17 Annual Report; and**
- 2. Publish the 2016/17 Annual Report (Attachment [5.2.1]) on Council's website and distribute printed copies in local libraries and Council's Customer Service Centre.**

**NOTE: The recommendation was CARRIED UNANIMOUSLY as part of a single motion, refer to page 45.**

## REPORT

Section 131 in the Act, requires Council to prepare an Annual Report that provides a succinct end-of-year summary of Council's performance.

The Annual Report begins with a snapshot of Council's highlights and achievements against each Strategic Objective, with the intention of engaging readers. It also captures outcomes delivered in 2016/17 in response to requests derived from community engagement activities over the past few years and includes a timeline to demonstrate Council's achievements over the past four years.

This is followed by four main sections:

- Overview
- Reporting (against Council Plan and Strategic Objectives)
- Governance
- Performance (Audited Performance Statement Indicators and Financial Statement)

The Report of Operations section is structured according to the 2016/17 Better Practice Guide – Report of Operations that is set by Local Government Victoria (LGV). These guidelines set the context of the report and the performance data requirements for all Victorian councils.

Council's Local Government Performance Reporting Framework (LGPRF) indicators and results are presented under each Strategic Objective in *Section 2 – Reporting*, under the heading '*Service Performance Indicators*' (refer to **Attachment [5.2.1]**). These indicators are compared against the previous two year results. Some of these indicators are also included in the Performance Statement and are audited by VAGO.

Council will publish the adopted Annual Report on its website. Hard copies will also be placed in local libraries and at the Council office.

The LGPRF indicators will be published on the 'Know Your Council' website as at 30 November 2017.

## CONSULTATION

The Report of Operations, the Performance Statement and Financial Statements were endorsed by the Audit Committee on 11 September 2017.

The draft 2016/17 Annual Report - Report of Operations and unaudited Financial Statements and Performance Statements were presented to Council

on 27 September 2017. These were endorsed by Council and two Councillors signed and approved the report.

VAGO provided an 'Independent Auditors Report' for certification and approval of the Performance Statement and Financial Statements, which have been combined into the 2016/17 Annual Report for final certification purposes in accordance with the Act.

The final Annual Report has been advertised for a minimum two week period prior to its presentation to Council for formal adoption.

## **RESOURCES**

Costs associated with the publication of the Annual Report are covered within approved budget allocations. The Annual Report is developed in-house, with limited printing to keep the costs of publishing and printing as low as possible.

## **RISKS**

Completion and submission of the Annual Report to the Minister for Local Government are annual legislative requirements.

Council has submitted the 2016/17 to the Minister for Local Government by 30 September 2017, along with publicising it for a two week period. These requirements have adhered to the timelines and regulations underpinning the Act.

## **ATTACHMENTS**

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

1. 2016/17 Annual Report **[5.2.1]**

## **REFERENCE DOCUMENTS**

### **Council Policy**

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

Annual Budget 2017/18

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

Council Plan 2013-2017

### **Legislative Provisions**

Local Government Act 1989, s. 131, 132, 133 and 134 relating to the Annual Report  
Local Government (Planning and Reporting) Regulations 2015

Local Government Better Practice Guide 2016/17 – Report of Operations Workbook, May 2017

Local Government Better Practice Guide 2016/17 – Performance Reporting Framework Indicator Workbook, Version 1, April 2017

## **6. OTHER COUNCIL REPORTS**

Nil

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

### **7.1. NOTICE OF MOTION 707 - CHANGES TO COUNCIL PLANNING COMMITTEE PROCEDURES AND PURPOSE**

#### **PURPOSE**

This motion is designed to assist council in fulfilling its Council Plan's objectives to grow the Shire and diversify agriculture, by improving the workings of the Planning Committee, and facilitating improved transparency and governance for applicants during the permit process.

#### **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 25 October 2017.

That Council:

1. Re-establish the Planning Committee with new terms of reference as listed below:
  - a. Committee is to comprise all Councillors with support from officers.
  - b. Committee is to determine its own agenda but will review all permit applications and make a final decision for all applications in the following areas:
    - i. All applications receiving five or more objections, or
    - ii. All applications for dwellings on all lots under the minimum lot size in the Farm zone, or
    - iii. All applications that in the Chief Executive Officer's opinion, raises significant issues of Council policy or public interest, or
    - iv. Any other application that the Council calls in by a majority of Councillors on the Planning Committee or by resolution of Council.
  - c. Permit applicants will be given the opportunity to input written and/or verbal submissions into the Committee process at an appropriate time.

- d. Permit objectors from Part 1b above will be given the opportunity to make a verbal presentation to the Committee at an appropriate time.
2. Produce an information sheet to be given to all permit applicants detailing their rights and informing them of the proper process and how they can appeal to Council if they are unhappy with any aspect of the process. This form is to have a section for feedback and will be used by the Planning Committee in determining if particular applications need to be called in for discussion/decision. To be signed by applicant.
3. Amend section CONDITIONS & LIMITATIONS s.61(1) in Planning and Environment Act part of the Instrument of Delegation – Members of Staff previously approved at Ordinary Meeting of Council 22 February 2017 to the following:
  - a. The permit must not be inconsistent with a Cultural Heritage Management Plan under the Aboriginal Heritage Act 2006. In accordance with Council Resolution 25 October 2017 Item XXXX the delegate must not grant or refuse a planning permit and must instead refer the permit application to Council Planning Committee for Council determination where:
    - i. Five or more objections to the grant of the permit are received by Council, or
    - ii. Application is for a dwelling under the minimum lot size (100 acres) in the Farm zone, or
    - iii. Council resolves to call in a particular application, or
    - iv. In the Chief Executive Officer's opinion, the permit application raises significant issues of Council policy or public interest.
4. The Planning Committee will be conducted like an open council meeting with the ability to have closed sessions as required.

**MOVED:** Cr Hill  
**SECONDED:** Cr Rich

**Cr Brunt left the Council Meeting at 3.27pm and returned at 3.29pm.**

**MOVED:** Cr Hill  
**SECONDED:** Cr McEwen

**THAT CR HILL'S SPEAKING TIME BE EXTENDED BY 3 MINUTES.**

**LOST**

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

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

**Cr Edwards left the Council Meeting at 3.42pm and returned at 3.45pm.**

**THAT COUNCIL:**

- 1. RE-ESTABLISH THE PLANNING COMMITTEE WITH NEW TERMS OF REFERENCE AS LISTED BELOW:**
  - a. COMMITTEE IS TO COMPRISE ALL COUNCILLORS WITH SUPPORT FROM OFFICERS.**
  - b. COMMITTEE IS TO DETERMINE ITS OWN AGENDA BUT WILL REVIEW ALL PERMIT APPLICATIONS AND MAKE A FINAL DECISION FOR ALL APPLICATIONS IN THE FOLLOWING AREAS:**
    - i. ALL APPLICATIONS RECEIVING FIVE OR MORE OBJECTIONS, OR**
    - ii. ALL APPLICATIONS FOR DWELLINGS ON ALL LOTS UNDER THE MINIMUM LOT SIZE IN THE FARM ZONE, OR**
    - iii. ALL APPLICATIONS THAT IN THE CHIEF EXECUTIVE OFFICER'S OPINION, RAISES SIGNIFICANT ISSUES OF COUNCIL POLICY OR PUBLIC INTEREST, OR**
    - iv. ANY OTHER APPLICATION THAT THE COUNCIL CALLS IN BY A MAJORITY OF COUNCILLORS ON THE PLANNING COMMITTEE OR BY RESOLUTION OF COUNCIL.**
  - c. PERMIT APPLICANTS WILL BE GIVEN THE OPPORTUNITY TO INPUT WRITTEN AND/OR VERBAL SUBMISSIONS INTO THE COMMITTEE PROCESS AT AN APPROPRIATE TIME.**



## **BACKGROUND**

Council's current four year plan has a commitment to sustainable development of the Shire, in growth and the diversification of agriculture. It is important that Council committee structure support the implementation of these objectives within Council's planning framework and its rural policy.

Currently the Planning Committee is structured more like a briefing session than a Committee. Council is shown permit decisions from two months earlier, VCAT decisions, and updated on planning matters such as large subdivisions and dealings with the Minister on matters relating to South Gippsland Shire Council.

Being shown the results of permit applications rather than be briefed at the start when they are first lodged means Council have no control over the process and are unable to intervene if the process is conducted contrary to expectations.

When an applicant feels that the process is not fair, they have little recourse to resolve issues. An information sheet given to all applicants at the start of the process in which their rights are identified and notified to them would assist in good governance.

There is no accountability for the administration of the current process since there is no one to review the work of the officers in coming to their decisions on permit applications. Currently, the only option is VCAT and this is problematic since it costs both Council and the applicant's considerable sums of money to use this avenue.

Many applicants have made known their concern that decisions appear contrary to the planning scheme and documentation describing how the scheme and policies are to be interpreted.

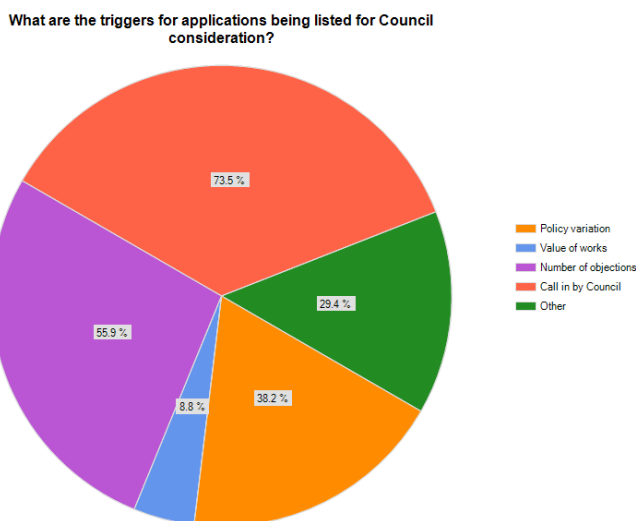
Concerns have been raised about whether people have been fully informed of their right and whether they have been actively discouraged. Council's rural policy and its planning scheme are supportive of intensive farming in certain circumstances, as indeed is the state planning scheme. Council Plan is committed to both growth of the Shire and diversifying agriculture.

There have been proven examples and a continual stream of anecdotal evidences that some officers appear to have been acting against the intention of the Council Plan, the Planning Scheme and Rural Policy that clearly provides for intensive small scale farming activity and a dwelling on land under 4.1. These concerns are common knowledge in the planning and development community and in many parts of the wider community.

Whether they are wholly true or not, is not the matter. Our reputation and our desires for future growth and prosperity of the Shire are at stake and we need to ensure that if there is a culture against intensive small scale rural farming in parts of the Planning Department that this attitude is addressed. This motion ensures that any applicant is informed and has to sign off their briefing and that Council can work with officers and planners to ensure that Council's policy is implemented.

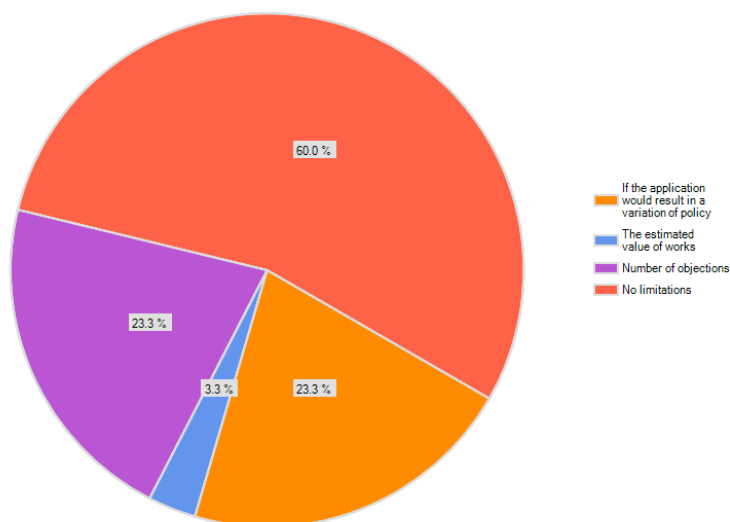
The report from the MAV on Planning Delegation includes some useful ideas to implement to resolve the above concerns. Excerpts from the report are shown below.

1. For the purposes of efficiency, all councils have a system of delegation in place that allows officers of a council to make formal decisions on components of the planning scheme amendment process and planning permit applications.
2. To inform this report, a short survey was prepared and circulated to planning directors. The survey sought feedback on matters such as when a review of delegation last occurred, levels of delegation for permit applications and scheme of amendments and limitations to delegation.
3. A total of 41.5 per cent of respondents stated their council has a Planning Committee that considers planning applications and has delegated power to determine approvals and refusals.
4. Survey results in response to this question indicate that call in by a councillor is the most significant reason for applications being listed for consideration by the council (73.5 per cent), with the number of objections coming in second at 55.9 per cent of responses and policy variation coming in third at 38.2 per cent.



5. A number of councils also indicated that specific aspects of a proposal would trigger referral to council for determination. These range from a lot size trigger for a dwelling within the Farming Zone, and development of more than five dwellings, amongst others.
6. In 60 per cent of responses officers did not have delegation to refuse a permit application and a decision of council was required. There appears to be a limited ability for officers to refuse applications relating to particular kinds of applications such as Development Plans, 15 or more dwellings, dwellings in a Farming Zone under the minimum lot size, and developments of four or more storeys.

What are the limitations imposed by any instrument of delegation in respect to refusals:



## ATTACHMENTS

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

1. Municipal Association of Victoria - Planning Delegation Report - March 2014 [7.1.1]

## REFERENCE DOCUMENTS

Report from Municipal Association of Victoria (MAV) 2014 – Planning Delegation Report March 2014

**7.2. NOTICE OF MOTION 708 - CALL-IN OF PLANNING APPLICATION 2017/78  
SUBDIVISION OF THE LAND INTO TWO LOTS**

**PURPOSE**

This motion is designed to allow Councillors the opportunity to debate in open Council an application for restructure of an existing property where there is a divergence of opinion between the officer recommendations/advice and some Councillor opinion.

**MOTION**

I, Councillor Don Hill, advise that I intend to submit the following motion to the Ordinary Meeting of Council scheduled to be held on 25 October 2017.

That Council:

1. Authorise the Chief Executive Officer to call in the application numbered 2017/78 subdivision of the land into two lots for decision of Council at the 22 November 2017 Council Meeting.
2. Request the Chief Executive Officer produce an officer report for the motion comprising the following recommendations:
  - a. Approve the officer recommendation, or
  - b. Approve an alternative motion to be submitted as an alternative recommendation on the day.

**MOVED:** Cr Hill

**SECONDED:** Cr McEwen

**Cr Rich left the Council Meeting at 4.02pm and returned at 4.04pm**

**THAT COUNCIL:**

1. **AUTHORISE THE CEO TO CALL IN THE APPLICATION NUMBERED 2017/78 SUBDIVISION OF THE LAND INTO TWO LOTS FOR DECISION OF COUNCIL AT THE 22 NOVEMBER 2017 COUNCIL MEETING.**
2. **REQUEST THE CEO PRODUCE AN OFFICER REPORT FOR THE MOTION COMPRISING THE FOLLOWING RECOMMENDATIONS:**
  - a. **APPROVE THE OFFICER RECOMMENDATION, OR**

**b. APPROVE AN ALTERNATIVE MOTION TO BE SUBMITTED AS AN ALTERNATIVE RECOMMENDATION ON THE DAY**

**CARRIED**

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

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

**BACKGROUND**

Interpretation of the planning scheme in the farm zone is not always straightforward. In this case there is a difference of opinion from the officers charged with determining a recommendation and some councillors. It is felt that in this instance best practice would be served by debate and vote in open council as to which viewpoint has support of the majority of councillors.

## **8. PROCEDURAL REPORTS**

### **8.1. ASSEMBLE OF COUNCILLORS: 22 AUGUST 2017 TO 21 SEPTEMBER 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 August and 21 September 2017.

#### **RECOMMENDATION**

That Council receives and notes this report.

**MOVED:** Cr Kiel

**SECONDED:** Cr Skinner

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

**CARRIED UNANIMIOUSLY**

## REPORT

Meeting Title	Details
<b>Tuesday 22 August 2017</b>	
<b>Municipal Emergency Management Planning Committee</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• New MEMPC appointments – Port of Hastings</li> <li>• Guest Speaker - Project Delivery Engineer - VicRoads on the Vic Roads Safe System Infrastructure Program - South Gippsland Hwy - Leongatha to Meeniyan</li> <li>• Guest Speaker – Harbour Master – Port of Hastings on the changes to the Port Management Structure</li> <li>• Review of Emergency Plans and Sub-plans timetable</li> <li>• Training Opportunities</li> <li>• Regional Emergency Management Plan (REMP)</li> <li>• Public Events</li> <li>• Working Group – Severe Weather Emergency Plan – Appendices</li> <li>• Single Incident Notifications</li> <li>• EM_COP registration and portal calendar</li> <li>• NSP-PLR – Sandy Point Community House - Compliant NSP Reassessment Result</li> <li>• Community Resilience – Resilience Recovery Discussion Paper</li> </ul>
<b>CERA Risk Review</b>	<p><b>Councillors Attending:</b> Councillors Argento, Kiel</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Reviewed identified risks in South Gippsland.</p> <ul style="list-style-type: none"> <li>• Sever Weather Event</li> <li>• Human Pandemic / Epidemic</li> <li>• Extreme Temperatures – Heatwave</li> <li>• Exotic Animal Disease</li> <li>• Wilsons Promontory – Visitor Economy</li> <li>• Fire – Structure – significant</li> <li>• Bushfire – Significant</li> <li>• Marine Pollution</li> </ul>

Meeting Title	Details
<b>Wednesday 23 August 2017</b>	
<b>Council Agenda Topics Discussion 23 August 2017</b>	<p><b>Councillors Attending:</b> Councillors Skinner, Argento, Kiel, McEwen, Edwards.</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 23 August 2017.</p>
<b>Public Presentations</b>	Nil Public Presentations were scheduled as nil bookings were received from the Community.
<b>Council Priorities Update</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council Plan 2017-2021 themes arising from the Councillors priority list – Economic Development and Tourism, Vision, and the Digitisation Strategy - were discussed for scoping and timetabling purposes. The Compliance and Enforcement strategy was also discussed in regard to an internal audit scope.</p>
<b>Vision: Introductory Discussion</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Argento, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Discussion on Council Plan strategy 1.1 - developing a 'Vision' for the future growth and development of the Shire, in partnership with the community. Options for the project scope were discussed.</p>

Meeting Title	Details
<b>Wednesday 23 August 2017</b>	
<b>Long Jetty and Yanakie Topics Discussion</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Argento, Rich, Kiel, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Briefing detailed Council's contributions since taking direct management of the Long Jetty and Yanakie Caravan Parks.</p>
<b>Council Agenda Topics Discussion 23 August 2017</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Hill, Argento, Brown, Rich, Kiel and Edwards.</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 23 August 2017.</p>
<b>Council Priorities Update Continued</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Argento, Rich, Kiel, Brown, Hill and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council Plan 2017-2021 themes of two strategies - Branding and Design Panels, were discussed for clarification purposes.</p>
<b>Councillor / CEO Session</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Hill, Argento, Brown, Rich, Kiel and Edwards.</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Discussed a Mayoral update on a media release regarding bullying.</p>

Meeting Title	Details
<b>Tuesday 29 August 2017</b>	
<b>Municipal Fire Management Planning Committee</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>• Guest Speaker – Emergency Management Fire Coordinator - Wellington Shire Council on Roadside Vegetation Management Standards</li> <li>• Roadside Vegetation Management</li> <li>• Fire Water Tanks – FARRS Projects</li> <li>• CFA District 9 operational staff – changes to structure</li> <li>• Gippsland RSFMPC Meeting Minutes</li> <li>• South Gippsland Report to RSFMPC</li> <li>• MERI Reporting to RSFMPC</li> <li>• Training Opportunities – Maintain Safety at an Incident Scene</li> <li>• Single Incident Notifications</li> </ul>
<b>Wednesday 6 September 2017</b>	
<b>Councillor/CEO Session</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, Skinner, McEwen,</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Current FTE and Management levels were discussed with a comparison to previous years.</p>
<b>Bald Hills Wind Farm - Update</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, Skinner, McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Discussion took place in relation to Council receiving notification under s.62 of the Public Health and Wellbeing Act 2008 regarding noise emanating from the Bald Hills Wind Farm.</p>

Meeting Title	Details
<b>Wednesday 6 September 2017</b>	
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, Skinner, McEwen</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Councillor Business Related Sponsorships and Memberships</li> <li>• Council Briefing Timetable Update</li> <li>• Animal Registration Compliance Checks</li> </ul>
<p><b>Population Census 2016 Highlights / Introduction to using Id population websites</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, Skinner, McEwen, Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Id Consulting presented the results of the 2016 Australian Bureau Statistics population census. A step by step guide was demonstrated of the ABS population census website.</p>
<b>Vision: Establish the Process</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, Skinner, McEwen, Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Discussion on developing Strategy 1.1 from the Council Plan – ‘Develop a Vision for the future growth and development of the Shire, in partnership with the community’. Options for the project scope were discussed.</p>
<b>Planning Briefing</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, McEwen, Skinner, Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Population Growth Study and Land Supply Study</li> <li>• Strategic Planning Project List</li> <li>• Planning Applications of Interest</li> <li>• Decisions for July 2017</li> <li>• VCAT Decisions</li> </ul>

Meeting Title	Details
<b>Wednesday 6 September 2017</b>	
<b>Walkerville Retarding Basin Options</b>	<p><b>Councillors Attending:</b> Councillors Brown, Brunt, Edwards, Kiel, Argento, McEwen, Skinner, Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> A number of options regarding the future management of the Walkerville retarding basin, options available and costs.</p>
<b>Wednesday 13 September 2017</b>	
<b>IAP2 Introduction</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Kiel, Argento, McEwen, Skinner, Hill</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Mosiyclab Consulting conducted a workshop on International Association for Public Participation (IAP2) introduction training for Councillors and relevant staff.</p>
<b>Community Vision Workshop</b>	<p><b>Councillors Attending:</b> Councillors Edwards, Kiel, Argento, McEwen, Skinner, Hill, Brunt</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> External consultant - Mosiyclab conducted a Community Vision Workshop using the IAP2 principles for Councillors and relevant staff. The workshop commenced the process to clarify the scope of the Community Vision project, resource allocation, timeframes and community engagement needed to implement this project.</p>

Meeting Title	Details
<b>Wednesday 20 September 2017</b>	
<b>Councillor/CEO Session</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards</p> <p><b>Conflict of Interest:</b> Nil disclosed</p> <p><b>Matters Discussed:</b> Discussed Council Plan Strategic Initiative 3.10: Establish a Council Committee to review the implementation of Council's 'Compliance and Enforcement Policy', and that Council seeks appropriate input from the general public and from people who have had concerns with Council's enforcement of the Policy.</p>
<b>Ordinary Council Agenda Topics Discussion</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards</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 27 September 2017.</p>
<b>Annual Risk Briefing and Strategic Risk Register</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Rich</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> To inform Council of the status of the Strategic Risk Register, newly identified risks following a risk review of Council's general operations and Annual Plan Initiatives and Risk Management Framework.</p>
<b>Ordinary Council Agenda Topics Discussion</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Rich</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 27 September 2017.</p>

Meeting Title	Details
<b>Wednesday 20 September 2017</b>	
<p><b>South Gippsland Regional Equestrian and Exhibition Centre - Background</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Rich</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Discussion took place on a regional equestrian and exhibition centre proposed as one of Council's 2017/18 Priority Projects in open session.</p>
<p><b>Strategy Review: Paths and Trails Strategy</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Rich, Hill</p> <p><b>Conflict of Interest:</b> Cr Edwards left the Council Chamber with a declared direct conflict of interest with respect of a potential project being presented and discussed that affects her family and farm directly. It is being driven by a small group of people who are seeking to adversely impact on financially and amenity basis.</p> <p><b>Matters Discussed:</b> Presentation took place on the Strategy review of the Paths and Trails Strategy. Highlighted the projects completed from the 2010 Strategy and described a number of new projects for Council's future direction.</p>
<p><b>Audit Committee Chair Report</b></p> <p><b>Open Session</b></p>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Hill, Rich</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b> Council received and considered the report of Council's Audit Committee Chair for the 2016/17 Financial Year.</p>

Meeting Title	Details
<b>Leongatha Railway Site Transformation – Draft Master Plan</b>  <b>Open Session</b>	<b>Councillors Attending:</b> Councillors McEwen , Brunt, Skinner, Brown, Argento, Kiel, Edwards, Hill, Rich  <b>Conflict of Interest:</b> Nil disclosed.  <b>Matters Discussed:</b> Presentation and discussion on the Leongatha Railway Site Transformation – Draft Master Plan in response to community input received and to make the Draft Master Plan available for community feedback for a minimum of three weeks.
<b>Wednesday 20 September 2017</b>	
<b>Public Presentations</b>  <b>Open Session</b>	<b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Hill, Rich  <b>Conflict of Interest:</b> Nil disclosed.
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b><i>Presentations @ 10am</i></b></p> <p><b>Kathy Whelan</b>, Peter Lee representing The Friends of Agnes Falls (FoAF) community group, addressed Council regarding the Proposed Cantilevered Viewing Platform at Agnes Falls.</p> <p>Group Session - Wooreen Warriors, six presenters <b>1. Jill Forrester, 2. Kathryn Goller, 3. Adele Upton, 4. Isabelle Cooper, 5. Christine Griggs, 6. Richard Nankin and Rosemary Cousin</b> – addressed Council regarding Council Agenda Item 3.1 Planning Application 2017/18 - Use and Development of a Broiler Farm and Subdivision (80 Pit Road Wooreen).</p> <p><b>Jack Kraan</b>, representing Principal of FocusCDS Consultants and Applicant - addressed Council regarding Council Agenda Item 3.1 Planning Application 2017/18 - Use and Development of a Broiler Farm and Subdivision (80 Pit Road Wooreen).</p>	

Meeting Title	Details
<b>Executive Update</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Edwards, Hill, Rich</p> <p><b>Conflict of Interest:</b> Nil disclosed.</p> <p><b>Matters Discussed:</b></p> <ul style="list-style-type: none"> <li>• Agenda Amendment Summary</li> <li>• Trease Planning Application</li> <li>• Compliance and Enforcement Policy</li> <li>• Bald Hills Wind Farm Update and Progress</li> <li>• Christmas Operating Hours</li> </ul>
<b>Public Presentations</b>	<p><b>Councillors Attending:</b> Councillors McEwen, Brunt, Skinner, Brown, Argento, Kiel, Hill, Rich</p>
<b>Open Session</b>	<b>Conflict of Interest:</b> Nil disclosed.
<p><b>Presentations were made to Council by the following community members:</b></p> <p><b><i>Presentations @ 5pm</i></b>  <b>Neil Rankine, Brad Kijlstra</b> representing ComMET roundtable – addressed Council regarding ComMET which is a roundtable of stakeholders, including SGSC, looking to develop and further community driven energy projects across Bass Coast and South Gippsland Shires.</p>	

### Legislative Provisions

Local Government Act 1989

## **8.2. DOCUMENTS SEALED AWARDED OR EXTENDED BY CEO 26 AUGUST TO 22 SEPTEMBER 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 from 26 August 2017 to 22 September 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 Skinner

**SECONDED:** Cr Brunt

**THAT COUNCIL RECEIVE AND NOTE THIS REPORT.**

**CARRIED UNANIMOUSLY**

## REPORT

### Documents Sealed

Under the Act, each Council is a body corporate and a legal entity in its own right. Each Council must have a common seal that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing may include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Local law No. 3 2010, Part 9, s.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 26 August 2017 to 22 September 2017:

1. S173 Agreement between South Gippsland Shire Council and the owner of 16 Graeme Grove, Sandy Point in relation to the development of the land for the purposes of a dwelling, native Vegetation removal and associated works – Amend Plan for a carport and correct permit under S71 of the Act – Seal Applied 1 September 2017.
2. S173 Agreement between South Gippsland Shire Council and the owner of 4 Albert Avenue, Venus Bay in relation to the development of land with a dwelling – Seal Applied 5 September 2017.
3. S173 Agreement between South Gippsland Shire Council and the owner of 8 Moncur Court, Venus Bay in relation to development of land with a dwelling, outbuilding (storage shed and garden shed) associated earthworks and removal of native vegetation – Seal Applied 5 September 2017.
4. S173 Agreement between South Gippsland Shire Council and the owner of 215 Morgans Road, Hedley in relation to the use and development of land with a dwelling, associated works and the removal of vegetation – amend plans to change dwelling design – Seal Applied 5 September 2017.

5. S173 Agreement between South Gippsland Shire Council and the owner of 55 Carmodys Road, Leongatha in relation to the development of the land with replacement dwelling – Seal Applied 18 September 2017
6. S173 Agreement between South Gippsland Shire Council and the owner of 1870 Strzelecki Highway, Delburn in relation to subdivision of the land into two lots – Seal Applied 21 September 2017.
7. S173 Agreement between South Gippsland Shire Council and the owner of 18 Crichton Crescent, Venus Bay in relation to construction of a dwelling – Seal Applied 21 September 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 contracts purpose, the successful tenderer, contract length and the total contract price.

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

The following contracts awarded were awarded during the period 26 August 2017 to 22 September 2017 under the CEO’s financial delegation of \$250,000 (inclusive of GST) following a public tender that were not specified in the 28 June 2017 resolution (refer to the paragraph below).

1. Contract CON/144 Design of the Mirboo North Swimming Pool Refurbishment and New Amenities Building awarded to Loft Architecture Pty Ltd for the lump sum amount of \$170,160.00 (excluding GST) on 31 August 2017.

Council resolved on 28 June 2017 to delegate to the CEO the power to award contracts specified in the resolution, subject to the preferred tenders being within budget and that Council receive a report detailing the contracts awarded. The following contracts were awarded during the period 26 August 2017 to 22 September 2017 that were specified in the 28 June 2017 resolution and that were within budget:

1. Contract CON/151 Design and Construction of Powney's Road Bridge Tarwin Lower awarded to Mr William J Petersen (Agtrans Services) for the conforming lump sum amount of \$252,500.00 (excluding GST) on 20 September 2017.

Council also delegates to the CEO the power to pay annual WorkCover and Council Insurance Premiums subject to these payments being reported to the next Council Meeting immediately after the payment is made. To meet this requirement the Council is advised that from 26 August 2017 to 22 September 2017 the CEO authorised the following insurance coverage for 2017/18:

1. Nil

#### **Contract variations approved by the CEO**

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

The following variations to a contract which exceeds the CEO's delegation, approved by the CEO during the period 26 August 2017 to 22 September 2017:

1. Nil

#### **Contract extensions approved by the CEO**

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

The following contract extensions approved by the CEO during the period 26 August 2017 to 22 September 2017:

1. Contract SGC15/15 Collection, Transport and Disposal of Leachate from the Koonwarra Landfill – a one year extension (expiring on 31 October 2018) approved by the CEO on 13 September 2017.

#### **REFERENCE DOCUMENTS**

##### **Council Policy**

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

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

Procurement Policy, 28 June 2017

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

##### **Legislative Provisions**

Local Government Act 1989 (the Act), ss.5 and 186

## 9. COUNCILLOR REPORTS

### 9.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

### 9.2. COUNCILLOR UPDATES

<b>Cr McEwen</b>		
<p>Cr McEwen made a formal apology relating to Ordinary Council Meeting 27 September 2017 Agenda Item 5.9. WALKERVILLE NORTH FORESHORE DEVELOPMENT PROJECT - INCREASE COUNCIL CONTRIBUTION - AWARD CONTRACT UNDER CEO DELEGATION. Cr McEwen stated he would like to make a formal apology. During the September Council Meeting he made comments regarding concerns he had for the project including comments for lack of financial figures and more specifically for words he had stated regarding: "I have concerns for lack of transparency and accountability regarding where the money is going and where it's coming from and 2. that Mr Bray, the Chairman had earlier made a commitment to provide income and expenditure statements to the projects and to the nature of contracts and the value of the contracts not being provided with them." Cr McEwen continued saying he had subsequently been informed that these two statements were incorrect and on review realised he had inadvertently missed an email from the Chair of the Committee with this information.</p> <p>Cr McEwen concluded by making an unreserved apology for these comments which were factually incorrect.</p>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
1 December 2017	<b>"the Heartland concert" - Opera Australia</b>	Cr McEwen encouraged attendance to an up and coming Opera Performance to be held at the Meeniyah Hall Concert at Meeniyah Hall.
17 February 2018	<b>Garlic Festival</b>	Cr McEwen on the progress of the Garlic Festival event to be held on the 17 February 2018 in Meeniyah. He believes the event will be bigger than last year and commended the community for their massive input.

<b>Cr Skinner</b>		
<b>Event</b>	<b>Comments</b>	
<b>Foster Stockyard Gallery Meeting</b>	Attended the Foster Stockyard Gallery meeting in Foster and mentioned that there are some exciting projects and exhibitions coming up.	
<b>AGM CERT in Venus Bay</b>	Attended Annual General Meeting (AGM) for the Community Emergency Response Team (CERT) in Venus Bay. Cr Skinner noted that one of the members, Anne Macintyre received a 10 year service and good driving award. They are the only CERT team in Victoria.	
<b>Cr Rich</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
	<b>Seniors Festival Week</b>	Cr Rich reported on the success of Seniors Festival Week and noted how it had changed from previous years. This year the Festival was composed of five different events across five different townships.
<b>Cr Kiel</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
	<b>Fish Creek Bowls Club</b>	Cr Kiel attended the Fish Creek Bowls Club 50 <sup>th</sup> Anniversary Luncheon and noted that it was well attended.
	<b>Seniors Festival Week</b>	Cr Kiel opened one of the events from Seniors Week, the "Rock Show" and noted that thanks was expressed towards the Shire for putting on the event.
	<b>Tidy Towns Presentation</b>	Cr Kiel commented on her attendance at the "Tidy Towns" presentation at Coal Creek, Korumburra and noted the great efforts by Shire staff.
<b>Cr Edwards</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
September 2017	South Gippsland Dairy Expo	Cr Edwards noted that it was well attended from community members across the Shire and beyond.
		Cr Edwards attended a Lyric Theatre production "Our Country's Good".
		Cr Edwards along with other Councillors attended a Walkerville Foreshore Consultation meeting.
		Cr Edwards commented how she had the opportunity to hear the amazing South Gippsland Concert Band music at Coal Creek.
		Attended AGM for the Dumbulk Association.

		Attended a Council organised 'Public Speaking for the Terrified' and was awed at the quality of the presenter's experience.
		Highlighted that National Agricultural Day is coming up on the 21 November 2017 and would like the Council to celebrate
14 October 2017	<b>Lennie Gwyther Monument opening</b>	Opening of the Lennie Gwyther statue in Leongatha.
<b>Cr Brunt</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
	<b>Cows Create Careers</b>	Attended the "Cows Create Careers" in Warragul which is funded by Dairy Australia.
14 October 2017	<b>Lennie Gwyther Monument opening</b>	Attended the Opening of the Lennie Gwyther statue in Leongatha. Cr Brunt commented how wonderful it was for the community to raise funds towards this wonderful story, and for ex Councillor Bob Newton for achieving his dream.
<b>Cr Brown</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
	<b>Korumburra Rotary event</b>	Noted his attendance at a Korumburra Rotary Annual Fundraising event, and was impressed with the number of businesses contributing towards the community.
14 October 2017	<b>Lennie Gwyther Monument opening</b>	Cr Brown also attended the Lennie Gwyther monument opening, he was impressed by how many people attended the event.
<b>Cr Argento</b>		
<b>Date</b>	<b>Event</b>	<b>Comments</b>
<p>Cr Argento commented that this Meeting was his last in his current term of Mayor. He thanked Councillors, Council staff and community members. He listed many highlights and achievements that Council has achieved over the entire Shire.</p> <ul style="list-style-type: none"> <li>• Actively engaging the four communities of Foster, Korumburra, Mirboo North and Venus Bay in the Community Capital Works Allocation and accepting their recommended projects.</li> <li>• Starting works on the Foster Streetscape project to improve drainage, heavy vehicle diversion, visual features and street appeal.</li> <li>• Awarding the Australia Day Award winners including South Gippsland Citizen of the Year Bev Hanley.</li> </ul>		

- Celebrating all the hard work put in by many people and agencies at the opening of the Karmai Community Children's Centre in March.
- Adopting the Art, Culture and Creative Industry Strategy 2017-2021 in May to progress the Arts and Culture Policy.
- Implementing the live streaming of Council meetings to ensure transparency and accessibility to decision making in action.
- Securing funding from the State Government for the Nyora Recreation Reserve sprinkler system and grass surface while officially opening the new Nyora and Koonwarra cricket practice nets.
- Identifying nine significant road projects to advocate to both State and Federal Government that will enhance the economic prosperity and livability of South Gippsland.
- Finalising the Annual Budget and Council Plan to set the direction of our term and secure funding for projects in the first 12 months.
- Determining the priority projects for this year that are all new ventures except for the Leongatha Revitalisation Project.
- Presenting \$188,140 to the thirty eight successful Community Grant winners in July.
- Preparing the masterplan for the Leongatha Railway Site following extensive community consultation and hundreds of suggestions.
- Progressing the masterplans for the Mirboo North and Korumburra Outdoor Pools for their future development.
- Working on Anderson Street, Leongatha to improve storm water drainage, direction of traffic, asphaltting of gravel areas and visual amenity which is now finalised.
- Supporting the Great Victorian Bike Ride which will be in the region this November starting at Wilsons Promontory.
- Facilitating the IGA supermarket development in Korumburra by endorsing the engagement plan and commencing statutory procedures to sell the proposed land required for the site.
- Securing funding to construct a scenic cantilever platform at Agnes Falls to support the strategic tourism asset.

### **9.3. COMMITTEE UPDATES**

**Nil**

## 10. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

### 1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

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

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

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

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

### 2. Other Business

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

**Nil**

## **11. PUBLIC QUESTIONS**

### **11.1. PETITIONS AND JOINT LETTERS**

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

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

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

**Nil**

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

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.

**Nil**

### **11.3. SUBMITTED PUBLIC QUESTIONS**

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

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

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

**Nil**

### **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.

**Nil**

### **13. MEETING CLOSED**

#### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 22 November 2017 commencing at 2pm in the Council Chambers, Leongatha.

**The Council Meeting Closed at 4.55pm.**

**Confirmed this 22<sup>nd</sup> day of November 2017.**

  
.....  
**Mayor, Councillor Lorraine Brunt**